

CHAPTER 15

**KENOSHA COUNTY, DEPARTMENT OF PLANNING AND
DEVELOPMENT, DIVISION OF COUNTY DEVELOPMENT,
SANITARY CODE AND PRIVATE SEWAGE SYSTEM
ORDINANCE**

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CHAPTER 15

KENOSHA COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT, DIVISION OF COUNTY DEVELOPMENT SANITARY CODE AND PRIVATE SEWAGE SYSTEM ORDINANCE

I. INTRODUCTION

- 15.01-1** **Title.** Kenosha County Department of Planning and Development, Division of County Development Sanitary Code and Private Sewage System Ordinance which hereinafter referred to as "the ordinance".
- 15.01-2** **Statutory Authority.** This chapter is adopted under the authority granted to the County by sections of the Wisconsin Statutes; 59.70(1), 59.70(5), 145.04, 145.19, 145.20 and 145.245. In addition, it is also adopted to all provisions of the Wisconsin Administrative Code Comm 52.63, Comm 81-85, Comm 87, Comm 91, NR113 and NR116 and incorporates by references the powers, duties, responsibilities and authority permitted to be exercised by counties as set forth in the Wisconsin Administrative Code and Wisconsin Statutes and in the rules and regulations adopted pursuant there to. These rules and regulations shall apply until amended or renumbered and then shall apply as amended and renumbered.
- 15.01-3** **Purpose.** The purpose of this chapter is to promote the health, safety, prosperity, aesthetics and general welfare of the people of Kenosha County.
- 15.01-4** **Intent.**
- (1) **General.** The underlying principals of this chapter is to regulate the proper siting, design, installation, alteration, use, management and maintenance of all private sewage systems in Kenosha County.
 - (2) **Basic Principals.** Every building that has or is required to have plumbing fixtures and is intended for human habitation or occupancy shall be provided with an approved method of treatment and disposal of domestic sewage and sanitary wastewater. This may be through connection to a public sewer system, a private sewage system or other means approved by the State of Wisconsin
 - (3) **Discharge Prohibited.** Every private sewage system shall be designed, located, constructed and maintained to prevent any discharge of sewage, partially treated sewage or effluent into drain tiles, onto the ground surface, into surface or subsurface waters of the state (including zones of seasonal soil saturation as determined using redoximorphic features in the soil) or into zones of bedrock.

- (4) Maintenance. Every private sewage system shall be maintained so as to prevent prohibited discharges stated in this ordinance. Notice of maintenance requirements for all systems with permits issued on or after the implementation date of this ordinance shall be recorded with the Kenosha County Register of Deeds prior to or at the time of sanitary permit issuance.

15.01-5 **Effective Date and Repeal.** After public hearing, adoption by the Kenosha County Board of Supervisors and publishing or posting as required by law, this ordinance shall be effective and implemented on the date of publication or January 1, 2003, whichever is the later date. The existing chapter adopted on July 15, 1980 by the Kenosha County Board of Supervisors shall be repealed effective on the date of enactment of this ordinance. All other County ordinances or parts of ordinances of the Kenosha County Municipal Code that are inconsistent or conflicting with this ordinance to the extent of the consistency only are hereby repealed.

15.01-6 **Abrogation and Uniformity with State Regulations.**

- (1) Abrogation. It is not intended by this chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations or permits previously adopted or issued pursuant to law.
- (2) State Regulations. This chapter shall be subject to the provisions of Chapter 145, Wisconsin Statutes and all subsequent rules and regulations promulgated there under regarding private on-site wastewater treatment systems (POWTS) as set forth in the Wisconsin Administrative Code. This chapter shall not be interpreted to be more lenient than the Wisconsin Administrative Code rules and regulations promulgated pursuant to Chapter 145, Wisconsin Statutes.
- (3) Incorporation of Provisions by Reference. This ordinance incorporates by reference the following rules, regulations and laws as set forth in the Wisconsin Statutes and the Wisconsin Administrative Code governing the location, construction and use of private sewage systems; Subsection 59.70(5), Chapters; 145, 254.59, 281.48 and 968.10 Wisconsin Statutes, Chapters Comm 52.63, Comm 81-85, Comm 91, NR113 and NR116 Wisconsin Administrative Code. These rules, regulations and laws shall apply until amended or re-numbered and then shall apply as amended or re-numbered.

15.01-7 **Interpretation.** The provisions of this ordinance shall be held to be minimum requirement and shall be liberally construed in favor of the County and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes and related Wisconsin Administrative Codes. The County has the authority to establish written and unwritten policies and interpretations regarding the installation of POWTS and non-plumbing sanitation systems which are not specifically addressed in Comm 83, 85 and 91 Wisconsin Administrative Code or any other Administrative Codes related to POWTS installation.

15.-01-8 **Severability and Non-Liability.** Should any section, clause, provision or portion of this ordinance be adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby. This ordinance shall not create a liability on the part of or a course of action against the County or any employee thereof for any private sewage system or non-plumbing sanitation system which may not function as designed. There shall be no liability or warranty for any site which is approved or denied. The issuance of a sanitary permit and the final inspection of such a system does not warrant the system's function, nor is there a guarantee that the system is free of defects or that all aspects of the system comply to Wisconsin Statutes or Administrative Code requirements. Furthermore, there is no liability on the part of the Board of Supervisors, its agencies or employees for any health hazards or damages that may occur as a result of reliance upon and compliance with this ordinance.

15.01-9 **Jurisdiction and Applicability.** The requirements of this ordinance shall apply to all lands and waters within Kenosha County.

15.01-10 **Definitions.** In this chapter definitions provided in Comm 81-85, Comm 87 and NR812, NR113 of the Wisconsin Administrative Code are hereby adopted by reference. Definitions provided in Chapter 12, the Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance and Chapter 14 of the Kenosha County Subdivision Control Ordinance shall hereby be adopted by reference. The following definitions shall also apply in this chapter.

(1) **A+4** Refers to the "A" soil horizon which is a layer of mineral soil or soil material approximately parallel to the land surface and typically at ground surface and four (4) inches of soil below the "A" horizon that is free of any redoximorphic soil features that would be indicative of soil saturation and consist of soil diagnostic characteristics indicative of "B", "C" or "E" horizons. For purposes of this ordinance this is the soil criteria used for all lands being subdivided.

(2) **ATU** An abbreviation for "aerobic treatment unit".

(3) **Aerobic Treatment Unit** A general category of treatment components that utilizes the principle of oxidation of biological decomposition for wastewater treatment. (Same as an aerobic treatment component).

(4) **Anaerobic Treatment Tank** Refers to a general category of treatment components that conduct anaerobic decomposition of sewage in a

tank or vessel. Septic tanks, grease traps, trash tanks are all types of these tanks.

- (5) **At-Surface System** Refers to a general category of POWTS that have the dispersal cells constructed on the soil surface (ie; mound and at-grade systems).
- (6) **Bedroom** A room used to sleep in, containing a closet for storage of clothing and a doorway with a door for privacy.
- (7) **Board** Refers to the Kenosha County Board of Supervisors.
- (8) **Cluster System** General category for a POWTS that serves several buildings on a common private sewage system. The system will have in-common system components and possibly individual system components. Kenosha County requires systems of this type to be owned and operated by a municipality or a municipal sanitary district. Also referred to as a community system.
- (9) **Contaminant Load** Means concentrations of substances in the wastewater stream which are affected by the sources of the waste and wastewater.
- (10) **Contingency Plan** Means the portion of an approved POWTS plan often included in the individual management plan for the owner informing them of their potential options and responsibilities in the event the POWTS fails. The plan is drafted by the designer of the POWTS.
- (11) **Conventional Private Sewage System** A general term referring to a POWTS that has an in-ground soil dispersal cell.
- (12) **County** Refers to the Kenosha County Department of Planning and Development, Division of County Development.
- (13) **Daily Calculated Wastewater Flow** A wastewater flow calculation determined by using specified tables found in Comm. 83, Wisconsin Administrative Code and choosing the appropriate units and estimated wastewater flow. The summation of these values will be a calculated flow for a single days use in a POWTS.

- (14) **Department** Refers to the State of Wisconsin, Department of Commerce.
- (15) **Domestic Sewage** Same as domestic wastewater. Wastewater discharged from plumbing fixtures, appliances and devices including but not limited to sanitary, bath, laundry, dishwashing, garbage disposal and cleaning wastewaters. Typically containing waste from human activities.
- (16) **Effluent** Any untreated or partially treated domestic wastewater which includes the discharge from any treatment tank or soil dispersal component.
- (17) **Failing Non-Plumbing Sanitation System** A non-plumbing sanitation system which is causing or resulting in the discharges of human waste or excrement; into surface water or groundwater including zones of soil saturation, zones of bedrock, surface of the ground or causing a human health hazard.
- (18) **Failing Private Sewage Systems or POWTS** As specified and defined in subsection 145.245(4) Wisconsin Statutes. It also includes a holding tank discharging sewage to the ground surface or subsurface, including intentional discharges and discharges caused by neglect.
- (19) **Human Habitation** The act of occupying a structure such as a dwelling or sleeping place, whether intermittently or as a principal residence. This can also mean the act of using any structure by a human as a place of business, employment or for recreational purposes.
- (20) **Human Health Hazard** Means a substance, activity or condition that is known to have the potential to cause acute chronic illness or death if exposure to the substance, activity or condition is not abated.
- (21) **Hydric Soil** Means a soil that formed under conditions of saturation, flooding or ponding long enough during the growing season to develop anaerobic conditions in the upper horizons. The concept of hydric soils includes soils developed under sufficiently wet conditions to support the growth and regeneration of hydrophytic vegetation. Soils that are sufficiently wet because of artificial measures are included in the concept of hydric soils.

Also, soils in which the hydrology has been artificially modified are hydric if the soil, in an unaltered state, was hydric. For purposes of this ordinance, soils that meet at least an A+4 criteria during a soil and site evaluation procedure shall not be considered hydric soils. *Note that the U.S. Department of Agriculture - Natural Resources Conservation Services, Section II Technical Guide - Hydric Soil Interpretations list of hydric soils as a guideline listing soil types that may meet hydric soil conditions.

- (22) **In-Common System** A POWTS that serves more than one structure typically on the same parcel of land. Some or all system components may be shared.
- (23) **In-Situ Soil** Soil that is naturally formed or deposited in its present location or position and includes soil material that has been plowed using normal tillage implements and depositional material resulting from erosion or flooding. Also referred to as "native soil".
- (24) **Issuing Agent** The Kenosha County Sanitarians employed with the Department of Planning and Development shall act as the Sanitary Permit issuing agent for the State of Wisconsin, Department of Commerce and is hereby assigned the duties of administrating the private on-site wastewater treatment system program for the County.
- (25) **Limiting Factor** Refers to the determined depth to seasonal high groundwater using redoximorphic soil features or to bedrock or to visible groundwater.
- (26) **Management Plan** A written document prepared by the licensed system designer or plumber for a particular POWTS to be included in all designs of all systems. The intent is to provide critical information for the system owner regarding the operations, performance, maintenance, monitoring, servicing, shutdown and abandonment of a particular POWTS.
- (27) **Mechanical Aerobic Treatment Unit** A general category of POWTS treatment component that utilizes a pump or aerator powered by electricity that utilizes the principle of oxidation of biological decomposition for wastewater treatment.

- (28) **Modification in Wastewater Flow or Contaminant Load** A modification in wastewater flow or contaminant load in wastewater shall be considered to occur when:
Public and Commercial Buildings - when there is a proposed change in occupancy of a structure, or the proposed modification affects either the type or number of plumbing appliances, fixtures or devices discharging to the system.
Dwellings and Residences - when there is an increase or decrease in the number of bedrooms and/or additions, interior modifications, renovations or remodeling or any combination thereof that enlarges or impacts a dwelling's building area and/or floor area by 25% or greater.
- (29) **New Development/New Construction** A property without an existing habitable dwelling.
- (30) **Non-Plumbing Sanitation System** Sanitation systems with no water carriage devices that are within the general scope of Comm. 91 of the Wisconsin Administrative Code. These devices may be alternatives to water carried waste plumbing fixtures and drain systems and are under the jurisdiction of the Department of Planning and Development, Division of County Development. These devices include but are not limited to: incinerating and composting toilets, privies and portable restrooms.
- (31) **Off-Site or Off-Lot System** A general category of a POWTS that has some or all of the components of a system serving a particular structure located on an abutting property that is owned by another property owner. The system is located via sanitary easements that have been recorded with the Register of Deeds to insure proper use access and maintenance of the system.
- (32) **On-Site Renovation/Treatment** Chemical, biological or physical remediation or treatment done on an existing POWTS to restore normal performance of a private sewage system. Typically conducted to reverse the aging process of a dispersal cell by reduction of the organic clogging mat, thus improving soil permeability. May also be a process that attempts to improve soil voids thus improving permeability.

- (33) **Outlet Baffle Filter** A device approved by the Department, placed on the outlet of an anaerobic treatment tank used to filter effluent and trap suspended solids larger than one-eighth (1/8) of an inch in size. Must be maintained and cleaned at periodic intervals by the homeowner.
- (34) **Pit Privy** An enclosed non-portable toilet into which non-water carried human wastes are deposited to a subsurface storage chamber that is not watertight.
- (35) **Plumber** A general term referring to a person licensed by the State of Wisconsin to perform work on plumbing systems. Some plumbers may be restricted to work on only particular plumbing systems.
- (36) **Private On-Site Wastewater Treatment System Or 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. This term also means an alternative sewage system approved by the Department including a substitute for the anaerobic treatment tank or dispersal cell, a holding tank, a system serving more than one (1) structure or a system located on a different parcel than the structure. A POWTS may be owned by the property owner or by a special purpose district.
- (37) **Private Sewage System** A general term for a private on-site wastewater treatment system (POWTS).
- (38) **Public Buildings** Any structure, including exterior parts of such building such as a porch, exterior platform or steps providing means of ingress or egress, used in whole or in part as a place or resort, assemblage, lodging, trade, traffic, occupancy or use by the public or by three (3) or more tenants.
- (39) **Redoximorphic Feature** A feature found in the soil matrix by the processes of reduction, translocation and oxidation of iron and manganese compounds in seasonally saturated soil.
- (40) **Sanitarian** The Kenosha County Department of Planning and Development, Environmental Sanitarian and the Assistant Environmental Sanitarian operating under the jurisdiction of the County and duly licensed by the State

of Wisconsin and responsible for enforcement of this chapter.

- (41) **Sanitary Permit** A permit issued by the Department of Planning and Development, Division of County Development as issuing agent or the State of Wisconsin, Department of Commerce for the installation of a POWTS. For purposes of the ordinance this term could mean a County Sanitary Permit, a State Sanitary Permit or both.
- (42) **Servicing** The cleaning, removing, hauling and disposing of the scum, liquid, sludge or other wastes from any anaerobic or aerobic treatment tank, seepage pit, grease trap, holding tank, vault privy, portable restroom or any other non-plumbing system.
- (43) **Soil Dispersal Area** A dimensional area on the landscape, defined by a soil and site evaluation for the purpose of locating a POWTS. Same as a "suitable soil area".
- (44) **Soil Mapping Unit** A particular soil type with an abbreviated identification nomenclature that identifies soil series, general land slope and erosion class delineated on soil survey maps prepared by the U.S. Department of Agriculture, Natural Resource Conservation Service.
- (45) **Soil and Site Evaluation** The procedure specified in Comm. 85 of the Wisconsin Administrative Code conducted by a person properly licensed by the Department of Commerce. The field data collected is recorded on a report form provided by the Department for the purpose of determining type, design and installation of a POWTS to serve a structure.
- (46) **Soil Tester** A general term for a person licensed by the State of Wisconsin, Department of Commerce to conduct a soil and site evaluation and file a report to determine suitability for a private on-site wastewater treatment system.
- (47) **State** For purposes of this ordinance, a general reference to the Wisconsin Department of Commerce.
- (48) **Structure** Anything constructed or erected, the use of which requires a location in or on the premises or any other attachment to something having a permanent location on the ground which includes but is not limited to objects such as; buildings, factories, sheds, cabins, mobile homes, gas and liquid storage tanks, bridges, culverts,

decks, satellite dishes, cell towers and swimming pools. Also included are objects of personal property that may have been designed as transportable or as a vehicle, but stand in a seasonal or permanent location for storage or intermittent human habitation.

Such incidental structures may include but are not limited to: truck campers, travel trailers, park or model units, busses, motor homes or construction trailers.

(49) **Suitable Soil Area**

An area on the landscape, bracketed by a minimum of three (3) soil and site evaluation test borings that identify an area that meets the minimum criteria for a particular private sewage system type or types.

(50) **System**

A general term used in this ordinance to refer to a private on-site wastewater treatment system or a non-plumbing sanitation system.

(51) **Vault Privy**

An enclosed non-portable toilet into which non-water carried human wastes are deposited to a subsurface storage chamber that is watertight.

II. GENERAL PROVISIONS

15.02-1 **Compliance.** All structures or premises in Kenosha 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 sewage and wastewater which complies with the provisions of this ordinance. All private sewage systems or non-plumbing sanitation systems for new construction structures or existing structures or structures being moved on to a property shall be installed, inspected and approved by the Sanitarian before the structure may be occupied. This also includes the reconnection or additional connection to an existing POWTS for which a County Sanitary Permit is required.

15.02-2 **Limitations.**

- (1) **Domestic Wastewater** - All domestic wastewater shall enter a private sewage system unless otherwise exempted by the Wisconsin Administrative Code or this ordinance.
- (2) **Non-Plumbing Sanitation Systems** - A non-plumbing sanitation system may be permitted only when the structure or premises is a recreational use or agricultural use and is not provided with an indoor plumbing system. If plumbing is provided in the structure or a water supply into the structure, an acceptable method of sewage disposal other than or in addition to, a non-plumbing sanitation system must be provided.
- (3) **Structures for Human Habitation** - In structures intended for human habitation or occupancy that are connected to a water supply and which have plumbing fixtures, at least one (1) water closet shall be provided then and only then can sanitary facilities approved under Comm. 91, Wisconsin Administrative Code be installed.
- (4) **Vault Privies** - Vault privies are only permitted for recreational uses by a County Sanitary Permit. They shall not be used in association with habitable structures of any kind. They shall be constructed and located in accordance with Comm.52.63 and Comm.91 and shall be maintained in compliance of NR113, Wisconsin Administrative Code.
- (5) **Pit Privies** - Pit privies are prohibited in Kenosha County. Existing privies shall be considered non-compliant and a health hazard unless they can meet a minimum of 3-feet of separation to a soil limiting factor as defined in Comm.85, Wisconsin Administrative Code and they meet all setbacks stated in Comm.52.63, Wisconsin Administrative Code.
- (6) **Floodplains** - All POWTS or portions thereof installed in a floodplain shall comply with all applicable requirements of NR116, Wisconsin Administrative Code and Chapter 12 of the Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance. Holding tanks are

permitted as a replacement system in a floodplain and must be fully floodproofed in accordance with the Wisconsin Administrative Code.

(7) Holding Tank Limitations -

- (a) No holding tanks shall serve parcels divided or platted after the effective date of this ordinance except where they are a last resort replacement system.
- (b) Holding tanks are a last resort system for a new development parcel established prior to this ordinance.
- (c) Installation of a holding tank is prohibited as a replacement system for an existing dwelling if at least an A+4 mound design system may be located on the property except as provided in Section 15.02-2(7)(f)5 of this ordinance.
- (d) Holding tanks shall not be the designated replacement system in a contingency plan for a new development parcel after the effective date of this ordinance.
- (e) All contingency plans being part of a management plan of a POWTS installation shall not include the use of a holding tank as its replacement system unless the property is being served by a holding tank with a permit issued after the effective date of this ordinance or a soil test documents unsuitable soils and no possible replacement area or system options.
- (f) Exceptions to uses of holding tanks:
 1. Commercial, industrial, business and all other non-residential uses regardless of when the parcels were created or whether it is a replacement or new development system may use a holding tank as a system of choice.
 2. Business establishments producing high strength wastes (BOD >220mg/l, TSS >150mg/l and fats, oils and grease > 30mg/l) may be able to utilize a holding tank as a system of choice. The owner may need to provide acceptable accredited lab analysis to document the request.
 3. Non-residential uses where the daily calculated wastewater flow will be less than or equal to 150 gallons per day. The property owner shall sign and record a document provided by the County stating that if there is a change in occupancy or an increase in wastewater flow that exceeds 150 gallons per day the owner will install an on-site disposal system. The building must be equipped to monitor this flow by having a water meter installed with a remote reading device and all outside hosebibs by-passed. Average daily flow using water meter readings will be used to determine daily flow.
 4. Non-residential seasonal uses such as, but not limited to: pavilions, festival grounds, fairgrounds, race tracks, golf courses and amusement parks may use holding tanks as a system of choice.
 5. Replacement systems whose owner prefers a holding tank in lieu of installing a POWTS on in-situ soils that meet at least the A+4 criteria can request the use of a holding tank.

If approved by the Sanitarian, the owner shall sign an affidavit of use drafted by the County which will be recorded with the Register of Deeds. The owner will be required to pay a special Sanitary Permit Fee as determined in Attachment "A" of this ordinance.

(g) Temporary Holding Tanks may be installed to serve a structure in the event sewer is proposed but not available to the property at the time a building permit is being issued and it is the intent of the owner to occupy the building before a sewer connection is possible. Temporary holding tanks may also be used when a failed system is being replaced where sewer is proposed but not available. Prior to the approval of a holding tank the owner or agent will be required to provide the following documents to the County:

1. A letter from the existing sanitary district, municipal sewer district or municipality proposing the sanitary district confirming the future availability of sewer to the parcel in question and that connection will occur within two (2) years of the date of issuance of the Sanitary permit for the holding tank.
2. If connection to sewer requires annexation to a particular municipality, the owner must provide a letter from the municipality acknowledging the application to annex has been filed.
3. Written statement must be provided from the DNR verifying approval of the sewer project.
4. The property owner shall record with the Register of Deeds a temporary holding tank agreement and an affidavit prepared by the County stating that the owner or any future assignees will connect to public sewer when it becomes available and that they will properly abandon the holding tanks at the time of sewer connection. If sewer does not become available within the two (2) year timetable and the municipality cannot provide documentation of a new availability date. The owner shall agree to install a code-compliant POWTS with a dispersal cell thus replacing the holding tank.

(h) Private sewage dispersal systems that have a valid sanitary permit and cannot be installed because of incimate weather or soil conditions may be permitted to use their treatment tanks as temporary holding tanks provided the temporary use of these tanks will not exceed one (1) year from the time the tanks were installed. The owner or their agent must provide the following documents to the County:

1. A temporary holding tank agreement signed by the owner and prepared by the County.
2. A letter from the installing plumber committing an approximate date in which the remainder of the POWTS will be completed, operational and ready for inspection.
3. Installation of the treatment tanks to be used as temporary holding tanks must be installed per holding tank

specifications. Temporary holding tank use may require approval from the Department of Commerce or their agent.

(8) Failing Systems -

- (a) When a failing private sewage system or non-plumbing sanitation system is identified and documented by the Sanitarian, the owner shall bring the system into compliance with current Administrative and County Codes by discontinuing the use of the failed system and replacing it with a code compliant POWTS within the time period required by the County enforcement order.
- (b) Unlawfully modified private sewage systems or a private sewage system that has sewage by-passed or a holding tank which is discharging untreated or partially treated sewage into the ground, ground surface or surface waters of the state may be ordered by the County to be corrected or replaced with a code compliant system.

15.02-3

Abandonment of Existing Private Sewage Systems

- (1) Connection to Municipal Sewers - When municipal sewers that have been approved by the Department of Natural Resources and installed by a Sanitary District or a municipal entity and have become available for connection to a structure or premises served, the private sewage system shall be disconnected and abandoned when the connection to the sewer is completed. The municipality or the local sewer entity has the authority to determine and enforce the period of time an owner has to connect to sewer. The abandonment of the disconnected private sewage system shall be done in accordance with Comm. 83.33 Wisconsin Administrative Code and shall be documented by the municipal inspector conducting the inspection of the sewer lateral connecting the structure to the sewer main. It is the owner's responsibility to insure abandonment has occurred on their premises.
- (2) Replacement POWTS - When an existing private sewage system is being replaced with another POWTS and the existing treatment tanks and seepage pits are not part of the replacement system those components shall be abandoned in accordance with Comm.83.33, Wisconsin Administrative Code at the time of the installation of the replacement system. The plumber installing the replacement system is responsible for the abandonment of these tanks and pits unless otherwise notified in writing to the Sanitarian by the owner of the property. Any structure served by a POWTS being demolished must abandon the existing treatment tanks and seepage pits at the time of demolition unless being re-connected to a new structure.
- (3) Non-Plumbing Sanitation Systems - Vault privies shall be abandoned in accordance with Comm. 91.12(4)(a), (b) and (c), Wisconsin Administration Code and pit privies shall be abandoned in accordance with Comm. 91.12(5), Wisconsin Administrative Code.

15.02-4

Violations

- (1) General - It shall be unlawful to construct any private sewage system or install a non-plumbing sanitation system without obtaining a State and/or County Sanitary Permit prior to beginning construction of that system. It shall be unlawful to use any system in violation of any provision of this ordinance. It shall be unlawful to resist, obstruct or interfere with the County Sanitarian in the discharge of his duties, or to neglect, refuse or fail to obey an order issued by the Sanitarian in the discharge of his duties.
- (2) Legal Action on Violations - The County Board of Supervisors, the Land Use Committee, the County Sanitarian, the Department of Natural Resources, the County Health Department or any resident of Kenosha County may institute appropriate legal action or proceeding to enjoin a violation of this ordinance.
- (3) Violations in Floodplains - All private sewage systems placed, operated and maintained in a floodplain that are in violation of this ordinance is a human health hazard. The creation thereof may be enjoined and the maintenance thereof may be abated by action at suit of the State, County or any citizen.
- (4) Maintenance of a POWTS - A POWTS that is not maintained in accordance with the approved management plan or as required in Comm.83.54(4), Wisconsin Administrative Code, shall be considered a human health hazard and shall be considered a violation of this ordinance. Failure to service a septic tank or treatment component and submit the report to the County in the time designated by a County Septic Tank Maintenance Notice shall be considered a violation of this ordinance.
- (5) Maintenance of a Non-Plumbing Sanitation System - Any non-plumbing sanitation system that is improperly maintained and not in accordance with Comm. 91, Wisconsin Administrative Code, shall be considered a human health hazard and will be in violation of this ordinance.
- (6) Referral to Corporation Counsel - Any violation that can not be resolved by the County Sanitarian shall refer them to the office of the Corporation Counsel. The Corporation Counsel shall prosecute all violations of this chapter at the request of the Department of Planning and Development, Division of County Development or of the Board. The Corporation Counsel has discretion to commence legal actions or proceedings and may proceed pursuant to those outlined in Wisconsin Statutes section 66.119, 66.12 or 288.10 or pursuant to the issuance of a summons and complaint.

15.02-5

Penalties

- (1) Property Owner's Penalties - Any person, firm or corporation that fails to comply with the provisions of this ordinance or permits the use of any private sewage system or non-plumbing sanitation system that is in violation of this ordinance shall upon conviction thereof forfeit not less than \$50.00 and not more than \$200.00 and costs of prosecution for each violation and in default of payment of such forfeiture and costs, shall be imprisoned in the County jail until payment thereof but not exceeding thirty (30) days. Each day a violation exists or continues shall constitute a separate offense. In determining whether an individual has the ability to pay a forfeiture imposed under this chapter all items of income and all assets may be considered regardless of whether or not such income or assets are subject to garnishment, lien or attachment by judgment creditors under the laws of this State.

- (2) Installer's Penalties - Any person engaging in the installation of private sewage systems licensed or unlicensed who fails to comply with the provisions of this chapter or improperly installs a POWTS or fails to obtain proper permits or allows the use of any private sewage system that is in violation of this ordinance shall upon conviction thereof forfeit not less than \$50.00 and not more than \$200.00 for each day a violation exists that is a direct result of the installers negligence.

15.02-6

Citations

- (1) Uniform Citation Ordinance - Pursuant to the Uniform Citation Ordinance of the Municipal Code of Kenosha County, citations may be issued by the Sanitarian or the Assistant Sanitarian to expedite the enforcement of this chapter. The adoption of the citation method of enforcement shall not preclude the County from enforcing this chapter by other means provided by law.

- (2) Categories of Citations - The following infractions to the ordinance shall be listed in the Uniform Citation Ordinance of the Municipal Code of Kenosha County:
 - (a) Failure to obtain a Sanitary Permit for a private sewage system, a system repair/re-connection or non-plumbing sanitation system.
 - (b) Failure to transmit a maintenance/service/monitoring report to the Department of Planning and Development, Division of County Development after being given written notification.
 - (c) Improper construction and/or operation of a Private On-site Wastewater Treatment System.
 - (d) Improper discharge of sewage from a private on-site wastewater treatment system or from a structure of human habitation.
 - (e) Failure to service a holding tank at a level that is within one (1) foot or less of the inlet invert of the tank.

15.02-7

Public Sewer Availability

- (1) Confirmation of Sewer - Every building intended for human habitation or occupancy, for which public sewer is available shall be connected to the public sewer by means of individual connections or private interceptor mains. The local sanitary district shall determine whether public sewer is available. If a sanitary district does not exist, then sewer is not available. Confirmation of sewer availability must be given in writing to the County Sanitarian upon request.

- (2) POWTS Abandonment - When connection to a public sewer is required under Subsection 15.02-7(1) of this ordinance the use of a private sewage system shall be discontinued within the period required by order of the sanitary district or its municipality. The private sewage system must be abandoned in accordance with Section 15.02-3 of this chapter.

III. PRIVATE ON-SITE WASTEWATER TREATMENT (POWTS) AND NON-PLUMBING SANITATION SYSTEMS

15.03-1 **General** - Only the private sewage systems conforming to all requirements of this chapter and all other applicable laws, regulations and restrictions of the State of Wisconsin shall hereafter be installed in Kenosha County.

15.03-2 **Allowable Use** -

- (1) **Sewer Not Available** - Private sewage systems may be constructed when no other public or municipal sewer is available to the property to be served.
- (2) **In Common POWTS Prohibited Unless Approved** - The private sewage system of each structure shall be entirely separate from and dependent of that of any other structure or unless a common system has been specifically approved by the Department and the County.
- (3) **POWTS Ownership** - A private sewage system shall be owned and maintained by the property owner or by a municipal special purpose district or utility if serving multiple structures and/or parcels.
- (4) **In-Common Systems** - Approval for the use of a common system on the same parcel may be subject to an approval by the Department and will require recorded deed restrictions and easements that specify the rights and obligations of the system owner and property owners.
- (5) **Off-Lot Systems** - A system serving multiple parcels or a structure where any portion of the POWTS is on another parcel are not permitted for new development unless previously approved or owned by a municipal special purpose district. These systems may be approved by the Sanitarian as a last resort to replace a failing system on an existing property in lieu of using a holding tank.
- (6) **POWTS Serving More Than One (1) Structure** - When the POWTS is to serve two (2) or more structures by a single private sewage system, the structures and the POWTS must be located on the same property. This situation shall only be allowed to serve a primary residence and structure accessory to the residence or for all other non-residential applications. An exception would be a POWTS replacing a failed system and serving an existing non-conforming parcel that has more than one (1) dwelling unit on its property.

15.03-3 **Domestic Waste** - All water carried wastes derived from ordinary living uses shall enter a POWTS holding or treatment component unless otherwise specifically exempted by the Wisconsin Administrative Code or this chapter.

15.03-4 Non-Domestic Waste -

- (1) Separation of Wastes - All water carried wastes derived from animals and carried via conventional plumbing methods shall be separate and not combined with domestic (human) waste, unless approved by the Department.
- (2) Replacement Systems - In situations such as replacement private sewage systems where it may not be possible to separate non-domestic from domestic waste. The non-domestic wastewater load must be metered over a period of time to determine an average daily flow which will be the data used to achieve a design flow for the proposed replacement system. Collection of this data shall occur before any approval of a replacement system is completed.
- (3) Separated Non-Domestic Waste - This shall be treated and disposed of so it does not create a human health hazard and shall be in accordance with NR243 and/or other applicable Wisconsin Administrative Codes or local ordinances.
- (4) Multiple Family Dwellings and Condominiums - Shall follow sanitation requirements as stated for their prospective zoning districts as stated in Chapter 12 of the Kenosha County Municipal Code or ordinances of other municipalities.
- (5) POWTS Greater than 12,000-Gallons per Day - As defined in the current Memorandum of Understanding (MOU) between the Department of Commerce and the Department of Natural Resources and the provisions stated in the Wisconsin Administrative Code. Systems of this category shall adhere to all requirements and approvals required by both departments and their applicable codes. They will also be subject to plan review and approval as well as Sanitary permits and inspections.

15.03-5 Industrial Wastes - A POWTS shall not receive industrial wastes unless approved by the Department of Natural Resources including wastes that may be combined industrial and domestic waste.

15.03-6 Approved Private On-Site Waste Disposal Systems -

- (1) Component Manuals List - Pursuant to Comm 83.61, Wisconsin Administrative Code, the current list and any future methods and technologies added to this list of private sewage systems are allowed for new and replacement installations within Kenosha County. All methods and technologies shall adhere to the following requirements:
 - (a) System design, construction, inspection, operation, maintenance and any restrictions shall be adhered to as stated and described in the component manual as provided by the Department and the approved plans and management plan as provided by the installer and approved by the County

- (b) Subject to obtaining plan approval by the County or the Department where applicable.
 - (c) Subject to obtaining a Sanitary Permit from Kenosha County except when prohibited or limited permanently or temporarily as stated in Section 15.03-8 of this chapter.
 - (d) The County Sanitarian has received appropriate training from the department or a private entity to enable them to properly inspect and fully understand performance standards of the prospective POWTS.
 - (e) In the event of not receiving training the County will delay issuance of the Sanitary Permit until training has been obtained not to exceed 18 months after that type of method or technology has been recognized under Comm. 83.61, Wisconsin Administrative Code.
- (2) POWTS Pre-Treatment Components - May be used as a treatment unit in conjunction with a dispersal cell or used to rejuvenate an existing failed system or may be required to treat high strength waste. All uses shall be approved by the Department and will be subject to requirements stated in this chapter and the Wisconsin Administrative Code.
 - (3) Cluster Design POWTS - Private sewage systems serving multiple buildings located on a separate property and owned and operated by a municipal entity.

15.03-7 Holding Tanks -

- (1) General - Typically a system of last resort will be a holding tank system. Limitations to and the acceptable uses of holding tanks are listed in Chapter 15.02-2(7) of this ordinance.
- (2) Application for a Holding Tank - The County shall not enter a holding tank agreement if one of the following criteria exists:
 - (a) A soil and site evaluation documents suitable soils and an area large enough to accommodate a system of proper sizing to serve a particular existing or proposed building or facility. For purposes of this determination the soils must meet at least the "A+4" criteria.
 - (b) The owner has not met with a County Sanitarian to determine if an exception to the "last resort" rule may be allowed. The owner may be required to provide documentation as why some other means of sewage disposal would not be acceptable to them.
 - (c) The soil evaluation report for the parcel in question is incomplete or has not evaluated all possible areas on the property for a POWTS. The Sanitarian has the authority to require an on-site evaluation of the property and can request that soil borings be provided for his viewing and evaluation.
 - (d) The holding tank is to serve a parcel that has been subdivided after the implementation date of this ordinance.

- (3) Holding Tank Agreements -
- (a) All agreements must be completed on documents drafted by and provided by the County.
 - (b) The owner or a designated agent must sign the agreement in the presence of a notary along with the Sanitarian before plan approval submittal to the Department or its agent.
 - (c) The original document shall be recorded with the Kenosha County Register of Deeds prior to or at the time of Sanitary Permit issuance. A fee will be required to record this document.
 - (d) The agreement will run with the land and will notify any subsequent owner the requirement and obligations of maintaining a holding tank.
 - (e) Holding tank agreements may be cancelled by request of the owner or their agent when a holding tank no longer serves the structure on a particular property or the property is now served by municipal sewer. The owner is responsible to provide the necessary information to the sanitarian in order for him to complete the cancellation document. A fee is required from the owner to record this document with the Register of Deeds.
- (4) Servicing Contracts -
- (a) Prior to issuance of a Sanitary Permit for a holding tank the property owner shall contract with a person who is licensed under Chapter NR113, Wisconsin Administrative Code to have the holding tank serviced when sewage levels are within one (1) foot of the invert inlet level of the tank.
 - (b) The owner shall provide a completed contract to the County prior to or at the time of Sanitary Permit application submittal.
 - (c) The owner shall file a new contract should any changes occur with the contract within ten (10) business days from the date of any change to the service contract.
- (5) Holding Tanks Serving Flows more than 3,000 Gallons Per Day - The owner or their agent must submit to the County written approval from the DNR describing the method of final disposal of the septage pursuant to NR113.07(1) and (3) Wisconsin Administrative Code.

15.03-8

POWTS Prohibited

- (1) Local Prohibitions - Kenosha County shall limit and/or prohibit the installation and use of the following technologies, designs or methods as POWTS components pursuant to Comm 83.32(2) of the Wisconsin Administrative Code.
- (a) Holding Tanks - are prohibited on parcels subdivided or platted after the implementation date of this ordinance. Exceptions exist as noted in Chapter 15.02-2(7) of this ordinance.

- (b) Constructed Wetlands as a POWTS treatment dispersal component in all applications shall be prohibited in Kenosha County.
- (c) Evapotranspiration Beds as a POWTS treatment component in all applications shall be prohibited in Kenosha County.
- (d) Off-Lot POWTS serving a structure(s) that is located on more than one property shall be prohibited unless they comply with provisions stated in Chapter 15.03-2(2) through (6).
- (e) POWTS Technology Subject to Local Prohibitions - In the event the Department approved a particular technology, design or method of POWTS components that may be prohibited or limited by County ordinance the County will amend Chapter 15 within an 18 month period allowed pursuant to Comm 83.04 (3) Wisconsin Administrative Code.

15.03-9 Non-Plumbing Sanitation Systems -

- (1) General - Non-plumbing sanitation systems are regulated under Comm. 91, Wisconsin Administrative Code and are acceptable alternatives to water carried sanitation systems. These systems shall not be connected to a water supply and are not connected to a plumbing system.
- (2) Indoor Non-Plumbing Sanitation Systems - Composting toilets, incinerating toilets, etc. shall be permitted when there is at least one (1) properly functioning water closet in the same structure and the structure is a Single-Family dwelling that is owner occupied. The following applies to these devices and their use:
 - (a) A County Sanitary Permit shall be issued and an inspection will be required upon completion of the installation.
 - (b) The use of these devices in rented dwellings or in public buildings is prohibited.
 - (c) These devices may be used in limited applications where there is no water supply serving a building and it is not serving the public.
 - (d) The use of these devices shall not be used to reduce the calculated daily wastewater flow used in sizing a particular POWTS.
 - (e) The disposal of any liquid from any non-plumbing toilet shall be either to a public sanitary sewer or to a POWTS conforming to Comm. 83, Wisconsin Administrative Code.
- (3) Portable Restrooms - These devices may be allowed as a temporary use when an indoor plumbing system is not available on the property such as construction sites and truck farming operations. They may also be used to supplement existing sanitation facilities for special outdoor events to accommodate large crowds. The following applies to portable restrooms and specific uses and requirements:
 - (a) The County does not require a permit or an inspection for placement and use of these devices.

- (b) Location of these devices shall meet the setback requirements of Comm. 52.63, Wisconsin Administrative Code.
 - (c) All new development construction properties must be equipped with a portable restroom facility. The owner of the property shall be responsible for the establishment of this device on the premises during construction.
 - (d) All persons or businesses responsible who are leasing these portable restrooms shall have a contract for service, maintenance and cleaning with the company who owns the device. Frequency of service will be dependent on volume of use.
 - (e) Use of portable restrooms may be used seasonally in park and recreational applications where no indoor facilities are readily available provided they meet the requirements stated in provision (b) and (d) of this sub-section.
 - (f) Use of portable restrooms in residential applications shall only be used for special events and for durations not exceeding five (5) days. Portable restrooms shall not be used as an interim alternative to an indoor water closet where the private sewage system is failing or does not exist.
 - (g) Failure to maintain, service or keep a portable restroom in clean sanitary conditions shall be considered a human health hazard and a violation of this ordinance.
- (4) Vault Privies - Structures and devices of this type shall be permitted for park and recreational uses only provided the property and facility it will serve is in compliance with Chapter 12 of the Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance if applicable. The following applies to the specific uses and requirements of vault privies:
- (a) County Sanitary Permit and construction inspection shall be required for this non-plumbing system.
 - (b) No vault privy shall be served by a water supply except that an outside hose bib of a nearby yard hydrant may be established to aid in maintaining and cleaning the privy structure.
 - (c) All vault privies and the structure that is constructed over the vault shall comply with Comm 91.12, Wisconsin Administrative Code and all other references made in this subsection.
 - (d) Vault privies may be permitted in a 100-year floodplain provided it is in a floodfringe contiguous to land out of the floodplain and the vault is floodproofed in accordance with the Wisconsin Administrative Code.
 - (e) Vault privies must meet all setback minimums as stated in Comm 52.63, Wisconsin Administrative Code and all applicable setbacks relative to the Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance where applicable.
 - (f) The owner of the property in which a vault privy serves and is located shall be responsible for its servicing, maintenance and cleanliness. Removal of solids from the vault shall occur at least once a year in accordance of NR113, Wisconsin Administrative Code.

- (g) Failure to maintain, service or provide a clean, sanitary condition of a vault privy shall be considered a human health hazard and a violation of this ordinance.
- (h) Any existing vault privy, regardless of its age, suspected of groundwater infiltration or is no longer watertight shall be immediately reported to the Sanitarian. The contents of the privy shall be removed in accordance with NR113 and abandonment of the privy must occur as per Comm. 91.12(4), Wisconsin Administrative Code. Continued use of this vault privy shall be considered a human health hazard and a violation of this ordinance.

IV. PERMITS AND APPLICATIONS

15.04-1

Soil and Site Evaluations -

- (1) General Standards - Soil and Site Evaluations shall be conducted by an evaluator licensed by the State of Wisconsin - Department of Commerce in compliance with Comm 83, 85 and 91, Wisconsin Administrative Code. A minimum of three (3) excavations shall be established and completely described and evaluated to delineate a prospective dispersal area. (NOTE: Kenosha County recommends delineating a large enough area to accommodate a replacement system on new development parcels served by subsurface systems).
- (2) Elevations - Soil and site evaluations shall relate to the undisturbed and unfinished grade elevations and shall be referenced to a vertical and horizontal reference point established on the property as identified and described by the evaluator. Surface elevations shall be provided for all soil borings. Soil borings may not be required if a particular property is in the floodplain, however it will be assumed that the soils are indicative of saturation.
- (3) County On-Site Evaluations - A County on-site evaluation of the soil and site evaluation report may be necessary to determine suitability or unsuitability of a parcel for a POWTS. The County shall require on-site evaluations on all soil and site evaluations conducted in Kenosha County for the following systems:
 - (a) All at surface systems such as: mounds, at-grades and proposed systems utilizing pre-treatment.
 - (b) All parcels utilizing a holding tank, new construction or replacement.
 - (c) Soil and site evaluations that find inclusions in the mapping units found in the Soil Survey of Kenosha and Racine Counties.
- (4) County On-Site Requirements - All County on-site evaluations will be conducted prior to issuance of a Sanitary Permit and shall be attended by the soil evaluator with excavation equipment on the site. The evaluator shall provide the County with a preliminary copy of the soil and site evaluation report prior to the time of the on-site evaluation. If the evaluation is being conducted at the same time the evaluator is performing their soil test, then the evaluator shall be prepared to show preliminary profile descriptions to the sanitarian at the time of the on-site visit.
- (5) Waiving a County On-Site - The County has the discretion to waive the on-site evaluation if workload dictates other field work priorities or the County has previous knowledge of existing soil conditions.

- (6) Soil Boring Requirements - All soil borings to be observed shall be excavated and to the satisfaction of the Sanitarian prior to the appointment time.
- (7) County Assistance - Soil and site evaluators may request at any time assistance from the County to determine soil conditions or conduct a soil interpretation.
- (8) Soil Interpretations - All soil interpretations as permitted in Comm. 85, Wisconsin Administrative Code shall have an on-site evaluation done by the County.
- (9) County Report Required - All soil evaluations conducted by the County shall be documented by a report and will be filed with the soil and site evaluation report.

15.04-2 Sanitary Permit Requirements -

- (1) General - Every POWTS shall require a separate application and a Sanitary Permit.
- (2) Sanitary Permit Issued Before Building/Zoning Permits - A Sanitary Permit shall be obtained by the property owner, his agent or a contractor in the name of the owner prior to installation of the system and/or prior to issuance of any zoning or building permit if this is a new construction structure to be served by a POWTS. Any owner or their agent who starts construction of the POWTS or a new construction structure prior to obtaining a Sanitary Permit is in violation of this ordinance and may be subject to double permit fees or penalties provided in this chapter.
- (3) Permits Required - A Sanitary Permit shall be obtained by the property owner or his agent before any POWTS or part thereof may be installed, replaced, reconnected or modified. A Sanitary Permit is not required for the addition of manhole risers or for the replacement of manhole covers, manhole risers, baffles or pumps. However, installation of these components must meet compliance with Comm. 83 and 84 of the Wisconsin Administrative Code.
- (4) County Sanitary Permit - County Sanitary Permits shall be obtained prior to constructing and installing the following: vault privy, indoor non-plumbing sanitation systems, construction/reconnection to an existing system, disconnection/reconnection of a system, reconstruction of a structure connected to an existing POWTS and on-site renovation/treatment of an existing system.
- (5) Existing POWTS - Existing private sewage systems that have failed or when components have collapsed or portions requiring modification or replacement, must have the entire system evaluated for compliance with existing codes prior to issuance of a Sanitary Permit. This shall include verification of the soils by conducting a soil and site evaluation for those systems that utilize in-situ soils as a means of final dispersal of the

sewage. A soil and site evaluation is not necessary if an existing soil test is on file with the County that is complete, legible and can provide the necessary information to determine compliance.

In the event that any part of the system is found to be defective or not in compliance with the applicable provisions of this ordinance or the Wisconsin Administrative Code, the Sanitary Permit application shall be denied. If the existing system is acceptable the permit application shall include specifications for the repair, renovation, replacement or removal of that part. The County may require an on-site inspection of the existing system prior to issuance of a Sanitary Permit.

- (6) Compliance with the Sanitary Ordinance before Building/Zoning Permit Issuance - No city, village, town or County shall issue zoning or building permits for a structure that will be or is already served by a POWTS unless a Sanitary Permit has been issued or the compliance has been met pursuant to Comm. 83.25, Wisconsin Administrative Code and this ordinance.
- (7) Outstanding Revisions/Violation by Installers - No Sanitary Permits may be issued where the installer responsible for the installation has outstanding revisions and/or violations that have been identified in writing by the County.
- (8) False Information - Any permit issued under this subsection shall be void if any false or inaccurate information is made on the permit application which enabled the approval and issuance of this permit. The owner shall be notified in writing by the County and a new permit shall be applied for.
- (9) State Sanitary Permits - Applications for State Sanitary Permits pursuant to Comm. 83, Wisconsin Administrative Code shall be made on forms supplied and approved by the State of Wisconsin, Department of Commerce.

15.04-3

Application Requirements -

- (1) Sanitary Permit Application shall include the following information which shall be furnished by the applicant on forms required by the State and/or the County along with the applicable fees:
 - (a) All information on the Sanitary Permit application form shall be complete, legible and accurate.
 - (b) A clear and legible detailed plot plan preferably drawn to scale on a minimum of 8 1/2" x 11" quality paper.
 - (c) Plot plan shall include but not limited to: the lot size and location of all existing and proposed private sewage system components, building sewers, sanitary and storm sewers, wells, water mains or water service, streams, lakes or wetland boundaries, buildings, lot lines, replacement system area, adjoining property owner features affecting setback or other restrictions as stated in Comm

83, benchmark as established on the soil and site evaluation report and demonstrate compliance with all horizontal setback parameters established in Comm 83.43 Wisconsin Administrative Code.

- (d) Two (2) complete sets of plans and specifications for the proposed POWTS including all components shall be provided. This includes applications where only a portion of the system is being replaced and some existing components from the original system are remaining. Proper specifications for the existing component(s) must be included.
- (e) Soil and Site Evaluation Report - complete and legible.
- (f) State approved plans (if required - two (2) sets including the Department's conditional approval letter and plan approval stamp.
- (g) Management plan for the proposed system pursuant to the applicable component manual.
- (h) A contingency plan that may be part of the management plan.
- (i) Septic Tank Maintenance Agreement or a Holding Tank Agreement shall be recorded with the Register of Deeds prior to or at the time of Sanitary Permit application.
- (j) Other recordable documents required as a condition of Sanitary Permit issuance as stated throughout this ordinance. These documents must be complete and recorded with the Register of Deeds prior to or at the time of Sanitary permit application.
- (k) Fees as stated in Attachment of "A" of this ordinance.
- (l) The County reserves the right to require floodplain and/or wetland delineation for a building site or a proposed POWTS area prior to issuance of a Sanitary Permit. The County may require flood elevations and/or wetland boundaries on plans to be documented by a registered land surveyor.
- (m) The County reserves the right to refuse incomplete or incorrect permit applications or to delay permit issuance until corrected or completed applications are received.

15.04-4 Plan Requirements -

- (1) System Plans shall be submitted to the Department or the County for approval in accordance with Comm 83, Wisconsin Administrative Code and this ordinance. Plans must comply with all applicable requirements as stated in the Wisconsin Administrative Code governing POWTS and non-plumbing sanitary systems.
 - (a) Number of Complete Plans - Plans submitted to the County for all applications shall include an original set and at least one (1) complete set for the owner. If a third set is submitted it will be returned to the installing plumber.
 - (b) State Approved Plans - If plans are reviewed and approved by the Department at least one (1) set of plans submitted to the County shall bear an original State approval stamp or seal along with the conditional approval letter.

(c) Plan Quality - Plans submitted shall be clear, legible and permanent copies.

(d) Plan Content - Plans submitted shall comply with Comm 83 and applicable Wisconsin Administrative Codes and shall include the following:

1. Name of the property owner and a legal description of the property with the parcel I.D. or pin number.
2. Estimated - calculated daily wastewater flow and the design wastewater flow.
3. A detailed plot plan as described in Chapter 15.04-3(1)(c) of this section.
4. Details and configuration layouts depicting how the system is to be constructed.
5. A detailed contingency plan describing to the owner the options available to them in the event the system fails and cannot be repaired.
6. A management plan and owner's manual explaining to the owner their responsibilities in up-keep and maintenance of their POWTS.
7. Sufficient supporting information to determine whether the proposed design, installation and management of the proposed private sewage system or modification to an existing system complies with this ordinance and the Wisconsin Administrative Code. This shall include but is not limited to: outlet baffle information, treatment tank cross sections, literature on pre-treatment components, etc.

(2) Plans Shall be Bound and Signed - Plans shall be signed, bound and sealed as specified in Comm 83 Wisconsin Administrative Code.

(3) Plans Available at Construction Site - A copy of the approved plans shall be maintained at the construction site until the private sewage system installation is completed, inspected and accepted. Plans shall be made available to the County or the State upon request.

(4) Revisions - Any modification to the design of a POWTS previously approved by the County or the State shall be revised and approved prior to installation of the system. Plan submittal shall be in accordance with Comm .83, Wisconsin Administrative Code and this chapter. A fee may be charged for the review of the revised plans.

15.04-5 Sanitary Permit Cards -

(1) General - The permit card placard issued by the Kenosha County Department of Planning and Development, Division of County Development signed by the Sanitarian, issued to the property owner shall serve as the Sanitary Permit.

- (2) Statutory Requirements - The permit card shall contain all the information required by Chapter 145.135 of the Wisconsin Statutes.
- (3) Display of Permit Card - The permit card shall be displayed on the property in such a manner that it will be visible from the public roadway during all construction phases.
- (4) Duration of Permit Card Display - The permit card shall not be removed until the private sewage system has been installed, inspected and approved by the County Sanitarian.
- (5) Failure to Display a Permit Card - Failure to display the permit card shall be considered a violation of this ordinance and may be subject to citations or penalty provisions levied on the owner, his agent or contractor.

15.04-6 Sanitary Permit Expiration and Renewal -

- (1) Two Year Expiration - All Sanitary Permits for a POWTS, a re-connection or a non-plumbing sanitation system which has not been installed, inspected and approved by the County Sanitarian shall expire two (2) years from the date of issuance.
- (2) Permit Renewal - Sanitary Permits may be renewed, provided that a proper application and fees have been filed with the County prior to the expiration date.
- (3) Compliance with Current Code at Renewal - The renewal of the permit shall be subject to compliance of this chapter and the Wisconsin Administrative Code at the time of permit renewal.
- (4) Changes in Code - Changes in State code and County ordinances may delay renewal of a permit and possibly require plans to be revised or cause a change in system type.
- (5) Return of Original Permit Card - The property owner, agent or contractor shall return to the County the original permit card at the time of permit renewal, whenever possible.
- (6) Existing Permits - All Sanitary Permits issued prior to the implementation of this ordinance shall expire in two (2) years from the date of issuance.
- (7) Building Construction with an Expired Permit - A Sanitary Permit that expires is no longer valid. An owner, agent or contractor shall obtain a new Sanitary Permit prior to beginning or continuing any construction if a Sanitary Permit has expired.
- (8) No Permit Refunds on Expired Permits - No person or his agent shall be refunded portions of Sanitary Permit fees if the permit has expired.

- (9) Existing Violations and Permit Renewal - The two (2) year time period allowed for the use of a renewed Sanitary Permit shall not be construed as an extension of any corrective orders that may have been issued by the County requiring the replacement or repair of a failing private sewage system.
- (10) Building Additions/Renovations and Permit Renewal - Sanitary permits issued as part of a building addition or renovation project may not be renewed by the Sanitarian unless an acceptable written request explaining the delay in the installation of the system from the owner accompanies the renewal application. The explanation must also include a mutually agreed upon deadline date to have the POWTS installed.

15.04-7

Transfer of Ownership -

The transfer of ownership of a property shall require a transfer of a current Sanitary Permit if the system has not been installed, inspected and accepted. The following shall apply:

- (1) Completed Application - The applicable State transfer form shall be properly completed and signed and submitted to the Kenosha County Department of Planning and Development, Division of County Development.
- (2) Proof of Ownership - The new owner shall be prepared to show the County proof of ownership in the form of a certified copy of the recorded deed unless the County can confirm ownership via County Land Record datum.
- (3) Return of Current Permit Card - The current Sanitary Permit card shall be returned to the County where ever possible so that a new permit card can be issued.
- (4) Expiration Date - Transfer of ownership does not affect the expiration date of the permit or renewal requirements.
- (5) Revision Required - Transfer of ownership may prompt the need to revise the plans of the Sanitary Permit which shall be done in accordance with Comm. 83, Wisconsin Administrative Code.
- (6) Administration Fee Required - A County fee shall be paid at the time of submittal to the Department of Planning and Development, Division of County Development in accordance with Attachment "A" of this ordinance.

15.04-8

Change of Plumbers -

An owner, with a valid Sanitary Permit may change plumbers responsible for the installation of their POWTS provided the following conditions are met:

- (1) Completed Application - The owner or his agent submits to the County the properly completed change of plumbers form including the signature of the new plumber.

- (2) Return of Current Permit Card - The Sanitary Permit card shall accompany the application so that the name of the new plumber can be added to the permit card. If the card has been lost, destroyed or is not available at the time of application, a notice of change of plumber placard will be issued.
- (3) Permits Approved to Designers vs. Licensed Plumbers - Sanitary Permits for systems that required State plan approval may be transferred provided that the approval was granted to an architect, engineer or plumbing designer. Permits that have plans designed by licensed plumbers both State approved or approved by the County shall require a new submittal by the new plumber at the time of application for the change in plumbers. This plan submittal shall include the following:
 - (a) All plans must meet submittal requirements as required in Comm. 83, Wisconsin Administrative Code and in Chapter 15.04-3 and 15.04-4 of this section.
 - (b) A new form SBD6398 - "Application for a Sanitary Permit" must be completed and signed by the new plumber.
 - (c) Plan submittal must be the original work of the new plumber. No altered copies of the previous plumbers plans will be accepted.
- (4) Administrative Fee - A County Fee shall be paid at the time of submittal to the Department of Planning and Development, Division of County Development in accordance with Attachment "B" of this ordinance.
- (5) Transfer of Plumbers Prior to Installation - The complete change of plumbers procedure must be completed prior to the installation of the POWTS.

15.04-9 Sanitary Permit Approval and Denial -

- (1) Review period - Permits shall be reviewed and approved or denied within 30 days of receiving a complete Sanitary Permit application and all submittal requirements as stated in this chapter and Comm . 83, Wisconsin Administrative Code. The 30 day period shall begin when all materials have been submitted to the County Sanitarian and meets his satisfaction.
- (2) Complete Permit Application Submittal - In the event the County Sanitarian has not been provided with a complete Sanitary Permit submittal after making contact with the plumber the plans will be held by the County until the proper information is provided. Once accepted, the plans will be stamped "received" and dated and the 30 day review period will begin.
- (3) Permit Denial - Permit denial shall occur when applicable provisions of the Wisconsin Statutes, the Wisconsin Administrative Code or this Ordinance have not been complied with when applying for a Sanitary Permit.

- (4) Written Notice - The County shall issue a written notice of denial to the owner and installing plumber. Each notice shall state the specific reasons for denial and shall include, if possible, any amendments to the plan that will render it acceptable. The denial notice shall also advise the applicant of the right to appeal under Chapter 68 Wisconsin Statutes and Chapter 15.07-3 of the ordinance. A copy of the written denial may be forwarded to area state representatives and the Corporation Counsel.

15.04-10 County Sanitary Permits -

- (1) General - County Sanitary Permits shall be required for a variety of POWTS and non-plumbing sanitation system applications when a state sanitary permit is not required.
- (2) Application Requirements and Procedures - Dependent on the particular modification, connection or installation being conducted on a POWTS or non-plumbing sanitation system, all or some of the following provisions shall apply:
- (a) The County will supply to the applicant a "County Sanitary Permit Application" to be completed by a plumber, an owner, his agent or a contractor. All modifications, connections, re-connections, etc. entailing plumbing or construction on a POWTS shall require the permit application to be completed by a licensed plumber. Non-plumbing sanitation system installations may have its permit application completed by the owner, his agent or a contractor provided the application includes the owner's signature.
 - (b) All items in Chapter 15.04-3 may be required as part of the application submittal.
 - (c) For all systems utilizing in situ soil for treatment and final dispersal, a soil and site evaluation report shall be required to document compliance with the vertical soil separation requirement as stated in Comm. 83.03(2)(b)2.a & b, Wisconsin Administrative Code regarding estimated seasonal high groundwater and/or bedrock. If a soil test is not on file with the County, or if the one on file does not provide adequate documentation, then a new soil and site evaluation must be conducted.
 - (d) An evaluation and a report conducted by a licensed plumber, a certified septage servicing operator or a POWTS inspector relative to the condition, capacities, baffles, manhole covers and risers for any existing treatment component or holding tank. The report shall be on a form provided by the County and must be completed to the satisfaction of the Sanitarian.
 - (e) An evaluation and report by a licensed plumber or POWTS inspector relative to the conditions and capacities of all other dispersal components and verifying that the system is not failing by definition and that it will be capable of handling the proposed wastewater flow and contaminant load from the building to be served.

- (f) Complete design plans as specified in Chapter 15.04-4 of this ordinance.
 - (g) Re-connection to an existing holding tank may require a new servicing contract and a holding tank agreement which meets current requirements of this ordinance.
 - (h) Re-connection to an existing POWTS may require a new maintenance agreement.
 - (i) The site plan prepared for the particular POWTS modification/re-connection shall document all minimum setback requirements of Comm 83 Wisconsin Administrative Code.
 - (j) When re-connecting to an undersized system is permitted by Comm.83 and 84, Wisconsin Administrative Code an affidavit of per capita sizing must be recorded with the Register of Deeds.
 - (k) All modifications/installation shall be inspected by the County at the time of completion prior to backfilling to insure compliance has been maintained.
- (3) County Permit Card - A County permit card shall be issued to the property owner upon review of the materials submitted to the County under subsection (2) of this section. The County Sanitary permit card shall contain the following information:
- (a) Owner's name and address.
 - (b) Legal description including: lot, block, subdivision name or certified survey number and tax parcel or pin number.
 - (c) Licensed plumber and credential number.
 - (d) Unique County permit number and previously issued State Sanitary permit number.
 - (e) Signature of County Sanitarian.
 - (f) Brief description of POWTS modification or re-connection/installation.
- (4) County Sanitary Permit Categories -
- (a) Re-connections - A County Sanitary Permit shall be obtained prior to:
 1. Construction of a structure to be connected to an existing POWTS.
 2. Disconnection of a structure from an existing private sewage system and connection of another structure to the system.
 3. Reconstruction of a structure that is connected to a private sewage system that is uninhabitable due to damage from manmade or natural disasters such as fire, wind or flooding. (Note: The determination as to whether or not the structure is uninhabitable shall be performed by the local building inspector).
 4. Re-connection of a structure that was disconnected from its existing POWTS to replace or reconstruct its foundation.

5. Renovation of an interior plumbing system causing disconnection of the building drain to the building sewer and thus reconnecting to the POWTS.
- (b) Repairs to Existing POWTS - A County Sanitary permit shall be issued for all modifications, all on-site treatments/renovations and repairs to an existing POWTS. No County Sanitary Permit shall be required for the replacement of any of the following items:
1. Baffles
 2. Manhole lids
 3. Manhole risers
 4. Pumps
 5. Pump floats
 6. Highwater alarm floats
 7. Cleanouts
 8. Dispersal cell vent pipes and caps
 9. Observation pipes and caps
 10. Any other components determined by the Sanitarian
- (c) Non-Plumbing Sanitation Systems - A County Sanitary permit shall be required for the following categories of non-plumbing sanitation systems:
1. Composting and Incinerating Toilets - The design, materials, construction and performance must conform to NSF Standard 41 and ANSIZ 21.61 respectively as well as Comm 91 and 84 of the Wisconsin Administrative Code. Installations shall be in accordance with the manufacturers specifications.
 2. Vault Privies - A County Sanitary permit shall be required for the construction and installation of these devices. Installation shall be in accordance with Comm 91.12, Comm 84.25 and Comm 52.63 of the Wisconsin Administrative Code.
- (d) Private Interceptor Sewers connecting to POWTS - A County Sanitary permit is required for the installation of the building sewer and private interceptor sewer connection to an existing POWTS. In situations where a State Sanitary permit has been issued for the installation of a POWTS that clearly shows it will serve more than one (1) building or facility, a County Sanitary permit will not be required. The existing system being connected to must comply with Chapter 15.04-11 of this ordinance and/or with Comm 83.25 of the Wisconsin Administrative Code.

15.04-11 Construction Additions to Existing Structures being Served by a POWTS -

- (1) Construction Affecting Wastewater Flow or Contaminant Load -
- (a) Pursuant to Comm 83.25(2)(c), Wisconsin Administrative Code a municipality shall not issue a building permit nor the County a zoning permit for the addition to a structure that will modify the design wastewater flow or contaminant load or both to an existing POWTS unless the owner of the property:

1. Possess a Sanitary Permit to either modify the existing POWTS or construct a POWTS to accommodate the modification in wastewater flow or contaminant load or both: or
2. Provides documentation to verify that the existing POWTS is sufficient to accommodate the modification in wastewater flow or contaminant load or both.
3. For the purpose of this ordinance, a modification in wastewater flow or contaminant load or both shall be defined as:
 - a. **Commercial Facilities**, public building and places of employment when there is a proposed change in occupancy of the structure; or the proposed modification affects either type or number of plumbing appliances, fixtures or devices discharging to the system.
 - b. **Dwellings** that have an increase or decrease in the number of bedrooms and/or additions, interior modifications, renovations or remodeling or any combination thereof that enlarges or impacts a dwelling's building area and/or floor area by 25% or greater. For purposes of this ordinance and this provision only, a modification in wastewater flow or contaminant load or both may result in; a change in roofline, the conversion of storage area to building area or floor area, re-wiring, re-insulating, re-constructing a foundation, enclosing open porches, decks or patios, replacing drywall, plaster or paneling, removal or construction of interior walls. A modification in wastewater flow or contaminant load or both does not result in the construction of open decks, patios or porches, garages, re-roofing, painting, wiring, re-siding, window replacement or the replacement of equipment or appliances.
4. Documentation of existing capabilities must verify that the existing POWTS can accommodate the modification in wastewater flow and contaminant load or both and shall include at least one (1) of the following:
 - a. Copy of the plan for the existing POWTS that delineates minimum and maximum performance capabilities and have been previously approved by the Department and/or the governmental unit.
 - b. Information on the performance capabilities for the existing POWTS that has been recognized through a product approval under Chapter Comm 84 Wisconsin Administrative Code.
 - c. A written investigative report prepared by an architect, engineer, designer of plumbing systems, designer of private sewage systems, a licensed plumber or POWTS inspector analyzing the proposed modification and the performance capabilities of the existing POWTS.

- (2) Setback Requirements for all Structures and Additions - A municipality shall not issue a building/zoning permit for construction of any structure or addition to a structure on a site where there exists a POWTS unless the proposed construction conforms to the applicable setback requirements as stated in Comm. 83.43(8)(i), Table 83.43-1, Wisconsin Administrative Code.
- (3) Setback Information - The applicant for a building/zoning permit shall provide documentation to the municipality issuing the permit all location and setback distances for the proposed construction including but not limited to: POWTS treatment components, holding components, dispersal components, conveyance piping, electrical wiring and designated POWTS replacement areas (where applicable).
- (4) Completion of the POWTS - Any installation, addition or modification of a POWTS resulting from a construction project must be constructed, inspected and accepted by the County before the building addition or structure shall be occupied.

V. INSPECTIONS

15.05-1

General Requirements

- (1) Notice for County Inspection - Notice for final inspections shall be given to the County Sanitarian for all POWTS installed, modified or reconnected. All non-plumbing sanitation systems requiring County Sanitary Permits shall be included in this category of inspections and procedures.
- (2) Compliance with all Codes - All POWTS shall be inspected by the County for compliance with Comm. 82, 83, 84 and 91 Wisconsin Administrative Code and all other applicable Wisconsin Statutes and Administrative Code and this ordinance.
- (3) Scheduling Inspections - Notification for final inspection shall be given in accordance with the requirements of Comm. 83.26(2)(a) through (e) Wisconsin Administrative Code. Notice shall be given by the plumber in charge directly to the County Sanitarian. Inspections of any type being scheduled for the same day inspection shall be made to the County no later than 9:30 a.m.
- (4) No Backfilling before Inspections - The entire system shall be left completely open for the County inspection. This includes all conveyance piping and dispersal cells. The plumber may have occasion to request a portion of the system to be backfilled for construction purposes. This must be pre-approved by the County. The County has the discretion to request a portion of a system to be uncovered to permit completion of the inspection as well as requesting a portion to remain open for a return inspection if the installation is not complete or non-compliant and has to be corrected.
- (5) Licensed Plumber present at the time of Inspection - When a system is complete and ready for inspection the plumber in charge or an authorized journeyman plumber must be at the construction site. All components of the system shall be made accessible to the Sanitarian by the plumber. The plumber shall provide the proper apparatus and equipment and provide necessary assistance to the Sanitarian in order to complete the inspection.
- (6) Use Prohibited until Final Inspection - No POWTS or modification of, or re-connection, or non-plumbing sanitation system shall be used, enlarged, operated or altered until an inspection has been performed and a report has been completed indicating compliance with all terms of the ordinance. Backfilling and/or use of the system is prohibited until the County has completed all of the inspections on the system with the exception of follow-up inspections to view system performance or features found at or above the final grade of the system.

- (7) Follow-up Site Visits - The POWTS may be inspected by the Sanitarian periodically after the initial installation and/or after the system is operative at the discretion of the County.
- (8) System Status after County Inspections - The inspection report completed and filed by the County shall apply only to the dates of inspection as it relates to the particular POWTS or system. It shall not imply that the system continues to be compliant with state and County regulations. Any change in the usage or modification of the POWTS shall constitute a new application, permit and inspection.

15.05-2 Inspection of Site Constructed Tanks

- (1) Inspection Visits - All site constructed tanks shall be inspected after the floor is poured and the keyway and water stop are installed or after the forms for the tank walls have been set , but in all instances before any concrete for the walls have been poured.
- (2) Approval prior to Concrete being Poured - Concrete walls may be poured only after it has been determined that the tank, as formed, complies with the state approved plans.
- (3) Final Tank Inspection - A final return inspection shall be required to determine completion and compliance with the installation.

15.05-3 Inspection of Pre-Constructed Tanks

- (1) General Requirements - Pre-constructed treatment and holding tanks, including pump chambers and effluent filter vaults shall be inspected after installation and connected to the building sewer and/or conveyance piping.
- (2) Inspections prior to Concrete Ballast Pouring - Inspection shall occur prior to backfill and before any concrete ballast has been placed on top of the tank.
- (3) Completion for a County Inspection - At the time of scheduled inspection, it is required that all vents, cleanouts, warning labels, locking devices, pumps, alarm floats, alarm and electrical wiring, alarms, risers and manhole covers be installed and in compliance.

15.05-4 Inspection of Inground Systems

- (1) Inground systems including pressurized inground systems shall be inspected at the time of completion and prior to backfilling. All applicable conditions stated in this section shall apply.

15.05-5 Inspection of Mound Systems

- (1) Plowing Inspection - Mound systems shall be inspected at the time the ground surface is to be plowed, however the Sanitarian may waive this

inspection if dry soil conditions have been observed throughout the County. It is preferred to have at least a portion of the sand fill on the construction site in order to evaluate the sand for compliance with ASTM-C33.

- (2) Primary Inspection - A second inspection shall be required at the time the treatment tanks are installed and complete and the dispersal cell is complete on the sand fill including the distribution piping.
- (3) Follow-up Inspection - A final inspection may be performed after backfilling has been completed and final grading, seeding and mulching has been completed on the mound. All components shall be completed at this time.

15.05-6 Inspection of At-Grade Systems

- (1) Soil Moisture and Layout Inspection - All at-grade systems shall be inspected at the time the ground surface shall be plowed. The proposed system layout shall be clearly laid out on the landscape contour at the time of this inspection.
- (2) System Component Inspection - A second inspection shall occur when the system is complete and ready to backfill which includes the treatment tanks, conveyance piping, distribution piping and all other accessory components of the system.
- (3) Follow-up Inspection - A final inspection may be conducted after backfilling and final grading is complete which includes seeding and mulching.

15.05-7 Inspection of Sand Filter Systems

- (1) Initial Inspection - Sand filters shall be inspected at the time the liner or tank and underdrain has been installed and before any placement of the treatment media. It is preferred the media will be on the construction site at this time to view for compliance.
- (2) Inspection of all Components - A second inspection shall be required at the time the treatment tanks, pumps & control panel, conveyance piping, distribution piping and dispersal component is complete.
- (3) Follow-up Inspection - A final inspection may be conducted to inspect all observation components and final grading, seeding and mulching and possible testing of the system.

15.05-8 Inspection of Mechanical Aerobic Treatment Units

- (1) Initial Inspection - Mechanical Aerobic Treatment Units (ATU's) shall be inspected at the time of completion of installation and prior to any backfilling and before operation of the unit.

- (2) Trained ATU Installer shall be Present - The County shall require a competent manufacturer trained person to be present on the site during the installation of the ATU.
- (3) Operational Testing - The County may require a test run inspection at the time of the initial operation of the ATU.

15.05-9 Inspection of Systems not Recognized by Comm 83.61 and/or Site Engineered Systems or Experimental Systems

- (1) Pre-Construction Meeting Required - The plumber in charge of the installation of the system shall be responsible to coordinate any pre-construction meetings and shall include the County Sanitarian in all of these meetings.
- (2) Advanced Notice of Construction Required - The plumber in charge shall notify the County Sanitarian directly at least two (2) business days prior to beginning the installation of the system for coordinating inspections. The plumber in charge is also responsible for any advanced notice to any personnel from the Department of Commerce or the University of Wisconsin as required in the conditional approval of this particular system.
- (3) Compliance of all Approved Conditions - All inspections conducted by the County shall be pursuant to the approved plan requirements and as deemed necessary by the County to insure compliance with appropriate codes and all conditions of approval.

15.05-10 Inspection of Non-Plumbing Sanitation Systems

- (1) County Inspection Required - All non-plumbing sanitation systems requiring a County Sanitary Permit as stated in Chapter 15.04-10 of this ordinance shall be inspected by the County Sanitarian.
- (2) Compliance with the Wisconsin Administrative Code - All non-plumbing sanitation systems shall comply with Comm.91 of the Wisconsin Administrative Code and applicable provisions of this ordinance.
- (3) Owner Responsibilities - The property owner shall notify the County for an inspection immediately upon completion of the indoor non-plumbing sanitation system. The owner shall be willing to be available for an inspection during normal business hours for the inspection of an indoor non-plumbing sanitation system.

15.05-11 Re-Inspections

- (1) Incomplete or Non-Compliant Installations - A re-inspection may be necessary when a plumber in charge notifies a County Sanitarian for a final inspection and fails to have the system substantially completed. If the system has not been installed in accordance with the approved plans, a revision of plans will be required.

- (2) Failure to Comply - A plumber failing to complete an installation or make corrections to a non-compliant installation in a reasonable period of time shall be notified in writing by the Sanitarian. Failure to comply and notify the Sanitarian within the time frame of the written notice will be considered a violation of this ordinance.
- (3) Written Notice Issued - Plumbers ignoring notices from the County Sanitarian regarding revisions, non-compliances or incomplete construction of a system shall be notified in writing that they are in violation of this ordinance. Failure to comply with the notice of violation is negligence in their profession and may result in a human health hazard to a particular property owner or the general public.
- (4) Notice to Delay Future Permit Issuances - The County Sanitarian has the discretion to then notify the plumber that future sanitary permit applications will be held in obedience until all revisions, non-compliant installations and/or incomplete construction projects are completed to the satisfaction of the Sanitarian.
- (5) Citations Possible - Dependent on the severity of the violations, the plumber may be subject to a citation issued pursuant to the Uniform Citation Ordinance of the Municipal Code of Kenosha County.

15.05-12

Special Inspection Warrants and Random Inspections

- (1) Onsite Field Verification Authority - The Sanitarian has the discretion and authority to conduct an on-site field verification concerning soil conditions, setbacks, land features, failing conditions of an existing POWTS, accuracy of a submitted plan/permit application or soil and site evaluation, performance evaluation of a POWTS or any other activity or information deemed necessary for them to properly perform their duties.
- (2) Report Negligence of Licensed Persons - The Sanitarian shall log any serious discrepancies and inconsistencies by licensed persons and if necessary shall notify the Department of their findings.
- (3) Property Access - The County Sanitarian shall have access to all property within its jurisdiction during reasonable hours to make necessary inspections and collect evidence and information. In the event any owner or occupant of any premises refuses entry for inspection purposes, the County may obtain a special inspection warrant under section 66.122, Wisconsin Statutes. Submittal of a soil and site evaluation, a performance evaluation of an existing POWTS, a report of septic or holding tank pumping, a maintenance report for a pre-treatment unit, an application for a Sanitary Permit or a complaint on a possible violation shall be deemed as a reason for entry onto a property by the Sanitarian.

15.05-13

Testing of POWTS and Non-Plumbing Sanitation Systems

- (1) General Requirements - Testing of new systems with particular treatment or pre-treatment components or experimental/engineered systems may be required by Comm.82, 83, 84 or 91, Wisconsin Administrative Code. Testing may also be a condition in the state approval of a particular system
- (2) Non-Plumbing Sanitation Systems - The plumber or the property owner if this is a non-plumbing sanitation system shall be responsible to contact the Sanitarian directly to schedule an inspection pursuant to 15.05-1(3) of this chapter.
- (3) Competent Person to Test the System - It shall be the plumber's or the property owner's responsibility, if this is a non-plumbing system, to have a competent qualified person on the premises to conduct the testing while the Sanitarian makes observations of the test.
- (4) Verification of Testing in Lieu of County Inspection - The County may accept a written verification of an acceptable test by a competent qualified person in lieu of witnessing the test themselves.

15.05-14

Approval of POWTS Use

- (1) Compliance met before the System is Used - No POWTS or non-plumbing sanitation system that requires a permit by the County shall be used or put into operation until the proper Sanitary Permit, inspection, testing (if required), revision (if required) have been accepted, issued conducted and filed with the Kenosha County Department of Planning and Development, Division of County Development.
- (2) Violations - Any system that is being used that has not been inspected, approved or does not comply with State or County codes is considered a human health hazard and a violation of this ordinance.

VI. SYSTEM MANAGEMENT, SYSTEM MAINTENANCE AND PERFORMANCE STANDARDS

15.06-1 General Requirements.

- (1) Systems with Permits Issued as of July 1, 2000 - All POWTS shall be managed and maintained in accordance with Comm 83 and 84 of the Wisconsin Administrative Code and this ordinance.
- (2) Owner's Responsibility - The property owner shall report to the County each inspection, maintenance or service event regarding their POWTS pursuant to Comm 83.52 Wisconsin Administrative Code and this ordinance.
- (3) Recordable Maintenance Agreement - Every State Sanitary Permit issued for a POWTS shall have a recordable maintenance agreement that runs with the property it serves and shall notify any subsequent owner of their maintenance and management responsibilities for as long as a POWTS serves that particular property. The maintenance agreement shall be drafted by the Kenosha County Department of Planning & Development, Division of County Development and recorded with the Register of Deeds by the owner prior to or at the time of Sanitary Permit issuance. The agreement shall specify that if the owner fails to have the anaerobic treatment tank(s) properly maintained in response to orders from the county and it is necessary to prevent or abate a human health hazard as described in Chapters 254.01(2) and 254.89 Wisconsin Statutes, the County shall take the following action:
 - (a) The Sanitarian will contact a licensed waste hauler of their choice to provide pumping service and transport of the anaerobic treatment tank contents.
 - (b) The Sanitarian shall assess the owner of the POWTS for costs related to the pumping of anaerobic treatment tanks in accordance with Chapter 145.20(4) Wisconsin Statutes.
 - (c) The County may require verification of any information contained in an inspection, maintenance or service report. To complete this process the County may request the assistance of other qualified individuals or agencies to perform the verification process.
- (4) Change in Maintenance or Service Contracts - The owner shall submit to the County with proper recording fees any new or revised maintenance agreements or servicing contracts whenever there is a change in the document or the service provider.
- (5) Notice to County Prior to Expiration - The owner shall be responsible to notify and provide the County with any new maintenance and/or service contracts prior to expiration of any existing maintenance agreement or service contract.

- (6) Change in Service Entity - The owner shall be required to submit to the County any change in service provider or maintenance entity. Notice must be in the form of a completed maintenance agreement or service contract.
- (7) Failure to Maintain a POWTS - Any POWTS that is not maintained in accordance with the approved management plans shall be considered a failing private sewage system and a human health hazard and shall be in violation of this ordinance.

15.06-2

Management Plans.

- (1) General - Each POWTS design shall include a management plan for maintaining the design performance and operational standards required for the particular system as required in this chapter. The management plan shall be a part of all Sanitary Permit applications. The plan shall include all necessary information which may include:
 - (a) Servicing schedules or frequencies of maintenance for removal of accumulated solids or by-products.
 - (b) Influent and effluent volume and their characteristics.
 - (c) Groundwater monitoring well locations.
 - (d) Monitoring well construction requirements and sampling procedures.
 - (e) Monitoring/sampling port location.
 - (f) Metering, sampling and monitoring schedules.
 - (g) Site vegetative cover maintenance.
 - (h) Load and rest schedules.
 - (i) Contingency plans for events involving component or operational failure.
 - (j) Alarms or other devices provided to alert the owner that the system is malfunctioning
 - (k) Odor and nuisance control.
 - (l) All maintenance requirements including a description of the process and frequency of maintenance for all system components.
 - (m) The requirement of reporting maintenance or service, its frequency and identifying the reporting agent and that the County shall receive a copy of the report within 10 days of service.
 - (n) Start-up and operation requirements for a particular system.
 - (o) Identification of common household products that **should not** be introduced into a POWTS dispersal system.
 - (p) Identification of common household wastewater practices and habits that typically cause performance problems for a POWTS dispersal system.
 - (q) Abandonment procedures the owner shall follow in the event a POWTS fails and is permanently taken out of service. Abandonment must be done in accordance with Comm. 83.33, Wisconsin Administrative Code.

- (r) Warnings of the dangers associated with POWTS especially all treatment tanks.
- (s) Listings of the phone numbers and names of the POWTS installer, all service contractors, septage pumping contractor and the local permit issuing authority.
- (t) Any other pertinent information deemed specific for a particular POWTS or required by the Sanitarian.
- (u) Any mechanical aerobic treatment units or other pre-treatment units requiring annual or semi-annual maintenance by a POWTS maintainer shall be noted in the management plan.

(2) Monitoring Influent and Effluent Loads -

- (a) The influent loads discharging to a POWTS and/or the effluent loads from a POWTS shall be sampled and evaluated for contaminants as required in the approved package or design or by conditional approval from the State. Results of the analysis shall be reported to the County by the POWTS owner or their designated agent as specified in the management plan. Kenosha County reserves the right to require sampling and monitoring criteria and any necessary devices to perform this in addition to the requirements stated in the plan approval from the Department of Commerce.
- (b) The County may require monitoring of additional parameters not originally included in the management plan.
- (c) The samples collected for monitoring shall be handled in accordance with the requirements of the approved management plan or when no procedure is specified, in accordance with published standard methods.

(3) Contingency Plans -

- (a) All applications for a Sanitary Permit shall include a contingency plan that describes the procedures that must be followed at any time the POWTS fails and cannot be repaired.
- (b) If a secondary or replacement area has been identified on the soil and site evaluation report and on the site plan of the applications, then the site shall be so noted in the contingency plan. There shall be some language instructing the owner to preserve this site thus avoiding soil disturbance and utilizing the area for structures or driveway or parking areas.
- (c) The use of a holding tank as a means of resolving a failed condition of a POWTS will have a very limited application and therefore should not be mentioned in a contingency plan unless it is a viable last resort possibility in accordance with this ordinance.
- (d) The plan should also include any temporary or interim solutions necessary for the owner to perform to insure that the system will not discharge untreated or partially treated effluent during any component malfunction.

15.06-3

Septic and Anaerobic Treatment Tank Maintenance Program.

- (1) Duration between Service Pumpings - All septic and anaerobic treatment tanks whose Sanitary Permits were issued on or after April 7, 1981 shall be visually inspected and pumped within a 36 month period as specified by the County Sanitarian.
- (2) Notice of Maintenance - Notice of required maintenance shall be mailed by the Sanitarian where a maintenance report has not been completed and submitted to the County within a 34-month period. The property owner or their agent shall file the report within the specified notification period.
- (3) Owner Responsibility - The owner shall be the responsible party to insure the Department of Planning and Development, Division of County Development receives the maintenance report within the specified time frame as stated in the notice.
- (4) Service Frequency - Service frequency of a septic or anaerobic treatment tank serving a POWTS shall occur at least when the combined sludge and scum volume equals one-third (1/3) of the tank volume.
- (5) Licensed Pumpers - Pumping/servicing of all anaerobic treatment tanks shall be done by a certified septage servicing operator in accordance with NR113 Wisconsin Administrative Code
- (6) Exception to Three (3) Year Pumping - Upon notification of the owner of the required service, the owner desires to have a sludge and scum determination conducted and it is found the tank(s) does not need service. The service notification of the service frequency becomes annual until the anaerobic treatment tanks(s) is/are pumped. After the service visit the maintenance interval again becomes triennial.
- (7) Tanks Sized for Thirty-Six (36) Month Maintenance - All anaerobic treatment tanks installed and/or under maintenance requirements of this ordinance shall be sized large enough to maintain a maintenance frequency of not less than 36-months. If sized larger, the maintenance frequency will remain 36-months.
- (8) Violations - It shall be considered a violation of this ordinance when a property owner has received notification of the maintenance requirements and does not submit to the County a properly completed maintenance report form within the specified period of time.
- (9) Penalties and Citations - The Sanitarian may issue a citation to the property owner for the violation stated in sub-section (8). Each day this violation exists constitutes a separate offense and additional citations may be issued.

- (10) Completed Maintenance Report - A properly completed anaerobic treatment tank maintenance report shall have and include the following items:
- (a) Signature of the property owner.
 - (b) Signature of the service provider(s)/licensed waste hauler.
 - (c) Type and number of treatment tanks serviced.
 - (d) Quantity of waste product removed from the treatment tanks.
 - (e) Date of services provided.
 - (f) Statement of condition of POWTS treatment components including but not limited to: treatment tanks, POWTS dispersal components, POWTS treatment components.
 - (g) Property owners name and mailing address.
 - (h) Address of property being serviced.
 - (i) Sanitary permit number.
 - (j) The license, certification or registration number of the individuals performing the inspection, maintenance or servicing/pumping.
 - (k) Additional information requested by the Sanitarian.
- (11) Pump Chambers - All anaerobic treatment tank components connected to a pump or lift chamber or tank for purposes of service and maintenance will be required to be service pumped every time an anaerobic treatment tank is pumped. The maintenance report shall note and confirm the servicing of the chamber.
- (12) Outlet Baffle Filters - All anaerobic treatment tanks having an outlet baffle filter will require maintenance each time a tank is service pumped.
- (13) Acceptable Delay in Maintenance - There may be occasional circumstances such as inclimate weather, road weight restrictions and site limitations that may allow a delay of tank maintenance until conditions permit upon approval by the County.
- (14) Pre-April 7, 1981 Anaerobic Treatment Tanks - Existing POWTS that have anaerobic treatment tanks that pre-date April 7, 1981 have a maintenance responsibility under Comm. 83.54(4) and 83.55, Wisconsin Administrative Code. The owner has the responsibility to provide the County with a report for each servicing event. The County shall only maintain records of the service events. Failure of the owner to provide a record of service to the County may result in disclosure provisions by the owner as stated in Chapter 709 Wisconsin Statutes.

15.06-4

Holding Tank Maintenance Program

- (1) Holding Tank Agreements - shall be signed by the owner and the County Sanitarian on documents prepared by the Department of Planning and Development, Division of County Development. The agreement shall be recorded with the Register of Deeds prior to or at the time of Sanitary Permit issuance. The owner shall be responsible for all recording fees.

- (2) Complete Agreement - Holding Tank Agreements shall include the following:
- (a) All necessary requirements in accordance with the 1995 Wisconsin Act 110 and Wisconsin Statutes Chapter 59.
 - (b) The original document shall be returned to the Department of Planning and Development, Division of County Development.
 - (c) Owners name and address.
 - (d) Parcel ID number and date of agreement.
 - (e) Legal description of the property on which the holding tank and the building it serves is located. If multiple lots or parcels are involved, a parcel combination affidavit may be required to be recorded prior to recording of the holding tank agreement.
 - (f) Owner agrees to service the tank when liquid level is within one (1) foot of the inlet invert and/or when the alarm is activated.
 - (g) In the event the owner fails to service the tank, the County has the authority to enter the property to service the tank at the expense of the owner. In the event the owner fails to reimburse the County for all pumping expenses within 30 days, the County can request the charges be placed on the tax bill as a special assessment for services rendered pursuant to 66.0703 Wisconsin Statutes.
 - (h) The owner agrees to install a water meter if required with a remote reading device with all outside hose bibs by-passed. Installation shall be in compliance with Comm 82 Wisconsin Administrative Code.
 - (i) The owner agrees to sign a service contract with a person and/or company licensed under Chapter NR113 Wisconsin Administrative Code to have the holding tank serviced. A copy of the contract must be filed with the County prior to permit issuance. The service contract must be a County drafted document.
 - (j) The County has the authority to enter upon the property to investigate the condition of a holding tank or to read a meter when there appears to be a discrepancy in a pumping report or when a complaint has been filed alleging improper sewage disposal.
 - (k) The agreement is null and void when the property is served by municipal sewer or a POWTS disposal system. The County will provide a recordable document when requested by the owner to cancel the agreement thus clearing the title index of the deed.
 - (l) The owner is responsible to maintain the service riser height of the holding tank to a minimum of four (4) inches above surrounding grade.
 - (m) The owner agrees to pump the holding tank when liquid levels are within one (1) foot of the invert elevation of the inlet. The highwater alarm shall be set at this same elevation. The owner is still responsible to pump in the event the highwater alarm system malfunctions.
 - (n) The owner will be subject to citations if it is discovered that the holding tank has been altered or sewage has been by-passed from the holding tank system or from the structure it serves or if the

owner allows sewage overflow from the tank or is mechanically removed. Each day of discovery will constitute another citation.

- (3) Pumping Reports - As required for each holding tank whose Sanitary Permit was issued on or after July 1, 1980. In lieu of the reporting requirements as stated in Comm. 83.55, Wisconsin Administrative Code, the owner or his contracted agent responsible for servicing the holding tank shall submit to the County an annual report that includes the following:
- (a) Name and address of the company responsible for servicing the holding tank.
 - (b) Name and address of the holding tank and property owner.
 - (c) Address of property where the holding tank is located.
 - (d) Sanitary Permit number
 - (e) Dates on which the holding tank was serviced.
 - (f) Volumes in gallons of the contents pumped from the holding tank for each service date.
 - (g) Disposal site to which the contents from the holding tank were delivered.
 - (h) Signature of the property owner and the contracted licensed waste hauler.
 - (i) Statement of the POWTS condition including but not limited to: tank condition, alarm operable, manhole lids secure and locked, vent condition, any signs of deterioration or alteration, etc.
 - (j) License certification or registration number of the individuals performing the inspection, maintenance or servicing.
 - (k) Any additional information as requested by the Sanitarian.
- (4) Pumping Records of all Holding Tanks - All existing holding tanks located in Kenosha County shall be subject to further investigation in the event the owner or their agent cannot provide satisfactory information on pumping and maintenance when requested by the County Sanitarian.
- (5) Investigations of Existing Holding Tanks - Investigations may be prompted by the Sanitarian in the event that the annual pumping report is showing a non-typical pumping frequency for the occupancy of a particular structure based on national averages of wastewater generation or a discrepancy in pumping records and/or water meter readings. Upon investigation by the Sanitarian the following conditions will be considered a human health hazard and a violation of this ordinance if any one situation exists concerning the condition and maintenance of a holding tank:
- (a) The holding tank is no longer water tight and shows signs of deterioration.
 - (b) The owner cannot provide proof of maintenance pumping that would be typical of wastewater flows for that particular household or building based on national averages.
 - (c) Any overflow of sewage out of a holding tank riser manhole, a service suction line, electrical conduit or any other hole or opening in the tank.

- (d) Any connection of wastewater conveyance pipe other than building sewer that allows sewage to discharge from the tank on to or into the soil or to ground or surface waters. This includes any corrugated tile or perforated drain tile connected to or installed adjacent to an existing holding tank for purposes of conveying sewage.
 - (e) Upon discovery of any mechanical device placed in or adjacent to a holding tank or any evidence that would imply that a device was used to pump or discharge sewage from a holding tank that is not part of a previously approved method of discharge by the Department of Commerce or Department of Natural Resources.
 - (f) Any holding tank that allows sewage to leak from the tank or takes on groundwater during saturated conditions.
 - (g) The by-passing of any wastewater via pipe, pump or manual removal from the structure and disposed of improperly by definition of this ordinance or the Wisconsin Administrative Code that is required to discharge to a holding tank system.
 - (h) The Sanitarian may request pumping records for holding tanks installed prior to July 1, 1980 from the property owners to verify a pumping history. The owner shall be responsible for providing the requested records within 30 days of the written request. Failure to provide records within the period of time stated will be a violation of this ordinance and the owner may be subject to a citation for failure to submit a maintenance report.
- (6) Corrections and/or Replacements of Existing Holding Tanks - Dependent on the findings of the Sanitarian, an existing tank may need replacement and/or the plumbing that serves the structure as well as the connection to the holding tank may need replacement. The following are compliance options the Sanitarian may require:
- (a) The holding tank is deteriorated beyond repair or has been altered by the current or former owner. The tank must be replaced in accordance with all soil and site evaluations and system procedures as stated in this ordinance and the Wisconsin Administrative Code.
 - (b) The holding tank can be repaired to meet compliance with Comm. 83, Wisconsin Administrative Code and be continued to be used by the owner. The Sanitarian may require modifications to the existing holding tank system to insure future compliance with this ordinance which may include but shall not be limited to:
 1. Establishment of a water meter and remote reading device to be placed on the structure's water supply system with the outside hose bibs by-passed.
 - a. Water meter installation, meter maintenance and all material cost shall be the responsibility of the property owner.
 - b. The water meter shall be installed and functional within 60 days of notice by the Sanitarian.

- c. The owner shall report to the Sanitarian on forms provided by the County monthly water meter readings by the seventh (7th) day of each month.
 - d. Failure to report meter readings on time shall constitute a violation and shall be treated as a failure to submit a maintenance report as stated in this ordinance. A citation may be issued for this infraction.
2. Extending the height of the manhole riser to one (1) foot above the elevation of the lowest fixture of the floor level closest to ground level in the structure it serves.
 3. Complete removal of all piping used to discharge sewage and/or wastewater out of the holding tank or to by-pass the holding tank within a structure and also its outdoor piping network. Removal of any pumps and electrical wiring, siphons or manually operated devices used to improperly remove wastewater from the holding tank or used to by-pass sewage from disposal to the holding tank.

15.06-5 Mechanical Aerobic Treatment Unit (ATU) Maintenance Program.

- (1) Maintenance Agreements - All POWTS that include a mechanical aerobic treatment unit (ATU) must have a completed maintenance agreement provided by the County, completed by the owner and attached to their Sanitary Permit application.
 - (a) All mechanical ATU maintenance agreements shall be recorded with the Register of Deeds prior to or at the time of Sanitary Permit issuance.
 - (b) All maintenance agreements shall be transferable to all other subsequent owners, heirs or assignees of the property that the ATU serves for as long as the ATU is in existence.
 - (c) In the event the property that has the ATU is served by municipal sewer or is replaced with a POWTS that no longer utilizes this particular device, the County shall provide a document to cancel the original ATU maintenance agreement.
 - (d) The owner shall be in agreement to maintain their mechanical ATU in accordance with the manufacturers specifications and their management plan.
 - (e) The owner shall agree to be under contract with a service provider for the life of their ATU understanding that they may change providers each time their contract is approaching its renewal date.
 - (f) The owner shall be responsible to pay for all maintenance services and costs as long as the ATU serves the property.
- (2) Service Contracts - All mechanical ATU's must also have a service contract from the product manufacturer or their distributor that indicates

the service requirements and at what interval. This document shall also include:

- (a) The name, address and phone number of the licensed POWTS maintainer contracted to do the service.
- (b) The expiration date of the particular service contract. Each time a service contract is renewed or a new contract is made, the service provider or the owner shall provide a copy to the County.
- (c) Name and address of the property owner, Sanitary Permit number and Tax ID or pin number of the property.
- (d) It shall be a violation of this ordinance and the owner shall be subject to a citation or forfeiture in the event they do not maintain a current service contract.

(3) ATU Maintenance and Reporting -

- (a) The service provider based on the manufacturers specifications shall determine when the ATU shall be serviced and/or pumped. In the event the service provider fails to service the ATU within the time frame of its contract, the County shall have the authority to direct the owner to obtain another service provider or will appoint one to perform the service.
- (b) Upon completion of each service visit by a POWTS maintainer/service provider, there shall be a report submitted to the County Sanitarian within ten (10) business days of the service date.
- (c) The contracted POWTS maintainer of the ATU must be responsible for the scheduling of regular maintenance in accordance with the manufacturers specifications and as stated on the service contract. The service interval shall not deviate from the plan and manufacturers specifications unless written authorization is received from the manufacturer and the County Sanitarian.
- (d) In the event the Sanitarian does not receive service reports or discovers that the service intervals are not being followed in accordance with the maintenance and management plan, it will be considered a violation of this ordinance and subject to penalty or citation.

15.06-6 Outlet Baffle Filter Maintenance

- (1) General Requirements - All POWTS that includes an anaerobic treatment component whose Sanitary Permit was issued on or after July 1, 2000 shall be equipped with an outlet baffle filter of proper size for the wastewater flow it is treating.
- (2) Product Approval - All filters shall be a product approved through Comm 84 Wisconsin Administrative Code.
- (3) Existing Septic Tanks - May be fitted with a baffle filter provided a watertight seal can be accomplished at the outlet opening and there is an

existing manhole over the outlet. Tanks with center manholes or off-set manholes shall be prohibited from receiving an outlet baffle filter. No existing tank may be altered or cored to provide surface access to a filter unless state approval is obtained in writing from the product review division of the Department.

- (4) Baffle Filter Accessibility - All filters must be accessible for ease of service for the service provider or the homeowner. The following features shall be provided to provide safety and ease of service:
 - (a) Manhole risers over the outlet baffle at or above grade if in an area where surface water may seasonally pond.
 - (b) Lock and chain securing the manhole lid to the riser thus preventing any unauthorized access.
 - (c) Service "T" handle on the filter component within 12 inches of the riser opening to accommodate ease of removal for servicing.

- (5) Maintenance of Baffle Filters - Shall occur each time a septic or anaerobic treatment tank is serviced to have its solids and scum removed. A filter may require more frequent servicing when the following conditions occur:
 - (a) The manufacturers specifications indicate a more frequent maintenance schedule or periodic maintenance.
 - (b) Owner observes slow drains in the structure being served by the POWTS or poor performance from plumbing fixtures.
 - (c) Rental properties or multiple family dwellings or multiple tenants may cause peak wastewater flows into a POWTS thus causing premature clogging of a filter.
 - (d) Hydraulic overload or introduction of wastes that cause an increase in total suspended solids may cause a filter to be serviced more frequently.
 - (e) The owner of the POWTS shall be responsible for the periodic maintenance of the outlet baffle filter.
 - (f) All contents removed from a baffle filter shall be properly disposed of in accordance with NR113 Wisconsin Administrative Code or placed back into the anaerobic treatment unit.
 - (g) Improper disposal of baffle filter sludge shall be considered a human health hazard and a violation of this ordinance.
 - (h) It shall be a violation of this ordinance if the baffle filter is removed from its canister and the POWTS is allowed to function without it for any period of time.

15.06-7

Non-Plumbing Sanitation System Maintenance.

- (1) Indoor Non-Plumbing Sanitation Systems - Composting toilets, incinerating toilets shall be maintained and all solid waste products shall be disposed of in a safe, sanitary manner depending on the particular device the property owner is using.

- (a) Composting toilets shall have its compost removed and at intervals prescribed in accordance with the manufacturers specifications.
 - 1. No maintenance report shall be required to be submitted to the County.
 - 2. Disposal of the compost shall be in accordance with EPA part 503.
- (b) Incinerating toilets shall be maintained and have its solid waste removed at intervals stated in accordance with the manufacturers specifications.
 - 1. No maintenance report shall be required to be submitted to the County.
 - 2. Disposal of solid wastes shall be in accordance with 40CFR, EPA Part 503 Standards for the Use or Disposal of Sewage Sludge.
- (c) Improper disposal of any waste from these devices will be considered a human health hazard and a violation of this ordinance.

(2) Portable Restrooms -

- (a) Shall be maintained and cleaned dependent on their frequency of use and in accordance with the maintenance contract with the service provider.
- (b) In situations where these units are being used for large crowd special events, the units shall be pumped, sanitized, cleaned and replenished with supplies each day before the arrival of the public.
- (c) No maintenance reports are required to be submitted to the County.
- (d) Any complaints filed with and confirmed by the Sanitarian that the units are not being properly maintained or are too full to be used will be considered a human health hazard and a violation of this ordinance.

(3) Vault Privies -

- (a) The servicing of a vault privy shall be performed by a licensed waste hauler in accordance with NR113 of the Wisconsin Administrative Code. Contents shall be removed at least once a year.
- (b) The owner of the vault privy is responsible to keep the privy, the building and the immediate area around the privy in a clean, efficient and good repair condition. Maintenance and housekeeping shall be in accordance with Comm 52.64 Wisconsin Administrative Code.
- (c) No maintenance reports are required to be submitted to the County. However, the owner of the privy shall retain pumping records to provide information as to when the privy was last pumped.

- (d) The Sanitarian shall investigate any complaints of improper or lack of maintenance or deterioration of a privy. Upon completion of the investigation it is found the privy is not being maintained in a sanitary condition, it will be considered a human health hazard and a violation of this ordinance.

15.06-8 Product Performance.

- (1) Approved Materials - All materials, fixtures, pre-treatment devices, leaching chambers, anaerobic treatment units, final treatment units, etc. used in the construction or altering or repair of all POWTS and non-plumbing sanitation systems shall be approved by the Department.
- (2) Non-Approved or Defective Materials - are prohibited to be used in or on all POWTS and non-plumbing sanitation systems in Kenosha County.
- (3) Product Performance / Consumer Protection - Any material, product, treatment device, etc. showing evidence of poor performance or inferior quality or defect will be investigated by the Sanitarian and discussed with the manufacturer, the distributor, the products division of the Department and the installer of the product. Upon the findings of the Sanitarian, he may delay the issuance of any Sanitary Permit using this product until assurances have been provided that proper performance and protection of the consumer can be maintained.
- (4) Maintenance and Management of Pre-Treatment Units - The Sanitarian may delay the issuance of any Sanitary Permit utilizing a particular pre-treatment unit when the service provider for a particular unit has failed to perform required maintenance or provide maintenance reports or reports that are incomplete or not submitted within an acceptable timeframe in accordance with the maintenance contract or the system management plan for that product. The Sanitarian must discuss the performance problems with maintenance with the product distributor and the POWTS maintainer and receive all the backlogged reports before any permits will again be issued.

**VII. SUBDIVISIONS, CERTIFIED SURVEY MAPS AND ALL
LAND DIVISIONS TO BE SERVED BY PRIVATE ON-SITE
WASTEWATER TREATMENT SYSTEMS**

15.07-1 **PURPOSE**

The purpose of this section is to promote protection to the public health, maintain environmental quality and contribute to proper land use planning by requiring proper soil suitabilities and to properly site private on-site wastewater treatment systems for all lots and parcels of land being subdivided in any manner that are being proposed to be served by a POWTS.

15.07-2 **SCOPE**

- (1) Land divisions served by a POWTS. The provisions of this section apply to all divisions of land both platted and unplatted, certified survey maps or metes and bounds land divisions that will be served by private on-site wastewater treatment systems on or after the effective date of this ordinance.
- (2) Parcels being served by municipal sewer. This section shall not apply to any divisions of land in which provisions have been made by a municipality assuring the availability of public sewer service to all proposed parcels at or prior to approval of the land divisions by the Kenosha County Land Use Committee and the Kenosha County Board of Supervisors.
- (3) Existing parcels of land. This section shall not apply to existing parcels of land as they are described or recorded lots of record with the Kenosha County Register of Deeds prior to the effective date of this ordinance.

15.07-3 **COUNTY REVIEW**

- (1) Plats - All copies of plats submitted for County review regarding this section shall be clear, legible and permanent and shall include sufficient information for the County to determine if the proposed subdivision complies with the requirements of this chapter and all other applicable Kenosha County Municipal Codes. Two (2) complete sets of information shall be submitted to the Sanitarians for review.
 - (a) Applicable Data - All plats shall include the following information for soil and site review. A separate plat may be prepared to highlight only the soil suitabilities and POWTS review of the plat. The plat shall include all the requirements of submittal as stated in Chapter 14 of the Kenosha County Municipal Code and in addition must provide the following information to review suitability for private on-site waste disposal systems:

1. Soil Mapping Units and Boundaries - Using information provided by the Soil Survey for Racine and Kenosha Counties, the soil mapping information shall be delineated on the plat.
2. Ground Surface Contours - The plat shall provide two (2) foot contour data throughout the entire project area.
3. Floodplain Data - When applicable, any 100-year floodplain information shall be delineated with the flood elevation.
4. Bodies of Water - Any existing body of water, including wetlands adjacent to and abutting any portion of the plat shall be illustrated with elevation data showing the highest known elevation of the water surface. Any proposed system area shall be at least two (2) feet above the ordinary highwater elevation of the water body.
5. Land Slopes - All areas proposed for POWTS shall not have any land slopes within the minimum continuous suitable soil area exceeding twenty-five (25) percent. Any area exceeding 25% shall be accurately delineated and shown on the plat.
6. At-Surface Systems - The soil borings conducted to verify soil suitability and a minimum continuous suitable soil area must be shown and labeled for every system of this type on every lot it occurs on the plat. The area must be sited on contour and have a longitudinal axis of at least one hundred and twenty (120) feet.
7. Easements - Minimum continuous suitable soil areas shall not include any easements nor shall they be placed where they would prohibit the installation of any component of a POWTS or its conveyance piping. Easements may provide some exclusions for POWTS, however, must be approved by the County.
8. POWTS Replacement Areas - Any areas being proposed as replacement areas for a POWTS must be identified as such.
9. Reduced Minimum Continuous Suitable Soil Area - These areas must be clearly marked and recorded on the plat as being a lot that will require the use of pre-treatment in order to establish a POWTS. Lots of this type must be pre-approved by the County.
10. All Soil Borings - All soil borings evaluated by the soil and site evaluator must be located and numbered in sequential order on the plat. The boring numbers shall match the soil profile descriptions on the soil and site evaluation forms.
11. Proposed Building Envelopes - On lots that have less than 60,000 square feet of buildable area, the proposed primary structure area shall be shown in compliance with all minimum setbacks in this ordinance and Chapter 12 of the Kenosha County Municipal Code.

12. Proposed Well Areas and Water Supply Service Lines and Water Main Locations - Well location shall be such that it meets the minimum requirements of NR812 and waterlines and mains shall be in compliance with Comm. 82 both of the Wisconsin Administrative Code.
 13. Non-Complying Areas - Any areas of the landscape that will not meet the minimum soil suitability criteria of this section (A+4) or are wetlands or areas of seasonal flooding or are of soil mapping units designated as hydric soils as per the U.S. Department of Agriculture - Natural Resources Conservation Service, Section II Technical Guide - Hydric Soil Interpretations shall be delineated on all plats.
- (b) Report Forms - All soil profile descriptions must be reported on the soil and site evaluation report forms as provided by the Department of Commerce. The report forms shall be complete and in permanent ink, dated with an original signature on each page by the licensed soil tester. Soil data sheets shall be properly numbered and soil borings shall be sequentially numbered and relate to the borings located on the plat. In situations where sites are being evaluated for systems that will be at surface, the reports shall be prepared as individual, by lot, soil and site evaluations. However, the soil boring numbers shall remain sequentially numbered. The purpose of this is to use these evaluations as the final soil test for the proposed lot.
 - (c) Submittal Fees - The Department of Planning and Development, Division of County Development shall collect a fee for review of the soil data in accordance with Attachment "B" of this ordinance adopted by the County Board of Supervisors. All fees shall be remitted to the County at the time the plat is submitted for review. No plat shall be accepted for review without the soil and site data being included and the fees paid along with the submittal requirements set forth in other applicable County ordinances. All submittals for soil and site review must be made to the Sanitarian. Fees shall be collected for proposed buildable lots only.
 - (d) Additional Information - Upon review by the Sanitarian additional information may be needed to complete the soil suitability review to insure that all lots meet compliance with this ordinance. Any requests for additional information shall be made in writing to the soil tester and copied to the submitter. Failure to provide the requested information to the Sanitarian in a timely fashion may result in the Land Use Committee having to table the review of the plat on the proposed public hearing date.
 - (e) Revocation of Plat Approval - The County has the authority to rescind or suspend a plat approval under this ordinance in the event that any false information or misrepresentation of facts is discovered or determined by the Sanitarian after an approval was issued.

- (f) Approval or Objections - The Sanitarian shall review the submitted soil and site evaluation information and issue a written recommendation of approval or objection of the plat within the time frame allotted in accordance with Chapters 12 & 14 of the Kenosha County Municipal Code. An objection may result in the Land Use Committee delaying their review of the proposed plat.

- (2) Certified Survey Maps and All Other Land Divisions - All land divisions referred to as certified survey maps shall be documented by having a survey by a Wisconsin licensed land surveyor. The submitter shall provide to the Sanitarian two (2) copies of the survey showing the proposed land division(s). Each copy shall be clear, legible and permanent and include all the minimum information required by this chapter for divisions of this type and all other applicable Municipal Codes.
 - (a) Required Information on Survey - For soil and site review purposes the survey shall illustrate the location of the soil borings grouped to confirm a suitable POWTS site on the proposed parcel.
 - (b) Soil and Site Evaluation - A complete soil and site evaluation shall be required for each parcel being divided including the remnant parcel if under thirty-five (35) acres. Each evaluation shall be conducted in accordance with Chapter Comm. 85 of the Wisconsin Administrative Code. The completed soil and site evaluation for each proposed subdivided parcel must be submitted at the time of application for a certified survey map or a rezoning for a new parcel. Land divisions not requiring any County zoning or land subdivision approval because of parcel size must still comply with this section of the ordinance. All soil and site evaluation submittals shall be made directly to the Sanitarian.
 - (c) Fees - A review fee is required for only those vacant parcels being divided by a certified survey map process. All fees must be paid at the time of submittal to the Sanitarian in accordance with Attachment "B" of this ordinance.

15.07-4

LOT STANDARDS

- (1) General - The available minimum continuous suitable soil area for any unsewered lot shall be of sufficient size to permit the installation and use of a POWTS having a dispersal component. It is recommended that enough area is documented and reserved on each lot to have area remaining for a replacement system or an area reserved to provide an alternate means of wastewater disposal using a pre-treatment method.

- (2) Lot Size - Each lot shall meet minimum lot standards as stated in Chapter 12 of the Kenosha County Municipal Code for that particular zoning district where applicable. The lot size shall be of proper dimensions to accommodate a POWTS based on soil suitability meeting design standards in accordance with Chapter Comm. 83 of the Wisconsin

Administrative Code, all provisions of this ordinance and supporting County Code and any other municipal codes. In no case shall a lot be created that will be served by a POWTS that is less than one-hundred fifty (150) feet in width and forty-thousand (40,000) square feet in area and shall exclude lands located in a C-1, Lowland Resource Conservancy District and/or a FPO - Floodplain Overlay District. Local villages and cities may have minimum lot size requirements by ordinance that will supercede these standards.

- (3) Additional Requirements for Unsewered Lots - Any parcel being subdivided after the implementation date of this ordinance shall include, where applicable, the following information on a survey or a plat of survey:
- (a) Soil Dispersal Area - Location of soil and site evaluation borings and the parameters of the primary and replacement (if designated) soil dispersal areas. All areas shall be laid on - contour where land slope is a factor in proper system siting.
 - (b) Proposed Building Areas - Locating the proposed building areas that are in accordance with minimum setbacks pursuant to the local municipality or County zoning ordinances.
 - (c) Wells and Water Supply Lines - Proposed location for the water well in accordance with NR812, Wisconsin Administrative Code and/or water service lines from a community water supply.
 - (d) Minimum Dispersal Areas - All lots shall have a wastewater dispersal area and shall have a minimum continuous suitable soil area large enough to accommodate a minimum calculated daily wastewater flow of 600 gallons per day in accordance with Comm. 83, Wisconsin Administrative Code and without the assumption of using pre-treatment or any design technology to reduce sizing. Reduced areas may be considered by the Department of Planning and Development, Division of County Development on a case by case basis.
 - (e) Soil Suitability Standards - All lots and parcels shall have soils meeting a minimum A horizon plus four (4) inches of unmottled B or E or C horizon (A+4) criteria within the designated continuous suitable soil area.
 - (f) POWTS Setbacks - All designated POWTS areas on a parcel must meet all setback requirements found in Comm. 83, Trans 233 and NR812 Wisconsin Administrative Code. They shall also meet any setback requirements stated in any applicable chapters of the Kenosha County Municipal Code and any other applicable federal, state or local regulations.
 - (g) Easements - All easements or combination of adjacent easements shall not be included in the minimum continuous suitable soil area. Easements that bisect a parcel and divide or separate a parcel between the dispersal area and the building area must have a clear exception to the easement allowing installation of a POWTS, conveyance piping and electrical service. Without this exception an easement of this type will be prohibited. All easements are subject to review and approval by the County.

- (h) Underground Utilities - No underground utilities of any kind shall be installed through or occupy any designated area of the minimum continuous suitable soil area. Areas where the utility service can be brought to a structure shall be pre-planned if necessary and so designated on the plat or certified survey.
- (i) Vehicular Traffic - On parcels having dispersal areas designated for at-surface systems such as mounds and at-grade systems, especially where the designated area is in the streetyard of the property. A warning of no vehicular traffic on or within fifteen (15) feet of the designated area shall be placed on the survey or plat.
- (j) Changes and Amendments - Any changes or amendments made to a designated minimum continuous suitable soil area must be approved by the Sanitarian.
- (k) Non-Residential Lots - Minimum lot sizes will be based on the proposed use and the requirements stated in the County or local municipal zoning ordinances. All wastewater treatment proposals will be evaluated on a case by case basis with the Sanitarian during County review and prior to any approval by the Land Use Committee. The use of holding tanks may be permitted dependent on the use and the exceptions as stated in this ordinance.

15.07-5

OUTLOT RESTRICTIONS

Any outlots that do not meet the lot area, width, elevation or soil suitability requirements specified in this ordinance shall be restricted for development of any kind and clearly labeled as such on the recorded final plat. This restriction may be lifted if public sewers are someday available. The installation of any type of POWTS shall be prohibited on such outlots.

15.07-6

COMMUNITY OR CLUSTER SYSTEMS

Individual lots or structures to be served by a community system of collection and disposal of sewage by soil dispersal cells shall be clearly marked on the final plat to indicate this means of wastewater dispersal.

- (1) Municipal Confirmation - If the components of the proposed community system are not installed and available to all lots or building sites when a final plat or certified survey map is submitted to the County for review, the submitter must include a certified resolution from the city, village, town or town sanitary district that documents and confirms acceptance of the community system and that all buildings within the development will be served by the system.
- (2) Ownership - All components of the community or cluster system will be owned and maintained by the municipality and the special purpose district.
- (3) Component Accessibility - All components of a cluster system shall be accessible to the municipal employees, their maintenance agents and the

County Sanitarian via recorded affidavits, easements, public right-of-ways or municipal land ownership.

- (4) Maintenance - The municipality and the special purpose district will have full responsibility for operation and maintenance of the cluster system. They shall be responsible for all maintenance requirements as stated in the conditional approval of the system design plans, as well as requirements stated in any maintenance contracts with a component manufacturer and the County. In addition, they will be required to follow all the requirements stated in the management plan for the system.
- (5) Occupancy - With the exception of a model dwelling unit(s), no building shall be occupied unless the cluster system is fully operational and the building is connected to the system.
- (6) State Approval - All cluster systems shall be approved by the Department of Commerce and the Department of Natural Resources where applicable. Approval shall be obtained prior to any final plat and/or committee approval by the County Board of Supervisors.
- (7) Design Requirements - All cluster systems shall be designed in accordance with Comm. 83 and any other applicable Wisconsin Administrative Codes. All residential designs shall be based on design calculated flows of one hundred fifty (150) gallons per day per bedroom or appropriate public sizing.
 - (a) The final plat or conditions of the development shall require a recorded maximum design flow for each lot or unit based on 150 gallons per day per bedroom.
 - (b) Any commercial buildings served by a cluster system shall have a maximum pre-determined design calculated flow. This maximum flow must be recorded information on the final plat or final approved plan.
 - (c) Contaminant Loads - All cluster systems must maintain influent quality as stated in Comm. 83.44 Wisconsin Administrative Code. In the event commercial or other uses cause the influent quality to be unacceptable, pre-treatment may be necessary to improve the influent quality.
- (8) Deviation of Design Plans, Wastewater Flows or Contaminant Loads - All community systems shall be constructed in accordance of the approved plan, not to exceed maximum design flows, maintain acceptable contaminant loads and adhere to all maintenance and monitoring requirements. Any deviation from these requirements will require re-submittal to the Department of Commerce and possible alterations to be done on the system. Deviation from the specifications and limitations relative to the installation and maintenance of the method or technology of a community system will constitute a violation of this ordinance.

SOIL AND SITE EVALUATIONS

- (1) General - Soil and site information must be conducted for all divisions of land to the satisfaction of the Sanitarian to insure that each parcel being subdivided must have suitable soil conditions to accommodate an on-site waste disposal system. The soil suitability and anticipated system types will dictate to what extent soil and site evaluations must be conducted and reported to the Sanitarian. Where required in this section, complete soil and site evaluations must be conducted in accordance with Ch. Comm. 85 of the Wisconsin Administrative Code.
- (2) Soil Borings - Soil borings shall be dug preferably by a backhoe and constructed large enough and deep enough to enable an evaluator and the Sanitarian to determine soil suitability. Number of borings will vary dependent on the type of soil being evaluated.
 - (a) Soils with Redoximorphic Features Less than Forty-Eight (48) Inches - Proposed lots or parcels that typically have a seasonal high groundwater table based on redoximorphic soil features **less than forty-eight (48) inches** will require a minimum of three (3) soil borings that have suitable soil characteristics and are grouped to identify a proposed system area. However, on a preliminary plat one (1) suitable boring per lot shall be acceptable. A complete soils and site evaluation report will be required for each lot for final plat approval.
 - (b) Soils with Redoximorphic Features of Forty-Eight (48) Inches or Greater - Proposed lots or parcels that typically have a seasonal high groundwater table based on redoximorphic soil features of **forty-eight (48) inches or greater** will require a minimum of one (1) soil boring per three (3) acres if the soil characteristics remain consistent with the soil mapping unit. Except that complete soil and site evaluations must be performed when parcels are being divided via a certified survey map procedure or unplatted land divisions.
 - (c) Variable Soil Types - Landscapes with variable soil types and depths to seasonal high groundwater that are being platted will provide enough soil suitability information in the form of random soil borings and complete soil and site evaluations to insure suitable soils for a POWTS with a dispersal cell on every proposed lot or parcel.
 - (d) Consultation with the Sanitarian - A soil and site evaluation consultation meeting with the Sanitarian to determine what may be the best approach to evaluating a particular landscape may be necessary before performing any fieldwork.
 - (e) Depth of Soil Borings - Depth of soil borings may vary dependent on soil type and suitability.
 1. Proposed inground POWTS shall have a minimum boring depth of seven (7) feet or to bedrock if present at a lesser depth. All borings in this category shall be excavated to at least four (4) feet below the anticipated system elevation.

2. Proposed shallow inground POWTS may have borings excavated to a minimum of five (5) feet
 3. Proposed at-surface POWTS shall have borings excavated to a minimum of three (3) feet.
 4. The depth of a soil boring shall be referenced to the final grade of the subdivision.
- (f) Elevations - All soil borings shall have a ground surface elevation referenced to a permanent benchmark established by the evaluator or to mean sea level.
- (3) Soil Profile Descriptions - All soil borings excavated for a particular land division or plat shall be noted and described adequately using soil profile description criteria in accordance with Ch. Comm 85 of the Wisconsin Administrative Code.
- (4) Soil Saturation Determinations - Soil evaluations of this type may be necessary to determine actual depths to seasonal high groundwater and can be done by a licensed person as an interpretive determination or a soil saturation determination.
- (a) Hydric Soils - These methods shall not be used to interpret hydric soils for a land division unless it has been determined by the Sanitarian that the soils of the site in question do not meet the definition of hydric soils and may be an inclusion to the soil mapping unit or a mis-mapped area.
 - (b) Determination Prior to County Approval - Any site evaluated utilizing soil saturation determination to interpret a non-conforming site must be conducted with the results approved by the Department prior to submittal of the plat or land division. This procedure cannot be performed to dispute a soil condition that does not meet the A+4 soil criteria unless otherwise approved by the Sanitarian.
 - (c) Interpretive Determination - Evaluation of soil conditions for purposes of this section may be conducted by approval of the Sanitarian and only if the A+4 soil criteria has been met. However, the Sanitarian may grant approval for interpretation only if evidence has been presented and determined in the field that the site in question is not meeting a hydric soil definition or it may be a mapping inclusion or a mis-mapped soil type.
 - (d) Approval - All soil saturation determination procedures performed for purposes of dividing land must be pre-approved by the Sanitarian and must be in accordance with Ch. Comm. 85 of the Wisconsin Administrative Code. Final approval of the soil saturation data shall be in writing from the Department of Commerce.

15.07-8

MINIMUM SOIL CRITERIA FOR ALL LAND DIVISIONS

- (1) General - All land divisions recorded on or after the implementation date of this ordinance shall have documented proof in the form of a soil and site evaluation report completed by a licensed evaluator from the

Department of Commerce that the parcel(s) in question have suitable soils designated for a POWTS with a soil dispersal system.

- (2) Holding Tanks - The use of holding tanks shall be prohibited to serve any new development, vacant parcels of land that are subdivided after the implementation date of this ordinance. Except that holding tanks may be permitted in some non-residential uses on newly created parcels as stated in this ordinance.
- (3) The A+4 Soil Criteria - All subdivided parcels of land shall meet the minimum soil criteria of an "A" horizon and four (4) inches of unmottled soil of a B, E or C horizon immediately below. The minimum contiguous suitable soil area must accommodate a 600 gallons per day wastewater flow for a proposed residential use. This includes parcels greater than thirty-five (35) acres.
- (4) Soil Interpretations and Soil Saturation Determinations - These procedures shall be permitted only to interpret soil conditions that may result in soil suitabilities being more favorable than the A+4 criteria. A proposed parcel must have at least a suitable A+4 site available before any other interpretation is pursued.
- (5) Hydric Soils - As determined by the U.S. Department of Agriculture - Natural Resources Conservation Service, Section II Technical Guide - Hydric Soil Interpretations. Soils of this category shall not be used to site or establish POWTS with soil dispersal cells. Except that inclusions and irregularities of soil mapping can occur thus permitting the Sanitarian or the Department's Private Sewage Consultant to determine whether a particular proposed site does not meet the definition of hydric soils. (Note: Development on hydric soils may also be prohibited in other chapters of the Kenosha County Municipal Code).
- (6) Filled Lands - No parcels shall be created using landscapes that have been previously filled or disturbed for siting a POWTS. Except that inground design type systems may be sited below the fill in native soils if it is determined suitable. The dispersal cell and infiltrative surface of the system shall be installed in the undisturbed native soil.

15.07-9

SUBMITTAL OF SOIL DATA FOR ALL LAND DIVISIONS

- (1) General - In addition to the required information to be submitted as stated in this section. The soil data shall be submitted in the following manner and format dependent on their category of land division.
- (2) Plats -
 - (a) Preliminary Plats
 1. Proposed project areas consisting of soils that typically have seasonal high groundwater tables less than forty-eight (48) inches using redoximorphic features in the soil may submit soil and site evaluation reports consisting of one (1) suitable soil boring per proposed lot.

2. Proposed project areas consisting of soils that typically have seasonal high groundwater tables of forty-eight (48) inches or greater using redoximorphic features in the soil may submit soil and site evaluation reports consisting of one (1) suitable soil boring per three (3) acres providing that the soil characteristics remain consistent with the soil mapping unit. Additional borings shall be conducted and documented to delineate any areas of unsuitable soils or soils having a depth to a limiting factor of less than forty-eight (48) inches.

(b) Final Plats

1. All platted lots having soils with seasonal high groundwater tables less than forty-eight (48) inches using redoximorphic features in the soil shall submit to the Sanitarian complete soil and site evaluation reports for each lot in accordance with Comm. 85, Wisconsin Administrative Code thus confirming a private on-site waste dispersal system for each lot. All soil review fees shall be paid in full at the time of submittal unless previously paid.
2. All platted lots having soils with seasonal high groundwater tables forty-eight (48) inches or greater using redoximorphic features in the soil shall submit to the Sanitarian final revised soil and site evaluations in accordance with the criteria stated in this section for preliminary plat review. All soil review fees shall be paid in full at the time of submittal unless previously paid.

(3) Certified Survey Maps and All Other Land Divisions

- (a) Soil and Site Evaluations - A complete soil and site evaluation report must be submitted for each lot or parcel being divided under thirty-five (35) acres including any remnant parcels. All reports shall be completed in accordance with Comm. 85 of the Wisconsin Administrative Code and this ordinance.
- (b) Location of Soil Borings - All surveys being required for submittal and approval by the Department of Planning and Development, Division of County Development and the Kenosha County Land Use Committee that will be served by a POWTS shall include the location of the soil borings conducted by the soil tester and located by a Registered Land Surveyor.
- (c) Payment of Submittal Fees - A review fee in accordance with Attachment "B" of this ordinance shall be paid to the Sanitarian at the time of application for review of a Certified Survey Map. All soil and site evaluation reports must accompany the certified survey map application to be considered a complete application to the Department of Planning and Development, Division of County Development. Soil and Site Evaluation Review fees are only required for land divisions that are categorized as certified survey maps and/or subdivision plats. Lands being subdivided and being rezoned or being divided and not requiring County

approval are not exempt from any of the requirements of this section except the payment of a review fee.

- (4) Land Divisions with Existing POWTS and/or Buildings - Land divisions requiring soil and site evaluation review as stated in this section that include an existing building(s) served by a POWTS shall document the following information as part of the submittal of information to the Sanitarian.
- (a) Location of Existing Private Sewage System - The survey or plat shall show the location of the existing private sewage system including all treatment and holding tanks, conveyance piping and dispersal components along with the buildings it serves.
 - (b) Soil and Site Evaluation Required - A soil and site evaluation shall be required for any parcel containing an existing structure(s) being served by a POWTS where the system is older than July 1, 1980. The evaluation shall be conducted to establish and designate a replacement area for a future POWTS.
 - (c) Discovery of an Existing POWTS Meeting Criteria in Comm. 83.32 - Wisconsin Administrative Code - Any existing POWTS that will continue to serve an existing structure and is a part of or a remnant parcel of a plat subdivision or certified survey map as described under this section shall be evaluated by a licensed plumber or POWTS inspector to document compliance with Comm. 83.32(1)(a) through (h), Wisconsin Administrative Code. The evaluator shall provide to the Sanitarian a written report regarding its compliance. Any POWTS found to be in non-compliance of this portion of the Wisconsin Administrative Code shall be in violation of this ordinance and must have the Sanitary Permit issued for the replacement POWTS prior to or at the time of application submittal to the County for the land division approval. The County will issue orders and require the owner to enter an installation agreement as part of their land division application.

VIII. ADMINISTRATION AND ENFORCEMENT

15.08-1 ISSUING AGENT

- (1) Permit Issuing Authority - The Department of Planning and Development, Division of County Development and the staff Sanitarians shall be the permit issuing authority for the State of Wisconsin Department of Commerce for administering the private sewage system ordinance and all applicable Wisconsin Administrative Code pertaining to POWTS and non-plumbing sanitation systems.
- (2) Wisconsin Fund Private Sewage System Replacement or Rehabilitation Grant Program - The Department of Planning and Development, Division of County Development and the Sanitarian as its designated agent shall administrate and apply for all grant monies available for individual property owners in Kenosha County eligible to receive a Wisconsin Fund Grants in accordance with Comm 87 of the Wisconsin Administrative Code and Wisconsin Statutes 145.245. Each eligible applicant shall pay an administration fee subject to Attachment "B" of this ordinance. In the event the grant is less than the administrative fee to be paid to the County, the fee will be waived.

15.08-2 POWERS AND DUTIES

- (1) Administration - In the administration of this ordinance, the Sanitarian under the direction of the Director of the Department of Planning and Development shall interpret and enforce this ordinance. To this end, the County Sanitarian shall have the following duties and powers:
 - (a) Permit Authority - Issuance responsibilities of all State and County Sanitary permits for all POWTS and non-plumbing sanitation systems as required in this ordinance and the Wisconsin Administrative Code.
 - (b) Permit Denial - To notify in writing each applicant who is denied a Sanitary Permit. Each notice shall state the specific reasons for disapproval and advise the applicant if amendments to the application will make it approvable. The applicant shall be further advised of their right to appeal pursuant to Chapter 68 of the Wisconsin Statutes. This notice shall not be necessary when the Sanitarian is delaying issuance for further information or an incomplete application.
 - (c) Information/Education - Advise applicants and installers concerning the provisions of this ordinance and assist them in preparing permit applications.
 - (d) Plan Review - Review and approve plans for POWTS for one and two-family residences or as approved through agent status by the State and the Department of Commerce.
 - (e) Inspections - Inspect all POWTS and when required by this ordinance, non-plumbing sanitation systems being installed,

altered or repaired prior to being backfilled and/or put into operation.

- (f) Record Keeping - Maintain records of all permits issued, all inspections made, all field investigations conducted, all soil and site evaluations performed and all enforcement actions complaints or possible violations or any other official actions taken by the Sanitarian.
- (g) Investigation - Investigate all viable complaints relating to POWTS, collect information and evidence to formulate the appropriate action to be taken. Send written notice and where required enforcement orders to correct, replace and abate a human health hazard and a violation of the ordinance.
- (h) Litigation - Report unresolved violations to the Corporation Counsel for possible further enforcement.
- (i) Access to Premises - Be permitted access to any premises for the purpose of performing official duties during reasonable hours to make inspections, investigations, soil and site evaluations, or any other site visit deemed necessary by the Sanitarian to insure compliance or investigate a violation of this ordinance. Refusal to enter the premises by the owner or his agent shall qualify the Sanitarian to request a special inspection warrant in accordance with Chapter 66.122 Wisconsin Statutes. Application for a Sanitary Permit or the submittal of a site and soil evaluation report is considered for the purpose of this ordinance as the owners consent to enter the premises.
- (j) Assistance from other Agencies - To request assistance and cooperation from the County Health Department, the County Sheriff's Department, the County Corporation Counsel, the Department of Natural Resources, the Department Agriculture, Trade and Consumer Protection and the Department of Commerce in the enforcement of this ordinance as deemed necessary.
- (k) Notice of Violations/Enforcement - To issue notices of non-compliance and, if needed, enforcement orders to plumbers, pumpers, property owners, their agents or contractors or a responsible party to assure proper compliance with all provisions of this ordinance or delegate this authority to the County Health Department.
- (l) Grant Administration - Apply for and distribute grant monies obtained through the Wisconsin Fund Private Sewage Replacement and Rehabilitation Grant Program.
- (m) Outstanding Violations - To delay Sanitary Permit issuance pursuant to this ordinance where the applicant/owner or property is in violation of this ordinance or any ordinance administered by the Kenosha County Department of Planning and Development, Division of County Development for the property in question. A detailed compliance agreement between the owner and the County may permit the Sanitarian to issue the permit
- (n) Installer/POWTS Maintainer Violations - To delay Sanitary Permit issuance where the installer, plumber or POWTS maintainer for a component included in the POWTS plan is in

violation with this ordinance. The Sanitarian may delay issuance until compliance is met by the licensed person.

- (o) Maintaining Records - To maintain all records of permits issued as of July 1, 1980 for all POWTS. To maintain all maintenance records for all holding tanks installed with permits issued on or after July 1, 1980. To maintain all maintenance records on all POWTS having a septic or anaerobic treatment unit with Sanitary Permits issued after April 7, 1981. To maintain a record holding facility for all other maintenance reports for existing POWTS submitted to the County.
- (p) Other Duties - To perform other duties regarding private sewage systems as considered appropriate by the County or the State of Wisconsin.

15.08-3

KENOSHA COUNTY SANITARY BOARD OF REVIEW

- (1) Appeals - Any person, firm or corporation aggrieved by an order, requirement, interpretation or determination made by the County Sanitarian with respect to this ordinance may appeal such a decision to the Kenosha County Board of Sanitary Review in accordance with Chapter 68 of the Wisconsin Statutes. To this end:
 - (a) The Kenosha County Board of Sanitary Review shall be comprised of the same members as the Kenosha County Department of Planning and Development Board of Adjustments and the terms of office of these two (2) boards shall be identical.
 - (b) Application to Appeal - The applicant desiring to appeal a decision shall request in writing to the Sanitarian a written denial and must file the appeal within thirty (30) days of the date of action taken in accordance with Section 68.10 of the Wisconsin Statutes. The request to appeal must be done on an application provided by the Department of Planning and Development, Division of County Development and delivered directly to the Sanitarian with payment of the appropriate fee.
 - (c) Public Hearing Schedule - The Board of Sanitary Review shall provide the appellant with a hearing within fifteen (15) days of the Board's receipt of the appeal and shall notify the appellant by mail at least ten (10) days prior to the hearing. It will be preferred by the Board to hold Board of Sanitary Review hearings immediately after the regularly scheduled Board of Adjustment hearings. If the time table of scheduling such a hearing cannot be accomplished, then the time for review may be extended by written agreement with the person aggrieved. The hearing shall be conducted in accordance with Section 68.11 of the Wisconsin Statutes.
 - (d) Final Decision - Final determination of the Board's decision shall be given to the appellant within twenty (20) days of the hearing conducted under Section 68.11 and the filing of briefs, if any, the decision made shall be mailed or delivered to the appellant the Board's written determination stating the reasons therefore. Such determination shall be a final determination.

- (e) Judicial Review - Judicial review of the decision by any party to a proceeding resulting in the final determination may seek review thereof by writ of certiorari within thirty (30) days of receipt of the final determination in accordance with Section 68.13 of the Wisconsin Statutes.
- (f) Variances - Variances to the provisions of this ordinance may be made when the Sanitary Board of Review has made a finding that an unnecessary hardship will result from the literal enforcement of this ordinance. The Board may not however, grant a variance that would relax the requirements of any section of the Wisconsin Administration Code unless the state agency having jurisdiction over that section of the code has first authorized the variance.

15.08-4

ENFORCEMENT

(1) Violations -

- (a) Failure to Comply with this Ordinance - Any person or company who fails to comply with the provisions of this ordinance or any order issued by the Department of Planning and Development, Division of County Development in accordance with this ordinance or resists enforcement shall be subject to a penalty as provided in Chapter 15.02-5 of this ordinance or in Chapter 3.60 of the Kenosha County Municipal Ordinance.
- (b) Any Construction in Violation of this Ordinance - By the discretion of the Sanitarian, construction of a POWTS or non-plumbing sanitation system may be ordered to cease upon written orders from the Department of Planning and Development, Division of County Development or the placement of a "Notice of Possible Violation" on the construction site. The Sanitarian must provide adequate explanation why the project is being requested to be stopped.
- (c) Construction Ordered Stopped - Construction shall not continue again until the Sanitarian has notified the plumber or contractor in charge or the property owner that construction can continue. No backfilling or covering of the construction shall occur until fully inspected and approved by the Sanitarian.
- (d) All Violations - The Kenosha County Corporation Counsel shall be the prosecuting authority of this ordinance. The Sanitarian shall exhaust all other options available to them in order to attain compliance and resolution to their enforcement issues.
- (e) The Corporation Counsel - may seek an injunction in any case it deems appropriate in addition to an action to collect forfeiture.

(2) Penalties

- (a) Except as otherwise provided, any person who shall violate any of the provisions of this ordinance shall upon conviction of such violation be subject to a penalty as stated in Chapter 15.02-5 and 15.02-6 of this ordinance.
- (b) Each Violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this ordinance shall

preclude the County from maintaining any appropriate action to prevent or remove a violation of any provision of this ordinance.

- (c) Cash Deposits for violations charged by a citation under 15.02-6 of this chapter. The cash deposit for the violation of any section or subsection of this ordinance shall be one hundred dollars (\$100.00). In addition, upon conviction, any person who has been found to have acted in violation of any of the above sections shall be liable for the costs of prosecution including court costs and reasonable attorney fees; and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until payment thereof, but not exceeding thirty (30) days.
- (d) Repeat Offenses of a similar nature within a twelve (12) month period shall require a cash deposit of two hundred and fifty dollars (\$250.00) for a second offense and for a third offense of a similar nature within a twelve (12) month period, the cash deposit shall be five hundred dollars (\$500.00).
- (e) Execution Against a Defendant's property shall occur whenever any person fails to pay any forfeiture and costs of prosecution upon the order of any court for violation of any ordinance of the County. The court may in lieu of ordering imprisonment of the defendant or after the defendant has been released from custody, issue an execution against the property of the defendant for such forfeiture and costs.
- (f) Injunctive Remedies may also be ordered by the court.

15.08-5

PROHIBITED PRACTICES

- (1) Prohibited Activities - It shall be a violation of this chapter to knowingly or unknowingly cause the following infractions:
 - (a) Refuse or neglect or ignore any lawful order from the Sanitarian or the Department of Planning and Development, Division of County Development.
 - (b) Construct, install, extend, enlarge, convert, re-connect, structurally alter, disconnect or modify any private sewage system or non-plumbing sanitation system without first obtaining a Sanitary Permit or inquire to the Sanitarian as to whether a permit is required except as stated in this ordinance.
 - (c) To construct, extend, enlarge, convert, re-connect, structurally alter, modify or attempt to maintain any private sewage system in such a manner that untreated or partially treated sewage enters any surface or subsurface waters; including zones of soil saturation as defined by redoximorphic soil features or discharges onto any ground or other surface.
 - (d) Continue the construction or alteration/modification of any POWTS or any component thereof after a notice of a possible violation has been issued or written orders have been delivered by the Department of Planning and Development, Division of County Development.
 - (e) To install a POWTS or use or maintain a private sewage system when public sewer is available to the property.

- (f) Construct or to alter, modify or maintain any private sewage disposal system within any area designated as a floodplain in accordance with the official zoning maps of the Kenosha County Department of Planning and Development, Division of County Development and the Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance.
- (g) To install or permit or direct any individual or company to install, alter or repair any POWTS unless such installer or person acting under their direction or supervision is properly licensed by the State of Wisconsin to install, alter or repair such systems or any plumbing or components of such systems.
- (h) To leave exposed unfilled soil and site evaluation pits more than thirty (30) days from the initial fieldwork regardless of a request for a soil on-site evaluation by the County or the Department.
- (i) To not remove all soil saturation observation pipe and properly abandon bore holes within sixty (60) days after completion of a soil saturation determination unless specifically extended by the Department or the County.
- (j) To fail to submit a complete soil saturation determination report to the Department and County within sixty (60) days of the completion date pursuant to Comm 85 of the Wisconsin Administrative Code.
- (k) The removal or mutilation of any "Notice of Possible Violation" placard signed and posted on any premises by the County.
- (l) Continue to use any malfunctioning POWTS or non-plumbing sanitation system after issuance of an order by the County unless the owner initiates interim maintenance practices to alleviate any nuisance or human health hazard.
- (m) Failure to remove or abate any nuisance within thirty (30) days after receipt of an order from the County.
- (n) Failure to proceed and put forth a good faith effort to initiate the replacement of a failing POWTS that has been issued orders by the County.
- (o) Fail to have a POWTS or non-plumbing sanitation system inspected or serviced where required by this ordinance or the Wisconsin Administrative Code
- (p) Failure to pump and/or service any anaerobic treatment tank, holding tank or pre-treatment component when required to do so by this ordinance or by notice by the County or as a requirement in the management plan of a particular POWTS or by the product manufacturer.
- (q) Failure to maintain records or provide proof of pumping or other maintenance records when required to do so by this ordinance or by notice of the County.
- (r) To change the use or the occupancy of a premise so as to change wastewater quality and/or quantity discharging to an approved or existing POWTS thus causing that system to be no longer in compliance with the Wisconsin Administrative Code and/or this ordinance.

- (s) Failure to report any soil and site evaluation accurately or completely to the best of the ability of the licensed individual.
- (t) Failure to report any; existing system evaluation, treatment or holding tank evaluation, maintenance or pumping report accurately and completely to the best of the ability of the licensed individual.
- (u) To contract and conduct a service to maintain or pump and/or haul and dispose of waste from a POWTS and do such activities without being properly licensed by the Department and/or the State of Wisconsin where applicable.
- (v) Failure of licensed installers to adhere to conditions of approval on a Sanitary Permit, written requests for revisions to plans or notices of non-compliant installations at the time of system inspection or in a written format by the County Sanitarian.

15.08-6

COMPLAINTS

- (1) Record Keeping - The Sanitarian shall keep a written record of all complaints filed with the Department of Planning and Development, Division of County Development regarding private sewage systems and non-plumbing sanitation systems. Specific information shall be collected which may include:
 - (a) Name, address and phone number of person filing the complaint and whether or not they wish to be anonymous.
 - (b) Specific information regarding the particular complaint such as the type of problem, location on the property, can the problem be seen from the complainant's property, and is the problem occurring presently or occasionally.
 - (c) Site-Visit - Upon questioning the individual filing the complaint, the Sanitarian has the discretion as to whether or not to conduct an on-site investigation. The Sanitarian may request the person filing the complaint to notify them immediately when the infraction is occurring or is visible. If the Sanitarian decides an on-site visit is necessary he shall follow the following procedure:
 1. Make contact with the owner or their tenant in the property where the possible violation is occurring to gain permission to view the possible infraction.
 2. If denied permission to enter the Sanitarian shall leave immediately.
 3. The Sanitarian may attempt to collect information and evidence from off the premises by questioning neighbors, collecting samples from public right-of-way or taking pictures from neighboring properties with permission from the property owner.
 4. The Sanitarian may obtain an inspection warrant if denied access or may issue orders based on his conversation and observations while on the property or by collecting information from neighboring properties or public right-of-ways.

COMPENSATION FOR ADMINISTRATION (FEES)

- (1) Fee Schedule - All persons, firms and corporations be it for profit or non-profit that is having work performed on or installing a POWTS, non-plumbing sanitation system, obtaining a County Sanitary Permit or submitting soil and site evaluations for a POWTS in conjunction with any division of land, certified survey map or subdivision plat whether recorded or unrecorded shall pay a fee according to Attachments "A" and "B" of this ordinance.
- (2) Surcharges - All State Sanitary Permit fees include a groundwater protection surcharge and an administration fee to the State of Wisconsin - Department of Commerce and are non-refundable by Kenosha County.
- (3) Sanitary Permits - No permit shall be considered submitted for review by the County unless an appropriate fee is paid to the Kenosha County Department of Planning and Development, Division of County Development at: 19600 - 75th Street, P.O. Box 520, Bristol, WI 53104-0520. All fees are hereby established herein and shown as Attachment "A" for State Sanitary Permits and Attachment "B" for County Sanitary Permits and Administrative Fees.
 - (a) Amendment of Fees - Attachments "A" and "B" may be amended with approval by the Land Use Committee and are hereby incorporated as part of the separate fee schedule of the Department of Planning and Development, Division of County Development as established in Policy Resolution No. 1 adopted by the Kenosha County Board of Supervisors on August 9, 1994.
- (4) Double Fees - A double fee shall be charged by the Sanitarian if any construction of a POWTS or the structure it will serve begins prior to issuance of a Sanitary Permit. For purposes of this ordinance, construction is defined as and is not limited to; excavation, the pouring of footings, building of a foundation or the installation of any POWTS components in or on the ground of the system site. Such a double fee shall not release the applicant from full compliance with this ordinance nor from prosecution for a violation of this ordinance.
- (5) Re-Inspection Fees -
 - (a) Should a plumber in charge notify a Sanitarian that a system is ready for a final inspection and should the Sanitarian determine that the POWTS is not substantially completed and a return inspection is needed, the Sanitarian may charge the owner or their agent a fee for a re-inspection.
 - (b) If at the time of a final inspection the Sanitarian determines the POWTS is not substantially in accordance with the approved plans of the Sanitary Permit and a revision has not been provided to the Sanitarian prior to or at the time of the inspection. The Sanitarian will require a revision of plans and a return inspection and may charge a re-inspection fee prior to backfill of any portion of the installed POWTS.

- (c) A plumber or licensed installer making a non-compliant installation or not completing installations in a timely fashion or a POWTS that is already being used without final approval by the Sanitarian because of outstanding requests for a revision of plans, non-compliant installation notice, an incomplete installation or a notice of a re-inspection or any combinations thereof shall be considered a violation of this ordinance and shall be resolved immediately.
 - (d) A plumber or installer failing to submit necessary documents required for a revision of a Sanitary Permit, or failure to contact the Sanitarian that a non-compliance has been corrected or an incomplete installation has been completed will be considered a violation of this ordinance and the installer and owner shall be notified in writing by the Sanitarian of the infraction. If a second notice is written to the installer/plumber a re-inspection fee may be charged.
 - (e) Written notice of a re-inspection fee will be sent to the plumber in charge and the owner notifying them of the ordinance violation that a fee for re-inspection is required. The notice shall include the deadline to resolve the matter and the consequences if this non-compliance is not resolved. Payment of the re-inspection fee must be paid before the Sanitarian conducts their final inspection or reviews the revised plans.
 - (f) Any plumber or licensed installer with outstanding written notices of revision requests, incomplete installations, non-compliant installations, unpaid re-inspection fees or any other violations of this ordinance may be subject to a delay in issuance of any further Sanitary Permits until all violations are brought into compliance. In addition, citations may be issued pursuant to the Uniform Citation Ordinance of the Municipal Code of Kenosha County.
 - (g) The County may charge a re-inspection fee in situations where they are being requested by the property owner or the installer or both to assist in the trouble shooting of a malfunctioning POWTS or to evaluate any other performance problems or settle a dispute.
- (6) Cancellation of Permits and Partial Refund of Fees -
- (a) The owner of a Sanitary Permit may request in writing the cancellation of a Sanitary Permit and also request a refund of the permit fees.
 - (b) A request of permit cancellation may only be conducted within the initial two (2) years validity period of the Sanitary Permit.
 - (c) The County shall retain an Administration Fee of seventy-five dollars (\$75.00) and the State Sanitary Permit allocation amount pursuant to the Wisconsin Statutes. The owner will be entitled to the remainder of the Sanitary Permit fee.
 - (d) No refund will be available for County permits or for fees paid for administrative services.

- (7) Revision of a Sanitary Permit Causing a Change in System Type and Sanitary Permit Fee -
- (a) Revisions in a POWTS design after issuance of a Sanitary Permit causing a change in the fee pursuant to Attachments "A" or "B" of this ordinance shall require the following procedure:
1. Issuance of a new Sanitary Permit if required by Comm. 83 of the Wisconsin Administrative Code and collection of the required Sanitary Permit fee. The original permit may be cancelled in accordance with subsection 15.08-7(6) of this chapter and the fee partially refunded.
 2. Revisions of plans that change the system design and/or other system components that do not change the original Sanitary Permit fee initially paid will not necessitate payment of any additional fee if the revision is permitted under Comm. 83 of the Wisconsin Administrative Code.
 3. Revisions of plans either prior to or after installation of a particular POWTS causing an additional permit fee must be paid to the County at the time of revision and before a final construction inspection by the Sanitarian.
- (8) Sanitary Permit Fee Allocation - All State Sanitary Permits issued by the County within ninety (90) days of issuance shall have a copy forwarded by the Sanitarian to the Department of Commerce with a fee of seventy-five dollars (\$75.00) for each permit issued. The remainder of the permit fee collected shall be retained by the County for the administration of this ordinance.

15.08-8

AGENT STATUS FOR HOLDING TANK APPROVAL

- (1) Department Approval - Upon approval from the State of Wisconsin - Department of Commerce, the Kenosha County Department of Planning and Development, Division of County Development will have agent status to review plans for holding tanks to be installed within the jurisdiction of Kenosha County.
- (2) Agent Status Review - The County filed a written request to the Department under the code provisions stated in Comm. 83.23 of the Wisconsin Administrative Code along with the following information:
- (a) Request to review plans for holding tanks only.
 - (b) A delineation of how plans are to be processed.
 - (c) Information on how plan review decisions are to be recorded and maintained.
 - (d) Acknowledgement of the individuals available and certified by the Department as a POWTS inspector and a Soil and Site Evaluator to perform the plan review currently employed by Kenosha County.
- (3) Approval of Agent Status -
- (a) The State of Wisconsin - Department of Commerce has approved the County's request for agent status for holding tank plan review. The plan review agent status will be effective and begin on the same day of implementation of the Kenosha County

Department of Planning and Development, Division of County Development, Sanitary Code and Private Sewage System Ordinance or on the day of receiving approval from the Department of Commerce.

- (b) Delegation of plan review for holding tanks is conditional on the following requirements:
 - 1. The submission and review of plans under Comm. 83.22(1), Wisconsin Administrative Code may at the discretion of the submitter be made to the Department or the County.
 - 2. The County will be subjected to annual audits by the Department to evaluate plan review functions.
 - 3. The County can discontinue the delegated plan review function by notifying the Department in writing at least thirty (30) days prior to discontinuance.
 - 4. The recognition as a review agent may be revoked by the Department in accordance with subsection 145.20(3)(a)2., Wisconsin Statutes.
 - 5. Holding tank plan review and approval shall be only for lands located in Kenosha County.
 - 6. Plan review shall be limited to pre-fabricated, State approved holding tanks not exceeding calculated daily wastewater flows of three-thousand (3,000) gallons per day.

(4) Plan Review for Holding Tanks Submitted to Kenosha County -

- (a) Review by Appointment - All holding tank plans submitted for review will be by appointment only. Appointment times and availability are at the discretion of the Sanitarian.
- (b) Plan Content - All plans submitted to the County shall be in triplicate and must be in accordance with the submittal requirements stated in sections 15.04-4 and 15.04-5 of this ordinance.
- (c) Tank Anchoring - All plans shall include detailed calculations documenting proper anchoring and counter weighting of all proposed holding tanks being installed in Kenosha County.
- (d) Fees - At the time of plan submittal a fee will be collected in accordance with Attachment "B" of this ordinance.

15.08-9

CHANGES AND AMENDMENTS

- (1) Procedure for Amendment - The Kenosha County Board of Supervisors may at any time alter, supplement or change the regulation or procedures of this ordinance set forth in a manner provided by law. The Kenosha County Land Use Committee may at any time without approval of the full Board of Supervisors amend, alter, add to or change permit and administrative fees set forth herein in the manner provided by law;

- (a) Public Hearing - Any change of this ordinance shall be held before the Land Use Committee who shall, where required recommend appropriate action to the Kenosha County Board of Supervisors. The public hearing shall be conducted after the publication of a Class II notice in accordance with Chapter 985 of the Wisconsin Statutes.
- (b) Changes in POWTS Requirements - Any changes in this ordinance that pertain to POWTS and non-plumbing sanitation systems must be consistent with Chapter 145 of the Wisconsin Statutes and applicable Chapters of the Wisconsin Administrative Codes.
- (c) Notice - Any change of this ordinance shall be forwarded to the Wisconsin Department of Commerce.

(IX - XIV RESERVED FOR FUTURE SUB-CHAPTERS)

XV. ADOPTION AND EFFECTIVE DATE

- 15.15-1** **Public Hearing** - The Kenosha County Land Use Committee held a public hearing on this proposed ordinance on the 20th day of November , 2002.

- 15.15-2** **Recommendation** - The Kenosha County Land Use Committee recommended the adoption of this ordinance at a meeting on the _____ day of _____, 2002.

- 15.15-3** **County Board Action** - The Kenosha County Board of Supervisors concurred with the Land Use Committee recommendation and proceeded to adopt the Sanitary Code and Private Sewage System Ordinance by a _____ vote at a meeting held on the _____ day of _____, 2002.

- 15.15-4** **Effective Date** - This ordinance shall take effect upon passage and adoption by the Kenosha County Board of Supervisors and the filing of proof of publication in the office of the Kenosha County Clerk.

Date of Publication: _____

Effective Date: _____

County Board Chairman

County Executive

Attested: _____
County Clerk

ATTACHMENT "A"

State Sanitary Permit Fees for Kenosha County, Department of Planning and Development, Division of County Development.

All Sanitary Permit fees include the Department of Commerce surcharge fee of \$75.00 which is non-refundable.

I. Sanitary Permits - Complete Systems

a.	Inground Gravity System - With or Without a Lift Chamber	\$ 325.00
b.	Inground Gravity or Dosed System Consisting of a Sand Blanket Dispersal Cell	\$ 450.00
c.	Inground Gravity - Out of Component Design System	\$ 400.00
d.	Inground Pressure System	\$ 325.00
e.	Pressurized Out of Component Design System	\$ 550.00
f.	Mound System	\$ 550.00
g.	At-Grade System	\$ 600.00
h.	Holding Tank (less than 1000 gal/day)	\$ 600.00
i.	Holding Tank with a Lift Chamber	\$ 650.00
j.	Holding Tank (replacement only) In Lieu of any other Waste Dispersal System	\$1500.00
k.	Drip-Line Effluent Dispersal System	\$ 600.00
l.	Single-Pass Sand Filter System	\$ 550.00
m.	Re-Circulating Sand Filter System	\$ 650.00
n.	Split-Bed Re-Circulating Sand Filter System	\$ 650.00
o.	Segregated Wastewater System	\$1000.00
p.	Experimental System	\$1000.00

II. Sanitary Permits for POWTS Treatment Components and System Additions/Modifications

a.	Septic Tank, Anaerobic Treatment Tank or Pump Chamber Replacement or Additional Tank.....	\$250.00
b.	Primary Treatment Component added to a Complete System (This fee is added to the Sanitary Permit Fee of the Complete System)....	\$200.00
c.	Re-Construction of a Mound Absorption Area and Replacement of Sand Medium.....	\$350.00
d.	Aerobic Treatment Unit Only	\$450.00
e.	Peat Bio-Filter Only	\$400.00
f.	Fixed Media Component Only	\$450.00
g.	Contained Wetland Treatment Tank Only	\$450.00

III. Miscellaneous Sanitation Fees

a.	Transfer of Owners of a Sanitary Permit	\$125.00
b.	Base Sanitary Permit Fee	\$250.00

** Note: Dispersal systems with daily wastewater flows exceeding 800 gallons per day will have additional fees added to its Sanitary Permit Fee. Holding tanks with daily wastewater flows of 1,000 gallons per day will have additional fees added to the base fee. The additional fees will be \$25.00 per each 100 gallons above the maximum flow as stated, rounded to the nearest 100 gallons. Daily wastewater flows shall be based on the state or agent approved plans.

ATTACHMENT "B"

County Sanitary Permit and Administrative Fees for Kenosha County, Department of Planning and Development, Division of County Development.

I. County Permit Fees

a.	Vault Privy	\$ 250.00
b.	Transfer of Installers	\$ 125.00
c.	Non-Plumbing Sanitation Systems - Interior Fixtures	\$ 100.00
d.	Replacement of Filter Medium on an Existing Pre-Treatment Unit	\$ 250.00
e.	Private Interceptor Sewer and Other Building Sewer Connecting to an Existing POWTS	\$ 150.00
f.	Repairs to an Existing POWTS as Permitted in Chapter 15 of the Kenosha County Municipal Code ...	\$ 150.00
g.	Re-Connection to an Existing POWTS	\$ 150.00
h.	On-Site Renovation/Treatment	\$ 150.00

II. Administrative and Miscellaneous Fees

a.	Re-Inspections	\$ 100.00
b.	Sanitary Board of Appeals Request	\$ 400.00
c.	Wisconsin Fund Grant Application Processing	\$ 200.00
d.	Plan Review for Holding Tanks (Department of Commerce agent status)	\$ 100.00
e.	Soil and Site Evaluation Review for all Parcels being Subdivided and Included in a Plat or Certified Survey Map (fees per parcel or lot)	\$ 50.00