

ENROLLED ORDINANCE 167-15

REPEAL AND RECREATE CERTAIN SECTIONS OF CHAPTER 14, DIVISION 3
OF THE WAUKESHA COUNTY CODE OF ORDINANCES

WHEREAS the Waukesha County Code needs to be updated for consistency with changes that have been made in Chapter DSPS 383, Private Onsite Wastewater Treatment Systems, and

WHEREAS the Waukesha County Code of Ordinances currently requires maintenance of private sewage systems at two (2) year intervals, and

WHEREAS studies show that septic tank pumping intervals of 3 years provides adequate maintenance for families of 5 persons or less, and

WHEREAS the number of persons per household in Waukesha County, based on Census and Wisconsin Department of Administration data, has steadily dropped from 3.02 in 1980 to 2.46 in 2009, and

WHEREAS §145.20, Wis. Stats. requires inspection or pumping of a private sewage system at least once every 3 years if the private sewage system does not have a maintenance plan as prescribed by the Department of Safety and Professional Services, and

WHEREAS the subject matter of this Ordinance having been duly referred to and considered by the Waukesha County Parks and Land Use Committee.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the Waukesha County Code shall be changed as follows:

Section 1. Section 14-575 is repealed and recreated to read as follows:

(a) "Bedroom" refers to a room provided with a closet(s) and entry door(s) that due to its location and design has a potential for being used for sleeping purposes.

(b) "Committee" shall mean the duly appointed Waukesha County Land Use, Parks and Environment Committee.

(c) "Department" shall mean the Waukesha County Department of Parks and Land Use, Environmental Health Division.

(d) "Floodplain" shall have the same meaning as found in Wisconsin Administrative Code DSPS 381.

(e) "Private Sewage System" and "Private Onsite Wastewater Treatment System" (POWTS) shall have the same meaning as given under 145.01(12), Wisconsin Statutes.

(f) "Private Residence" means a one (1) or two (2) family building or dwelling.

(g) "PSE" means "Preliminary Site Evaluation" and refers to a private sewage system evaluation that is conducted as a precursor to obtaining a building permit for remodeling, building additions or improvements to private residential or public buildings served by a private sewage system. PSE also includes reconnection of a building to an existing private sewage system.

(h) "Public Building" means any structure used in whole or in part as a place of resort, assemblage, lodging, trade, traffic, occupancy, or used by the public or by 3 or more tenants.

(i) "Sanitary Permit" shall mean a permit issued by the Department for any private sewage system that is installed, repaired, altered, enlarged, extended, replaced, converted or remediated within the County of Waukesha.

(j) "Subdivision" means a division of a lot, parcel or tract of land by the owner thereof, or the owner's agent for the purpose of sale or building development as defined under Wisconsin State Statutes 236.

(k) "Subdivision Review Committee" shall be a committee consisting of staff from the Waukesha County Department of Parks and Land Use and staff from other Waukesha County Departments or Divisions.

Section 2. Section 14-576 (c) is repealed and recreated to read as follows:

Sanitary Permit Application. The application for a sanitary permit shall be made on forms approved by the Department of Safety and Professional Services. A licensed master plumber or master plumber restricted service shall sign the sanitary permit application and assume responsibility for the private sewage system being installed, repaired, altered, enlarged, extended, converted or re-connected.

Section 3. Section 14-576 (d) 7. is repealed and recreated to read as follows:

Other Plans and Specifications: Complete plans and specifications for the proposed private sewage system shall be submitted when the sanitary permit application is made.

Section 4. Section 14-577 (a) is repealed and recreated to read as follows:

Transfer. When there is a change of ownership, approval from the Department shall be obtained prior to the installation of the private sewage system.

Section 5. Section 14-577 (b) is repealed and recreated to read as follows:

Revision.

1. Approval from the Department is required whenever there is a change in the private sewage system design for which a plan has previously been approved if the proposed change involves any of the following:

- A) A change in the wastewater flow or contaminant load.

- B) The replacement or addition of a POWTS component listed in Table 383.04-1.
- C) The addition of a POWTS dispersal component.
- D) A change to one or more dispersal components involving any of the following:
 - i. Location outside suitable evaluated areas or proposed depths or elevations.
 - ii. Dimensions of any distribution cell or basal area.
 - iii. Type of dispersal component.
 - iv. Design of a pressure distribution component, except for changes to pumps, forcemain lengths, total dynamic head, or pump control settings.

2. Approval is required from the Department when there is a change in the licensed plumber, licensed in the State of Wisconsin. Sanitary permits for private sewage systems requiring State plan approval shall not be revised unless the plan bears the stamp of an architect or engineer, plumbing designer, licensed in the State of Wisconsin, or a State level approval is obtained by a new plumber.

Section 6. Section 14-578 (a) is repealed and recreated to read as follows:

The county shall inspect all private sewage systems after construction but before backfilling no later than the end of the next workday, excluding Saturdays, Sundays and holidays after receiving notice from the plumber in charge. Notice from the plumber in charge shall be made to the Department in a timely manner on the business day prior to the day the system is anticipated to be ready for inspection. Inspections shall be reported in a format acceptable to the Department of Safety and Professional Services. The plumber in charge or an authorized journeyman plumber must be present during the inspection and must provide all necessary equipment and assistance to the inspector as requested.

Section 7. Section 14-581 is repealed and recreated to read as follows:

- (a) The city, village or town may not issue a building permit for the following conditions unless the owner provides the applicable information specified in paragraph (b).
 - 1. Construction of a structure to be connected to an existing private sewage system;
 - 2. Disconnection of a structure from an existing private sewage system and connection of another structure to the system; or
 - 3. Reconstruction of a damaged structure that is connected to a private sewage system;
 - 4. Construction of a structure or other improvement, such as a swimming pool, deck pole building, outbuilding, garage, etc. not requiring connection to the private sewage System.
- (b) Documentation shall be provided to verify:
 - 1. That the existing private sewage system is not a failing system;
 - 2. That the existing private sewage system has sufficient size and is installed in suitable soil to accommodate the wastewater load;

3. That the structure or improvement meets the minimum set back requirements as specified in DSPTS 383, Wisconsin Administrative Code;

(c) Disconnection of a structure from an existing private sewage system and connection of another structure to the system requires a valid soil test on file. A soil test is required if not on file. The POWTS shall have adequately sized components and comply with applicable codes.

Section 8. Section 14-582 is repealed and recreated to read as follows:

(a) Private sewage system types that utilize any of the technologies, designs or methods found in DSPTS 382, Wisconsin Administrative Code, will be allowed for new and existing private sewage system installations within Waukesha County subject to the following restrictions:

1. *Holding Tank*

- A. System design, construction, inspection, operation, maintenance and restrictions shall be as described in the component manual.
- B. When no other alternatives are available, a holding tank will be allowed for an existing private residence, for a new or existing public building, or if one or more of the following conditions exist:
 - i. For an existing private residence which is being rebuilt rather than being remodeled on the property.
 - ii. For a new private residence on property where public sewers, approved by the Department of Natural Resources, will become available within two years.
 - iii. For a new or existing private residence or public building where inclement weather has prevented the installation of a private sewage system, but only for a temporary period of time not to exceed one year.
- C. Obtaining a sanitary permit.

2. *Off Lot Private Sewage Systems:* For an individual private sewage system located on a land parcel that is not owned by the owner of the wastewater source, a written easement will be required that identifies the boundary description of the easement area. The easement must be recorded at the Register of Deeds Office prior to the issuance of the sanitary permit.

3. *Cluster Private Sewage Systems:* For a private sewage system serving multiple buildings located on a separate property owned by multiple owners, the private sewage system must be owned and maintained by a governmental entity or agency.

4. *Condominium Private Sewage Systems:* For a private sewage system serving multiple units/buildings, owned by multiple owners and located on the same property as the unit/building, the owner/association must accept responsibility for the operation and maintenance of the private sewage system and have the local

municipality provide written acceptance of this responsibility should the owner/association fail to do so.

5. *Vault Privy, Composting Toilet System, Incinerating Toilet*

- A. Composting and/or incinerating toilets will be allowed on properties that are not connected to a water supply and are not connected to a plumbing system.
- B. For properties utilizing a composting and/or incinerating toilet, if a building that is connected to a water supply and/or has plumbing fixtures, a private sewage system shall be installed that is sized based on the building usage.
- C. Composting and/or incinerating toilets will be allowed only in owner occupied residences and not for rentals or public buildings.
- D. Vault type privies shall be allowed for parks, golf courses or recreational areas provided the structure served is not connected to a water supply and does not have plumbing fixtures installed.

6. *Large Onsite Sewage System:* In accordance with the August 1999 Memorandum of Understanding (MOU) between the Department of Safety and Professional Services and the Department of Natural Resources (DNR), any large onsite sewage system as defined in the MOU shall be referred to the Department of Safety and Professional Services and DNR for plan review and approval.

7. *Individual Site Design:* (ISD) is a POWTS design that does not follow a pre-approved component manual.

Section 9. Section 14-583 is repealed and recreated to read as follows:

Each parcel of land being initially developed shall have a sufficient area of suitable soils for the initial private sewage system. The soil absorption component of the private sewage system shall be established based on the soil evaluation, estimated permeability, system location and site requirements contained in this ordinance, DSPS 383 and 385 Wisconsin Administrative Code and individual system component manuals approved by the Department of Safety and Professional Services, except for the following: .

- 1. **Floodplain:** Except as provided in ss. NR116.12 (1)(e) and 116.15 (2)(b), no part of a POWTS may be installed in a floodway. Any POWTS components installed in a floodplain shall meet the installation requirements found in DSPS 383.45 (6) (a) and 383.45 (6)(b), Wisconsin Administrative Code.
- 2. **Filled Area.** Filled sites must be evaluated by Department and/or Department of Safety and Professional Services personnel and must receive written approval from the Department or Department of Safety and Professional Services prior to the issuance of a sanitary permit.

Section 10. Section 14-585(1) is repealed and recreated to read as follows:

1. Prior to recording the subdivision plat, review of the plat by the subdivision review committee will be required for the purpose of reviewing one or more of the following items but not limited to: lot layout, soils, wetland area, floodplain, road access, shoreline, slope, area for private sewage system, conservancy area, typography, burial sites, watershed, basement depth limitations, existing private wells, dumps, landfills.

Section 11. Section 14-586(b) is repealed and recreated to read as follows:

If any part of a private sewage system has failed or requires replacement or modification, all other system components shall be evaluated. Any existing POWTS components installed prior to July 1, 2000 shall conform to the siting, design, construction and maintenance rules in effect at the time of installation.

Section 12. Section 14-586(c) is repealed and recreated to read as follows:

(c) If any part of the private sewage system is found to be defective or not in conformance with the siting, design, construction and maintenance rules in effect at the time of installation, the sanitary permit application shall include specifications for the repair, renovation, replacement or removal of that part.

Section 13. Section 14-588 is repealed and recreated to read as follows:

Pursuant to s. 145.195, Stats., the issuance of building permits by a municipality for unsewered properties shall be in accordance with DSPS 383.25(2), Wisconsin Administrative Code. Prior to the issuance of a building and/or zoning permit for construction of structures, reconnection of a building to an existing private sewage system or improvements to the property, an evaluation of the existing private sewage system is required in accordance with the procedures identified in the Department's Policy and Interpretation Manual.

Section 14. Section 14-589 is repealed and recreated to read as follows:

Unless a private sewage system type is specifically identified in this ordinance, in the component manual or in the management plan as having a maintenance schedule different than three years, all private sewage systems shall be subject to a maintenance program as follows, in accordance with implementation deadlines stated in DSPS 383 Wisconsin Administrative Code:

1. All septic tanks and lift pump tanks shall be pumped and/or inspected within three (3) years of the date of installation and at least once every three (3) years thereafter. The maintenance period will begin using the final inspection date of the private sewage system or, in the case of new construction, within three (3) years from the date of occupancy. Documentation of the date of occupancy will be provided by the owner.

2. The Department may extend the required visual inspection frequency of a private sewage system, to a maximum period of five (5) years, due to seasonal or limited use upon written documentation from the property owner/agent.
3. Documentation of tank pumping and/or inspection shall be submitted to the Department in a manner acceptable to the Department.
4. The servicing frequency for POWTS using an anaerobic treatment tank shall occur at least when the combined sludge and scum volume equals 1/3rd of the tank volume. A certified septage servicing operator, master plumber, master plumber restricted service, registered POWTS maintainer, or POWTS inspector shall provide documentation that the combined sludge and scum volume within the tank is less than 1/3rd the volume of the tank.
5. Circumstances such as inclement weather, road weight restrictions and site limitations may delay tank maintenance until such time as conditions improve to permit maintenance.
6. For private sewage systems utilizing aerobic pretreatment, the servicing, maintenance or pumping interval shall be on a three (3) year basis unless the Department of Safety and Professional Services and/or the manufacturer of the component requires maintenance on a less than or greater than three (3) year interval.
7. When a maintenance or service contract is required by the Department of Safety and Professional Services or the Department as a condition of approval, the owner of a private sewage system shall enter into a maintenance or service contract with a POWTS maintainer for as long as the POWTS is utilized. Failure to renew or have in effect a current service/maintenance contract may subject the owner to eviction, fine, or legal action.
8. The maintenance guidelines identified in the individual component manuals and as specified as a condition of the State and/or Department approval will be used to establish a maintenance schedule specific to the individual component type.
9. Private sewage systems which require evaluation, monitoring or maintaining at an interval of twelve (12) months or less will require the owner to enter into a service/maintenance contract with a certified septage servicing operator or POWTS maintainer. The service/maintenance contract shall, upon expiration/termination be renewed. Failure to renew or have in effect a current service/maintenance contract may subject the owner to eviction, fine, or legal action. Documentation shall be submitted that maintenance requirements for the proposed POWTS technology, or method, have been recorded with the Register of Deeds.
10. Documentation of inspection, maintenance or service shall be within thirty (30) calendar days from the date performed or as established by the Department.

11. The submission of inspection, maintenance or service reports shall be in a manner specified by the Department and must include the date of inspection, maintenance or service performed, the property location and license, certification or registration number of the individual performing the inspection, maintenance or service.

12. The holding tank pumping report shall indicate the owner's name, location of the property on which the tank is located, the pumper's name, the date, volume pumped and the disposal site of the holding tank waste.

13. Failure to provide documentation of holding tank maintenance as required by this ordinance may subject the owner to the penalties allowed under state law and/or county ordinance.

14. Failure to maintain the private sewage system or provide documentation of its maintenance as required by this ordinance may subject the owner to penalties allowed under State law and/or County ordinance.

Section 15. Section 14-590 (a) is repealed and a new Section 14-590, which shall be retitled as Sanitary Survey, is created to read as follows:

The Department may enter into an agreement/contract for fee to perform a sanitary survey of properties by request of a municipality, a management district, a sanitary or utility district or from a recognized association.

Section 16. Section 14-590(b) is repealed.

Section 17. Section 14-592(a) is repealed and recreated to read as follows:

- (a) The Committee may act as a Board of Appeals and may hear appeals and grant individual variance from this ordinance where it is determined that no substantial health hazard is likely to occur therefrom and unnecessary hardship might result from strict compliance with these regulations. A request shall be filed in writing with the Director of the Department three (3) weeks prior to the next scheduled Board of Appeals meeting. After hearing the appeal, the Board of Appeals shall render its decision at or before its next regularly scheduled meeting.

SECTION 18. This ordinance shall be effective upon approval and publication.

SECTION 19. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the County of Waukesha, Wisconsin, as an addition or amendment thereto and shall be appropriately renumbered to conform to the numbering system contained therein.

SECTION 20. Any code section or part of a section in conflict with this ordinance is hereby repealed and declared null and void and of no effect.

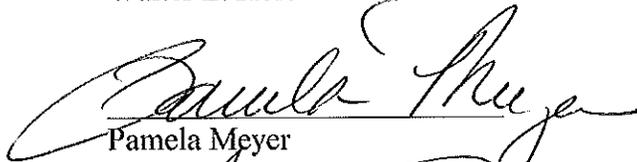
REPEAL AND RECREATE CERTAIN SECTIONS OF CHAPTER 14, DIVISION 3
OF THE WAUKESHA COUNTY CODE OF ORDINANCES

Presented by:
Land Use, Parks, and Environment Committee

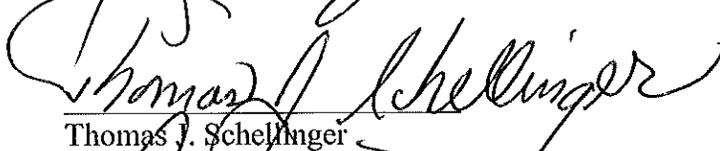

James A. Heinrich, Chair

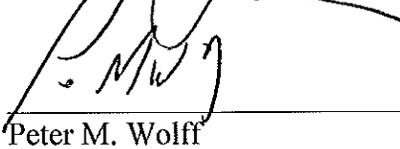

Jim Batzko


Walter L. Kolb


Pamela Meyer


Fritz Ruff

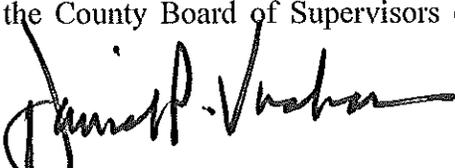

Thomas J. Schellinger


Peter M. Wolff

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: 7-1-2012, 
Kathy Nickblaus, County Clerk

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, is hereby:

Approved: x
Vetoed: _____
Date: 7-2-12, 
Daniel P. Vrakas, County Executive

This is a summary of the ordinance that follows.

Summary of the
PROPOSED AMENDMENTS
TO THE WAUKESHA COUNTY
PRIVATE SEWAGE SYSTEM ORDINANCE
as of 6/4/2012

This is a summary of the substantive changes in the proposed amendments. There is no reference to sections that have no substantive change or only correct typographical or grammatical errors. "Section" refers to the code section.

SECTION 14-575 Definitions: (line 29)

Added definition for
Floodplain

SECTION 14-576 (c): (line 72)

Clarifies sanitary permit application and who can apply

SECTION 14-576 (d)7: (line 81)

Clarifies language

SECTION 14-577 (a): (line 87)

Clarifies when a Sanitary Permit Transfer is needed

SECTION 14-577 (b): (line 92)

Clarifies when a Sanitary Permit Revision is needed

SECTION 14-578 (a): (line 119)

Clarifies language for scheduling inspections

SECTION 14-581: (line 131)

Clarifies conditions needed to connect a structure to an existing private sewage system

SECTION 14-582: (159)

Removes a listing of private sewage system types allowed to permit system types and technologies allowed in Wisconsin Administrative Code DSPS 383

SECTION 14-583: (line 230)

Removes the requirement to designate a *replacement area* for parcels initially being developed.

Removes a listing of soil and site conditions required to designate a suitable area, but refers to Wisconsin Administrative Code DSPS 383

Allows a private sewage system in a floodplain providing it meets the conditions found in Wisconsin Administrative Code DSPS 383

Removes *Ground Water Elevation Observation Pipe*. Requirements found in Wisconsin Administrative Code DSPS 383 and 385

SECTION 14-585 (1): (line 250)

Removes the requirement to designate a replacement area in newly created subdivision

SECTION 14-586(b): (line 259)

Clarifies language describing requirements for replacing a private sewage system component that has failed

SECTION 14-586(c): (line 266)

Clarifies language describing requirements to identify a private sewage system component that has failed

SECTION 14-588: (line 273)

Clarifies language to conduct a Preliminary Site Evaluation

SECTION 14-589: (line 283)

Changes private sewage system maintenance from every two years to three years. Allows extending maintenance inspection for up to five years on seasonal properties. Clarifies language on acceptable means for submission of verification of maintenance and who can submit reports.

SECTION 14-590: (line 366)

Allows for Waukesha County to conduct sanitary surveys

SECTION 14-590(b): (line 373)

Repealed, Eliminates entering into agreements to provide a maintenance program to districts where private sewage systems were not covered by a maintenance program.

SECTION 14-592(a): (line 375)

Clarifies language

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-06/26/12

(ORD) NUMBER-1670015

1 C. SLATTERY.....AYE
3 R. MORRIS.....AYE
5 J. BRANDTJEN.....AYE
7 J. GRANT.....AYE
9 J. HEINRICH.....AYE
11 F. RUF.....AYE
13 P. DECKER.....AYE
15 W. KOLB.....AYE
17 D. PAULSON.....
19 C. CUMMINGS.....AYE
21 W. ZABOROWSKI.....AYE
23 K. HAMMITT.....AYE
25 G. YERKE.....AYE

2 D. FALSTAD.....AYE
4 J. BATZKO.....AYE
6 J. JESKEWITZ.....AYE
8 P. HAUKOHL.....NAY
10 D. SWAN.....AYE
12 P. WOLFF.....AYE
14 P. MEYER.....AYE
16 M. CROWLEY.....AYE
18 L. NELSON.....AYE
20 T. SCHELLINGER....AYE
22 P. JASKE.....
24 D. DRAEGER.....AYE

TOTAL AYES-22

TOTAL NAYS-01

CARRIED 2

DEFEATED _____

UNANIMOUS _____

TOTAL VOTES-23