

CHAPTER 15 - SANITARY CODE

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WATER, SEWAGE AND WASTE DISPOSAL [11](#)

Footnotes:

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Editor's note— Ord. 179, Am. #106, in effect, repealed former subchapter Water, Sewage and Waste Disposal and enacted a new subchapter as setout herein. The former subchapter pertained to similar subject matter and derived from Ord. No. 179, Am. #7, § 2, 4-19-95; Ord. No. 179, Am. #50, 3-17-04; Ord. No, 179, Am. #87-11, § 2, 9-2-11.

15.01 - TITLE, AUTHORITY, AND EFFECTIVE DATE

- (1) TITLE. This subchapter shall be known as, referred to and cited as the "Pepin County Sanitary Ordinance."
- (2) AUTHORITY. This subchapter is enacted by the County Board under the authority granted in Wis. Stats. §§ 59.70(1), 59.70(5), 145.04, 145.19, 145.20, 145.245.
- (3) REPEAL AND EFFECTIVE DATE. After public hearing, adoption by the County Board and publishing or posting as required by law, this subchapter shall be effective. The existing sanitary provisions for the county shall be repealed effective on the date of the enactment of this subchapter.
(Ord. No. 179, Am. #106, 10-21-15)

15.02 - PURPOSE.

The purpose of this subchapter is to promote the health, safety, prosperity, aesthetics and general welfare of the people and communities within the county. The general intent of this subchapter is to regulate the location, design, installation, alteration, construction, inspection, and management of all private water supply and private onsite wastewater treatment systems and non-plumbing sanitation systems, and to assure the timely repair and/or replacement of failing private onsite wastewater treatment systems so as to protect the environment and the health of Pepin County residents and visitors.

(Ord. No. 179, Am. #106, 10-21-15)

15.03 - INTERPRETATION.

- (1) ABROGATION. It is not intended by this subchapter to repeal, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules or permits previously adopted or issued pursuant to law.
- (2) LIBERAL CONSTRUCTION. In their interpretation and application, the provisions of this subchapter shall be held to be minimum requirements 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 administrative codes.
- (3) SEVERABILITY AND LIABILITY.
 - (a) If any section, clause, provision or portion of this subchapter be determined unconstitutional or invalid by a court of competent jurisdiction, the remainder of this subchapter shall not be affected thereby, and to this end the provisions of this subchapter are severable.
 - (b) This subchapter shall not create a liability on the part of or a cause of action against the county or any employee thereof for any private onsite wastewater treatment 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 Statute or Administrative Code requirements.

- (4) **APPLICABILITY.** The requirements of this subchapter shall apply to all geographic areas of the county.
(Ord. No. 179, Am. #106, 10-21-15)

15.04 - DEFINITIONS.

The following terms shall have the meanings indicated in this section.

Administrator . A person employed by Pepin County in the Land Management Department to administer and enforce this subchapter.

Buildings . See structure.

Conventional Private Sewage System. A private sewage system consisting of a septic tank and an in-ground soil absorption component with gravity distribution of effluent.

Department . The Pepin County Land Management Department.

Failing Non-plumbing Sanitation System . A non-plumbing sanitation system is one which causes or results in the discharge of human wastes or excrement:

- a) Into surface water or groundwater;
- b) Into zones of bedrock; or
- c) To the surface of the ground.

Failing Private Sewage System . Also referred to as a "failing private onsite wastewater treatment system" or "failing POWTS," has the meaning specified under § 145.245(4), Wis. Stats.

A private sewage system which discharges sewage to the ground surface, including intentional discharges and discharges caused by neglect, shall be considered a failing private sewage system.

Human Habitation . The act of occupying a structure as a dwelling or sleeping place, whether intermittently, seasonally, or as a principal residence.

Minor Repairs . A minor repair to a private sewage system includes the replacement or repair of any of the following:

- a) Manhole covers;
- b) Manhole risers;
- c) Septic tank baffles;
- d) Effluent pumps and related controls or wiring;
- e) Other components as determined by the Department.

Modification in Wastewater Flow or Contaminant Load . A modification in wastewater flow or contaminant load shall be considered to occur:

a) In public buildings, facilities, or places of employment, when there is a proposed change in the occupancy of the structure; or the proposed modifications affects either the type or number of plumbing appliances, fixtures, or devices discharging to the system; and

b) In dwellings, when there is an increase or decrease in the number of bedrooms.

Non-plumbing Sanitation System . Sanitation systems and devices within the scope of SPS 391, Wis. Adm. Code, which are alternatives to water carried waste plumbing fixtures and drain systems; including, but not limited to incinerating toilets, composting toilets, and privies.

Occupancy . Pertains to and is the purpose for which a building is used or intended to be used. A change of occupancy is not intended to include a change of tenants or proprietors.

Plumber . A person licensed by the state as a Master Plumber or Master Plumber-Restricted Service.

Portable Restroom . A self-contained portable unit that includes fixtures, incorporating holding tank facilities, designed to receive human excrement.

Private Sewage System . Also referred to as a "Private On-site Wastewater Treatment System" or "POWTS", has the meaning given under § 145.01(12), Wis. Stats.

Privy . An enclosed non-portable toilet into which nonwater-carried human wastes are deposited.

Privy-Pit . A privy with a subsurface storage chamber which is not watertight.

Privy-Vault . A privy with a subsurface storage chamber that is watertight.

Rebuilt . The construction which takes place after a structure is demolished or damaged to the extent of 50% of its current equalized assessed value.

Sanitary Permit . The term "sanitary permit," as used by this subchapter shall mean a county sanitary permit, a state sanitary permit, or both.

Sanitary Permit—County . A permit issued by the Department for the reconnection or modification of a private sewage system or for the installation of a non-plumbing sanitation system, pursuant to §§ 59.70 and 145.05, Wis. Stats.

Sanitary Permit—State . A permit issued by the Wisconsin Department of Safety and Professional Services for the installation or modification of a private sewage system, pursuant to §§ 145.135 and 145.19, Wis. Stats.

Septic Tank . An anaerobic treatment tank.

Soil and Site Evaluation Application . An application submitted for the purpose of requesting verification of a soil and site evaluation report.

State . The Wisconsin Department of Safety and Professional Services.

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 and cabins, manufactured homes, commercial gas or liquid storage tanks, bridges, culverts, and decks.

Transfer of Property . Any conveyance of ownership of a parcel of land for which a real estate transfer fee is collected.

(Ord. No. 179, Am. #106, 10-21-15)

15.05 - WATER SUPPLY.

- (1) PUBLIC WATER SUPPLY. All plumbing fixtures shall be served by a public water supply system, where available. Where such public water system is not available, a private water supply may be used.
- (2) PRIVATE WATER SUPPLY.
 - a. Well Construction Standards. Well construction and materials shall be as specified in Chs. SPS 382 and NR 812, Wis. Adm. Code, hereby incorporated by reference, as amended from time to time.
 - b. Required Reports. The well installer or contractor shall submit construction data to the Department of Natural Resources and well water samples to the State Laboratory of Hygiene. The laboratory reports shall be submitted to the Department of Natural Resources and well owner as specified in Ch. NR 812, Wis. Adm. Code. Where feasible, wells shall not be located between private sewage disposal facilities and a watercourse but shall be upslope from disposal facilities.

(Ord. No. 179, Am. #106, 10-21-15)

15.06 - WASTE DISPOSAL.

No person shall permit the discharge of liquid wastes into any surface waters which would constitute a nuisance or be in violation of the Wisconsin Statutes of this ordinance:

- (1) INDUSTRIAL WASTE TREATMENT. Industrial waste treatment disposal systems shall be subject to approval by the Department of Natural Resources prior to the construction pursuant to Chs. 144 and 147, Wis. Stats., and applicable portions of the Wisconsin Administration Code.
- (2) RUBBISH IN NAVIGABLE WATERS. No person shall throw, discard or discharge into any navigable water any can, bottle or rubbish.
- (3) SOLID WASTE DISPOSAL. Junkyards, dumps and sanitary landfills are allowed only as provided for in the applicable zoning section. No permit shall be issued for such use unless the applicant has first obtained all state permits required under Ch. 144, Wis. Stats.

(Ord. No. 179, Am. #106, 10-21-15)

15.07 - GENERAL REQUIREMENTS FOR PRIVATE SEWAGE SYSTEMS.

- (1) **COMPLIANCE.** All domestic wastewater shall enter a POWTS unless otherwise exempted by this ordinance. All structures or premises in Pepin County that are permanently, seasonally, or intermittently intended for human habitation or occupancy, which are not serviced by a public sewer shall have a system for holding or treatment and dispersal of domestic wastewater which complies with the provisions of this subchapter.
- (2) **INCORPORATION OF PROVISIONS BY REFERENCE.** This subchapter 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: § 59.70(5), Wis. Stats., Chs. 145, 281.48 and 968.10, Wis. Stats.; Chs. SPS 381, SPS 382, SPS 383, SPS 384, SPS 385, SPS 387, SPS 391, NR 113, and NR 116, Wis. Adm. Code. These rules, regulations, and laws shall apply until amended or renumbered and then shall apply as amended or renumbered.
- (3) **LIMITATIONS.**
 - a. All domestic wastewater shall enter a private onsite wastewater treatment system unless otherwise exempted by the state or this subchapter.
 - b. Where available, domestic wastewater and plumbing fixtures shall be connected to a public sanitary sewer system.
 - c. No stormwater, roof drains, footing drains or clear water drains shall discharge into a private disposal system.
 - d. A non-plumbing sanitation system may be permitted only when the structure or premises served by the non-plumbing sanitation system is not provided with an indoor plumbing system. If plumbing is installed in the structure or running water is supplied to the structure an acceptable method of sewage disposal other than, or in addition to, a non-plumbing sanitation system must be provided.
 - e. Any private onsite wastewater treatment system, or portion(s) thereof, installed within a floodplain shall comply with all the applicable requirements of NR 116, Wis. Adm. Code and the Pepin County Code of Ordinances, Chapter 20 Floodplain Zoning Code.
 - f. Installation of a holding tank is prohibited if nonpressurized in-ground systems, pressurized in-ground systems, at-grade systems, or mound systems can be installed. A sanitary permit for a holding tank, or which designates a holding tank as a replacement system, shall not be issued unless a soil and site evaluation determines that the property is unsuitable for those systems designated.
 - g. When a failing private onsite wastewater treatment system is identified, it shall be brought into compliance with current code requirements, replaced with a code compliant system, or its use discontinued within that period of time required by Department order. Unlawfully modified private onsite wastewater treatment systems, a private onsite wastewater treatment system that has sewage bypassing the system, or a holding tank which is discharging sewage

into the ground, onto the ground's surface, or into surface waters may be ordered by the Zoning Administrator(s) to be corrected or replaced with a code compliant system.

(4) ABANDONMENT OF PRIVATE ONSITE WASTEWATER TREATMENT SYSTEMS.

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

(5) COMMON SYSTEMS.

- a. Plans for a POWTS which is to serve more than one structure or building, other than 2 one- or 2-family dwellings and their accessory buildings located on a single parcel of land, shall be accompanied by information that does all of the following:
 - i. Describes the legal entity, public or private, that has responsibility for the operation and maintenance of the POWTS.
 - ii. Includes a copy of a recorded legal document that identifies all the parties that ownership rights and are responsible for the operation and maintenance of the POWTS.

(6) CONSTRUCTION AFFECTING WASTEWATER FLOW OR CONTAMINANT LOAD.

- a. Construction affecting existing structures when the proposed construction will modify the wastewater flow or contaminant load, or both, to an existing POWTS shall be in conformance with SPS 383.25(2), Wis. Adm. Code. For purposes of this section, a modification in wastewater flow or contaminant load shall be considered to occur:
 - i. For existing dwellings, when there is an increase or decrease in the number of bedrooms.
 - ii. For existing commercial facilities, public buildings, and places of employment, when there is a proposed change in the occupancy of the structure; or the proposed modification affects either the type or number of plumbing appliances, fixtures or devices discharging into the system.
- b. A sanitary permit for construction modifying wastewater flow or contaminant load, or both, shall be required. The sanitary permit shall require documentation to verify whether the size of the existing private sewage system can accommodate the increased wastewater. Documentation shall comply with SPS 383.25(2)(d) and (e), Wis. Adm. Code.
- c. No permit for construction involving modified wastewater flow or contaminant load, or both, shall be issued unless the existing system is approved according

to subsection (b) of this section by recording a signed per capita flow statement or covenant in the Register of Deeds office or the existing system is modified to comply with this chapter.

(7) RECONNECTIONS.

- a. Before any structure intended for human habitation is connected to an existing sanitary system, the owner or his acting agent shall obtain a county sanitary permit.
- b. A complete evaluation of the existing private sewage system is required to ensure that the existing system is properly functioning and code compliant.
- c. The following are exempt from this requirement:
 - i. Manufactured home parks and campgrounds that are licensed by the state.
 - ii. Structures constructed after the septic system is installed, when the sanitary permit is still valid.

(Ord. No. 179, Am. #106, 10-21-15)

15.08 - NON-PLUMBING SANITATION SYSTEMS.

(1) PRIVIES.

- a. Privies shall be constructed and maintained in the manner described in SPS 391.12, Wis. Adm. Code.
- b. Setback requirements shall be as follows:
 - i. 25 feet from dwellings.
 - ii. 25 feet from lot lines.
 - iii. 25 feet from any 12% slope at the edge of a watercourse.
 - iv. 50 feet from any well or other source water supply used for domestic purposes.
 - v. 50 feet from the high watermark of a watercourse.
- c. The bottom of open pits shall be 3 feet above (any creviced) bedrock and the high groundwater level.
- d. Applicants for privies shall record a signed privy installation agreement in the Register of Deeds office, those with vault privies shall also be required to have a holding tank servicing contract signed, notarized, and filed with the issuing agent prior to issuance of the sanitary permit.
- e. A privy shall not be installed in the floodway. A privy installed in the flood-fringe shall comply with flood-proofing and other applicable floodplain ordinance standards.
- f. All privies shall be properly vented and rodent resistant, have a self-closing door and be kept in a nuisance-free condition.

(2) CHEMICAL, COMPOSTING, OR INCINERATING TOILETS.

- a. The design, construction, and installation of a chemical, composting, or incinerating toilet must conform to the standards set in SPS 391.10 and 391.11, Wis. Adm. Code.
- b. Prior to utilization of a chemical, organic, or other nonwater-using toilet, a property owner shall obtain a county sanitary permit for the toilet and pay the applicable fee.
- c. Prior to the issuance of the sanitary permit, the property owner must sign a nonwater-using toilet agreement and have it recorded in the Register of Deed's office.
- d. All properties where nonwater-using toilets are utilized may be inspected periodically by the Zoning Administrator(s) with the permission of the property owner, to assure there is no plumbing in the structure and that no other type of sanitary system exists. Denying the right to inspect the premises shall result in a revocation of the permit and invoke the requirement that another code complying private onsite wastewater treatment system be installed on the property.

(Ord. No. 179, Am. #106, 10-21-15)

15.09 - SOIL AND SITE EVALUATION.

- a. Soil and site evaluations shall comply with SPS 383, SPS 385, and SPS 391, Wis. Adm. Code, and this subchapter.
- b. Soil test pits shall be constructed which allow adequate visual observation of the soil profile in place.
- c. The soil and site evaluation report shall contain information on the recommended elevation and recommended loading rate.
- d. Department review of a soil and site evaluation report is required to determine the suitability of a lot for a private sewage system. Requests for additional information, clarification, or verification will be made at the discretion of the Administrator and will be made prior to the issuance of the sanitary permit in accordance with SPS 385.50, Wis. Adm. Code.
- e. A certified soil tester may request Department verification of the soil and site conditions before a complete soil and site evaluation report or sanitary permit application is submitted. An original copy of the soil and site evaluation report shall be filed with the Department prior to such verification.
- f. On-site soil verifications as required or requested under this section shall be subject to fees approved by resolution of the Pepin County Board.

(Ord. No. 179, Am. #106, 10-21-15)

15.10 - SANITARY PERMITS.

- a. Every private sewage system shall require a separate application and sanitary permit.
- b. A sanitary permit shall be obtained by the property owner, his agent or contractor, in the name of the property owner, prior to the installation, establishment or construction of any structure which requires a private sewage system or non-plumbing sanitation system. Any property owner, his agent or contractor, who starts construction prior to obtaining a sanitary permit is in violation and may be subject to the penalties provided in this subchapter.
- c. A sanitary permit shall be obtained by the property owner, his agent or contractor, before any private sewage system or part thereof may be installed, replaced, repaired, reconnected, or modified. A sanitary permit is not required for minor repairs.
- d. A county sanitary permit shall be obtained prior to constructing or installing a non-plumbing sanitation system or performing reconnections.
- e. If any part of a private sewage system has failed or requires replacement or modification, the entire system shall be evaluated for code compliance prior to sanitary permit issuance. This shall include a soil and site evaluation for those components that utilize in situ soil for treatment or dispersal, unless a soil and site evaluation report verify that the vertical separation distance between the infiltrative surface of the existing treatment or dispersal component and estimated high groundwater and/or bedrock complies with SPS 383, Wis. Admin. Code and was submitted to and approved by the Department after July 1, 1980.

If any part of the system is found to be defective or not in conformance with the applicable provisions of this subchapter, the sanitary permit application shall include specifications for repair, renovation, replacement, or removal of that part.

- f. Any sanitary permit provisions, stipulations, or conditions of approval shall have the same authority as any provision of this subchapter.
- g. The following information shall be furnished on forms required by the state and/or Department along with applicable fees:
 - i. The name of the property owner and the legal description of the site;
 - ii. Estimated daily wastewater flow and design wastewater flow;
 - iii. Soil and site evaluation report.
 - iv. A detailed plot plan (site plan), dimensioned or drawn to scale, on paper no smaller than 8½ inches by 11 inches in size. The plot plan shall delineate the lot size and location of all existing and proposed: private sewage system components; building sewers; private interceptor main sewers; wells; water mains or water services; buildings; lot lines; swimming pools; navigable waters; and the benchmark established on the soil and site evaluation report. Adjoining properties shall be checked to insure that the horizontal setback parameters in

SPS 383.43, Wis. Adm. Code, are complied with. All separating distances and dimensions shall be clearly shown on the plot plan.

- v. System plans that details and configuration layouts depicting how the system is to be constructed.
- vi. Original copies of official state action when required prior to issuance of a sanitary permit.
- vii. A management plan for the proposed system, and when required by this subchapter, appropriate agreements and contracts for system management and maintenance, including copies of recorded documents.
- viii. A description of a contingency plan in the event that the proposed private sewage system fails and cannot be repaired.
- ix. 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 subchapter.

(Ord. No. 179, Am. #106, 10-21-15)

15.11 - INSPECTIONS.

- a. The installing plumber must give notice for final inspection to the Department for all POWTS installed, modified or reconnected in accordance with the requirements of SPS 383, Wis. Adm. Code.
- b. All POWTS shall be inspected by the Department for compliance with SPS 382, 383, 384, and 391, Wis. Adm. Code and other appropriate Wisconsin Statutes and Administrative Codes and this subchapter.
- c. When a POWTS is ready for inspection, the plumber in charge shall make arrangements to enable the inspector to inspect all parts of the system. The plumber shall provide the proper apparatus, equipment and necessary assistance to make a proper inspection.
- d. Mound and at-grade installations shall be inspected at the time the ground surface is plowed and before back filling. Other inspections may be necessary to inspect holding or treatment component installations.
- e. POWTS may be inspected periodically, after the initial installation inspection(s) and/or after the system is operative, as deemed necessary by the inspector.
- f. All non-plumbing sanitary systems installed shall be inspected for compliance with SPS 391, Wis. Adm. Code and this subchapter; the property owner or installer shall notify the Department immediately after the non-plumbing sanitary system has been constructed or installed.

(Ord. No. 179, Am. #106, 10-21-15)

15.12 - MAINTENANCE PROGRAM.

- a. All properties in Pepin County that are serviced by a POWTS shall be entered into an inventory which shall be utilized as part of a comprehensive POWTS maintenance program as required by SPS 383.255, Wis. Adm. Code.
- b. New applicants for a state or county sanitary permit shall be provided written notices by the County Zoning Administrator as to the maintenance program requirements at the time application is made for the above mentioned permits. The records of this notification shall be maintained by the Zoning Administrator. Upon sale of the property, the owner shall provide written notification of the maintenance program to the buyer.
- c. The owner of the property subject to the maintenance program shall return a certification form signed by either a licensed master plumber or master plumber restricted sewer, a certified septage servicing operator in accordance with NR114, Wis. Adm. Code, a POWTS inspector, or POWTS maintainer certifying that:
 - i. The on-site wastewater disposal system is in proper operating condition.
 - ii. The septic tank is less than one-third full of sludge and scum. The certification shall be made no later than 2 years after the installation of the system and every 3 years thereafter. The certification form shall be provided by the Zoning Administrator. Records shall be maintained by the Zoning Administrator, who shall notify the owners when their certification form is due at least 30 days prior to the due date.
- d. The owner of a property without a sanitary permit on file within the Department shall be required to participate in Pepin County's inventory program and maintenance program as required by SPS 383.255, Wis. Adm. Code.
(Ord. No. 179, Am. #106, 10-21-15)

15.13 - HOLDING TANK MAINTENANCE AGREEMENT.

- a. The owner of each holding tank shall sign a maintenance agreement which documents maintenance requirements for the holding tank system, including owner's responsibility to main a servicing contract, to have the system serviced, and to provide servicing reports in accordance with this subchapter. The maintenance agreement shall be binding upon the owner, the heirs of the owner and assignees of the owner. The maintenance agreement shall be filed with the register of deeds and shall be recorded in a manner which will permit the existence of the agreement to be determined by reference to the property where the holding tank is installed.
- b. The owner or agent shall submit a copy of the holding tank maintenance agreement when plans are submitted to the Department for review.
- c. The owners of property serviced by a holding tank shall submit an annual report due on each anniversary of the tank's installation. This report shall name the sewerage pumper, the pumper's license number, dates of pumping, quantity removed and shall describe the disposal of the tank's contents.

- d. Pumping and disposal of holding tank and septic tank contents shall be done in compliance with Ch. NR 113, Wis. Adm. Code, and all other applicable codes and statutes.
 - e. The Department may require the owner of a holding tank violating the maintenance agreement to replace the holding tanks with a soil absorption system or, if the parcel is unsuitable for any type of soil absorption system, to hire a plumber to install a water meter and evaluate the holding tank(s) for code compliance and sign a new service contract which requires the certified septage servicing operator to report water meter readings at each pumping.
- (Ord. No. 179, Am. #106, 10-21-15)

15.14 - ADMINISTRATION, PROCEDURES, AND DUTIES.

- (1) ADMINISTRATION. The Pepin County Zoning Administrator shall be responsible for the administration and enforcement of this subchapter. The responsibilities of the Zoning Administrator may be delegated by him/her to personnel employed by or assigned to the Department.
- (2) PROCEDURES.
 - (a) Sanitary Permits.
 - i. A state sanitary permit shall be obtained by a licensed master plumber prior to the installation of any private onsite wastewater treatment system. A state uniform permit application shall include the owner's name and address, site and soil evaluation report, location and system design.
 - ii. A county sanitary permit shall be obtained prior to the installation of alternative sewage disposal systems that are recognized by this subchapter, and reconnections of existing systems.
 - (b) Inspections. No private sewage system may be covered or used unless it is inspected by the Zoning Administrator or other inspectors. All inspections shall be conducted no later than the end of the next workday, excluding Saturdays, Sundays and holidays, after receiving 24-hour notice from the plumber in charge.
 - (c) Fees. All required fees shall be paid prior to the issuance of state or county permits. Fees shall be as set from time to time by resolution of the County Board and the schedule of current fees shall be on file in the office of the County Zoning Administrator.
- (3) POWERS AND DUTIES. The Zoning Administrator shall have the following powers and duties:
 - (a) Delegate duties to and supervise employees to assure full and complete compliance with this subchapter and related Wisconsin Statutes and the Administrative Code.
 - (b) Issue sanitary permits and inspect properties for compliance with this subchapter and related Wisconsin Statutes and the Administrative Code.

- (c) Advise the applicants as to the provisions of this subchapter and assist them in preparing permit applications.
 - (d) Review and approve or deny plans for POWTS as authorized through agent status by the state.
 - (e) Keep records of all site and soil evaluation reports, sanitary permits issued, inspections made, work approved, and other official actions.
 - (f) Have access to any premises for the purpose of performing official duties. Application for a sanitary permit is considered for the purposes of this subchapter as the owner's consent to allow the Zoning Administrator or designated staff to enter the premises.
 - (g) Upon reasonable cause or question as to proper compliance, the Zoning Administrator may revoke or suspend any sanitary permit and issue cease and desist orders requiring the cessation of any construction, alteration or use of a structure which is in violation of the provisions of this subchapter, until compliance with this subchapter or applicable Wisconsin Statutes and the Wisconsin Administrative Code is obtained.
 - (h) Issue and enforce orders to plumbers, pumpers, property owners, owners of a common system, their agents or contractors or the responsible party to assure proper compliance with all provisions of this subchapter.
 - (i) In the event that an owner fails to service his or her holding tank or septic tank in accordance with the management plan or design, the Zoning Administrator may assess the owner of a POWTS for costs related to the pumping of a septic or holding tank. The assessment shall be processed under §§ 145.20(4) and 66.0703, Wis. Stats.
 - (j) Apply for and distribute grants obtained through the Wisconsin Fund Grant Program.
 - (k) Perform other duties regarding the POWTS program as considered appropriate by the Department or the state.
 - (l) Investigate, prepare reports, report and enforce violations of this subchapter and SPS 382 through 387, Wis. Adm. Code, to the Zoning Committee, District Attorney and the appropriate state agencies.
- (Ord. No. 179, Am. #106, 10-21-15)

15.15 - ENFORCEMENT.

(1) PROCEDURES.

- (a) The Zoning Administrator may initiate any appropriate action or proceeding against violators of this subchapter as provided by law or this subchapter, including issuing citations (Pepin County Code of Ordinances—Chapter 25—Construction and Effect of Ordinances) or commencing a lawsuit seeking forfeitures and/or injunctive relief.

- (b) In general, the Zoning Administrator shall use the following, in the order listed, to address violations of this subchapter:
 - i. Issue a notice of violation and order that specifies the corrective action to be taken.
 - ii. Issue a citation for a violation.
 - iii. Refer the matter to legal counsel for evaluation and commencement of a lawsuit when the violation merits such action.
 - (c) The Zoning Administrator is not mandated to follow the order of possible action if, in the Zoning Administrator's discretion, a situation requires different action.
- (2) **PENALTIES.** Any person who violates any provisions of this subchapter shall, upon conviction of such violation, be subject to a penalty as described in § 25.04 of the Pepin County Code of Ordinances.
- (3) **APPEALS.**
- (a) All administrative decisions shall be in writing.
 - (b) Any person aggrieved by a written administrative decision made by the Zoning Administrator, or his/her designee, or the oversight committee may appeal the decision to the Board of Adjustment.
- (4) **PROCEDURE FOR APPEAL.**
- (a) An aggrieved person may appeal a decision to the Board of Adjustment within 30 days of the date of a written decision.
 - (b) An appeal of a decision shall be in writing and shall be made on a form provided by the Department and shall be filed with the Land Management Department.
 - (c) The Department will prepare notices and schedule the appeal with the Board of Adjustment.

(Ord. No. 179, Am. #106, 10-21-15)

15.16—15.50 - RESERVED .

(Rescinded by Ord. No. 179, Am. #50, 3-17-04; 10-21-15)

Editor's note— Ord. No. 179, Am. #107 , adopted October 21, 2015, repealed §§ 15.25—15.50, which pertained to solid waste management system and recycling and derived from Ord. No. 179, Am. #7, § 2, 4-19-95. Similar provisions exist in chapter 30.