

**ARTICLE XIII BUFFALO COUNTY SANITARY ORDINANCE**

**AN ORDINANCE RELATING TO  
PRIVATE SEWAGE SYSTEMS, HOLDING TANKS AND  
NON-PLUMBING SANITATION SYSTEMS**

**SECTION 130 INTRODUCTION**

130.1 STATUTORY AUTHORITY

This ordinance is adopted pursuant to the authorization in Sections 59.70(1), 59.70(5), 145.04, 145.19, 145.20, 145.245 Wisconsin Statutes.

130.2 PURPOSE

This ordinance is adopted to promote and protect public health and safety by assuring the proper siting, design, installation, inspection and management of private sewage systems.

**SECTION 131 GENERAL REQUIREMENTS**

131.1 COMPLIANCE

- (1) All structures or premises that are permanently or intermittently intended for human habitation or occupancy, which are not served 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.
- (2) The private sewage system or non-plumbing sanitation system for newly constructed structures or existing systems to be connected to newly constructed structures or replacement structures as described in Section 132.21(1) shall be installed, inspected and approved before the structure may be occupied.

131.2 REPEAL AND EFFECTIVE DATE

This ordinance shall become effective after public hearing, adoption by the Buffalo County Board and publishing or posting as required by law. The existing sanitary provisions for the county shall be repealed effective on the date of enactment of this ordinance.

### 131.3 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 Codes governing the location, construction and use of private sewage systems: Sections 59.70(5), 281.48, 968.10 and Chapter 145 Wisconsin Statutes; Wisconsin Administrative Codes COMM 52.63, 81-85, 91 and NR 113 and 116. These rules, regulations and laws shall apply until amended or renumbered and then shall apply as amended or renumbered.

### 131.31 FUTURE STATUTORY AMENDMENTS, REVISIONS AND MODIFICATIONS

Any future amendments, revisions and/or modifications of any portion of the Wisconsin Statutes or the Wisconsin Administrative Codes referred to in this Ordinance are incorporated herein and made part of this Ordinance.

### 131.4 APPLICABILITY

The requirements of this ordinance shall apply to all areas of the county not served by a public sewer approved by the Department of Natural Resources.

### 131.5 LIMITATIONS

- (1) All domestically generated wastewater shall enter a septic system or holding tank unless otherwise exempted by statute, administrative code or this ordinance.
- (2) A non-plumbing sanitation system may be permitted only when the structure served by the non-plumbing sanitation system is not provided with an indoor plumbing system. If water is supplied to the structure, an acceptable code prescribed method of wastewater treatment and dispersal other than or in addition to, a non-plumbing sanitation system must be provided.
- (3) Any private sewage system or portions thereof installed within a floodplain shall comply with all applicable requirements of Wisconsin Administrative Code NR 116 and the Buffalo County Floodplain Zoning Ordinance.
- (4) Installation of a holding tank is prohibited if any type of private sewage system permitted by COMM 83 Wisconsin Administrative Code can be installed except as provided below. A sanitary permit for the installation of 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 any other type of system as permitted by COMM 83 Wisconsin Administrative Code except as provided below:

- (a) A holding tank may be installed in cases where the only system suited for the site as described in the Soil and Site Evaluation Report is a system requiring technologies as listed in COMM table 83.04-1 Wisconsin Administrative Code.
- (b) A temporary holding tank may be installed when a public sewer, approved by the Department of Natural Resources, will be installed to serve the property within two (2) years of the date of sanitary permit issuance. An application for a sanitary permit to install a temporary holding tank shall include written statements from:
  - 1. The municipality or sanitary district, verifying the date that public sewer will be installed and available to serve the property.
  - 2. The Department of Natural Resources, verifying approval of the public sewer, and:
  - 3. The property owner agreeing to connect to public sewer when it becomes available and to properly abandon the temporary holding tank.

If public sewer does not become available within two (2) years of the date of sanitary permit issuance and suitable soil conditions exist for installation of a POWTS other than a holding tank, the holding tank must be replaced with another type of system recognized by COMM 83, except those listed in Wisconsin Administrative Code COMM table 83.04-1 unless requested by the property owner.

- (c) A holding tank may be installed by choice of the property owner to serve a use with a design wastewater flow of less than an annual daily average of 160 gallons per day. In addition to other permit application requirements, an application for a sanitary permit to install a holding tank to serve a use with less than 160 gallons per day shall include a written statement from:
  - 1. The property owner, agreeing to install another type of system if any change of occupancy or use occurs which results in a design wastewater flow that equals or exceeds 160 gallons per day. Remote read water meters shall be installed at the time of holding tank installation to monitor wastewater flow volumes.

- (5) When a failing private sewage system is identified, it shall be brought into compliance with current code and ordinance requirements, replaced with a code compliant system or its use discontinued within that period of time required by the Buffalo County Zoning Department or court order.
- (6) Any variance to Wisconsin Administrative Codes COMM 5, 81-85, and 91 approved by the Safety and Buildings Division of the Wisconsin Department of Commerce for specific private sewage plans, sites and owners shall take precedence over the terms of this ordinance.

#### 131.6 SERVICING CONTRACTS AND HOLDING TANK AGREEMENTS

- (1) Prior to issuance of a sanitary permit for installation of a holding tank, the owner of the holding tank shall enter into agreement with the city, village or town where the holding tank is located guaranteeing that the local unit of government which signed the agreement will service the holding tank if the owner fails to have the holding tank serviced in response to orders issued by the county to abate or prevent a human health hazard as described in s 254 Stats. The local unit of government can recover costs associated with servicing the tank as allowed under state statutes. This agreement shall be filed with the Buffalo County Register of Deeds Office along with a description of the property where the holding tank will be located.
- (2) Prior to issuance of a sanitary permit for installation of a holding tank the owner of the holding tank shall, except as provided by s. 281.48(3)(d) Stats., contract with a person who is licensed under NR 113 Wisconsin Administrative Code to have the tank properly serviced. The owner shall file a copy of this contract with the Buffalo County Zoning Department.
- (3) Prior to issuance of a sanitary permit for a non-plumbing sanitary system the owner of the system shall contract with a person who is licensed under NR 113 Wisconsin Administrative Code to have the contents of the system pumped when needed.

#### 131.7 ABANDONMENT OF PRIVATE SEWAGE SYSTEMS

- (1) When public sewers approved by the Department of Natural Resources become available to the structure or premises served, the private sewage system shall be disconnected within one year and a connection made to the public sewer. Determination of whether public sewer is available shall be made by the local sewer service entity.

Abandonment of the disconnected private sewer shall be done in accordance with the provisions of COMM 83 Wisconsin Administrative Code.

- (2) The components of an existing private sewage system that are not part of the approved design of a replacement system shall be abandoned at the time of the installation of the replacement system by the plumber installing the system. The abandonment shall comply with COMM 83 Wisconsin Administrative Code.

## **SECTION 132 PERMITS AND APPLICATIONS**

### **132.1 SOIL AND SITE EVALUATION**

- (1) Soil and site evaluations shall be done prior to the issuance of permits as specified in COMM 83 and 85 Wisconsin Administrative Code.
- (2) Soil test pits shall be excavated to allow adequate visual observation of the soil profile in place. This is best accomplished by the excavation of backhoe pits. The location and depth of pits or use of soil borings shall comply with standards outlined in COMM 85 Wisconsin Administrative Code.
- (3) Verification by the Buffalo County Zoning Department and/or Safety and Buildings personnel may be necessary to determine the suitability of a lot for a private sewage system. Although minimum lot dimensions are listed in the Buffalo County Zoning Ordinance, additional lot area may be required to meet applicable setbacks. This verification will be done at the discretion of the Buffalo County Zoning Administrator and will be made prior to the issuance of a sanitary permit.
- (4) A Certified Soil Tester (CST) may request verification of a Soil and Site Evaluation before a complete sanitary permit application is submitted to the zoning department.
- (5) The completed Soil and Site Evaluation shall be submitted to the Buffalo County Zoning Department and shall be reviewed by qualified staff within 6 months of its receipt as required in COMM 85.50 Wisconsin Administrative Code. Required corrections or requests for additional information on the evaluation shall be made by a licensed CST within a 6 month period from date of notification of report deficiencies.

### **132.2 SANITARY PERMITS**

- (1) Every private sewage system shall require a separate application and sanitary permit.

- (2) A sanitary permit shall be obtained by the property owner, his or her 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 or her agent or contractor, who commences construction prior to obtaining a sanitary permit is in violation of this ordinance and may be subject to the penalties provided in this ordinance. Non-plumbing sanitary system applications and permits shall be applied for and issued on forms provided by Buffalo County Zoning.
- (3) A sanitary permit shall be obtained by the owner, his or her agent or contractor, before any private sewage system, part thereof or any non-plumbing sanitation system may be installed, replaced, reconnected to, modified or enlarged. A sanitary permit is not required for the addition of manhole risers or for the replacement of manhole covers, manhole risers, baffles or pumps.
- (4) A Buffalo County Non-plumbing or Reconnection Sanitary Permit shall be obtained prior to constructing or installing a non-plumbing sanitation system or prior to reconnections **to existing POWTS**.
- (5) If any part of a private sewage system has failed or needs replacement or modification, a sanitary permit shall be issued prior to **repairing**, modifying or replacing the system. The entire system shall be evaluated for compliance with codes regulating private sewage systems **that were in effect at the time the system was installed** 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 valid report exists and is on file with the Buffalo County Zoning Department. If any part of the system is found to be defective or not in compliance with the applicable provisions of this ordinance, the sanitary permit application shall include specifications for the repair, renovation, replacement or removal of that part of the system.
- (6) Permit application requirements. A sanitary permit application shall include the following information which shall be furnished by the applicant on forms approved by the state and/or Buffalo County Zoning department along with all applicable fees:
  - (a) Names and addresses of the applicant (property owner) and the plumber employed (when applicable).
  - (b) Legal description of the site.
  - (c) All lot dimensions.
  - (d) Driving directions to the site if requested by the Zoning Department

- (e) Building use (e.g., single family dwelling, convenience store, etc.)
  - (f) Soil and Site Evaluation Report.
  - (g) Private sewage system plan.
  - (h) Appropriate agreements, contingency plans and maintenance plans.
  - (i) Copies of all documents required to be recorded in the Buffalo County Register of Deeds office relating to private wastewater treatment and described in this ordinance and required in Wisconsin Administrative Code COMM 83.
  - (j) A copy of the Safety and Buildings Plan Reviewer approval letter for the plans included in the application.
  - (k) Any other information requested by the Buffalo County Zoning Department required prior to processing a sanitary permit application.
- (7) Revocation/Suspension/**Denial**. The Buffalo County Zoning Department may revoke, suspend **or deny** any sanitary permit issued or applied for under this section for any false statements or misrepresentation of fact that served as a basis for issuance **or consideration of issuance** of the permit. The reasons for revocation, suspension **or denial** shall be conveyed in writing to the owner of the property as noted on the application and the installing plumber. No work may resume on any private sewage system after permit revocation or during the period of permit suspension. A new sanitary permit must be applied for and issued after revocation in accordance with this section and COMM 83 Wisconsin Administrative Code before any work may begin. **Any property owner who feels aggrieved by a decision under this subsection has the right and responsibility of appeal as described in Section 134.4 of this Article.**
- (8) Expiration. A sanitary permit is good for a two year period from the date of issuance. A sanitary permit may be renewed for an additional two years if application for renewal is made and approved prior to the original expiration date. Renewal of a sanitary permit will be based on regulations in force at the time renewal is sought and changed regulations may impede renewal. The fee for sanitary permit renewal shall be the same as that for reconnections to existing systems.

## 132.21 RECONNECTIONS

- (1) Buffalo County or any city, village or town may not issue a building or zoning permit for the following conditions unless the owner provides the information specified Section 132.22(2)
  - (a) Construction of a structure to be connected to an existing private sewage system;
  - (b) Disconnection of a structure from an existing private sewage system and connection of another structure to the system; or
  - (c) Reconstruction of a structure that is connected to a private sewage system that has become uninhabitable due to damage resulting from fire, wind or other natural or manmade disasters.
- (2) Documentation shall be provided to verify that:
  - (a) The existing private sewage system is not a failing system as defined in Section 145.245(4) Wisconsin Statutes and has sufficient sizing and soil conditions to accommodate the wastewater flow and load as specified in Section 132.22; and
  - (b) Structures meet setbacks from all system components as required in COMM 83 Wisconsin Administrative Code.
- (3) A county reconnection permit shall be issued after all documentation required under Section 132.22(4) is submitted and demonstrates that the private sewage system and all components comply with sizing and setback administrative code requirements in effect at the time the system was installed.

## 132.22 CONSTRUCTION INVOLVING MODIFICATION IN WASTEWATER LOAD OR FLOW

- (1) General. Buffalo County or any city, village or town may not issue a building or zoning permit for construction of an addition or modification to an existing structure connected to a private sewage system which will modify the wastewater load and/or flow to the private sewage system or interfere with a functioning system as specified in this subsection unless the owner of the structure:

- (a) Possesses a state sanitary permit to either modify the existing private sewage system or construct a new system to accommodate a modification in wastewater load and/or flow; or
- (b) Provides documentation verifying the existing system and/or components have sufficient size and soil conditions to accommodate a modification in wastewater load and/or flow.

Note; for the purposes of this subchapter, a modification of wastewater load means an increase or decrease in wastewater load. Modification of wastewater load means a change in the concentration of contaminants in the wastewater.

- (2) Decreases in wastewater load or flow. A decrease in wastewater load or flow to an existing private sewage system results where a modification to an existing structure creates a wastewater load or flow below manufacturer's specifications and/or parameters in design component manuals requiring certain minimum volumes and/or quality of effluent for a system or component to achieve designed manufacturer or component performance standards.
- (3) Increases in wastewater load or flow result from the following:
  - (a) Public buildings; any change in use of the structure from the original use that results in an increased volume of wastewater or increase in contaminant concentration above that for which the system or component was originally designed.
  - (b) Dwellings; an increase in the number of bedrooms is consider an increase in wastewater flow.
  - (c) This subsection shall not apply to cases where it can be demonstrated that:
    - 1. There is not an increase in wastewater flow or contaminant load beyond current system treatment capabilities or component capacities. Per capita usage (number of occupants residing in a structure established at 2 persons per bedroom) shall not increase beyond system capabilities. A deed restriction limiting occupancy to that used in the design and meeting county and state requirements shall be recorded with the Buffalo County Register of Deeds.
    - 2. Actual metered flow data and/or analytical data show effluent quantity and/or quality is within design parameters for the private sewage system.

3. Comparable data on flows and/or load rates from similar uses show that flow and/or load rates fall within design parameters for the private sewage system.
- (4) Documentation. Documentation to verify whether an existing private sewage system can accommodate a modification in wastewater flow and load and to verify the system is installed in suitable soil shall include all of the following:
    - (a) Information on the soil conditions of the soil absorption system. The information may consist of a valid existing soils and site evaluation or a new evaluation prepared by a licensed certified soil tester showing conformance with vertical separating distances above bedrock, groundwater and seasonal soil saturation indicated by redoximorphic mottling. If the dispersal component does not meet vertical setback requirements from redoximorphic features, the owner has the option to conduct groundwater monitoring to determine if mottling is attributed to seasonal soil saturation as allowed under COMM 85 Wisconsin Administrative Code.
    - (b) Information provided by a licensed master plumber, master plumber-restricted sewer, certified soil tester or plumbing inspector II for sizing of the system relative to sizing of the system relative to existing usage, whether an evaluated replacement area exists, the proposed construction usage and the type of system.
    - (c) A plan prepared by a licensed master plumber or master plumber-restricted sewer, certified soil tester or plumbing inspector II setting forth the dimensions of the existing soil absorption component area, tank location and related horizontal setbacks.
    - (d) Information provided by a licensed master plumber, master plumber-restricted sewer, licensed septage pumper or plumbing inspector II relative to the construction, structural condition, capacities, baffles and manhole covers and risers for existing treatment tanks, and the capacity of any additional treatment tanks required to accommodate increased wastewater load.
    - (e) Information provided by a licensed master plumber, master plumber-restricted sewer, certified soil tester or plumbing inspector II showing that the existing private sewage system is not considered a failing system as defined in Section 145.245(4) Wisconsin Stats. If the system is a failing system, the county shall order the system to be replaced.
    - (f) An existing maintenance and contingency plan setting forth the treatment capabilities for any system identified in COMM Table 83.04-1 Wisconsin Administrative Code.

- (g) It is the applicant's responsibility to provide documentation required under this subsection for the county to make a determination of accommodating increased wastewater load for one and two family dwellings involving less than 3,000 gallons per day. If it cannot be determined that system components can accommodate an increase in wastewater load from documentation provided, a zoning or building permit shall not be issued until a sanitary permit to install a replacement private sewage system meeting the requirements of this ordinance and Wisconsin Administrative Code COMM 83 and 85 is issued.

#### 132.23 CONSTRUCTION NOT AFFECTING WASTEWATER FLOW OR LOAD

- (1) Prior to commencing construction of any structure or addition to a structure that will not increase wastewater load or flow on a site where there exists a private sewage system the owner or agent for the owner shall determine that the proposed structure or addition to the structure conforms with applicable setback requirements as listed in COMM 83 Wisconsin Administrative Code

#### 132.24 SANITARY PERMIT TRANSFERS

- (1) Transfer of ownership. Transfer of ownership of a property for which a valid sanitary permit has been issued shall be subject to the following:
  - (a) The applicable state transfer form shall be submitted to the Buffalo County Zoning Department.
  - (b) The sanitary permit transfer card shall be issued by the Buffalo County Zoning Department.
  - (c) Transfer of ownership shall not affect the expiration or renewal dates.
- (2) Change of installing plumbers. When an owner wishes to change plumbers, the replacement plumber shall submit a new plan under the signature of the replacement plumber and the authority of the replacement plumber's credential, which shall constitute assignment of responsibility of proper installation of the POWTS to the replacement plumber, unless the original plumber signs a statement assuming responsibility of the installation by the replacement plumber. A photocopy or alteration of the original plan submitted by the replacement plumber shall not be considered an acceptable plan revision. All transfers will be made on forms acceptable to and/or provided by the State.

- (3) The transfer of sanitary permits shall take place prior to the installation of the private sewage system.
- (4) Sanitary permits for systems requiring approval from the Safety and Buildings Division of the Wisconsin Department of Commerce shall not be transferred to a different plumber unless the plan bears the stamp of an architect, engineer, plumbing designer or state level approval for a new plan is obtained by the new plumber.

#### 132.25 SANITARY PERMIT FEES

- (1) In-ground pressurized and non-pressurized, mounds, at-grades, holding tanks, aerobic and experimental treatment systems, system modifications: \$250.00
- (2) Reconnections, repairs and non-plumbing sanitation system: \$125.00
- (3) County plan review for holding tanks or other POWTS plan review delegated to the county by Safety and Buildings Division as a result of designated agent status or code revision: \$110.00 for holding tanks, \$180.00 for all other POWTS.

### **SECTION 133 PRIVATE SEWAGE SYSTEM MANAGEMENT AND MAINTENANCE**

#### 133.1 SEPTIC TANK MAINTENANCE

- (1) All septic tanks permitted and installed on or after November 1, 1989 shall be visually inspected and pumped by a certified septage servicing operator, licensed under NR 113 Wisconsin Administrative Code within three years of the date of installation and at least once every three years thereafter, unless upon inspection the tank is found to have less than 1/3 of the void volume occupied by sludge and/or scum.
- (2) Visual inspection of a private sewage system may be conducted by a plumber, person licensed under Section 281.48 Wisconsin Stats., or by an authorized county or state employee to determine the condition of the tank and whether wastewater or effluent from the POWTS is ponding on the ground surface.
- (3) The owner of said septic tank shall furnish the Buffalo County Zoning Department with a copy of the inspection report verifying the condition of the tank(s), whether wastewater is ponding on the ground surface and the date of pumping. Reports shall be returned to the Buffalo County Zoning Department within a time period as specified by the department in its notification and shall

also include all information as required by COMM 87 Wisconsin Administrative Code.

- (4) The servicing of a POWTS other than an anaerobic septic tank or holding tank shall be in accordance with the requirements specified by the designer or manufacturer and in accordance with COMM 83.50 Wisconsin Administrative Code.
- (5) Circumstances such as inclement weather, road weight restrictions and site limitations may necessitate a delay in anaerobic septic tank maintenance until conditions permit.

## **SECTION 134 COUNTY ORGANIZATION AND ADMINISTRATION**

### **134.1 ADMINISTRATION**

- (1) The Buffalo County Zoning Administrator shall be responsible for the administration of this ordinance. The Zoning Administrator may delegate responsibilities to personnel employed by the Buffalo County Zoning Department.

### **134.2 POWERS AND DUTIES**

In the administration of this ordinance, the Buffalo County Zoning Administrator and zoning staff designees shall have the following powers and duties:

- (1) Advise applicants concerning the provisions of this ordinance and assist them in preparing permit applications.
- (2) Review and approve plans for private sewage systems for one and two family residences requiring an in-ground non-pressurized POWTS or as approved through agent status by the state.
- (3) Issue sanitary permits and inspect properties for compliance with this ordinance and related Wisconsin Statutes and administrative Codes.
- (4) Delegate duties to and supervise clerical staff and other employees to assure compliance with this ordinance and related statutes and administrative codes.
- (5) Keep records of all sanitary permits issued, inspections made, work approved and other official actions.
- (6) Issue abatement and enforcement orders to property owners, plumbers, contractors or the responsible party for violations of this ordinance.

- (7) Have access to any premises for the purposes of performing official duties between 8 a.m. and 6 p.m. or at other times set by mutual agreement between the property owner or agent and the zoning administrator or upon issuance of a special inspection warrant in accordance with s.66.0119 Wisconsin Statutes. Application for a sanitary permit is considered for the purposes of this ordinance as the owner's consent to enter the premises.
- (8) Upon reasonable cause or question as to proper compliance, revoke or suspend any sanitary permit and issue cease and desist orders requiring the cessation of any construction, alteration or use of a building which is in violation of the provisions of this ordinance until compliance with this ordinance or applicable Wisconsin Statute or Administrative Code is obtained.
- (9) Report violations of this ordinance to the Buffalo County Corporation Counsel for prosecution.
- (10) Apply for and distribute grants obtained through the Wisconsin Fund Grant Program.
- (11) Withhold permit(s) or approval(s) pursuant to this ordinance where the applicant, owner or licensed contractor is in violation of this or any ordinance administered by the Buffalo County Zoning Department and for any parcels of land which have an outstanding violation until the violation(s) have been corrected. A request for waiver of this provision may be made, to grant or deny a permit or approval on the merits of the application, to the Corporation Counsel and Buffalo County Zoning Committee.
- (12) Perform other duties regarding private sewage systems as considered appropriate by the county or state.

### 134.3 BOARD OF ADJUSTMENT

Any person who alleges that there is an error in any order, requirement or decision made in the enforcement and administration of this ordinance may appeal to the Buffalo County Board of Adjustment as provided in Section 220 of the Buffalo County Zoning Ordinance. Any appeal shall be made on forms furnished by the zoning department within 30 days of the date of the administrative action to be appealed. Other substantiating evidence will be accepted.

### 134.4 WAIVER OF LIABILITY

This ordinance shall not create a liability on the part of or a cause of action against Buffalo County or any employee thereof for any private sewage system that may not

function as designed. There shall be no liability or warranty for any site that is approved or denied. The issuance of a sanitary permit and the final inspection of a private sewage system does not warrant the system's function, nor is there any guarantee that the system is free from defects or that all aspects of the system comply with COMM 83 Wisconsin Administrative Code requirements.

#### 134.5 VIOLATIONS AND PENALTIES

- (1) Any person who fails to comply with the provisions of this Ordinance or any order of the zoning department issued in accordance with this Ordinance or resists enforcement, shall be subject to a fine of not less than \$20 and not more than \$500, together with the cost of the action. For the purposes of this ordinance, each day a premises or party remains in violation of this Ordinance shall be considered a separate offense. Compliance therewith may be enforced by injunctive order at the suit of the county or owners of real estate within the area affected.
- (2) Any construction which is in violation of this ordinance shall cease upon written orders from the zoning administrator or designee or the placement of a notification of violation at the site.
- (3) All construction noticed under this subsection shall remain stopped until the order is released by the zoning administrator or designee.
- (4) Violations of this ordinance shall be prosecuted by Buffalo County County Corporation Counsel.

### **SECTION 135 DEFINITIONS**

Aerobic: Method of sewage or effluent treatment utilizing oxygen or oxygen demanding bacteria

Anaerobic: Method of sewage or effluent treatment requiring no oxygen or oxygen demanding bacteria

Contingency plan: A course of action required under COMM 83.22(2)(b)1f to be outlined in private sewage system plan submittal detailing remedies in the event a system fails and cannot be repaired.

County: Buffalo County Zoning Department

County Sanitary Permit: A permit issued by the Buffalo County Zoning Department for allowing installation of non-plumbing systems and reconnections to existing private sewage systems.

Designated Agent: An authority delegated the responsibility of reviewing and approving private sewage system plans normally reviewed and approved by the state.

Design wastewater flow: The total amount of wastewater estimated to directed to a private sewage system based upon the number of bedrooms in a structure or occupancy or use of a structure.

Design wastewater load: The concentrations of contaminants in wastewater directed to a private sewage system.

Floodplain: Land which has been or may be covered by flood water during the regional flood. The floodplain includes the floodway, floodfringe, shallow depth flooding, flood storage and coastal floodplain areas.

Flow: Design Wastewater Flow

Habitation: Occupying a structure as a permanent residence or non-permanent residence

Holding tank: A watertight receptacle designed to collect and retain wastewater until the tank's contents are pumped out.

Indoor Plumbing System: A system of piping or plumbing designed to provide water to or carry wastewater away from any room or rooms within the exterior wall line of a structure and includes but is not limited to all plumbing fixtures such as piping, faucets, hot water heaters, drains and other plumbing appurtenances.

Load: Design Wastewater Load

Local sewer service entity: A municipality or sanitary district in charge of operating a public sewer system approved by the Department of Natural Resources.

Maintenance plan: A list or description submitted with a private sewage plan detailing activities to be conducted at specified intervals design to insure proper operation of a private sewage system.

Non-plumbing sanitation system: Systems and devices within the scope of Wisconsin Administrative Code COMM 91 which are alternatives to water carried waste plumbing fixtures and drain systems, including, but not limited to, incinerator 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 in tenants or proprietors.

Ponding: A condition where effluent pools above or discharges to the surface of the ground.

POWTS: A private on-site wastewater treatment system not including a non-plumbing sanitation system.

Private sewage system component: Any part of a POWTS designed for collection, treatment or dispersal of wastewater, including but not limited to a septic, pump, holding or siphon tank, dispersal cell, seepage bed or trench, seepage pit or drywell, pressurized dispersal or distribution cell, aeration unit, or recirculating or single pass sand filter.

Redoximorphic mottling: A feature formed in the soil matrix by the process of reduction, translocation and oxidation of iron and manganese compounds occurring in seasonally saturated soil.

Sanitary District: A town sanitary district as defined in Wisconsin Statutes 60.70(9)

Sanitary permit: A county sanitary permit or state sanitary permit required under Wisconsin Statute 145.19 to be issued prior to installation of a POWTS or non-plumbing sanitary system.

Septic tank: An anaerobic treatment tank.

State: The Safety and Buildings Division of the Wisconsin Department of Commerce.