

Buffalo County Sanitary **Ordinance**

Adopted: December 19, 1978

Reprinted: October 6, 2009

Updated: October 1, 2013

ARTICLE XIII BUFFALO COUNTY SANITARY ORDINANCE

**AN ORDINANCE RELATING TO
PRIVATE ON-SITE WASTEWATER TREATMENT SYSTEMS
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 on-site wastewater treatment systems (POWTS) and non-plumbing sanitary 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 POWTS 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sanitary provisions for the county shall be repealed effective on the date of enactment of this ordinance.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 POWTS: Sections 59.70(5), 281.48, 968.10 and Chapter 145 Wisconsin Statutes; Wisconsin Administrative Codes SPS 362.2900, 381-385, 387, 391 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 POWTS 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 or is not connected to a well by water supply piping. If water is supplied to the structure, an acceptable code prescribed method of wastewater treatment and dispersal or collection other than or in addition to, a non-plumbing sanitation system must be provided.

A non-plumbing sanitation system does not require a permit when it is in place in a temporary location where there is no other source of sanitation system and for not greater than six (6) months. An unpermitted sanitary system must be serviced by licensed pumper, certified to rent and/or lease non-plumbing sanitary systems.

- (3) Any POWTS or portions thereof installed within a floodplain shall comply with all applicable requirements of Wisconsin Administrative Code NR 116, SPS 383 and the Buffalo County Floodplain Zoning Ordinance.
- (4) Installation of a holding tank is prohibited if any type of POWTS permitted by SPS 383 Wisconsin Administrative Code can be installed except as provided below. A state 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 SPS 383 Wisconsin Administrative Code except as provided below:
- (a) A holding tank may be installed in cases where effluent standards exceed parameters listed in SPS 383 and pretreatment would be required to meet the parameters.
- (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 state sanitary permit issuance. An application for a state 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 SPS 383 except when effluent standards exceed parameters listed in Comm 83.44(2)(a) requiring pretreatment 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 state 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 annual daily average. Remote read water meters shall be installed at the time of holding tank installation to monitor wastewater flow volumes.
- (5) When a failing POWTS is identified, it shall be brought into compliance with current code and ordinance requirements, replaced with a code compliant POWTS or its use discontinued within that period of time required by the Buffalo County Land Resources Department or court order.
- (6) Any variance to Wisconsin Administrative Codes SPS 381 – 385 and 391 approved by the Safety and Buildings Division of the Wisconsin Department of Commerce for specific POWTS plans and sites shall take precedence over the terms of this ordinance.

131.6 SERVICING CONTRACTS AND HOLDING TANK AGREEMENTS

- (1) Prior to issuance of a state 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 state 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 Land Resources Department.
- (3) Prior to issuance of a Buffalo County sanitary permit for a vault privy 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.
- (4) It shall be the responsibility of the property owner to ensure that collection and treatment/dispersal of waste generated by non-plumbing sanitation

systems other than vault privies is done in a manner prescribed by state and federal law, code or ordinance.

131.7 ABANDONMENT OF POWTS

- (1) When public sewers approved by the Department of Natural Resources become available to the structure or premises served, the POWTS 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 POWTS shall be done in accordance with the provisions of SPS 383 Wisconsin Administrative Code.

- (2) The components of an existing POWTS that are not part of the approved design of a replacement POWTS shall be abandoned at the time of the installation of the replacement POWTS. The abandonment shall comply with SPS 383 Wisconsin Administrative Code and it shall be the responsibility of the installing plumber to ensure abandonment is completed according to code requirements.

SECTION 132 PERMITS AND APPLICATIONS

132.1 SOIL AND SITE EVALUATION

- (1) Soil and site evaluations shall be done prior to the issuance of all state sanitary permits.
- (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 SPS 385 Wisconsin Administrative Code.
- (3) Verification by the Buffalo County Land Resources Department and/or Safety and Buildings personnel may be necessary to determine the suitability of a lot for a POWTS. 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 Land Resources Director and will be made prior to the issuance of a state or Buffalo County 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 Land Resources Department and shall be reviewed by qualified staff within 6 months of its receipt as required in SPS 385 Wisconsin Administrative Code. Required corrections or requests for additional information on the evaluation shall be made by a CST within a 6-month period from date of notification of report deficiencies.

132.2 SANITARY PERMITS

- (1) Each POWTS shall require a separate application and sanitary permit.
- (2) A state sanitary permit shall be obtained in the name of the property owner by his or her properly credentialed agent or contractor prior to the installation, establishment or construction of any structure which requires a POWTS under Section 131.5(1). Where a non-plumbing sanitation system may be used and is proposed, the owner shall apply for and receive a Buffalo County sanitary permit prior to construction of the structure. Any property owner, his or her agent or contractor, who commences construction prior to obtaining a state or county sanitary permit is in violation of this ordinance and may be subject to the penalties provided in this ordinance. Non-plumbing sanitary system and reconnection applications and permits shall be applied for and issued on forms provided by Buffalo County Land Resources .
- (3) A state sanitary permit shall be obtained by the owner's properly credentialed agent or contractor, before any POWTS or POWTS component may be installed, replaced, modified or enlarged in accordance with SPS 383 Wisconsin Administrative Code. A state 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 an existing POWTS.
- (5) If any part of a POWTS has failed, or needs addition, replacement or modification, a state sanitary permit shall be issued prior to constructing, adding to, modifying or replacing the POWTS or any holding, treatment or dispersal component of the POWTS. The entire POWTS shall be evaluated for compliance with codes regulating POWTS that were in effect at the time the POWTS was installed prior to state 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 Land Resources Department. If any part of the POWTS is

found to be defective or not in compliance with the applicable provisions of this ordinance, the state sanitary permit application shall include specifications for the construction, addition to, replacement or modification of that part of the system. Replacing the building sewer or piping between POWTS components shall not be considered a modification when there is no change, modification, addition to or replacement of POWTS components; i.e., replacing collapsed cast iron piping with approved PVC. A fee shall not be charged for repairs of this nature, however, the plumber shall notify the zoning office when these repairs are made so an inspection can be made to document that the POWTS is not failing.

- (6) Permit application requirements. A state or a Buffalo County 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 Land Resources 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 Land Resources Department
 - (e) Building use (e.g., single family dwelling, convenience store, etc.)
 - (f) Soil and Site Evaluation Report if required by administrative code or this ordinance.
 - (g) A plot plan depicting all POWTS component specifications, locations, depths and sizing including supporting documentation as listed in the Plan Submittal and Installation Inspection sections of the applicable POWTS Component Manual.
 - (h) Appropriate agreements, contingency plans and maintenance plans.
 - (i) Originals of all documents required to be recorded in the Buffalo County Register of Deeds office relating to private onsite wastewater treatment/collection described in this ordinance and/or required in Wisconsin Administrative Code SPS 383.
 - (j) A copy of the Safety and Buildings Plan Reviewer approval letter when state plan approval is required for the plans included in the application.

- (k) Any other information requested by the Buffalo County Land Resources Department required prior to processing a state or Buffalo County sanitary permit application.

- (7) Revocation/Suspension. The Buffalo County Land Resources Department may revoke or suspend any state or Buffalo County sanitary permit issued or applied for under this section for any false statements or misrepresentation of fact that served as a basis for issuance of the permit. The reasons for revocation or suspension shall be conveyed in writing to the owner of the property as noted on the application and the applying plumber if applicable. No work may resume on any POWTS or non-plumbing sanitary system after permit revocation or during the period of permit suspension. A new state sanitary permit must be applied for and issued after revocation in accordance with this section and SPS 383 Wisconsin Administrative Code before any work may begin. The state sanitary permit fee shall be charged for a new state sanitary permit, a county fee for a new county permit. Any portion of a POWTS or non-plumbing sanitary system installed prior to revocation or suspension that does not meet existing code and ordinance standards shall be modified or replaced to comply with code and ordinance standards. Any property owner who feels aggrieved by a decision under this subsection has the right and responsibility of appeal as described in Section 134.3 of this ordinance.

- (8) Expiration. State and Buffalo County sanitary permits are valid for a two-year period from the date of issuance. A state and Buffalo County 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 state or Buffalo County sanitary permit will be based on regulations in force at the time renewal is sought and changed regulations may impede renewal. The fee for a state and Buffalo County sanitary permit renewal shall be the same as that for a Buffalo County sanitary permit.

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 in Section 132.22(4).
 - (a) Construction of a structure to be connected to an existing POWTS;
 - (b) Disconnection of a structure from an existing POWTS and connection of another structure to the POWTS; or

- (c) Reconstruction of a structure that is connected to a POWTS if the structure 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 POWTS is not a failing POWTS 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) All physical features meet setbacks from all POWTS components as required in SPS 383 Table 83.43-1 Wisconsin Administrative Code. If lesser setbacks are allowed under current code, those setbacks may be met.
- (3) A Buffalo County reconnection permit shall be issued after all documentation required under Section 132.22(4) is submitted and demonstrates that the POWTS and all components comply with sizing and setback administrative code requirements in effect at the time the POWTS 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 POWTS which will modify the wastewater load and/or flow to the POWTS or interfere with a functioning POWTS as specified in this subsection unless the owner of the structure:
- (a) Possesses a state sanitary permit to either modify the existing POWTS or construct a new system to accommodate a modification in wastewater load and/or flow; or
 - (b) Provides documentation verifying the existing POWTS and/or components have sufficient size and suitable soil conditions to accommodate a modification in wastewater load and/or flow.

Note; for the purposes of this subchapter, a modification of wastewater flow means an increase or decrease in wastewater volume. 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 POWTS 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 POWTS 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 POWTS or component was originally designed.
 - (b) Dwellings; an increase in the number of bedrooms is considered 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 POWTS treatment capabilities or component capacities. Per capita usage shall not increase beyond system capacities. 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 POWTS.
 - 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 POWTS.
- (4) Documentation. Documentation to verify whether an existing POWTS can accommodate a modification in wastewater flow and/or load and to verify the POWTS is installed in suitable soil shall include all of the following:
- (a) Information on the soil conditions in which the soil absorption component is situated. The information may consist of a valid existing soil and site evaluation or a new evaluation prepared by a certified soil tester showing conformance with vertical separating distances above bedrock, groundwater and seasonal soil saturation indicated by redoximorphic features. If the dispersal component does not meet vertical setback requirements from redoximorphic features (except those exempted under SPS 385), the owner has the option to conduct groundwater monitoring or provide an interpretive determination to determine if features is attributed to seasonal soil saturation as allowed under SPS 385 Wisconsin Administrative Code.

- (b) Information provided by a credentialed master plumber, master plumber-restricted service, certified soil tester, POWTS Inspector, or other person(s) authorized to do so by SPS 383, Wisconsin Administrative Code for sizing of the POWTS relative to existing usage, whether an evaluated replacement area exists, the proposed construction usage and the type of POWTS.
- (c) A plan prepared by a licensed master plumber or master plumber-restricted service, certified soil tester, POWTS Inspector, or other person(s) authorized to do so by SPS 383, Wisconsin Administrative Code setting forth the dimensions of the existing soil absorption component area, tank location(s) and related horizontal setbacks.
- (d) Information provided by a licensed master plumber, master plumber-restricted service, certified septage servicing operator, POWTS Inspector, or other person(s) authorized to do so by SPS 383, Wisconsin Administrative Code 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 and/or flow.
- (e) Information provided by a licensed master plumber, master plumber-restricted service, certified soil tester, POWTS Inspector, or other person(s) authorized to do so by SPS 383, Wisconsin Administrative Code showing that the existing POWTS is not considered a failing POWTS as defined in Section 145.245(4) Wisconsin Stats. If the POWTS is failing, the county shall order the system to be replaced.
- (f) An existing maintenance and contingency plan.
- (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 and/or flow for one and two family dwellings and habitable structures. If it cannot be determined that POWTS components can accommodate an increase in wastewater load/flow from documentation provided, a zoning or building permit shall not be issued until a state sanitary permit to install a replacement POWTS meeting the requirements of this ordinance and Wisconsin Administrative Code SPS 383-385 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

POWTS, 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 SPS 383 Wisconsin Administrative Code.

132.24 SANITARY PERMIT TRANSFERS AND PLAN REVISIONS

- (1) Transfer of ownership. Transfer of ownership of a property for which a valid state or Buffalo County sanitary permit has been issued shall be subject to the following:
 - (a) The sanitary permit shall be issued by the Buffalo County Land Resources Department documenting a change in property ownership.
 - (b) Transfer of ownership shall not affect the expiration or renewal dates.
 - (c) The fee for a transfer shall be the same as a Buffalo County sanitary permit
- (2) A change in installing plumbers is considered a plan revision. 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 in which case a revision fee will not be charged. A photocopy or alteration of the original plan submitted by the replacement plumber shall not be considered an acceptable plan revision. A change in plumbers where a plan has been approved under the credential of an architect, engineer, or POWTS or plumbing systems designer shall not require a fee. Revisions to POWTS plans other than a change in installing plumbers shall comply with SPS 383 and shall not require a fee. Plan revision involving a change in plumbers will be charged the same fee as a Buffalo County sanitary permit when required. All revisions will be made on forms acceptable to and provided by Buffalo County or the state, whichever reviewing entity is applicable.
- (3) Transfer or revision of sanitary permits shall take place prior to the installation of the POWTS.
- (4) State sanitary permits for POWTS requiring state plan approval shall not be approved for plan revision for a change in plumbers unless the plan bears the stamp of an architect, engineer, plumbing system or POWTS designer, unless state level approval for a newly approved plan is obtained by the replacement plumber, or unless the original plumber signs a statement assuming responsibility of the installation by the replacement plumber.

132.25 SANITARY PERMIT FEES

State sanitary permit fee: \$325.00.

- (3) Buffalo County sanitary permit fee for non-plumbing sanitary system, reconnection to an existing POWTS, permit transfers, permit revisions involving a change in plumbers, state and county sanitary permit renewals: \$125.00
- (4) 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.
- (5) The applicable sanitary permit fee shall be doubled for any work commenced on a POWTS, non-plumbing sanitary system or reconnection to an existing POWTS prior to issuance of the applicable state or Buffalo County sanitary permit. Payment of this double fee shall not relieve the applicant from complying with all other ordinance and codes regulating POWTS. The structure served by the POWTS shall not be used for human occupancy or in a manner that generates domestic wastewater until the POWTS or non-plumbing sanitary system is installed or legal reconnection made to an existing POWTS.
- (6) A filing fee of \$50.00 shall accompany each original Soil and Site Evaluation (S&SE) filed in the Buffalo County Land Resources Office. A state or Buffalo County sanitary permit shall not be issued unless the S&SE is filed and the filing fee paid, unless verbal agreement is made between the CST who completed the S&SE and the zoning office to issue a sanitary permit based upon a copy or facsimile of the original S&SE provided the filing fee has been paid.

SECTION 133 POWTS MANAGEMENT AND MAINTENANCE

133.1 SEPTIC TANK MAINTENANCE

- (1) All POWTS treatment tanks shall be visually inspected and pumped by a certified septic 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 POWTS may be conducted by a plumber, person licensed under Section 281.48 Wisconsin Stats., or by an authorized county or state employee, or other person(s) authorized to do so by SPS 383, Wisconsin

Administrative Code 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 POWTS treatment tank(s) shall furnish the Buffalo County Land Resources 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 Land Resources Department within a time period as specified by the department in its notification and shall also include all information as required by SPS 387 Wisconsin Administrative Code.
- (4) The servicing of a POWTS other than treatment or holding tanks shall be in accordance with the requirements specified by the designer or manufacturer and in accordance with SPS 383 Wisconsin Administrative Code.
- (5) Circumstances such as inclement weather, road weight restrictions and site limitations may necessitate a delay in POWTS treatment tank maintenance until conditions permit.

SECTION 134 COUNTY ORGANIZATION AND ADMINISTRATION

134.1 ADMINISTRATION

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

134.2 POWERS AND DUTIES

In the administration of this ordinance, the Buffalo County Land Resources Director and Land Resources 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 POWTS for one and two family residences requiring an in-ground non-pressurized POWTS, holding tanks with a design flow of <3000 gallons per day, or as a designated agent.
- (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 Land Resources 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 Land Resources Director 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) Perform other duties regarding POWTS 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 POWTS 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 POWTS 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 SPS 383 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 POWTS installation which is in violation of this ordinance shall cease upon written orders from the Land Resources Director or designee or the placement of a notification of violation at the site.
- (3) All POWTS installations noticed under this subsection shall remain stopped until the order is released by the Land Resources Director 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 SPS 383 to be outlined in POWTS plan submittal detailing remedies in the event a system fails and cannot be repaired.

County: Buffalo County Zoning Department

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

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

Design wastewater flow: The total amount of wastewater estimated to be directed to a POWTS 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 POWTS.

Domestic or domestically generated wastewater: The type of wastewater, not including storm water, normally discharged from or similar to that discharged from plumbing fixtures, appliances and devices including but not limited to sanitary, bath, laundry, dishwashing, garbage disposal and cleaning wastewaters.

Floodplain: Land which has been or may be covered by floodwater 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, drain systems as defined in SPS 381, 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 POWTS plan detailing activities to be conducted at specified intervals design to insure proper operation of a POWTS.

Non-plumbing sanitation system: Systems and devices within the scope of Wisconsin Administrative Code SPS 391 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.

POWTS 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 feature: 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)

Septic tank: An anaerobic treatment tank.

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

State sanitary permit: A sanitary permit required under Wisconsin Statute 145.19 to be issued prior to installation of a POWTS.