

# **GRANT COUNTY**

## **PRIVATE ONSITE WASTEWATER**

### **TREATMENT SYSTEMS**

#### **ORDINANCE**

Adopted 4-15-2014  
Amended 11-14-2017

#### **CHAPTER - 225**

Amended by the Grant County Conservation, Sanitation & Zoning Committee on this

\_\_\_\_\_ day ---- of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Dwight Nelson, Chairman

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Mark Stead, Vice Chairman

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Lester Jantzen, Secretary

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Gabe Loeffelholz

ATTEST: I, Linda Gebhard, Grant County Clerk, do hereby certify that this Amendment was duly adopted by the Grant County Board of Supervisors of the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Linda Gebhard, Grant County Clerk

# GRANT COUNTY PRIVATE ONSITE WASTEWATER TREATMENT SYSTEMS ORDINANCE

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# ARTICLE - 1 - INTRODUCTION

## 225-1 STATUTORY AUTHORITY; Conflict with other laws

- A. Statutory authority. This Chapter is adopted pursuant to the authorizations in Articles 59.70 (1), 59.70 (5), 145.04, 145.19, 145.20, and 145.245 Wisconsin Statutes as may be amended from time to time.
- B. Conflict of laws. In the event of litigation involving this Chapter, the laws of Wis. shall govern.

## 225-2 PURPOSE, title, abrogation and greater restrictions; construal of provisions

This Chapter is adopted to promote and protect the public health and safety by assuring the proper siting, design, installation, inspection, and management of Private Onsite Wastewater Treatment Systems and Non-plumbing Sanitation Systems.

- A. TITLE This Chapter shall be titled and referred to, and cited as the Chapter 225 “Grant County Private Onsite Wastewater Treatment Systems Ordinance.”
- B. ABROGATION AND GREATER RESTRICTIONS By this Chapter it is not intended to repeal, abrogate or impair any existing Chapters, rules, restrictions or regulations; however, where this Chapter imposes greater restrictions, this chapter shall prevail.
- C. INTERPRETATION Provisions of this Chapter shall be liberally construed and shall not be deemed a limitation or repeal of any other powers granted by the Wisconsin Statutes or Administrative Codes. As unforeseen circumstances arise that are not specifically covered under this Chapter, the basic principles and purpose of this Chapter shall guide its interpretation and application.
- D. SEVERABILITY In the event a provision of this Chapter is found invalid the remaining provisions shall be valid.

## 225-3 REPEALER: When effective

This Chapter shall be effective after public hearing, adoption by the County Board and publishing or posting as required by law. The provisions of the existing Amended Chapter 225 Grant County Private Sewage System & Sanitation Ordinance dated March 17, 2009 and all amendments shall be repealed effective on the date this Chapter is enacted.

## 225-4 LIABILITY

This Chapter shall not create a liability on the part of or cause of action against the County, or any employee thereof for any Private Onsite Wastewater Treatment Systems (here after referred to as POWTS) or Non-plumbing Sanitation 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 inspections thereof 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 complies with Wisconsin Statutes or Administrative Codes.

## 225-5 INCORPORATION BY REFERENCE

This Chapter incorporates by reference the following rules, regulations and laws to govern the location construction and use of Private Onsite Wastewater Treatment Systems and Non-plumbing Sanitation Systems or devices as set forth in chapters 145, 254.59, 281.48, 968.10, 59.70 (5) Wisconsin Statutes and chapters SPS 305, 381, 382, 383, 384, 385, 387, 391, and chapters NR113, NR114 and NR116 Wisconsin Administrative Codes. If said rules, regulations and laws are amended or renumbered the amended or renumbered rules, regulations and laws shall automatically be adopted and incorporated into this Chapter without further action by the County.

## 225-6 APPLICABILITY

The requirements of this Chapter shall apply to all geographic areas of Grant County not served by public sewer.

# ARTICLE - 2 – DEFINITIONS

## 225-7 GENERAL

For the purpose of this Chapter, the following definitions and those contained in rules and regulations promulgated to ch.145 Wis. Statutes and ch. SPS 381 Wis. Adm. Codes shall apply. Other words shall be presumed to have their customary dictionary definition. Pursuant to this Chapter the Grant County Conservation, Sanitation & Zoning Dept. shall be referred to as the CS&Z Dept. or County.

225-8 SPECIFIC DEFINITIONS As used in this chapter, the following terms shall have the meanings indicated.

**ABANDON PER CODE** Refers to the act of abandoning an existing POWTS or Non-plumbing Sanitation System as prescribed by s. 383.33 Wis. Adm. Code.

**BUILDING** Items constructed, erected or placed on a property requiring a more or less permanent location on or in the ground, intended or capable of temporary, intermittent or permanent human habitation or to occupy as an accessory use. Including, but not limited to, items such as a dwelling, manufactured dwelling or home, residential, commercial, industrial or public facility, accessory building, cabin, cottage or other similar uses.

**BUSINESS DAY** A day the Grant County Conservation, Sanitation & Zoning Department is open for business within the hours of 8.00 AM to 4.30 PM, excluding Saturdays, Sundays or Holidays.

**CONVENTIONAL SYSTEM** A type of POWTS utilizing and consisting of a septic tank with in- ground soil absorption components and gravity distribution of effluent, or Non-Pressurized In-Ground type system.

**CAMPER UNIT** See Recreational Vehicle definition.

**CAMPER UNIT TRANSFER CONTAINER** Refers to a State approved sanitary container used to collect and hold wastewater discharges generated by an individual camper trailer or recreational vehicle.

**FAILING NON-PLUMBING SANITATION SYSTEM** A failing non-plumbing sanitation system is defined as one which causes or results in the discharge of human wastes, excrement or partly treated sewage to:

- (A) Surface waters or groundwater.
- (B) Zones of bedrock.
- (C) The surface of the ground.
- (D) Zones of seasonal saturation.

**FAILING POWTS** As specified in s. 145.245 (4) Wis. Statutes, which reads as follows.

Note: Article 145.245(4) reads: “Failing private sewage system”, means a private sewage system which causes or results in any of the following conditions: (a) The discharge of sewage into surface water or groundwater. (b) The introduction of sewage into zones of saturation, which adversely affects the operation of a private sewage system. (c) The discharge of sewage to a drain tile or into zones of bedrock. (d) The discharge of sewage to the surface of the ground. (e) The failure to accept sewage discharges and backup of sewage into the structure served by the private sewage system.

**HUMAN HABITATION** An act of inhabiting a place of abode, to occupy a structure whether intermittently or as a principle residence, as a dwelling, or as a sleeping place.

**MODIFICATIONS TO WASTEWATER FLOW OR CONTAMINANT LOAD** Modifications in wastewater flow or contaminant load discharging to a POWTS shall be considered to occur:

- A In public buildings or facilities when a change in the number of users or occupancy, effluent strength, or when a proposed modification affects either the type or number of plumbing appliances, fixtures or devices.
- B In dwellings, when there is an increase or decrease in the number of bedrooms, an increase in effluent strength or when using an alternative method of calculating wastewater flow there is an increase or decrease in the number of users or water meter flow or on comparable data on flows and loads from similar uses.

**NON-PLUMBING SANITATION SYSTEM** Refers to State approved sanitation systems or devices, within the scope of ch. SPS 391 Wis. Adm. Code, which are alternatives to water carried waste plumbing fixtures and drain systems.

**OCCUPY** Pertains to and is the purpose for which a building is used.

**PLUMBER** A person licensed by the State of Wisconsin per s. 145.06 (1) (a) and s. 145.14 (1) (a) Wis. Statutes to perform plumbing activities as specified under s. 145.01 (10) Wis. Statute.

**PORTABLE RESTROOM** Refers to a State approved product within the scope of ch. SPS 391 Wis. Adm. Code that is a self-contained portable unit that includes fixtures incorporating holding tank facilities, designed to contain human waste and/or excrement.

**POWTS** Refers to and means “Private On-Site Wastewater Treatment System” as specified under s. SPS 381.01 (182) Wis. Adm. Code and has the meaning given for ‘private sewage system’ under s. 145.01(12) Wis. Statute as specified under s. SPS 381.01, (194) Wis. Adm. Code.

**PRIVY, PIT TYPE** A Pit Privy is a Non-plumbing Sanitation System that is an enclosed non-portable toilet with a subsurface storage chamber that consists of earthen sides and/or bottom that is not watertight, into which non-water carried human wastes and/or excrement are deposited.

**PRIVY, VAULT TYPE** A Vault Privy is a Non-plumbing Sanitation System that is an enclosed non-portable toilet with a subsurface watertight storage chamber, into which non-water-carried human wastes and/or excrement are deposited and is not connected to any type of water plumbing system.

**REBUILT** Construction that takes place after a structure is demolished or damaged to the extent of fifty percent (50%) or more of its current, equalized assessed value.

**RECREATIONAL VEHICLE** Refers to an item of personal property designed as transportable or a vehicle that stands in seasonal or permanent location for intermittent human habitation. Having an overall length of forty-five (45) feet or less and a body width of eight (8) feet or less primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, tent-type camping trailer, truck camper, park model unit or motor home.

**SANITARY PERMIT, STATE** Refers to a permit issued by the State or governmental unit (Grant County CS&Z Dept.) responsible for the regulation of private sewage systems per s. 145.135 & 145.19 Wis. Stats.

**SANITARY PERMIT, COUNTY** Refers to a permit issued by the Grant County Conservation, Sanitation & Zoning Dept. for POWTS reconnections and items not governed under a State Sanitary Permit.

A **VAULT PRIVY PERMIT** Refers to a permit issued by Grant County CS&Z Dept. for the installation, replacement, modification and repair of a Vault Privy Non-plumbing Sanitation System per this Chapter.

B **CAMPER UNIT TRANSFER CONTAINER USE PERMIT** Refers to a permit issued by the Grant County CS&Z Dept. that allows the use of Transfer Containers on private property for Recreational Vehicles.

(1) **LIMITED USE AGREEMENT** Is an agreement with a property owner and the Grant Co. CS&Z Dept. when an approved POWTS design treatment tank is used for influent storage for a limited period of time.

**SEPTIC TANK** Component of a POWTS used for sewage containment and treatment.

**STATE** Refers, to the State of Wisconsin Department of Safety and Professional Services and pursuant to this Chapter DSPS.

**STRUCTURE** See building definition.

**TITLE OF CONSERVATION, SANITATION & ZONING ADMINISTRATOR** Title of the person employed by Grant County charged with the administration and enforcement of this Chapter.

TITLE OF ZONING/SANITATION TECHNICIAN Title of the person employed by Grant County to assist the Grant County Conservation, Sanitation & Zoning Administrator and the Grant County Conservation, Sanitation & Zoning Committee with the administration and enforcement of this Chapter.

## ARTICLE - 3 - GENERAL PROVISIONS

### 225-9 COMPLIANCE

All residential or commercial structures in Grant County provided with water service and/or a water plumbing system that are intended for permanent or intermittent human habitation or to occupy as an accessory use not connected to public sewer, shall be served by a State approved Private On-Site Wastewater Treatment or Holding Systems design into which all domestic wastewater and sewage shall enter for holding or treatment and dispersal that complies with the provisions of the Wis. Statutes, Wis. Adm. Codes and this Chapter.

### 225-10 USES & LIMITATIONS

A. **PORTABLE RESTROOM** A Portable Restroom must be a State approved product for the use and the pumping, transportation and disposal of the contents shall be in accordance with ch. NR 113 and shall be maintained pursuant to this Chapter. A permit is not required for the placement and use of a Portable Restroom.

B. **VAULT PRIVY** Only vaulted type privies are allowed pursuant to this Chapter, and require an approved, Grant County Vault Privy Non-plumbing Sanitation System Permit prior to placement or construction on a parcel. The pumping, transportation and disposal of the contents of a vault privy shall be in accordance with ch. NR 113 and shall be maintained pursuant to this Chapter. **Pit Privies are not permitted in Grant County.**

C. **NON-PLUMBING SANITATION SYSTEM** Non-plumbing Sanitation Systems pursuant to ch. SPS 391 Wis. Adm. Code are not recognized as an existing POWTS design for a replacement Holding Tank Permit. A permit is not required for the placement or construction of a Non-plumbing Sanitation System within the scope of ch SPS 391 Wis. Adm. Code except for Vault Privies and Camper Unit Transfer Container use.

D. **HOLDING TANK** Installation or use of a Holding Tank in Grant County for a new construction site (new system) or method is prohibited. Holding Tanks are allowed **as the system of last resort** only as a replacement system to an existing failing POWTS. A Sanitary Permit application that designates a holding tank as a replacement system or as a system failure contingency plan shall not be approved unless a Soil and Site Evaluation Report determines that the property is unsuitable for any type of in situ soil based POWTS design.

E. **BUILDING SEWER** If placement of eighteen (18) inches of soil cover over the building sewer pipe per s. 382.30 (11) (c) Wis. Adm. Code results in less than eight (8) inches of separation between the soil and untreated or unprotected building materials an approved alternative method of frost protection shall be used.

F. **PUBLIC SEWER** When public sewer, becomes available to a property served by a POWTS connection to the public sewer shall be made within one (1) year from date of availability as established by the local public sewer service entity. The disconnected existing POWTS shall be abandoned per code.

### 225-11 ACCESS CONSENT

An application from a property owner(s) for any permit governed by this Chapter or a Soil and Site Evaluation Report submitted to the Grant Co. Conservation, Sanitation & Zoning Dept. for review grants consent from the property owner(s) to department staff to enter the owner(s) properties during normal working hours to perform installation, operation, maintenance or soils inspections at the discretion of the Grant County Conservation, Sanitation & Zoning Administrator or Zoning/Sanitation Technician.



## 225-12 IDENTIFIED FAILING POWTS or NON-PLUMBING SANITATION SYSTEM

- A. When a POWTS or Non-plumbing Sanitation System is identified as failing or identified as unlawfully altered or installed its use shall be discontinued and an order shall be issued to the responsible person(s) to correct or replace the POWTS or Non-plumbing Sanitation System.
- B. When a component of a POWTS or Non-plumbing Sanitation System is identified as failing to operate or function as designed, the entire system shall be evaluated for compliance to the Wis. Adm. Code in effect at the time the system was installed including a soils evaluation for those components that utilize in-situ soils for treatment or dispersal.

## 225-13 ABANDONMENT OF POWTS

When public sewer connection is required or components of an existing POWTS are not part of an approved replacement POWTS design or when an existing POWTS or components thereof are identified as failing they shall be abandoned as prescribed per s. SPS 383.33 Wis. Adm. Code. The contents of all abandoned tanks, seepage pits, or cesspools shall be pumped out and disposed of in accordance with ch. NR 113.

## 225-14 SUBDIVISION PLATS NOT SERVED BY PUBLIC SEWERS

- A. The provisions of this Article are to establish lots and elevations with sufficient areas and soils to permit the installation and use of soils based POWTS designs to serve one and two family dwellings that shall apply to all proposed subdivision plats not served by public sewer. Proposed standard building lots on subdivision plats shall comply with the lot standards, zoning, and dimensional requirements of all applicable Grant County Ordinances.
- B. Plat Submittal A proposed subdivision plat not served by public sewer shall be submitted to the CS&Z Dept. for review with all applicable fees and must be accepted and approved prior to final plat approval with the Register of Deeds Office. In addition to the requirements of the Grant County Subdivision Ordinance a proposed subdivision plat submitted for review shall be drawn to scale that clearly indicates and includes:
  - 1) All lot areas that do not meet the area, width, elevation, soil, wetlands, floodplain or zoning requirements shall be delineated with limitation(s) identified and restricted by a clearly labeled outlot restriction on the plat. This restriction shall prohibit the construction of buildings and POWTS installations.
  - 2) Identify all lots that will have structures built to be served by a Community type POWTS design and identify all areas where a community type system will be located.
  - 3) Ground grade elevation contour lines at two (2) foot intervals for areas of up to ten present (10%) slope or at five (5) foot intervals for areas up to twenty present (20%) slope and at ten (10) foot interval for areas over twenty (20%) present slope related to a vertical elevation reference point (benchmark).
  - 4) A Soil and Site Evaluation Report conducted by a Certified Soil Tester per s. SPS 305.33 Wis. Adm. Code with profile descriptions and interpretations performed and reported as specified in ch. SPS 385 Wis. Adm. Code at a minimum of one (1) soil profile evaluation excavation per each continuous two (2) acre of plat area, excavated to a depth of at least four (4) feet below an expected POWTS infiltrative surface elevation. The location of all soil profile evaluation excavations and there undisturbed grade elevations related to a vertical elevation reference point (benchmark) shall be delineated on the plat.
    - a) Additional soil profile evaluation excavations may be ordered as determined to be necessary at the discretion of the Grant County Conservation, Sanitation & Zoning Administrator or Zoning/Sanitation Technician prior to plat approval.
    - b) The use of existing documentation that may verify soil conditions of all or part of a proposed plat may be allowed with pre-approval by the Grant County Conservation, Sanitation & Zoning Administrator or Zoning/Sanitation Technician.

## 225-15 SOIL AND SITE EVALUATION REPORTS

Soil and Site Evaluation Reports recorded prior to January 1, 1981 or that do not indicate grade elevations for soil borings related to a vertical reference point shall require soils and site verification by a Certified Soil Tester if used as supporting documentation for a Sanitary Permit or County Sanitary Permit application. Verification shall require a complete Soil and Site Evaluation Report with a minimum of one (1) soil profile evaluation excavation performed within the previously tested area. Additional soil profile evaluation excavations may be required.

## 225-16 CONSTRUCTION AFFECTING WASTEWATER FLOW OR CONTAMINANT LOAD

Construction of a structure, addition or modification to a structure determined to cause an increase in wastewater flow and/or contaminant load to an existing POWTS serving the structure or property, the owner(s) shall possess a Sanitary Permit to modify the existing POWTS or to install a replacement POWTS that will accommodate the increase in wastewater flow and/or contaminant loads prior to starting construction. Or the property owner(s) shall provide documentation to the Grant County CS&Z Dept. that a POWTS with sufficient soils and size to accommodate the increase in wastewater flow and/or contaminant load already exists to serve the structure. This shall include a plot plan per **Article 4 225-26C** with the locations of the proposed structure, addition or modification and all existing POWTS components identified to confirm all required setback distances are met.

## 225-17 CONSTRUCTION NOT AFFECTING WASTEWATER FLOW OR CONTAMINANT LOAD

Prior to starting construction of a structure, an addition to or a structure modification serviced by an existing POWTS the owner shall provide documentation to the Grant County CS&Z Dept. that the proposed construction will not cause or affect an increase in wastewater flow and/or contaminant load to the existing POWTS.

## 225-18 ALTERNATIVE WASTEWATER FLOW CALCULATIONS

Construction of a structure, addition or modification to a structure determined to cause an increase in wastewater flow and/or contaminant load to an existing POWTS servicing the structure or property, may be allowed without installing a new, or modifying the existing POWTS if an alternative method of calculating wastewater flow and/or contaminant load is used. The property owner(s) shall provide documentation of an alternative method of calculating wastewater flow and/or contaminant load based on a per capita occupancy (number of users), or on water meter flow data, or on total facility function flow or on effluent wastewater analytical data if the contaminant load is affected. Forms provided by Grant County Conservation, Sanitation & Zoning Department.

## 225-19 DOCUMENTS AND FORMS

Documents and forms created or revised for the administration of this Chapter shall be part and inclusive to this Chapter.

## 225-20 RECORDED DOCUMENT(S)

Recorded Document(s) are created to establish and implement the management and maintenance requirements and responsibilities, ownership and use restrictions for Private On-site Wastewater Treatment or Holding Systems and pursuant to this Chapter Non-plumbing Sanitation Systems and Use Permit Components. Such document(s) shall be recorded as an affidavit and restrictive covenant with the Grant County Register of Deeds Office (including recording fee) and with the Grant County CS&Z Department in a manner that will permit the existence of the document(s) to be determined by reference to the property. The requirements and responsibilities as prescribed by such document(s) are binding upon the property owner(s), any subsequent owner(s), their heirs, and assignees and shall run with the land. Applicable items to be recorded are but not limited to the following:

- A. Management and Maintenance Agreements, Installation Agreements and Limited Use Agreements.
- B If a POWTS serves more than one (1) structure under different ownership or owned by a party other than the owner of the parcel on which it is installed, a document identifying all parties that have ownership of the parcel, the POWTS, and the structure(s) to be served by the POWTS. All owners are jointly and severally responsible for the operation and maintenance of the POWTS.
- C If a POWTS or parts thereof serving a property are located on a different parcel or lot an appropriate overhead and under ground access, inspection, operation and service easement is required.
- D If a POWTS design wastewater flow from a dwelling is based on methods other than the number of bedrooms, a document identifying and establishing the method used with occupancy limitation or use restriction to the dwelling determined by an Alternate Design Wastewater Flow Calculation.

## 225-21 FEES

Monetary fees are herein established to defray the cost of administration of this Chapter, and shall be required as part of a permit application and for, but not limited to sanitary document review and inspections. The fees shall be set and amended from time to time by the Grant County Conservation, Sanitation & Zoning Committee.

# ARTICLE - 4 – SANITARY PERMIT(S)

## 225-22 STATE SANITARY PERMIT(S)

- A. A State Sanitary Permit is required for every POWTS installation, component replacement or system modification and every renewal, revision, transfer or change of plumber to an existing sanitary permit, each shall require a separate and individual application. The Grant County Conservation, Sanitation & Zoning Department reserves the right to refuse incomplete or incorrectly prepared application(s).
- 1.) A Sanitary Permit Application and Design Plan shall be submitted for review with all appropriate documentation per **Articles 4 225-25, 225-26 and Article 6** with review fees to the Grant County CS&Z Department. Design Plans must bear the original stamp of an architect, engineer, registered POWTS designer or Master Plumber. All documentation must be the original and bear original signatures when applicable.
  - 2.) A Sanitary Permit for POWTS component replacement and/or modification shall require that all existing or remaining components of the POWTS be evaluated for compliance to the Wis. Adm. Codes in effect at the time originally installed including a Soil and Site Evaluation Report for those POWTS components that utilize in situ soil for treatment or dispersal.
  - 3.) As part of a Sanitary Permit Application for a Holding Tank the owner shall enter into a Grant County Holding Tank Agreement. This agreement shall require the Holding Tank owner to agree to have a water meter installed in the structure(s) to be serviced by the holding tank and to be responsible for the purchase, installation, maintenance and repair of the water meter(s). Also this agreement shall require the Holding Tank owner to enter into a servicing contract with a licensed Septage Service Operator (pumper) who shall submit to the Grant County CS&Z Department as prescribed by the Management Plan a report on all servicing events for the Holding Tank including water meter readings.
  - 4.) A Permit Revision is required when a change in use or component(s) or a design modification is proposed to a previously approved Sanitary Permit POWTS design. Applications for a Sanitary Permit Revision must be submitted prior to the existing permit expiring for review to the CS&Z Dept. and shall include review fees and all applicable documentation with State approved design revision and/or variance as required by the Wis. Adm. Codes. A design revision may require the Management and Maintenance Agreement Management Plan be amended including servicing agreement(s) and contract(s).
    - a.) If during an installation inspection a change in use, component(s) or a design modification is identified that would require a permit revision to the POWTS design, an application for Sanitary Permit Revision shall be submitted to the Grant Co. CS&Z Dept. within thirty (30) days from the date of inspection.
  - 5.) A POWTS Modification Permit is required when adding, changing or modifying a POWTS component of an existing POWTS design(s). For example but not limited to the alteration or addition to an existing drain field, the addition of an effluent filter, the addition or relocation of holding or treatment tank(s), the addition of a private interceptor main, or to accommodate an increase in wastewater flow and/or contaminant load that would require the existing POWTS be modified.
  - 6.) A Change of Plumber Permit is required when changing the plumber of record from an approved Sanitary Permit to a different plumber. An approved POWTS design plan must bear the original stamp of an architect, engineer or registered POWTS designer to allow the use of the existing plan by the new plumber. If the existing plain does not bear an original stamp of an architect, engineer or registered POWTS designer a new POWTS design would then be required for the new plumber to install the POWTS.
  - 7.) A Sanitary Permit Renewal application must be received and approved by the CS&Z Dept. prior to the existing permit expiring. Applications for Sanitary Permit or County Sanitary Permit renewal shall be signed by the original Plumber of record and include all applicable document renewals.
  - 8.) A Permit Transfer is required for the transfer of a valid Sanitary Permit from the current permit holder to a new owner. All Management and Maintenance requirements and servicing responsibilities transfer to the new owner and shall not affect the original Sanitary Permit expiration date. Applications for Permit Transfer shall be signed by the original Plumber of record, with documentation to support the change in property ownership and submitted prior to the existing permit expiring.
- B. **PERMIT POSTING CARD:** Permit posting cards issued by the Grant County CS&Z Department to the property owner shall serve as the Sanitary Permit and/or County (Sanitary or Use) Permit. The permit card shall contain all the information required by Wis. Statute ch. 145 and this Chapter. The original Sanitary Permit posting card shall be returned as part of a Sanitary Permit application for a Permit Transfer or a Permit Renewal. The

permit card shall be displayed at the site in such a manner that it will be visible from the road abutting the lot during all construction phases. Failure to display the permit card is a violation of this Chapter.

C. **PERMIT DENIAL:** Permit applications submitted for review to the Grant County CS&Z Department found not in compliance with applicable provisions of the Wis. Statutes and Wis. Adm. Codes or this Chapter shall be denied. Reasons for the denial shall be forwarded to the property owner(s) and plumber of record and when appropriate, Dept. of Safety and Professional Services representative(s). An applicant may appeal the decision in accordance with Wis. Statute ch. 68 and **Article 7 225-32B**.

## 225-23 COUNTY SANITARY PERMIT(S)

A Grant County Sanitary Permit is required for POWTS reconnections and for items not governed under a State Sanitary Permit.

A. **RECONNECT PERMIT:** A Grant County Sanitary Reconnect Permit is required when a structure serviced by an existing POWTS is replaced or rebuilt with a new or different structure or before a disconnected POWTS may be reconnected. A County Sanitary Permit for POWTS reconnection shall require all existing or remaining POWTS components be evaluated for compliance to the Wis. Adm. Code in affect at the time originally installed including a Soil and Site Evaluation Report for those POWTS components that utilize in situ soils for treatment or dispersal. Applications for a Reconnect Permit shall include supporting documentation that the existing POWTS is functioning properly, not failing and capable of handling the proposed wastewater flow and contaminant loads. The existing POWTS shall be entered into the Grant County POWTS Management and Maintenance Program or amend the existing Management Plan including servicing agreement(s) & contract(s).

- 1.) A Grant County Sanitary Reconnect permit is not required when replacing a structure with a new or different structure within two (2) years from the date of original Sanitary Permit issuance. To allow Reconnect Permit exception the original or most recent plumber of record shall be required to submit a statement that the existing POWTS was not altered and that the wastewater flow or contaminant loads have not been modified.
- 2.) A Grant County Sanitary Reconnect Permit application shall be prepared and submitted per **Articles 4 225-25 and 225-26** with the following;
  - a.) A report by a certified Septage Servicing Operator on the condition of all existing holding or treatment components including capacities, water tightness, baffles, risers and riser covers.
  - b.) A Soil and Site Evaluation Report with the add verification of the existing POWTS dispersal area size and the vertical elevation of the infiltration surface of the existing POWTS and elevation of any limiting factor unless a valid report is on file with the CS&Z Dept. that would support the existing POWTS.
  - c.) A report by a credentialed person per s. SPS 383.25 (2) (d) 3 Wis. Adm. Code as to the condition of the existing POWTS components, including but not limited to pumps, inspection pipes, filters, switches, alarms, electrical systems, and that the existing POWTS is not failing.

B. **CAMPER UNIT TRANSFER CONTAINER USE PERMIT:** A Grant County Camper Unit Transfer Container Use Permit shall be prepared and submitted per **Articles 4 225-25 and 225-26**with the following;

- 1.) The applicant shall submit as part of an application a detailed plot plan per **Article 4 225-26C** depicting the Camper Unit and Transfer Container location with servicing access and horizontal and vertical setbacks.
- 2.) The applicant shall provide as part of an application the State Product Approval letter, any installation or servicing instructions and size (in gallons) for the transfer container.
- 3.) The applicant as part of an application shall enter into a Grant County Transfer Container Installation and Maintenance Agreement and a Servicing Contract with a licensed Septage Service Operator (pumper) to establish the property owner(s) installation, maintenance and servicing responsibilities.
- 4.) A Camper Unit Transfer Container must be a State approved product for the use servicing one Camper Unit per container. The container shall be installed under the camper unit when ever possible or placed no more than 12 inches horizontally from the camper body recessed into the finish grade no more than 4 inches with adequate anchoring to prevent flotation and with provisions made to protect the unit from physical damage. The pumping, transporting and disposal of the contents shall be in accordance with ch. NR 113 and shall be maintained pursuant to this Chapter

C. **VAULT, PRIVY PERMIT:** A Grant County Vault Privy Non-plumbing Sanitation System Permit application shall be prepared and submitted per **Articles 4 225-25 and 225-26**with the following;

- 1.) The applicant shall submit as part of an application a detailed plot plan per **Article 4 225-26C** depicting the Vault Privy location with servicing access and horizontal and vertical setbacks.
- 2.) The applicant shall provide as part of an application the State Product Approval letter, installation instructions and size (in gallons) for the vault (tank).
- 3.) The applicant as part of an application shall enter into a Grant County Vault Privy Installation and Maintenance Agreement and a Servicing Contract with a licensed Septage Service Operator (pumper) to establish the property owner(s) installation, maintenance and servicing responsibilities.

#### 225-24 PERMIT EXPIRATION AND RENEWAL

If the POWTS, POWTS component, Vault Privy or sanitary device is not installed, inspected, and approved by the Grant County Conservation, Sanitation & Zoning Department the permit for the installation shall expire two (2) years from the date of issuance. A Sanitary Permit, County Sanitary Permit or County Use Permit must be renewed prior to the expiration date of the original or most recent issued permit by written application to the Grant County CS&Z Dept. Approved permit renewals are affective for two (2) year periods thereafter.

#### 225-25 SANITARY PERMIT APPLICATION(s)

Sanitary Permit applications shall be prepared and submitted pursuant to s. SPS 383.21 (2) Wis. Adm. Codes composed of all original documents with the following but not limited to any additional information or documentation requested by the Grant County Conservation, Sanitation & Zoning Department;

- A A completed Permit Application with parcel identification number, legal description, and site address.
- B Soil and Site Evaluation report per **Article 3 225-14**.
- C System Design plans per **Article 4 225-26**.
- D Recorded documents per **Article 3 225-20** with recording fee.
- E A Management and Maintenance Agreement and Management Plan per **Article 6**.
- F When any official State action is required as part of a proposed POWTS design, the original approval letter and when applicable design plan bearing an original stamp of approval from the Wis. Dept. of SPS.
- G The Grant Co. CS&Z Dept. may require floodplain, wetland and/or property line delineations for a proposed POWTS area and building site related to the POWTS design. This may require vertical grade elevations to be tied to floodplain elevation datum and/or property lines located by a Registered Land Surveyor.

#### 225-26 DESIGN PLANS

A POWTS design plan submitted for review to the Grant County CS&Z Department shall comply with the requirements of s. SPS 383.22 Wis. Adm. Codes composed of all original documents with the following but not limited to any additional information or documentation requested by the Grant County CS&Z Department.

- A A cover page that identifies the title (project name), location, parcel ID number, design manual(s) used with SDB number(s), index of content, signed, sealed, and dated by and with the license number of the submitting individual pursuant to s. SPS 383.22 (2) (c) 1 or 2 Wis. Adm. Code.
- B A detailed construction plan depicting how the system is to be installed, with sizing, installation, operation requirements including manufacturer specific cross-Article drawings for each holding, treatment, dosing, filter, and POWTS dispersal component used.
- C A detailed site plan pursuant to s. SPS 383.22 (2) (a) 4 c Wis. Adm. Code that delineates all new and existing POWTS components, property lines, structures and roads with all separating distances and dimensions.

#### 225-27 LIMITED USE AGREEMENT

If weather and/or site soil condition were to inhibit the installation of the drain field component of an approved POWTS design or when connection to public sewer is pending and the treatment tank component is to be used for influent (sewage) storage for a limited period of time to allow occupancy or continued occupancy of the dwelling a Limited Use Agreement is required. A Limited Use Agreement shall include Dept. of Natural Resources public sewer approval verification, with a written statement from the municipality or sanitary district, verifying the date that public sewer will be available for connection or an issued Sanitary Permit for a soil based POWTS design with State approvals when applicable. Limited Use Agreements are valid for (6) six months only and are subject to an administrative fee. Upon entering into a Grant County Limited Use Agreement the property owner(s) shall agree;

- A To connect to a pre-approved public sewer once it becomes available or; if public sewer fails to become available as planned, to have a Soil & Site Evaluation Report performed on the parcel and if the site will support a soil based POWTS design to permit, install and connect to the POWTS.
- B To install and connect to the drain field component of the pre-approved soil based POWTS design.
- C To properly abandon any tank(s) within thirty (30) days of permanent connection to Public Sewer.
- D To enter into a service contract with a licensed Septage Service Operator (pumper).

## **ARTICLE - 5 – INSPECTIONS**

### **225-28 INSPECTIONS GENERAL**

Each Private On-site Wastewater Treatment System installation, component replacement, modification, system reconnection or removal shall be inspected by the Grant County CS&Z Dept. pursuant to s. SPS 383.26 Wis. Adm. Code and this Chapter to insure that proper materials and methods are used that comply with all applicable Wis. Statute and Adm. Codes. No POWTS may be placed into service prior to being inspected and approved by the Grant County CS&Z Dept. unless otherwise exempted by the State or the County. Each Non-plumbing Sanitation System and Use Permit component installation or removal shall be inspected by the Grant County CS&Z Dept to insure that proper materials and methods are used that comply with the manufacture’s installation instructions, Wis. Adm. Codes and this Chapter. After the initial inspection(s) each POWTS or Non-plumbing Sanitation System or Use Permit component may be inspected at the discretion of the Grant County Conservation, Sanitation & Zoning Administrator or Zoning/Sanitation Technician for compliance with the Management and Maintenance Agreement operational and/or servicing requirements.

### **225-29 INSPECTION, SPECIFIC**

#### **A. Types of Inspection; copy of design plans**

- 1.) Private On-site Wastewater Treatment System inspections are normally performed at the time all components of the system are completed prior to backfilling. Additional inspections maybe required at the discretion of the Grant County Conservation, Sanitation & Zoning Administrator or Zoning/Sanitation Technician including but not limited to; before, during and after plowing of the ground surface, excavations for sanitary component(s), placement and bedding of treatment or holding tank(s) and drain field components; including sand fill, aggregate, leaching chambers, distribution piping, pumps, effluent filters or system and/or component(s) testing. The plumber in charge shall be present at the scheduled inspection time and provide the proper apparatus, equipment and necessary assistance with the inspection as directed by the Grant County Conservation, Sanitation & Zoning Administrator or Zoning/Sanitation Technician.
- 2.) Non-plumbing Sanitation Systems and Use Permit Component inspections are normally performed at the time all components of the system are completed, prior to being placed into service. Additional inspections maybe required at the discretion of the Grant County Conservation, Sanitation & Zoning Administrator or Zoning/Sanitation Technician, including but not limited to before, during and after system or component installation, connection or testing. The person in charge shall be present at the scheduled inspection time and provide the proper apparatus, equipment and necessary assistance with the inspection.
- 3.) A copy of the approved POWTS design plans or a copy of the non-plumbing device manufacture’s installation instruction shall be maintained at the site by the plumber or person in charge until the installation is completed, inspected, and approved.

#### **B. NOTICE OF INSPECTION**

- 1) POWTS Notice for inspection shall be given in accordance with the requirements of s. SPS 383.26 Wis. Adm. Code. The plumber in charge shall identify and schedule the inspection and/or testing with the Grant County Conservation, Sanitation & Zoning Department at least one (1) full business day excluding weekends or holidays prior to requested inspection time.
- 2.) Non-Plumbing Sanitation Systems Or Use Permits Components Or Soil And Site Evaluation Report Inspections The person in charge shall schedule the inspection with the Grant County CS&Z Dept. and

coordinate with the Conservation, Sanitation & Zoning Administrator or Zoning/Sanitation Technician at least one (1) full business days excluding weekends or holidays prior to requested inspection time.

C. **RE-INSPECTION** A re-inspection shall be required when at the scheduled inspection time the plumber or person in charge is not present, the system or component installation is incomplete (not ready for inspection) or when the initial inspection discloses non-compliance with the Wis. Adm. Codes or this Chapter.

Re-inspections are subject to the provisions of **Articles 5 225-28, 225-29A, & B(1)** and a **re-inspection fee**.

#### D. FINAL INSPECTION

- 1.) A final inspection is required for any POWTS design with a finished grade elevation that is greater than the original grade or when a system elevation is less than twelve (12) inches below the original soil grade or when seeding and mulching, electrical connection or component testing are a design requirement and for all Self-inspected installations. A POWTS installation requiring a final inspection shall not be placed into service until inspected and approved by the Grant County Conservation, Sanitation & Zoning Dept.
- 2.) A POWTS may be allowed to be placed into service prior to final inspection upon request by the installer or property owner at the discretion of the Grant County Conservation, Sanitation & Zoning Administrator or Zoning/Sanitation Technician when an interruption of service to an occupied dwelling were to accrue or when unusual design or site conditions exist.

#### E. SELF INSPECTION

- 1.) Pursuant to this Chapter the Plumber in charge may perform a self-inspection and complete a Self-inspection Report at the discretion and direction of the Grant County Conservation, Sanitation & Zoning Administrator or Zoning/Sanitation Technician provided the scheduled inspection cannot be made by the end of the next workday excluding weekends and holidays from the scheduled inspection time.
- 2.) The plumber in charge shall record on forms provided by the CS&Z Dept. (Grant County Self-Inspection Report) all requested elevation and site information for the POWTS installation, component replacement, modification, system reconnection or removal. Grant County Self-Inspection Report forms shall be submitted to the Grant County CS&Z Dept. within ten (10) business days from performing the self-inspection.

F. **SITE CONSTRUCTED HOLDING TANK INSPECTION** All site constructed holding tanks shall be inspected before and after the floor is poured and the key way and water stop are installed or after the forms for the tank walls have been set, but in all instances, before any concrete for the walls has been poured. Concrete walls may be poured only after it has been determined that the tank as formed complies with the State approved design plan. The completed installation shall be inspected before backfilling.

G. **SOIL AND SITE EVALUATION REPORT INSPECTION** Soil and Site Evaluation Reports shall be performed and submitted per ch. SPS 385 Wis. Adm. Code. The Grant Co. CS&Z Dept. may require site verification inspections of submitted Soil and Site Evaluation Reports and may require additional soil profile excavation evaluations at the discretion of the Conservation, Sanitation & Zoning Administrator or Zoning/Sanitation Technician to verify reported data and to determine the soil suitability of a proposed or existing POWTS design. A Soil Tester may schedule a Soil and Site Evaluation Report verification inspections with the CS&Z Dept. prior to submitting a Soil and Site Evaluation Report, and/or a completed Sanitary Permit application.

- 1.) When a Soil and Site Evaluation verification inspection is requested by a Soil Tester he or she shall provide notice of inspection per **Article 5 225-29B(2)**, be present at the time of inspection and provide the proper equipment and assistance to the Grant County Conservation, Sanitation & Zoning Administrator or Zoning/Sanitation Technician with soil profile evaluation excavation(s) (test pits) constructed to allow adequate visual and physical observation of the soil profiles.
- 2.) When a Soil and Site Evaluation Report inspection is ordered by the Grant County CS&Z Dept., the responsible Soil Tester shall be notified and an inspection scheduled. The responsible Soil Tester shall be present at the time of inspection and provide the proper equipment and assistance including any additional soil profile evaluation excavation(s) (test pits) at the discretion of the Grant County Conservation, Sanitation & Zoning Administrator or Zoning/Sanitation Technician.
- 3.) County Soil and Site Evaluation Report verification inspections will result in one or more of the following:
  - a.) Approval or denial of the Soil and Site Evaluation Report.
  - b.) Holding action on a Sanitary Permit application pending clarification of reported information.

- c.) Require a revised Soil and Site Evaluation Report that would support the proposed or existing POWTS design or an alternative POWTS design the soil and site conditions would support for the use.
- d.) Issuance of a Stop Work Order if site verification of a Soil and Site Evaluation Report determines it does not support the approved POWTS design. The POWTS shall remain inoperable until such time a revised Soil and Site Evaluation Report is submitted and approved by the Grant County CS&Z Dept. that would support the installed POWTS. If the soil and site conditions do not support the installed POWTS design it shall be removed and replaced with a soils based POWTS design the site will support.

H. SOIL SATURATION DETERMINATION INSPECTION The Grant County CS&Z Dept. shall require inspections of Soil Saturation Determinations pursuant to s. SPS 385.60 Wis. Adm. Code and this Chapter. The responsible Soil Tester shall notify and coordinate with the Grant County Conservation, Sanitation & Zoning Administrator or Zoning/Sanitation Technician prior to performing a Soil Saturation Determination. Notice for inspections shall be per **Article 5 225-29B(2)** with groundwater observation pipe installations prepared and made available for inspection.

## **SECTION - 6 - MANAGEMENT AND MAINTENANCE**

### **225-30 GRANT COUNTY MANAGEMENT AND MAINTENANCE PROGRAM**

The Grant County Management and Maintenance Program is created and established as a provision to this Chapter to ensure proper operation, servicing, maintenance and reporting for all new or existing Private Onsite Wastewater Treatment or Holding Systems within the scope of ch. SPS 383 Wis. Adm. Code including Non-plumbing Sanitation Systems and Use Permit Components pursuant to this Chapter. The Grant County Management and Maintenance Program is, herein integrated with the POWTS Replacement and Rehabilitation Grant Program and shall comply with the maintenance requirements and enforcement authority as set forth in ch. SPS 383 and 387 Wis. Adm. Codes.

A. IMPLEMENTATION All new or existing Private Onsite Wastewater Treatment or Holding Systems shall be entered into the Grant County Management and Maintenance Program as part of a Sanitary Permit Application or as prescribed in ch. SPS 383 and 387 Wis. Adm. Codes.

- 1.) All existing Private Onsite Wastewater Treatment or Holding Systems entered in to the Grant County Management and Maintenance Program shall be examined pursuant to the administrative code in effect at the time of installation to determine that all system components are functioning properly, not failing and capable of accepting the existing wastewater flow and contaminant load as originally designed.
- 2.) All Non-plumbing Sanitation Systems or Use Permit Components pursuant to this Chapter shall be entered into the Grant County Management and Maintenance Program as part of a Grant County Non-plumbing Sanitation System or Use Permit application.

#### **B MANAGEMENT AGREEMENT**

- 1.) The owner(s) of a Private On-site Wastewater Treatment or Holding System shall enter into a Management Agreement pursuant to s SPS 383.52 and 383.54 Wis. Adm. Code and this Chapter.
- 2.) The owner(s) of a Non-plumbing Sanitation System or Use Permit Component permitted by this Chapter shall enter into a Non-plumbing Sanitation System or Use Permit Component Management Agreement.

#### **C. MANAGEMENT PLAN**

- 1.) As part of a Grant County POWTS Management Agreement a Management Plan shall be required to establish the management and maintenance responsibilities with servicing and reporting requirements for a POWTS or Holding System pursuant to s SPS 383.54 and 383.55 Wis. Adm. Code.
- 2.) As part of a Grant County Non-plumbing Sanitation System or Use Permit Component Management Agreement a Management Plan shall be required to establish the management and maintenance responsibilities with servicing and reporting requirements.

#### **D. REPORTING REQUIREMENTS**

- 1.) All evaluation, maintenance or servicing events as prescribed by a Management Plan for a Private Onsite Wastewater Treatment or Holding System shall be reported to the Grant County Conservation, Sanitation &



- Zoning Dept. pursuant to s. SPS 383.55 Wis. Adm. Code and this Chapter.
- 2.) All evaluation, maintenance or servicing events for Non-plumbing Sanitation Systems or Use Permit Components shall be reported in like manner pursuant to this Chapter.

E. **NOTICE OF MAINTENANCE** Notice that the POWTS evaluation, maintenance or servicing requirements are due as prescribed by a Management Plan shall be given to the current property owner(s) by the Grant County CS&Z Department in the year the evaluation, maintenance or servicing event is schedule.

F. **REPORTING DATE**

- 1.) The purpose of this subArticle is to establish by provision to this Chapter a final reporting date for all POWTS evaluation, maintenance or servicing events pursuant to the POWTS Replacement and Rehabilitation Grant Program. The evaluation, maintenance or servicing events shall be performed and reported to the Grant County Conservation, Sanitation & Zoning Dept. prior to a final date as established by the Grant County CS&Z Committee with in the year the event is scheduled. This final reporting date may cause the evaluation, maintenance or servicing event to be rescheduled for the first reporting cycle.
- 2.) The reporting of evaluation, maintenance or servicing events for Non-plumbing Sanitation Systems including Vault Privies, Camper Unit Transfer Containers or Use Permit Components shall be performed and reported in a manner as prescribed by the Management Plan within 30 calendar days of being performed to the Grant County Conservation, Sanitation & Zoning Department.

## **ARTICLE - 7 - ADMINISTRATION**

### **225-31 THE GRANT COUNTY CONSERVATION, SANITATION & ZONING ADMINISTRATOR**

- A. The Grant County Conservation, Sanitation & Zoning Administrator shall be responsible for the administration of this Chapter and may delegate issuing of abatement orders, to the Grant County Health Department. The Grant County Zoning/Sanitation Technician shall assist the Administrator and/or the Grant County Conservation, Sanitation & Zoning Committee with the administration of this Chapter.
- B. In the administration of this Chapter, the Grant County Conservation, Sanitation & Zoning Administrator shall have the following powers and duties to assure full and complete compliance with this Chapter and related Wis. Statutes and Adm. Codes.
  - 1.) Perform and/or delegate his or her responsibilities and duties to personnel employed by the Grant County Conservation, Sanitation & Zoning Department as considered appropriate by the County or State.
  - 2.) Issue and enforce Orders for Correction to the responsible person(s) including but not limited to Plumbers, Soil Testers, Septic Servicing Providers, property owners, their agents or contractors.
  - 3.) Advise applicant concerning the provisions of this Chapter and assist them in preparing a permit application.
  - 4.) Review POWTS Sanitary Permit Applications for one and two family residences or as approved through agent status by the Department of Safety and Professional Services. Review Grant County Permit applications for POWTS, Non-plumbing Sanitation Systems or Use Permits pursuant to this Chapter.
  - 5.) Issue State and County Sanitary Permits and keep records of all permits issued, inspections made, work approved, official actions and report violations of this Chapter to the Grant County District Attorney.
  - 6.) Perform inspections for compliance pursuant to this Chapter and related Wis. Statutes or Administrative Codes with access to any premises for the purpose of performing official duties between 8:00 a.m. and 4:30 p.m. or upon issuance of a special inspection warrant in accordance with s. 66.0119 (1) & (2) Wis. Statute.
  - 7.) Administer and distribute grants obtained through the Wisconsin Fund Grant Program.

### **225-32 BOARD OF ADJUSTMENT**

The County Board Chairman is hereby directed to appoint a Board of Adjustment according to s. 59.694 Wis. Statute consisting of three (3) members with a staggered three (3) year term and two (2) alternate members with a staggered three (3) year term. The members shall all reside within Grant County and outside of limits of incorporated cities and villages; provided, however, that no two (2) members may reside in the same town. The Board shall choose its own chairman and other officers as may be needed. Term of office shall be for three years (3) beginning July 1. Vacancies shall be filled for the un-expired term of any member whose term becomes vacant.

- A. **PROCEDURES** The Board of Adjustment shall adopt such rules as it deems necessary for the conduct of business and may exercise all of the powers conferred on such boards by s. 59.694 Wisconsin Statute.
- 1.) The Board shall hear and decide appeals, where it is alleged there is error in any order requirement, decision or determination made by an administrative official in the enforcement or administration of this Chapter.
  - 2.) The Board may authorize upon appeal, in specific cases, such variance from the terms of the Chapter as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the Chapter will result in unnecessary hardship and so that the spirit of the Chapter shall be observed and substantial justice done. No variance shall have the effect of allowing standards lower than those required by state law.
- B. **APPEALS TO THE BOARD** Appeals to the Board of Adjustment, may be taken by a person who is aggrieved, by an officer, department, board or bureau of a municipality, affected by a decision of the Grant County Conservation, Sanitation & Zoning Administrator. Such appeal must be taken within thirty (30) days of the date or written notice of the decision or order of the Grant County Conservation, Sanitation & Zoning Administrator, by filing with the office from whom, the appeal is taken and with the Board of Adjustment, a notice of appeal specifying the grounds thereof. The Grant County Conservation, Sanitation & Zoning Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed was taken.
- C. **HEARING OF APPEALS**
- 1.) The Board of Adjustment shall fix a reasonable time for the hearing of an appeal, give public notice and such notice shall be published in the official newspaper of Grant County by publishing a class two (2) notice thereof as defined in ch. 985 Wis. Statute, as well as due notice to the parties in interest, including mailing notice to the Department of Safety and Professional Services at least ten (10) days prior to the hearing date. Such notice shall specify the date, time, and place of the hearing and matters to come before the Board with decisions regarding the appeal made as soon as practicable. Any party may appear in person, by agent or attorney.
  - 2.) The secretary of the Board shall in the form of a written resolution or order sign the final disposition of an appeal or application to the Board of Adjustment. Such resolution shall state the specific facts that are the basis for the Board's determination and shall either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or prosecution or grant the application. A copy of any decision granting a variance shall be mailed to the Department of Safety and Professional Services.

## **ARTICLE – 8 – ENFORCEMENT AND PENALTIES**

### **225-33 VIOLATION ENFORCEMENT**

Any property owner, their agent, contractor or responsible party who fails to comply with the provisions of this Chapter or Wisconsin Statute(s) and/or Administrative Code(s) applicable to this Chapter shall hereafter be established in violation. Nothing in this Chapter shall preclude Grant County from initiating any appropriate action to prevent or remove a violation of any provision of this Chapter. The Grant County District Attorney shall expeditiously prosecute violations to this Chapter.

- A. The Grant County Conservation, Sanitation & Zoning Administrator or Zoning/Sanitation Technician upon reasonable cause or question as to proper compliance may revoke or suspend any Permit governed by this Chapter and issue directives or Orders for Correction for any violation to this Chapter.
- B. Construction of items found in violation of this Chapter, shall cease upon written or on-site notification of a Stop Work Order by the Grant County Conservation, Sanitation & Zoning Administrator or Zoning/Sanitation Technician and all construction work shall remain stopped until the Grant County Conservation, Sanitation & Zoning Administrator or Zoning/Sanitation Technician release the order.
- C. Any person issued an Order for Correction by the Grant County Conservation, Sanitation & Zoning Dept. in accordance with this Chapter, who resists enforcement or violation correction, shall be subject to being issued a Court Citation pursuant to the Grant County Zoning and Sanitation Department Citation Ordinance and/or filing of a lawsuit complaint with a penalty as provided in **Article 8 225-34B**

**225-34 PENALTY PROVISION**

- A. Any person issued a Court Citation that is found guilty of violating this Chapter or any part thereof shall be subject to a payment of a forfeiture cash deposit as prescribed by the Grant County Zoning and Sanitation Department Citation Ordinance including statutory court costs, assessments, surcharges and fees.
- B. Any person who violates any of the provisions of this Chapter, except as otherwise provided shall upon conviction of such violation be subject to a penalty. Any person who upon conviction is found guilty of violating this Chapter or any part thereof shall forfeit not less than one hundred dollars (\$100.00) or not more than one thousand dollars (\$1,000.00) for each offense, in addition to the costs of prosecution. Each day a violation continues or occurs, shall constitute a separate violation and offense.

**225-35 EXECUTION AGAINST DEFENDANT’S PROPERTY.** Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of any court for violation to this Chapter, the court may issue a lien against the property of the defendant for such forfeiture and costs.