

Ordinance No 61-10
Amendment to the Polk County Private Sewage System Ordinance

WHEREAS, as part of its responsibilities to administer and enforce regulations of private sewer systems in Polk County, the Land Information Department is mandated pursuant to Wisconsin Administrative Code, sections Comm 83.54 and 83.55, to develop and maintain an inventory of all private sewer systems in Polk County and to track required maintenance including pumping on each system; and

WHEREAS, under the existing county ordinance, Polk County has already developed a records maintenance program; and

WHEREAS, the costs of maintaining such an inventory tracking system should be the responsibility of those who utilize such systems, rather than the County taxpayers as a whole; and

WHEREAS, Wisconsin Statute Section 145.20(4) allows counties to assess a fee to recover these record keeping costs against those owners of private sewer systems rather than against all County taxpayers, and

WHEREAS, the Land Information Department estimates that it would cost approximately four (\$4.00) dollars annually per private sewer system to develop, maintain, administer and enforce the tracking system requirements mandated by the referenced administrative code provisions.; and

WHEREAS, the fees may be recovered in the same manner as municipalities make property assessments pursuant to Wisconsin Statute Section 66.0703; and

WHEREAS, pursuant to Wisconsin Statute Section 66.0628, The Polk County Board has determined that the proposed fee bears a reasonable relationship to the service for which the fee is imposed.

NOW, THEREFORE, the County Board of Supervisors of the County of Polk does ordain to amend and renumber the Polk County Private Sewage System Ordinance, as follows:

Section 1: Purpose: The underlying principles of this ~~chapter ordinance~~ are basic goals in environment, health and safety accomplished by proper siting, design, installation and maintenance of private sewage systems.

Section 2: Private Sewage Systems

- (a) Sewage System Construction and Maintenance Standards
- (1) Private sewage system location, construction, materials and maintenance shall be as specified in ~~ILHR 81 through 87~~ Comm 83, 84, 85, 87, 91, Wisconsin Administrative Code, authorized in Chapter 145 and ~~59.06570~~ Wisconsin Statutes hereby incorporated by reference and which shall apply until amended and then shall apply as amended.
 - (2) The Zoning Administrator or designee shall act as the Polk County issuing agent of the statutes and is hereby assigned the duties of administering the Private Sewage System Program.

- (b) Wisconsin Fund Maintenance Program
- (1) The applicant for a sanitary permit shall be provided written notice of the maintenance program at the time the sanitary permit is issued. The records of this notification shall be maintained by the issuing agent. Upon sale of the property, the owner shall provide written notification of the maintenance program to the buyer.
 - (2) Every three years after the installation of a private sewage disposal system, the owner shall be provide a certification form by the issuing agent at least 30 days prior to its due date. The certification form must be co-signed by the owner and be completed by either:
 - a. A licensed master or master restricted sewer plumber
 - b. A licensed septic tank pumper
 - c. County or state personnel licensed to inspect septic systems.
 - (3) The certification form will state that:
 - a. The private sewage disposal system is in proper operating condition.
 - b. The septic tank was recently pumped by a licensed septic tank pumper or it was inspected and is less than one-third full of sludge and scum.
 - (4) Circumstances such as inclement weather, road weight restrictions and site limitations may necessitate a delay in septic tank maintenance until conditions permit.

Section 3: Maintenance and Management:

- (a) All private sewage systems shall be managed and maintained in accordance with Wis. Admin. Code. Chs. Comm 83 and 84 and this Ordinance.
- (b) The property owner or the owner's agent shall report to the Department each inspection, maintenance or servicing event, in accordance with Wis. Admin. Code Ch. Comm 83 and this Ordinance.
- (c) The property owner or the owner's agent shall submit a copy of an appropriate maintenance agreement and/or maintenance servicing contract to the Department prior to sanitary permit issuance.
- (d) The property owner or the owner's agent shall submit a new or revised maintenance agreement and/or maintenance servicing contract to the Department whenever there is a change to such document(s).
- (e) The property owner or the owner's agent shall submit a new maintenance agreement and/or maintenance servicing contract to the Department prior to expiration of an existing maintenance agreement and/or maintenance servicing contract.

- (f) The owner of a private sewage system is responsible for fulfillment of the requirements of this section.

Section 4: Fees and Charges:

Fees shall be as determined and adjusted from time to time by the Land Information Committee and as maintained by the Land Information Department in its "Polk County Land Information Department Fee Schedule." Pursuant to Wis. Stat. § 66.0628(2), any fee imposed shall have a reasonable relationship to the service for which the fee is imposed.

- (a) Refunds. At the discretion of the Department, after a sanitary permit has been issued, the fee or portion thereof may be refunded to the party who originally paid the fee, upon submittal to the Department of a written request signed by the permit holder, to void the permit.
- (b) New fees. If a new fee is imposed or if a fee increased before an application has completed or a permit issued, the new fee or fee increase shall apply to the application and shall be paid before the permit is issued.
- (c) In addition to the foregoing fees as allowed by Wis. Stat. § 145.20(4), each owner of a private sewage system shall annually be charged a fee of \$4.00 (Four Dollars per private sewage system for the recordkeeping attributable to the inventory and tracking of the pumping and maintenance of each system, said fee to be recovered in the same manner as municipalities may make property assessments pursuant to Wis. Stat. § 66.0703.

Funding Source and Amount: Not Applicable

Finance Committee Advised: Not Applicable

Recommendation: Not Applicable

Effective date: Upon Passage and Publication

Approved as to Form: Jeffrey B. Fuge
Jeffrey B. Fuge, Corporation Counsel

Date Submitted to the Polk County Board: 9-21-10

Sponsored and submitted by the Land Information Committee:

Referred back to Committee

[Signature]
[Signature]
[Signature]

Craig Mousk
[Signature]

At its regular business meeting on _____, the Polk County Board of Supervisors adopted the above ordinance, Ordinance No. ____ -10: Amending the Polk County Private Sewage System, by a vote of _____ in favor and _____, against.

William Johnson, IV, County Board Chairperson

Attest: _____
Carole Wondra, Polk County Clerk

Ordinance No. ____ -10: Amending the Polk County Private Sewage System was published in the Inter-County Leader on the ____ day of _____, 2010.

Carole Wondra, County Clerk