Ordinance No. 16 -18

Ordinance To Enact Amended Polk County Private Onsite Wastewater Treatment System (POWTS) Ordinance

TO THE HONORABLE MEMBERS OF THE POLK COUNTY BOARD OF SUPERVISORS:

Ladies and Gentlemen:

WHEREAS, on March 21, 2017, the Polk County Board of Supervisors enacted Ordinance No. 11-17, entitled as Polk County Private Onsite Wastewater Treatment System (POWTS) Ordinance; and

WHEREAS, Wisconsin plumbing code is under the authority of the Wisconsin Department of Safety and Professional Services; and

WHEREAS, private sewage systems are regulated by Wisconsin Administrative Code SPS 383-387 and 391; and

WHEREAS, on February 15, 2018, the Polk County Zoning Administrator filed pursuant to Wisconsin Statute Section 59.69(5)(e) a petition sought to amend the Polk County Private Onsite Wastewater Treatment System (POWTS) Ordinance, through the enactment of the proposed Amended Polk County Private Onsite Wastewater Treatment System (POWTS) Ordinance; and

WHEREAS, the amendment changes the after-the-fact penalty fee from $500 to two times the regular permit fee; and

WHEREAS, on March 7, 2018, the Polk County Environmental Services Committee, as the planning and zoning committee, opened and held a public hearing on the petition to amend the Polk County Private Onsite Wastewater Treatment System (POWTS) Ordinance; and

WHEREAS, after considering public input received in the public hearing and incorporating such public input and recommendations, as appropriate, the Polk County Environmental Services Committee recommends that the Polk County Board of Supervisors enact as and for the county's sanitary ordinance under Wisconsin Statute Sections 59.70, 254.59, and Chapter 145 the attached proposed ordinance, entitled "Amended Polk County Private Onsite Wastewater Treatment System (POWTS) Ordinance".

NOW, THEREFORE, pursuant to Wisconsin Statute Section 59.69(5)(e), the Polk County Board of Supervisors ordains as follows:

1. The Amended Polk County Private Onsite Wastewater Treatment System (POWTS) Ordinance, attached hereto and incorporated herein, is enacted.

2. The Polk County Zoning Administrator is directed to forward the Amended Polk County Private Onsite Wastewater Treatment System (POWTS) Ordinance to the Wisconsin Department of Safety and Professional Services.

3. Pursuant to Wisconsin Statute Sections 59.14(1) and 985.01(5), the County Clerk is directed to cause to be published the ordinance enacted herein.

4. The Amended Polk County Private Onsite Wastewater Treatment System (POWTS) Ordinance shall be effective upon passage and publication as provided by law.

Funding Source/ Funding Amount:	Not Applicable
Date Reviewed as to Appropriations:	Not Applicable
Committee Recommendation as To Appropriation:	Not Applicable
Effective Date:	Upon Passage and Publication
Dated Submitted To County Board	April 17, 2018
Submitted and Recommendation of the Polk County Environmental Services Committee: Kim O'Connell, Committee Chair	

Review By Corporation Counsel

☒ Approved as to Form

☐ Recommended

Jeffrey B. Fuge, Corporation Counsel
Interim County Administrator

County Board Action

At its regular business meeting on April 17, 2018 the Polk County Board of Supervisors enacted the above-entitled ordinance: Ordinance No. 16 -18: Ordinance To Enact Amended Polk County Private Onsite Wastewater Treatment System (POWTS) Ordinance, by majority vote of the entire membership of a ~~vote of ___ in favor and ___ against.~~ unanimous voice vote

Dean Johansen Dated: 5/23/18
Dean Johansen, County Board Chairperson

Attest: Sharon Jorgenson Dated: 5-23-18
Sharon Jorgenson, Polk County

Certification of Publication

The above-enacted ordinance, Ordinance No. 16 -18: Ordinance To Enact Amended Polk County Private Onsite Wastewater Treatment System (POWTS) Ordinance was published in the Inter-County Leader on the 6 day of June, 2018.

Sharon Jorgenson Dated: 5-23-18
Sharon Jorgenson, County Clerk

CERTIFIED COPY OF POLK COUNTY ORDINANCE

STATE OF WISCONSIN

COUNTY OF POLK

I, Sharon E. Jorgenson, Polk County Clerk due hereby certify that the attached hereto and incorporated herein is a full, true and correct copy of the Polk County Ordinance No. 16-18: Ordinance to Enact Amended Polk County Private Onsite Wastewater Treatment System (POWTS) Ordinance as adopted by the Polk County Board of Supervisors on the 15th day of May, 2018.

Sharon E. Jorgenson 5/22/18

Sharon E. Jorgenson, Polk County Clerk Date

Polk County Private Onsite Wastewater Treatment System (POWTS) Ordinance

Ordinance No. 16-18
Polk County Private Onsite Wastewater Treatment System (POWTS) Ordinance
Enacted: May 15, 2018; Published: May 30, 2018
Effective Date: May 30, 2018

Polk County Land Information Department
Polk County Government Center
100 Polk County Plaza, Suite 130
Balsam Lake, WI 54810
715-485-9111
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Polk County Private Onsite Wastewater Treatment System (POWTS) Ordinance

(Effective: May 30, 2018)

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Section 1: Statutory Authority

This ordinance is adopted pursuant to the authorization in Wisconsin State Statute 59.70(1), 59.70(5), 145.04, 145.19, 145.20, 145.245, 254.59, and Wisconsin Department of Safety and Professional Services code chapters SPS 383-387 and 391.

Section 2: Purpose

The underlying principles of this ordinance are basic goals in environment, health and safety accomplished by proper siting, design, installation, inspection, maintenance, and management of POWTS and non-plumbing sanitary systems.

Section 3: Severability and Liability

A. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such a decision shall not affect the remaining portions of this ordinance. The Polk County Board of Supervisors declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more such provisions be declared unconstitutional or invalid.
B. To the extent that any of the provisions of this ordinance are interpreted to be invalid or inconsistent with Wisconsin Statute and Administrative Code, said ordinance provision shall lack application and the applicable state standard is hereby incorporated by reference as expressly provided herein so as to allow for lawful issuance of any permit as provided by this ordinance and to allow for the enforcement by ordinance of the state standard.
C. This ordinance shall not create a liability on the part of or a cause of action against the county or any employee thereof for any private sewage system which may not function as designed. There shall be no liability or warranty for any site which is approved or denied. The issuance of a sanitary permit and the final inspection of such a system do not warrant the system's function, nor is there a guarantee that the system is free of defects or that all aspects of the system comply to Wisconsin Statute or Administrative Code requirements.

Section 4: Definitions

The following definitions apply to the provisions of this ordinance:
Bedroom: A room for sleeping that includes an ingress/egress.
Certified Soil Tester (CST): A person certified to conduct Soil and Site Evaluations in accordance with SPS 385.
Committee: The Environmental Services Committee.
County Sanitary Permit: A permit issued by the Polk County Zoning Department for a reconnection, restoration, repair or for the installation of a non-plumbing sanitation system.
Domestic 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.
Dwelling Unit: A structure or portion thereof with rooms arranged, designed or intended for occupancy by an individual or family for residential purposes.
Human Habitation: The act of occupying a structure as a dwelling or sleeping place, whether intermittently or as a principal residence.
Occupancy: Pertains to and is the purpose for which a structure is used or intended to be used. A change of occupancy is not intended to include a change of tenants or proprietors.
Ordinary High Water Mark (OHWM): means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.
Plan Revision: A modification to an approved application where a valid sanitary permit is in effect.
Plumber: A person licensed by the state as a Master Plumber or Master Plumber-Restricted Services for the purposes of this ordinance.
Portable Restroom (Satellite): A self-contained portable unit that includes fixtures and holding tank facilities, designed to contain domestic waste.

Private Onsite Wastewater Treatment System (POWTS): A sewage treatment and disposal system serving a structure with a septic tank, holding tank, aerobic treatment unit, or soil absorption field.
POWTS- Conventional: A POWTS consisting of a septic tank and/or an aerobic treatment unit (ATU) and an in-ground soil absorption component with gravity distribution of effluent.
POWTS- Failing: As defined under Wisconsin Statutes § 145.245(4).
POWTS- Holding Tank: A tank without a soil absorption component to collect domestic waste. The minimum tank size shall be 2000 gallons.
POWTS- Non-plumbing Sanitation System: Sanitation systems and devices within the scope of SPS 391, which are alternatives to water carried waste plumbing fixtures and drain systems; including, but not limited to, incinerating toilets, composting toilets and privies.
POWTS- Physical Restoration: The process of restoring the hydraulic functions and capabilities of a soil absorption system by soil fracturing. This process can reduce or eliminate flow restrictions in the soil due to biomat build up. Each method of restoration must have obtained product approval from the state.
POWTS- Privy: An enclosed non-portable toilet which non-water-carried human wastes are deposited (a non-plumbing sanitation system)
POWTS- Privy-Pit: A privy with a subsurface storage chamber that is not watertight.
POWTS- Privy-Vault: A privy with a subsurface storage chamber that is watertight.
POWTS- Reconnection: The connection of an existing POWTS to a new or replacement structure
POWTS- Repair: A restoration of a POWTS component to the original operating condition.
POWTS- Septic Tank: An anaerobic treatment tank.
Public Sewer: A sewer owned and controlled by a public authority.
Register of Deeds: Polk County Register of Deeds.
Sanitary Permit: A county sanitary permit, a state sanitary permit or both.
State: The Wisconsin Department of Safety and Professional Services.
State Sanitary Permit: A permit issued by the zoning department for the installation or modification of a POWTS, pursuant to Wisconsin Statutes §§ 145.135 and 145.19. 34.

Section 5: General Provisions

A. Compliance

1. All domestic wastewater shall enter a POWTS, unless otherwise exempted by the state or this ordinance.
2. The discharge of domestic waste including greywater and effluent to the waters of the state or to the ground surface is prohibited.
3. All structures or premises in the county that are permanently or intermittently intended for human habitation or occupancy, which are not serviced by a public sewer, shall have a system for holding, treatment, and dispersal of domestic wastewater, which complies with the provisions of this ordinance and all applicable state laws governing the location, construction, and use of private sewage systems: § 59.70(5), Chs. 145, 281.48 and 986.10, Wis. Stats.; Chs. SPS 352.63, SPS 381-85, SPS 387, SPS 391, NR 113 and NR 116 Wis. Adm. Code.

4. A non-plumbing sanitation system may be permitted only when the structure or premises served by the non-plumbing system is not provided with an indoor plumbing system. If plumbing is installed in the structure or water under pressure is supplied to the structure, an acceptable method of sewage disposal other than, or in addition to, a non-plumbing sanitation system must be provided.
5. Any POWTS, or portion(s) thereof, installed within a floodplain, shall comply with all applicable requirements of NR 116, Wisconsin Administrative Code and the Polk County Floodplain Zoning Ordinance.
6. A sanitary permit shall be obtained by the property owner, his/her agent or contractor, in the name of the property owner, before a POWTS or non-plumbing sanitary system may be installed, replaced, reconnected or modified. Any property owner, his/her agent or contractor, who starts construction prior to obtaining a sanitary permit is in violation and may be subject to citation or other enforcement action.
7. A written easement is required for POWTS that are proposed to be located on parcels that are not owned by the owner of the wastewater source. The easement shall be of adequate size to accommodate the installation and maintenance of the POWTS. The easement must be recorded in the Register of Deeds Office prior to the issuance of the sanitary permit.
8. If the design wastewater flow of a POWTS for a dwelling is not based upon the number of bedrooms within the dwelling, an affidavit limiting occupancy to the design flow shall be recorded in the Register of Deeds Office.
9. The zoning department shall issue written notice to each applicant whose sanitary permit application is disapproved per Wisconsin Statutes §145.20 (2) (c). Each notice shall list the specific reasons for disapproval and the amendments required to make the application approvable.

Section 6: Soil and Site Evaluations

A. Soil and site evaluations shall be done prior to the issuance of sanitary permits as specified in SPS 383 or SPS 391, Wis. Adm. Code.
B. Soil and Site Evaluation Reports must comply with SPS 385, Wis. Adm. Code. for the issuance of a new or replacement sanitary permit. Soil test pits shall be constructed pursuant to SPS 385, Wis. Adm. Code to allow adequate visual observation of the soil profile in place.
C. County verification of a Soil and Site Evaluation report may be necessary to determine the suitability of a lot for a POWTS. This verification will be made at the discretion of the zoning administrator and will be made prior to the issuance of the sanitary permit. The verification will be filed with the sanitary permit or in a separate file if no sanitary permit has been issued.
D. A Soil and Site Evaluation Report signed as original by the Certified Soil Tester (CST) conducting the evaluation, must be submitted to the Zoning Department. The report format must comply with § SPS 385.40(2) and pages must be numbered to identify entire report contents. Reports shall be filed on State approved forms.

E. In addition to minimum requirements in § SPS 385.40(3), the soil and site evaluation report must provide a site plan that contains the following information:

1. A site plan drawn to scale, in addition to the legal description, indicating nearest road(s) for access. The drawing must be fully dimensioned, using the same scale for property features, soil dispersal, and/or treatment area. If the entire property is too large to fit on the page at the accepted scale, the nearest road and/or lot lines may be indicated with a broken line for measured distances from the tested area.
2. A benchmark must be established within a line of sight to the soil tested area. The benchmark must be identified by a description of the benchmark used. (e.g. lot stake or PVC pipe) The measured distance to the benchmark location must be included on the scale drawing.
3. Soil pit and/or boring locations must have a ground surface elevation and horizontal reference to the benchmark and/or lot lines. Distances between pit and/or borings must be sufficient to allow adequate square footage for installation of a soil absorption dispersal area appropriate for the soil application rates encountered on the site.
4. Ground surface contour lines at appropriate intervals should extend beyond the perimeter of the soil-tested area to indicate surface features affecting the size and orientation of a treatment or dispersal system.
5. Location of easements, floodplain, and the ordinary high water mark must be shown; if available at the time the soil evaluation report is prepared.

F. Soil and Site Evaluation Reports that do not contain all required information will not be accepted for permitting purposes by the zoning department and therefore cannot be used to design a POWTS.
G. Review and acceptance of the Soil and Site Evaluation Report by the zoning department cannot guarantee the data will be accurate for installation of a POWTS system. The CST and/or POWTS installer may request field verification of site conditions and/or soil profile descriptions if a determination is needed.
H. Soil and Site Evaluation Reports that have been accepted will remain on file in the zoning department.

Section 7: Permit Requirements

A. Every POWTS and non-plumbing system shall require a separate application and sanitary permit.
B. A sanitary permit is valid for 2 years from the date of issuance, but can be renewed for an additional 2 years.
C. The sanitary permit shall be issued before the land use permit.
D. Applications for state sanitary permits shall be submitted to the county on state approved forms.
E. When any state approval is required for a sanitary system, an original copy of the approval shall be submitted with the sanitary permit application.

F. A state sanitary permit shall be issued by the county prior to the installation, construction, or modification of the following:

    1. A POWTS holding component
    2. A POWTS treatment component
    3. A POWTS dispersal component

G. A sanitary permit is not required for the addition of manhole risers or for the replacement of manhole covers, baffles, floats, pipes, filters, and pumps.
H. A sanitary permit is not required to connect an accessory building without bedrooms to an existing sanitary system.
I. If any part of a private sewage system has failed, requires replacement, reconnection, or modification, the entire system shall be evaluated for compliance with existing codes prior to sanitary permit issuance. This shall include a soil and site evaluation for those components that utilize in situ soil for treatment or dispersal, unless a valid report is already on file with the County.
J. If any part of the system is found to be defective or not in conformance with the applicable provisions of this ordinance, the sanitary permit application shall include specifications for the repair, renovation, replacement or removal of that part.

K. Change of Plumbers

    1. If an owner wishes to change plumbers, it is necessary to furnish the zoning department with the proper forms and plans signed by the new plumber.
    2. Sanitary permits requiring state plan approval shall not be issued to a different plumber unless the plan bears the stamp of a plumbing designer or a new state plan approval is received with the new plumber.
    3. The change of plumbers shall take place prior to the installation of the POWTS.

L. Revision of sanitary permit

    1. Revisions as outlined in SPS 383.22(4)(a), Wis. Adm. Code shall also include the change of plumbers responsible for the POWTS installation.
    2. It is the responsibility of the plumber to provide plan revisions that detail any additions, alterations, or other modifications to the original permit.

M. Transfer of sanitary permit.

    1. Transfer of ownership of a property for which a valid sanitary permit exists shall be subject to the following:

        a. The applicable state transfer form shall be submitted to the County.
        b. The sanitary permit card shall be returned to the County so that a new permit card may be issued.

c. Transfer of ownership shall not affect the expiration date or renewal requirements

Section 8: County Sanitary Permits

A. A county sanitary permit shall be issued by the zoning office prior to the land use permit when reconnecting an existing sewer system to a new dwelling to verify that the system is properly connected and functioning properly.
B. A county sanitary permit shall be issued by the zoning office before a non-plumbing sanitary system is installed including but not limited to: privy, composting toilet, chemical toilets, and incinerating toilets.

C. Reconnection

1. Reconnection permits do not apply to mobile home parks and campgrounds that are licensed by the State of Wisconsin.

2. A county sanitary permit for a reconnection to an existing POWTS shall be obtained prior to the following, however, the reconnection shall not allow the wastewater load and/or contaminate load of the structure to exceed the limitations of the existing system:

    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 system.
    c. Rebuilding a structure that is connected to a POWTS.

3. Prior to issuing a county sanitary permit, the existing POWTS shall be examined to:

    a. Determine if it is functioning properly or whether it is a failing system.
    b. Determine if it will be capable of handling the proposed wastewater flow and contaminant load from the building to be served.
    c. Determine that all minimum setback requirements of SPS 383, Wis. Adm. Code, will be maintained. Well setbacks are pursuant to NR 811 and NR 812 Wis. Adm. Code.

4. Application for a county sanitary permit for a reconnection shall include the following:

    a. For all systems that utilize in situ soil for a treatment or disposal, a Soil and Site Evaluation report verifying that the vertical separation distance between the infiltrative surface of the existing treatment or dispersal component and estimated high groundwater elevation and bedrock complies with SPS 383, Wis. Admin. Code, unless a valid report meeting these criteria is on file with the county;

b. A report provided by a licensed plumber, certified septage servicing operator or a POWTS inspector relative to the condition, capacities, baffles and manhole covers for any existing treatment or holding tanks;
c. A report provided by a licensed plumber or POWTS inspector relative to the condition and capacities of all other system components and verifying that the system is not a failing system;
d. Complete plans indicating location of piping and existing components.
e. Reconnection to existing holding tanks may require a new servicing contract and an updated holding tank agreement which meets the requirements of this ordinance;
f. Reconnection to an existing system other than a holding tank may require a new maintenance agreement or contract.
g. Replacing a structure with a new or different structure within two years of the date of permit issuance will only require statements indicating that the system has not been altered, that a modification in wastewater flow or contaminant load will not occur, and a plot plan that documents all setbacks between the structure and system components.

Section 9: Maintenance and Management

A. All private sewage systems and non-plumbing sanitation systems shall be managed and maintained in accordance with SPS 383, 384, and 391, Wisconsin Administrative Code, and this ordinance.
B. The property owner shall report to the county, each inspection, maintenance or servicing event, in accordance with SPS 383, Wisconsin Administrative Code, and this ordinance.
C. The property owner shall submit a copy of an appropriate maintenance agreement to the county prior to sanitary permit issuance.
D. The property owner shall submit a new or revised maintenance agreement to the county whenever there is a change to such document.
E. Circumstances such as inclement weather, road weight restrictions and site limitations may necessitate a delay in septic tank maintenance until conditions permit.

Section 10: Septic Tank Maintenance Program

A. The applicant for a sanitary permit shall be provided with 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.
B. All septic tanks permitted and installed on or after April 21, 1987 shall be visually inspected by a plumber, POWTS inspector, or a person licensed under Sec. 281.48 Wis. Stats., and pumped within three (3) years of the date of installation and at least once every three (3) years thereafter, unless upon inspection the tank is found to have less than 1/3 of the volume occupied by sludge and scum.

C. Pumping of a septic tank shall be done by a certified septage servicing operator in accordance with NR113, Wisconsin Administrative Code.
D. Visual inspection of a private sewage system may be conducted by a plumber, a person licensed under § 281.48, Wisconsin Statutes, or by an authorized county or state employee to determine the condition of the tank and whether wastewater or effluent from the POWTS is ponding on the ground surface.
E. The owner of such septic tank shall furnish the county with a copy of the inspection report, verifying the condition of the tank, whether wastewater or effluent from the POWTS is ponding on the ground surface, and the date of pumping within 30 days of the date of inspection and/or pumping. Reports shall include all information required in SPS 383.55, Wisconsin Administrative Code, and be signed by the person(s) inspecting and pumping the private sewage system. Other maintenance or management reports required by SPS 383 or 84, Wisconsin Administrative Code, should be included with this report.

Section 11: Holding Tank Maintenance Program

A. The owner of the holding tank shall enter into a maintenance agreement with the appropriate city, village, or town, guaranteeing that the local governmental unit which signed the agreement will service the holding tank, if the owner fails to have the holding tank properly serviced in response to orders issued by the county. The maintenance agreement shall be binding upon the owner, their heirs, and assignees of the owner. The holding tank agreement shall be filed with the Register of Deeds.
B. The owner or agent shall submit a copy of the holding tank agreement and management plan when plans are submitted to the county for review.

Section 12: Construction Changing Wastewater Flow

A. Prior to commencing the construction of an addition to or modification of a structure, which will affect the wastewater flow and/or contaminant load to an existing POWTS, the owner(s) of the property shall:

    1. Possess a sanitary permit to construct a new POWTS system or modify an existing POWTS to accommodate the modification in wastewater flow or contaminant load or;

    2. Provide the following to the County:

        a. Documentation that a Private Sewage System of adequate capability and capacity to accommodate the wastewater flow and contaminant load already exists to serve the structure, as specified in SPS 383, Wis. Adm. Code;
        b. Documentation showing that the location of the proposed structure conforms to the applicable setback distances to all of the existing POWTS components; and

c. An undersized system affidavit that is recorded in the Register of Deeds office prior to the issuance of the land use permit.

3. If the existing private sewage system is found not to be compliant with this ordinance, construction of the building addition or modification shall be allowed only if a sanitary permit has been issued to modify or replace the existing POWTS.
4. Any installation, addition, modification of a POWTS must be completed and accepted before the addition or modified area of the structure may be occupied.

Section 13: Non-plumbing Sanitary Systems

A. A portable restroom (satellite) is exempt from the requirements of this ordinance.
B. An affidavit shall be recorded in the Register of Deeds office for any non-plumbing sanitary system.
C. A non-plumbing sanitary system must meet all the requirements of SPS 381-387 and SPS 391, and be state approved if applicable.
D. A site plan shall be submitted along with the county sanitary permit application for all non-plumbing sanitary systems.
E. Privies

1. A county sanitary permit is required prior to the construction or location of a privy.
2. Privies and portable restrooms shall be constructed and maintained in a clean condition so that insects and rodents cannot enter the vault.
3. No plumbing shall be installed in the privy.
4. Privies and portable restrooms shall be located at a minimum horizontal distance of; 25 feet from dwellings, 25 feet from the lot line, 50 feet from the open pit privy to the well or 25 feet from a vault privy to the well, 75 feet from a stream, lake or other water course, and 25 feet from the edge of a slope greater than 20%.
5. Pit privy permit applications shall be accompanied by a soil test provided by a certified soil tester to determine compliance with SPS 391, Wis. Adm. Code.

6. The structure that is placed over the vault or pit shall be constructed to these minimum standards:

    a. The structure over the vault or pit shall have a minimum of 12 sq. ft. in floor area.
    b. The height of the interior walls shall be at least 6.5 feet or 78" in height.
    c. The vault or pit shall be provided with a vent pipe with a minimum diameter of 3 inches and shall extend at least one foot above the roof.
    d. The storage chamber of a vault privy shall have a minimum storage capacity of 200 gallons or one cubic yard and shall comply with DSPS 384.25.
    e. All windows, vents and other openings shall be screened to prevent entrance of insects and rodents and the door shall be self-closing.

Section 14: Inspections

A. The plumber must give notice for final inspection of all POWTS installed to the zoning department in accordance with SPS 383.
B. The entire system shall be left completely open until it has been inspected, unless the zoning department fails to inspect within the time period specified in SPS 383.
C. The plumber shall provide the proper equipment and assistance to complete the inspection.
D. POWTS may be inspected periodically, after the initial installation inspection(s) and/or after the system is operative, as deemed necessary by the inspector.

Section 15: Failing Systems

A. When a failing private sewage system is identified, it shall be brought into compliance with current code requirements, replaced with a code compliant system, or its use discontinued within that period of time required by county order.
B. Unlawfully modified private sewage systems, a private sewage system that has sewage bypassed, or a holding tank which is discharging untreated or partially treated sewage to the ground surface or surface waters, may be ordered by the county or the department to be corrected or replaced with a code compliant system.

Section 16: Abandonment of Private Sewage Systems

A. The components of an existing private sewage system that are not part of the approved design of a replacement system shall be abandoned at the time of the installation of the replacement system by the plumber responsible for the installation of the system. The abandonment shall comply with DSPS 383, Wis. Adm. Code.

Section 17: Administrative Provisions

A. 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 POWTS program.
B. In accordance with state law (e.g. Ch. 145 Wis. Stats. And SPS 383 Wis. Adm. Code) the Zoning Administrator may inspect at any time, with or without notice, the construction, installation, operation or maintenance of a POWTS to ascertain whether the POWTS conforms to plans approved, the conditions of approval and this chapter, or any applicable law, regulation or rule.

C. Appeals

1. Any person aggrieved by a written administrative decision made by the Zoning Administrator, or his/her designee, may appeal the decision to the Board of Adjustment within 30 days of the date of a written decision.

2. An appeal shall be in writing and shall be made on a form provided by the zoning department.
3. The Zoning Department will prepare proper notices and schedule the appeal with the Board of Adjustment.

Section 18: Fees

A. Fees shall be as determined and adjusted from time to time by the Environmental Services 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.

Section 19: Enforcement

A. Any person who fails to comply with the provisions of this ordinance, or any order of the County issued in accordance with this ordinance, or resists enforcement, shall be subject to a citation, after the fact fees, or other enforcement action.
B. As authorized by Wis. Stat. Chapter 66, the Zoning Administrator or the County Zoning Agency shall issue citations for any violations of this Ordinance. Any person, firm, association, or corporation who violates or refuses to comply with any of the provisions of this ordinance shall be subject to a forfeiture of not less than two-hundred ($200.00) dollars nor more than one-thousand ($1000.00) dollars per offense, together with the taxable costs of action. Each day of continued violation shall constitute a separate offense. Every violation of this Ordinance is a public nuisance and the creation thereof may be enjoined and the maintenance there may be abated by action at suit of the county, the state, or any citizen thereof pursuant to Section 87.30(2), Wisconsin Statutes. The County also retains the summons and complaint avenue for forfeitures and remedial action as provided by Wis. Stat. Section 59.69(11).
C. There shall be a penalty fee of two (2) times the regular permit fee in those cases where a sanitary system is installed without first obtaining a sanitary permit, providing the system is in conformance with the provisions of this ordinance.
D. The Zoning Department may issue an on-site stop work order, as appropriate, whenever it determines that a violation of this Ordinance or the sanitary permit is taking place.