

CHAPTER 12

SANITATION CODE

12.01	State Regulations Adopted
12.02	Definitions
12.03	Environmental Health Manager
12.04	Sanitary Permit
12.05	Certificate of Compliance
12.06	Private Sewage Rules and Regulations
12.07	Private On Site Waste Disposal System Maintenance Program
12.08	Fees
12.09	Reconnection
12.11	Plumbers to be Licensed
12.12	Private Water Systems
12.15	Enforcement and Penalty

12.01 STATE REGULATIONS ADOPTED.

(1) Adopted by reference. Chapter 145, Wis. Stats.; the State Plumbing Code; Chapters Comm 81 through 87 and Chapter 91, Wisconsin Administrative Code, Chapters NR 809, NR 812 and NR 845, are adopted and by reference made a part of this chapter with the same force and effect as though set out in full. Failure to comply with any of the provisions of such regulations shall constitute a violation of this chapter, punishable according to the penalties provided herein.

(2) To be on file. A copy of the State Plumbing and Well Code shall be on file in the offices of the Sanitarian and County Clerk.

12.02 DEFINITIONS.

(1) Abandonment. The act of physically closing and relinquishing continued use of an existing private sewage system in a manner which is in compliance with all applicable state and county laws, ordinances, rules and regulations pertaining to failing or abandoned systems. The said act may include but is not necessarily limited to disconnecting all piping, pumping and disposing of the contents of all tanks and pits and removing all tanks or filling them with soil, gravel or an inert solid material.

(2) Buildings. See Structure.

(3) Contaminant. The meaning designated in s. NR 809.04(12).

(4) Conventional private sewage system. A private sewage system consisting of a septic tank and an in-ground soil absorption component with gravity distribution of effluent.

(5) County. La Crosse County.

(6) County sanitary permit. A permit issued by the County for the reconnection, renewal or transfer of a private sewage system or for the installation of a non-plumbing sanitation system, pursuant to ss. 59-70 and 145-04, Wis. Stats.

(7) Delegation level. The program level, as set forth in s. NR 845.05, at which County is authorized to administer and enforce Chapter NR 812, Wisconsin Administrative Code.

(8) Domestic wastewater. Any 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.

(9) Failing private sewage system. "Failing private sewage system" has the meaning specified pursuant to s. 145.245(4), Wis. Stats. A holding tank which discharges sewage to the ground surface, including intentional discharges and discharges caused by neglect, shall be considered a failing private sewage system.

(10) Health hazard. A condition which constitutes:

(a) A violation of Chapter NR 812 regarding the installation, construction operation or maintenance of a private well; or

(b) Confirmed bacteriologically-unsafe well water quality.

(11) Human habitation. The act of occupying a structure as a place of residence by one or more persons, whether on an intermittent or ongoing basis.

(12) Modification in wastewater flow or contaminant load. A modification in the wastewater flow or contaminant load shall be considered to occur in public buildings, facilities or places of employment when there is a proposed change in occupancy of the structure, or the proposed modification affect either the type of number of plumbing appliances, fixtures or devices discharging to the system; and in dwellings, when there is an increase or decrease in the number of bedrooms, or an increase in total square footage of enclosed living space of more than 25 percent.

(13) Non-community water system. A public water supply system that serves at least 25 people at least 60 days each year. A non-community water system commonly serves a transient population rather than permanent year-round residents. This is typically an individual well serving a restaurant, industry, service station, tavern, motel, campground or church.

(14) Non-complying well or pump installation. A private water system not in compliance with all provisions of Chapter NR 812 in effect at the time the well was constructed or the pump was installed.

(15) Non-plumbing sanitation system. Sanitation systems and devices within the scope of Comm 91, Wisconsin Administrative Code, which are alternatives to water-carried waste plumbing fixtures and drain systems including, but not limited to, incinerating toilets, composing toilets and privies.

(16) Occupancy. The state of putting a structure to use as a place of human habitation or for other purposes associated with human activities.

(17) Plumber. A person licensed by the state as a master plumber or master plumber-restricted services.

(18) Plumbing. In this chapter, "plumbing" means and includes:

(a) All piping, fixtures, appliances, equipment, devices and appurtenances in connection with the water supply, water distribution and drainage systems, including hot water storage tanks, water softeners and water heaters connected with such water and drainage systems and the installation thereof.

(b) The construction, connection or installation of any drain or waste piping system from the outside or proposed outside foundation walls of any building to the mains or other sewage system terminal within bounds of or beneath an area subject to easement for highway purposes, including private on site waste disposal systems and the alteration of such systems, drains or waste piping.

(c) The water service piping from the outside or proposed outside foundation walls of any building to the main or other water utility service terminal within bounds of or beneath an area subject to easement for highway purposes and its connection.

(d) The water pressure systems other than municipal systems pursuant to Chapter 145, Wis. Stats.

(e) A plumbing and drainage system so designed and vent piping so installed as to keep the air within the system in free circulation and movement; to prevent with a margin of safety unequal air pressures of such force as might plow, siphon or affect trap seals or retard the discharge from plumbing fixtures or permit sewer air to escape into the building; to prohibit cross connection, contamination or pollution of the potable water supply and distribution systems; and to provide an adequate supply of water to properly serve, cleanse and operate all fixtures, equipment, appurtenances and appliances served by the plumbing system.

(19) Premises. Real estate other than that portion of a parcel of land occupied by a structure, whose use involves human activities occasioning the need for installation and use of private sanitary system.

(20) Private sewage system or “Private On-Site Wastewater Treatment System” (“POWTS”). The meaning provided by s. 145.01(12), Wis. Stats., or any amendments thereto.

(21) Private water system. The water collection, storage and treatment facilities and all structures, piping and appurtenances by which water is provided for human consumption by other than community water systems. For the purpose of this chapter, it includes non-community water systems.

(22) Private well. For the purpose of this chapter, any drilled, driven point, dug, bored or jetted well constructed for the purpose of obtaining groundwater for potable use, including wells constructed in special well casing depth areas and non-community wells. It does not include springs, or private or public wells that require written plan approval from the department.

(23) Privy - an enclosed non-portable toilet into which nonwater-carried human wastes are deposited.

(24) Privy-pit. A privy with a subsurface storage chamber which is not watertight.

(25) Privy-vault. A privy with a subsurface storage chamber that is watertight.

(26) Reconstruction. Modifying the original construction of a private well. It includes but is not limited to deepening, lining, installing or replacing a screen, under-reaming, hydrofracturing and blasting.

(27) Restrictive covenant. An installation recorded against the title of real estate served by a private sewage system which system, upon inspection, is deemed to be undersize in accordance with applicable regulations, and which system the owner or occupant of the real estate served by it desires, with permission, to add an additional wastewater load, and which system serves a lot other than the lot on which it is situated; or such an instrument which relates to use of a holding tank for private sewage disposal purposes. Such a covenant shall create certain rights and expectations as to the use of such system in favor of the County which may seek to enforce those restrictions. The restrictions identified therein shall be deemed to run with the land until such time as the system in question is brought into compliance with all applicable regulations or until waived by the County.

(28) Sanitary permit. The term “sanitary permit” as used in this ordinance shall mean a County sanitary permit, a State sanitary permit, or both.

(29) Septic tank. An anaerobic treatment tank.

(30) Soil and site evaluation application. An application submitted for the purpose of requesting County verification of a soil and site evaluation report.

(31) State. The State of Wisconsin.

(32) State sanitary permit. A permit issued by the County for the installation or modification of a private sewage system, pursuant to ss. 145.135 and 145.19, Wis. Stats.

(33) Structure. Anything constructed or erected, the use of which requires a fixed location in or on the premises, or any other attachment to something having a permanent location on the ground, which includes, but is not limited to, objects such as buildings, factories, sheds, cabins, mobile homes, gas or liquid storage tanks, bridges, culverts, decks, satellite dishes or swimming pools. Also included are items or personal property that may have been designed as transportable or as a vehicle, but stand in a seasonal or permanent location for storage or intermittent human habitation, whether or not they are permanently affixed to the ground or placed on a foundation. Such incidental structures may include but are not limited to truck campers, travel trailers, park or model units, buses, and motor homes.

(34) Well constructor. Any person who constructs a well.

12.03 ENVIRONMENTAL HEALTH MANAGER

(1) The Environmental Health Manager shall have the following duties and powers.

(a) General. The Environmental Health Manager shall enforce all provisions of this chapter and all other State and County provisions relating to the construction, installation, alteration and repair of all plumbing within the unincorporated area of the County and shall make such inspections, perform such tests and issue such orders as may be necessary for such enforcement.

(b) Authority to Enter Premises.

1. In the discharge of these duties, the Environmental Health Manager or authorized agent may enter any building, upon presentation of the proper credentials, during reasonable hours for the purpose of inspection and may require the production of any permit or license required hereunder. No person shall interfere with the authorized agent while in the performance of these duties; and any person so interfering shall be in violation of this chapter and subject to a penalty pursuant to s. 12.15(2) of this Code.

2. If consent to entry to personal or real properties which are not public buildings or to portions of public buildings which are not open to the public for inspection purposes has been denied, the agent shall obtain a special inspection warrant pursuant to s. 66.0119, Wis. Stats.

(c) Stop Work Orders. The Environmental Health Manager may order work stopped on the construction, installation, alteration or repair of plumbing when such work is being done in violation of this chapter. Work so stopped shall not be resumed except with written permission. If the stop work order is an oral one, it shall be followed by a written order within a reasonable period of time.

(d) Records and Reports. The Environmental Health Manager shall keep a daily record of all the transactions, including permits issued and fees received, and shall make such reports thereon to the County Board as it may require.

(e) Issuing Agent. The Environmental Health Manager shall act as the County issuing agent and is hereby assigned the duties of administering the private on site waste disposal system program.

12.04 SANITARY PERMIT.

(1) Validity.

(a) No person may install a private on site waste disposal system unless the owner of the property on which the system is to be installed holds a valid sanitary permit.

(b) No person may sell at retail a septic tank for installation unless the purchaser holds a valid sanitary permit.

(c) A sanitary permit is valid for 2 years from the date of issue and renewable for similar periods thereafter.

(d) A sanitary permit may be transferred from the holders to a subsequent owner of the land, except that the subsequent owner shall obtain a new copy of the sanitary permit from the issuing agent.

(2) Application forms. The issuing agent shall use the sanitary permit forms provided by the Department.

(3) Application process.

(a) The applicant shall submit the completed sanitary permit application to the issuing agent.

(b) The issuing agent shall review the certified soil tester reports for the proposed private on site waste disposal systems and verify the report at the proposed site.

(c) The issuing agent shall approve or disapprove applications for sanitary permits and assist applicants in preparing an approvable application.

(d) The issuing agent shall issue written notice to each applicant whose sanitary permit application is disapproved. Each note shall:

1. State the specific reasons for disapproval and amendments to the application, if any, which would render the application approvable.

2. Inform the applicant of the right to appeal and the procedures for conducting an appeal pursuant to Chapter 68, Wis. Stats.

(4) Restrictions on issuance.

(a) No plumbing permit shall be issued to any person who is in violation of this chapter until such violation has been corrected.

(b) No plumbing permit shall be issued to any person against whom an order issued by the Sanitarian is pending, provided this restriction may be waived by the Sanitarian.

(5) On site investigations. There shall be on site investigations of all building sites to compare soil tests made by soil testers other than County personnel and to check the exact building location prior to the issuance of a building permit and a sanitary permit.

12.05 CERTIFICATE OF COMPLIANCE.

(1) Inspections.

(a) The issuing agent shall inspect or cause the inspection of all on site waste disposal systems after construction, but before backfilling, no later than the end of the next workday, excluding Saturdays, Sundays and holidays, after receiving notice from the plumber in charge.

(b) The issuing agent shall file reports and conduct surveys and inspections as required by the County or the Department.

(c) The issuing agent shall review and approve all private on-site waste disposal systems that are delegated according to agent status to the County from the Department according to Comm 83.22 Examination of Plans and Specifications.

(2) Issuance. No private on site waste disposal system shall be used, enlarged or altered until a certificate of compliance is issued by the Sanitarian in accordance with the following:

(a) The certificate of compliance shall show the disposal system or alteration and the proposed use thereof conform to the provisions of this chapter.

(b) The certificate of compliance shall be issued within 10 days after the completion of the work specified in the sanitary permit if the building or premises and the proposed use thereof conforms with all the provisions of this chapter and any other applicable regulations.

(c) The certificate shall apply only to the date of issuance as it relates to the private on site waste disposal system. It does not imply the continued compliance of this system with State or local regulations.

12.06 PRIVATE SEWAGE RULES AND REGULATIONS.

(1) All domestic wastewater shall enter a private sewage system unless otherwise exempted by the State or this ordinance.

(2) A non-plumbing sanitation system may be permitted only when the structure or premises served by the non-plumbing sanitation system is not to be provided with running and/or an indoor plumbing system. If plumbing is installed in the structure or running water 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.

(3) Failing Systems.

(a) When a failing private sewage system or non-plumbing sanitation 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 Health Department 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, ground surface or surface waters may be ordered by the County to be corrected or replaced with a code compliant system.

(c) In some cases soil remediation or renovation involving physical or chemical means to modify a bio/clogging mat formed at the soil infiltrative surface of a wastewater disposal system may be attempted. Permits will only be issued for systems that are soil compliant and only if a copy of the soil evaluation for the property is on file in this department. Renovation must be conducted according to state approved product approval stipulations. A plan describing the proposed renovation shall be submitted with the County permit application. Plans shall include an overall plot plan of site, location of points of product application relative to POWTS, cross-section of POWTS showing elevation of infiltrative surface and depth of product application.

(4) Holding tanks. The installation of a holding tank is prohibited unless the following conditions provided in (a), (b), or (c) exist.

(a) No other private sewage system permitted by Comm 83, Wisconsin Administrative Code may be installed on the subject property, or

(b) The subject property is located within an existing sanitary district or municipal sewer district and the district provides written verification that the subject property will be served by its public sewer system within 3 years of the date of sanitary permit issuance. In addition, the following must occur:

1. The Department of Natural Resources verifies approval of the public sewer.

2. The property owner agrees to hook up to public sewer within 1 year when it becomes available and to abandon the temporary holding tank in accordance with the provisions of Comm 83.

3. The property owner shall record an affidavit with the La Crosse County Register of Deeds stating that if sewer service is not available within 3 years of the date of sanitary permit issuance, the holding tank will be replaced with another private sewage system permitted by Comm 83, or

(c) The use of the subject property will be 60 or less days per year. The property owner shall record a restrictive covenant with the La Crosse County Register of Deeds stating that if the use of subject property exceeds 60 days per year, the holding tank will be replaced with another private sewage system permitted by Comm 83, Wisconsin Administrative Code.

(5) Constructed wetlands and evapotranspiration beds. The installation of a constructed wetland or evapotranspiration bed as a private sewage system treatment component is prohibited unless both conditions (a) and (b) exist.

(a) No other private sewage system permitted by Comm 83, may be installed on the subject lot.

(b) The existing use of the subject lot is served by a failing private sewage system.

(6) All backhoe pits left unattended must be protected in such a manner as to prevent accidental entry and injury.

12.07 PRIVATE ON SITE WASTE DISPOSAL SYSTEM 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) The management plan shall be followed for all POWTS installed on or after July 1, 2000 as required in Comm. 83.54(1) and (3). All POWTS installed prior to July 1, 2000 shall be inspected and/or pumped every 3 years, as required in Comm. 83.54(4). After the installation of a private sewage disposal system, the owner shall be provided a certification form by the issuing agent, at least 30 days prior to its due date. The certification form must be filled out by either:

- (a) A licensed master plumber.
- (b) A licensed master plumber – restricted services.
- (c) A certified POWTS inspector.
- (d) A certified septage servicing operator under Ch. NR 114.
- (e) A registered POWTS maintainer.
- (e) A registered POWTS maintainer.

(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 1/3 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.

12.08 FEES. Pursuant to s. 13.05 of this Code.

12.09 RECONNECTION.

(1) A County reconnection permit shall be obtained prior to:

(a) Construction of a structure to be connected to an existing private sewage system;

(b) Disconnection of a structure from an existing private sewage system and connection of another structure to the system.

(2) Prior to issuing a reconnection permit, the existing private sewage system shall be examined to:

(a) Determine if it is a failing system.

(b) Determine that all minimum setback requirements of Comm 83 will be maintained.

(3) Application for a County reconnection permit shall include the following:

(a) For all systems that utilize in situ soil for 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/or bedrock complies with Comm 83, unless a valid report meeting these criteria is on file with the department;

(b) A report provided by a licensed plumber or POWTS inspector relative to the condition;

(c) A plot plan prepared by a plumber;

(d) Reconnection to existing holding tanks may require a new servicing contract and an updated holding tank agreement which meets the requirements of this ordinance; and

(e) Reconnection to an existing system other than a holding tank may require a new maintenance agreement or contract.

(4) When reconnection to an undersized system is permitted by Comm 83 and 84, Wisconsin Administrative Code, a restrictive covenant for the use of the undersized system must be recorded in the La Crosse County Register of Deed's office.

(5) All systems shall be inspected at the time of reconnection, prior to backfilling, to insure that proper materials and methods are being used.

12.11 PLUMBERS TO BE LICENSED. All plumbing work shall be done only by a plumber licensed by the State for such work, provided a property owner may make repairs or installations in a single family building owned and occupied by him as his home, if a permit therefore is issued and the work is done in compliance with the provisions of this chapter.

12.12 PRIVATE WATER SYSTEMS.

(1) The intent of this section is to regulate the locations of new or reconstructed private wells and to regulate well and drillhole abandonment.

(a) Delegation level - The Health Department shall comply with and enforce all provisions of Chapter NR 845, Wisconsin Administrative Code, applicable to delegation level one (private well location) and level five (well and drillhole abandonment).

(b) Well location permits.

1. No person shall install a private well or water system unless the owner of the property on which the private water system to be installed holds a valid well location permit or well permit transfer issued by the Health Department or has made arrangements to acquire a permit by notifying the administrator prior to construction. Notification shall include providing the administrator with the property owner's name, address, property legal description, proposed starting date and identification of the person who will be obtaining the permit. Unless other arrangements are made, the permit shall be applied for on the first workday following initial construction.

2. No private water system may be located, installed or operated within the jurisdictional limits of La Crosse County without the appropriate permit being obtained in compliance with subd. 1. above and without being in full compliance with provisions of this ordinance and all other applicable state and local laws and regulations.

3. Well location permit applications:

- a. Shall be on forms provided by the Health Department.
- b. Shall be completed by the property owner or the property owner's designated agent and submitted to the Health Department.
- c. Shall be signed by the property owner or the property owner's designated agent.

d. Shall be submitted to the Health Department at least 2 working days prior to construction if the property owner or well constructor is interested in receiving information about potential contamination sources, such as landfills, underground storage tanks, primary and replacement on site sewage disposal system areas on the development site and on adjacent properties, and special casing areas. Where a well location permit application is submitted less than 2 working days prior to construction, the well constructor shall be responsible for maintaining full compliance with all provisions of Chapter NR 812, Wisconsin Administrative Code.

e. The administrator shall review application and approve, disapprove, return the application for incompleteness or notify an applicant of the need to seek a variance or special approval from the DNR.

f. The administrator shall issue written notice to each applicant whose well location permit application is disapproved, stating the specific reasons for disapproval and setting forth such amendments to the application, if any, which would render it approvable.

4. When construction occurs on a weekend or holiday, notification shall be provided to the administrator on the first workday following the weekend or holiday in the same manner as described in subd. 3 above. Unless other arrangements are made with the administrator, the permit application shall be obtained on the first workday following the weekend or holiday. The well constructor shall be responsible for maintaining full compliance with all provisions of Chapter NR 812, Wisconsin Administrative Code.

5. A permit transfer application shall be submitted to the Health Department when there is a change of well constructor or property owner after the application is submitted but before well construction is completed. Failure to submit a transfer application shall invalidate a previously issued permit. The application shall be on a form made available by the Health Department.

6. As soon as the well location permit is received, it shall be displayed conspicuously at the well site during construction and for a minimum of 7 days following completion of construction or until the well has been inspected by County staff, which occurs first.

7. A well location permit shall be valid for a period of 1 year or until construction is completed, whichever occurs first. If the permit expires, a new application shall be submitted to the administrator. Reapplication shall be evaluated so that construction will comply with the provisions of Chapter NR 812, Wisconsin Administrative Code, in effect at the time of the reapplication. The administrator will require additional inspection and fees for reapplications.

8. A well location permit is not required nor shall it be issued by the Health Department for public water systems and for private water systems which require written plan approval from the DNR.

9. Any permit issued under this section shall be void if any false or inaccurate statement is made or if any inaccuracy is shown on any application for permit.

(c) Private water system - non-complying - unsafe. The Health Department may issue notices or orders requiring:

1. The abandonment of a private well not in service or that will be taken out of service if the well is unused, non-complying or bacteriologically unsafe. The Health Department may also order the abandonment of a private well with water exceeding a primary drinking water standard listed in Chapter NR 809, Wisconsin Administrative Code, or other chemical compounds for which state health advisory limits have been issued including inorganic and organic compounds, after consultation with and approval by the DNR.

2. Any person owning, operating or installing a private water system to abandon, modify, repair or replace a private water system in a complying, safe and sanitary condition if the system is found to be unused, non-complying, bacteriologically unsafe and after consultation and approval by the DNR if the private water system is non-complying with the drinking water standards in Chapter 809, Wisconsin Administrative Code, or not meeting state health advisory limits established for chemical compounds.

3. The suspension of work on a water system if it is determined that the well location does not comply with Chapter NR 812, Wisconsin Administrative Code or this ordinance. Notification shall be made to the well constructor and property owner in writing of the non-compliance and the nature of the work to be discontinued and corrected, identifying the location and name of the person issuing the order. It shall be a violation of this ordinance to engage in work that conflicts with the terms of an order or to make an unauthorized removal of a posted order. Work may resume on the site only under the direction of the administrator.

(d) Conflicting ordinances. Any county or municipal ordinance relating to private water systems other than what is contained in this ordinance shall not be enforced.

12.15 ENFORCEMENT AND PENALTY.

(1) Enforcement. Any on-site waste disposal system and private well hereafter installed, enlarged or structurally altered in violation of the provisions of this chapter by any person, firm association or corporation (including building contractors or their agents), shall be deemed an unlawful system for use. The Sanitarian may sign a complaint and report the violation to the District Attorney and/or Corporation Counsel. The District Attorney and/or Corporation Counsel shall expeditiously prosecute all such violators.

(2) Penalty. Any person who shall violate any provision of this chapter, any regulation, rule or order made hereunder, shall be subject to a penalty pursuant to s. 25.04 of this Code.