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3 ORDINANCE BY THE RACINE COUNTY ECONOMIC DEVELOPMENT AND LAND USE PLANNING
4 COMMITTEE REPEALING & RE-CREATING CHAPTER 19 UTILITIES OF THE RACINE
5 COUNTY CODE OF ORDINANCES
6

7 To the Honorable Members of the Racine County Board of Supervisors:

8
9 AN ORDINANCE TO REPEAL AND RE-CREATE CHAPTER 19 UTILITIES OF THE RACINE
10 COUNTY CODE OF ORDINANCES
11

12 The Racine County Board of Supervisors ordains as follows:

13
14 CHAPTER 19 UTILITIES OF THE RACINE COUNTY CODE OF ORDINANCES IS HEREBY
15 REPEALED AND RE-CREATED TO READ AS FOLLOWS:
16

17
18
19 Chapter 19

20
21 UTILITIES
22

23
24 Art. I. In General, §§ 19-1-19-20

25 Art. II. Private Onsite Wastewater Treatment Systems and Non-Plumbing
26 Sanitation Systems, §§ 19-21-19-128

27 Div. 1. Generally, §§ 19-21-19-50

28 Div. 2. Limitations, §§ 19-51-19-70

29 Div. 3. Permits and Fees, §§ 19-71-19-100

30 Div. 4. Inspections, §§ 19-101-19-120

31 Div. 5. Subdivisions Not Served by Public Sewer,

32 §§ 19-121-19-128
33

34
35 ARTICLE I. IN GENERAL
36

37 Secs. 19-1-19-20. Reserved.
38

39 ARTICLE II. PRIVATE ONSITE WASTEWATER TREATMENT SYSTEMS AND NON-
40 PLUMBING SANITATION SYSTEMS
41

42 DIVISION 1. GENERALLY
43

44 Sec. 19-21. Definitions.
45

46 For the purposes of this article, the following words, terms and phrases
47 shall have the meanings ascribed to them in this section:
48

49 *Composting toilet system* means a method that collects, stores and
50 converts by bacterial digestion nonliquid-carried human wastes or organic
51 kitchen wastes, or both, into humus.
52

53 *DCOMM* means the state department of commerce.
54

55 *Department* means the county planning and development department,
56 a.k.a. code administration.

4 *DNR* means the state department of natural resources.

5 *Failing private sewage system* has the meaning specified under W.S.A.,
6 § 145.245(4).

7
8 *Incinerating toilet* means a self-contained device for the treatment of
9 nonliquid-carried wastes that deposits the wastes directly into a
10 combustion chamber, reduces the solid portion to ash and evaporates the
11 liquid portion.

12
13 *Issuing agent* means the department manager, or designee, assigned the
14 duties of administering the private onsite wastewater treatment system
15 and non-plumbing sanitation system programs by the board of supervisors.

16
17 *Municipality* means any city, village, or town in this county.

18
19 *Non-plumbing sanitation system* means sanitation systems and devices
20 within the scope of ch. Comm 91, Wisconsin Administrative Code, which are
21 alternatives to water-carried waste plumbing fixtures and drain systems;
22 including, but not limited to, incinerating toilets, composting toilets,
23 pit privies, vault privies and portable restrooms.

24
25 *Pit privy* means an enclosed nonportable toilet into which nonwater-
26 carried human wastes are deposited to a subsurface storage chamber that
27 is not watertight.

28
29 *POWTS* means a private onsite wastewater treatment system, and has the
30 meaning given for 'private sewage system' under W.S.A., § 145.01(12).

31
32 *Portable restroom* means a self-contained portable unit that includes
33 fixtures, incorporating holding tank facilities, designed to receive
34 human excrement.

35
36 *Private sewage system* also referred to as a private onsite wastewater
37 treatment system or POWTS has the meaning given under W.S.A., §
38 145.01(12).

39
40 *Sanitary permit* means a permit issued by the DCOMM or issuing agent
41 for the installation, construction, modification, replacement, repair or
42 reconnection of a private onsite wastewater treatment system or a
43 department regulated non-plumbing sanitation system.

44
45 *Vault privy* means an enclosed nonportable toilet into which nonwater-
46 carried human wastes are deposited to a subsurface storage chamber that
47 is watertight.

48
49 *WAC* means Wisconsin Administrative Code.

50
51 **Sec. 19-22. Statutory authority.**

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53 This article is adopted pursuant to the authorization in W.S.A., §§
54 59.70(1), 59.70(5), 145.04, 145.19, 145.20, and 145.245.

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4 **Sec. 19-23. Purpose.**

5 This article is adopted to protect public health and the waters of the
6 state by assuring the proper siting, design, installation, inspection,
7 management and enforcement of private onsite wastewater treatment systems
8 (hereafter referred to as POWTS) and department regulated non-plumbing
9 sanitation systems within the county.

10 **Sec. 19-24. Application of statutes.**

11 This article shall be subject to the provisions of W.S.A., ch. 145, and
12 all subsequent rules and regulations promulgated thereunder regarding
13 POWTS.

14 **Sec. 19-25. Adoption of statutes.**

15 The board of supervisors hereby adopts and incorporates by reference
16 the applicable provisions of the Wisconsin Statutes and the Wisconsin
17 Administrative Code governing POWTS and non-plumbing sanitation systems
18 and the rules and regulations adopted pursuant thereto, including:
19 W.S.A., §§ 59.70(5), 281.48, 968.10 and ch. 145; chs. Comm 52.63, Comm
20 81, Comm 82, Comm 83, Comm 84, Comm 85, Comm 87, Comm 91, NR 113 and NR
21 116, WAC; and specifically adopts and incorporates by reference the
22 powers, duties, responsibilities and authority permitted to be exercised
23 by counties as set forth in W.S.A., § 145.20, and in the rules and
24 regulations adopted pursuant thereto. This article is intended to give
25 the county the broadest possible powers permitted by W.S.A., ch. 145, and
26 by the rules and regulations adopted pursuant thereto. These rules,
27 regulations and laws shall apply until amended or renumbered and then
28 shall apply as amended or renumbered.

29 **Sec. 19-26. Liability.**

30 This article shall not create a liability on the part of, or create a
31 cause of action against, the county or any employee or official thereof
32 for any POWTS or non-plumbing sanitation system that may not function as
33 designed. There shall be no liability or warranty for any site that is
34 approved or denied. The issuance of a sanitary permit and the inspection
35 of such a system does not warrant the system's function, nor is there a
36 guarantee that the system is free of defects or that all aspects of the
37 system comply to Wisconsin Statute or Administrative Code requirements.

38 **Sec. 19-27. Interpretations.**

39 The provisions of this article shall be held to be minimum requirements
40 and shall be liberally construed in favor of the county and shall not be
41 deemed a limitation or repeal of any other power granted by the Wisconsin
42 Statutes and related Administrative Code. The department has the
43 authority to establish policies and interpretations for POWTS and non-
44 plumbing sanitation system installations which are not specifically
45 addressed in this article, chs. Comm 83, 85, 91, WAC, or other
46 Administrative Codes related to system installations.

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4 **Sec. 19-28. Applicability.**

5 The requirements of this article shall apply to all areas of the county
6 not served by a public sewer. In areas not served by sewer, this article
7 will not apply to non-domestic wastewater systems, except for co-mingled
8 domestic/industrial wastewater systems when approved by the DNR.

9
10 **Sec. 19-29. Administration.**

11
12 The department manager, or designee, shall act as the county issuing
13 agent and is hereby assigned the duties of administering this article.
14 The department manager is designated as the authorized representative to
15 administer and apply for a grant under the Wisconsin Fund POWTS
16 Replacement or Rehabilitation Grant Program under W.S.A., § 145.245 and
17 ch. Comm 87, WAC, on behalf of the county.

18
19 **Sec. 19-30. Enforcement**

20
21 It shall be the duty of the department manager, or designee, to enforce
22 the provisions of this article. This includes, but is not limited to,
23 issuing and enforcing orders to plumbers, pumpers, property owners, their
24 agents or contractors or the responsible party, to assure proper
25 compliance with all provisions of this article. For the purpose of
26 investigation and enforcement, the department shall have access to
27 premises during reasonable hours to make necessary inspections. In the
28 event any owner or occupant of any premises shall refuse entry for
29 inspection purposes, the department may obtain a special inspection
30 warrant under W.S.A., § 66.122.

31
32 **Sec. 19-31. Appeals.**

33
34 The economic development and land use planning committee shall act as the
35 board of appeals and shall hear appeals of final decisions for this
36 article. Requests shall be filed in writing with the department manager
37 within three (3) weeks after the final administrative action or decision.
38 The appropriate fee must accompany the request. After hearing the
39 appeal, the committee shall render its decision at or before its next
40 regularly scheduled meeting.

41
42 **Sec. 19-32. Citations; penalties.**

43
44 (a) The provisions of this article shall be enforced by the department
45 manager, or designee, and the sheriff's department. The use of
46 citations as described in chapter 5 of the Code is hereby
47 authorized.

48
49 (b) Any person who fails to comply with the provisions of this article,
50 or who permits the continued use of premises or buildings which are
51 in violation of this article, shall upon conviction thereof, forfeit
52 not less than twenty dollar (\$20.00) nor more than one thousand
53 dollars (\$1000.00), plus assessments and the costs of prosecution.
54 In default of payment, such person may be imprisoned in the county
55 jail for not more than thirty (30) days. Each day of violation
56 constitutes a separate offense. It shall not be necessary to
57 prosecute for forfeiture before resorting to injunctive
58 proceedings.

4 **Sec. 19-33. Forfeiture in lieu of court appearance.**

5 Any person charged with a violation of the offenses listed under section
6 5-3 of the Code may pay the amount enumerated therein at the sheriff's
7 department in lieu of a court appearance.

8 **Sec. 19-34. Revocation.**

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10
11 The department may revoke a sanitary permit issued under this article for
12 any false statements or misrepresentation of facts on which the sanitary
13 permit was issued. The revocation of a sanitary permit and the reasons
14 for revocation shall be conveyed in writing to the individual to whom the
15 sanitary permit was issued or transferred. If a sanitary permit is
16 revoked, the installation or modification of a POWTS may not commence or
17 continue until another sanitary permit is obtained.

18 **Sec. 19-35. Suspension.**

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21 The department may temporarily suspend a sanitary permit issued under
22 this article if it is determined prior to construction that a POWTS
23 cannot be installed based on the information that was available when the
24 permit was issued. The suspension of the sanitary permit shall terminate
25 no later than the date the sanitary permit expires.

26 **Secs. 19-36-19-50. Reserved.**27 **DIVISION 2. LIMITATIONS**28 **Sec. 19-51. General.**

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31 Every building that has or is required to have plumbing fixtures and
32 that is intended for human habitation or occupancy shall be provided with
33 an approved method of treatment and disposal of domestic wastewater. All
34 domestic wastewater that is not conveyed to a wastewater treatment
35 facility regulated by the DNR shall enter a POWTS and may enter a non-
36 plumbing sanitation system if allowed by this article and the
37 municipality, unless otherwise exempted by the DCOMM, DNR or this
38 article.
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41 **Sec. 19-52. Soil evaluation.**

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44 (a) The county reserves the right to require the property owner and/or
45 certified soil tester to provide soil backhoe pits of adequate size,
46 depth and construction to enable county staff to safely enter and
47 exit the pit for verification of soil profile evaluation data.
48 County soil verifications will not be conducted on frozen soil
49 material nor under adverse weather or light conditions that may lead
50 to inaccurate results.

51
52 (b) The soil and site evaluation report must delineate a viable
53 replacement POWTS area for new development sites where a contingency
54 plan is required. Replacement areas for future wastewater discharge
55 to in situ soil shall not be utilized for the construction of
56 buildings, parking lots, below ground swimming pools or uses that
57 may adversely affect the future use of the site for wastewater
58 treatment.

4 **Sec. 19-53. Failing systems.**

5 When a failing private sewage system (POWTS) or county regulated non-
6 plumbing sanitation system which causes or results in any of the
7 conditions listed in W.S.A., § 145.245(4), is identified, it shall be
8 brought into compliance with current code requirements, replaced with a
9 code compliant system or its use discontinued within that period of time
10 required by department order.

11 **Sec. 19-54. Non-plumbing sanitation systems.**

12 The use of non-plumbing sanitation systems shall be restricted to the
13 following:

14 (1) Systems such as composting toilet systems and incinerating toilets,
15 that are to be located inside of a structure will be allowed to be
16 installed if they are regulated, inspected and their use enforced by
17 the municipality that allows the use. The following applies to this
18 use:

- 19 a. The department will not issue sanitary permits or require
20 inspection of this use.
- 21 b. The use must comply with the provisions of ch. Comm 91, WAC, and
22 associated regulations.
- 23 c. If plumbing is installed or running water is supplied, excluding
24 hose bibbs and wall hydrants, to a structure on the premises, an
25 acceptable method of sewage disposal other than, or in addition
26 to a non-plumbing sanitation system must be provided.
- 27 d. The required POWTS that serves the use cannot be downsized due to
28 the use of a non-plumbing sanitation system.

29 (2) Portable restrooms may be allowed for use at temporary construction
30 sites and seasonal truck farming operations when an indoor plumbing
31 system is not available on the premises. In addition, portable
32 restrooms may be used for temporary special events to handle
33 anticipated increase in wastewater flow above the design capacity of
34 the POWTS located at the site. The following applies to this use:

- 35 a. The department will not issue sanitary permits or require
36 inspection of this use.
- 37 b. If plumbing is installed or running water is supplied, excluding
38 hose bibbs and wall hydrants, to a structure on the premises, an
39 acceptable method of sewage disposal other than, or in addition to
40 a non-plumbing sanitation system must be provided.
- 41 c. Any required POWTS that serves the use cannot be downsized due to
42 the use of a non-plumbing sanitation system.
- 43 d. The use must comply with the provisions of ch. Comm 91, WAC, and
44 associated regulations.
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3 e. The municipality may restrict or place more stringent limitations
4 or requirements relative to the use.
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6 (3) Vault privies and portable restrooms may be allowed for parks, golf
7 courses and recreational areas on a case-by-case basis. The
8 following applies to this use:
9
10 a. The department will require a sanitary permit and inspection for
11 this use.
12
13 b. A need must be established to show why it is not feasible to use
14 another technology allowed by ch. Comm 83, WAC, and this article.
15
16 c. If plumbing is installed or running water is supplied, excluding
17 hose bibbs and wall hydrants, to a structure on the premises, an
18 acceptable method of sewage disposal other than, or in addition to
19 a non-plumbing sanitation system must be provided.
20
21 d. Any required POWTS that serves the use cannot be downsized due to
22 the use of a non-plumbing sanitation system.
23
24 e. The use must comply with the provisions of ch. Comm 91, WAC, and
25 associated regulations.
26
27 f. The municipality may restrict or place more stringent limitations
28 or requirements relative to the use.
29
30 (4) The installation of pit privies in the county is prohibited.

31
32 **Sec. 19-55. Holding tanks.**
33

34 A sanitary permit for the installation of a holding tank, or which
35 designates a holding tank as a contingency plan for a replacement system,
36 shall not be issued if an in situ soil based POWTS permitted by this
37 article could be installed on the subject property utilizing methods or
38 technologies of any pressure distribution, at-grade, mound, or in-ground
39 soil absorption system for which there is an approved component manual.
40 A soil and site evaluation report may be used to determine the
41 suitability for such POWTS on the property. In addition, a sanitary
42 permit will not be issued unless the municipality allows the use of the
43 requested holding tank and the department receives a recorded holding
44 tank agreement signed by the property owner and municipality prior to the
45 issuance of a sanitary permit for its use. Exceptions to this section
46 are as follows:
47

- 48 (1) A temporary holding tank may be allowed to be installed when the
49 subject property is located within an existing sanitary district,
50 municipal sewer district or a proposed sewer district approved by the
51 DNR, and public sewer will be installed to serve the property within
52 two (2) years of the date of sanitary permit issuance. The following
53 statements must be submitted with the sanitary permit application and
54 supporting documents:
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3 a. The municipality or sanitary district must give written
4 verification of when public sewer will be available to the
5 property;
6
7 b. A written statement from the DNR must verify approval of public
8 sewer;
9
10 c. The property owner shall record a document with the county
11 register of deeds that runs with the property stating that the
12 owner, or future assigns, will connect to public sewer when it
13 becomes available and abandon the temporary holding tank, and if
14 public sewer does not become available within two (2) years of the
15 date of sanitary permit issuance, the holding tank will be
16 replaced with another type of system recognized by this article
17 and ch. Comm 83, WAC; and
18
19 d. The property owner shall obtain and record with the county
20 register of deeds a temporary holding tank agreement signed by the
21 property owner and municipality.

22
23 (2) A temporary holding tank may be allowed to be installed when
24 inclement weather or soil conditions has prevented the complete
25 installation of an approved POWTS whose owner has been issued a
26 sanitary permit, for a temporary period of time not to exceed one (1)
27 year. The following is required for this use:
28

- 29 a. The property owner shall obtain and record with the county
30 register of deeds a temporary holding tank agreement signed by the
31 property owner and municipality; and
32
33 b. The temporary holding tank use may require additional DCOMM
34 plan approval and, except for sizing, will require installation
35 per holding tank code requirements.
36

37 **Sec. 19-56. Subdivision holding tanks.**
38

39 The installation of a holding tank in a subdivision for which a
40 preliminary plat was submitted to the county for review on or after the
41 effective date of this article is prohibited unless both of the following
42 conditions exist:
43

- 44 (1) No other POWTS permitted by this article utilizing methods or
45 technologies of any approved component manual for a pressure
46 distribution, at-grade, mound, or in-ground soil absorption system
47 can be installed on the subject property; and
48
49 (2) The holding tank will replace an existing failing POWTS that serves
50 an existing habitable building on the subject property and the
51 department receives a recorded holding tank agreement signed by the
52 property owner and municipality.
53

54 **Sec. 19-57. Constructed wetlands and evapotranspiration beds.**
55

56 The installation or use of a constructed wetland or evapotranspiration
57 bed as a POWTS treatment component is prohibited in the county.
58

4 **Sec. 19-73. Transfer of ownership.**

5 A valid sanitary permit may be transferred from the holder to a
6 subsequent owner of the land. The property owner or agent must submit
7 the applicable fee and a sanitary permit application form indicating the
8 permit transfer to new owner to obtain a new sanitary permit from the
9 issuing agent. Transfer of ownership does not affect the expiration date
10 or renewal requirements.

11 **Sec. 19-74. Change of plumbers.**

12 When an owner with a valid sanitary permit wishes to change plumbers, it
13 will be necessary to submit the applicable fee and a sanitary permit
14 application form, signed by the new plumber, to the issuing agent to
15 obtain a new sanitary permit prior to system installation. Plumbers can
16 only be changed if the original plan was prepared by an architect,
17 engineer or plumbing designer unless a new plan approval is obtained by
18 the new plumber.

19 **Sec. 19-75. Reconnection.**

20 (a) A county reconnection permit shall be obtained prior to:

- 21 (1) Construction of a structure to be connected to an existing POWTS;
22 (2) Disconnection of a structure from an existing POWTS and
23 connection of another structure to the system;
24 (3) Reconstruction or rebuilding of a structure that is connected to
25 a POWTS that is uninhabitable due to damage from manmade or
26 natural disasters such as fire, wind or flooding; or
27 (4) Installation of a plumbing fixture in an existing accessory
28 structure to be connected to an existing POWTS.

29 (b) Prior to issuing a reconnection permit, the existing POWTS shall be
30 examined and documentation shall be provided to the department to
31 verify:

- 32 (1) That the existing POWTS is not a failing system, has sufficient
33 size, is installed in suitable soil for the POWTS and can
34 accommodate the proposed wastewater load;
35 (2) That the POWTS meets the minimum setback requirements as
36 specified in ch. Comm 83, WAC; and
37 (3) That the system meets minimum code requirements, is in proper
38 operating condition relative to baffles, manhole covers, pumps,
39 warning labels, locks, etc., and applicable management plan,
40 maintenance agreement and service contract are on file with the
41 department.

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3 (8) Soil and site evaluation report with undisturbed and finished
4 grade elevations, vertical elevation reference point and
5 horizontal reference point. Surface elevations shall be given
6 for all soil borings. A soil and site evaluation report may not
7 require soil borings if the site is located in a floodway, if
8 minimum isolation distances cannot be met, if the site has been
9 altered to the extent that a holding tank is the only alternative
10 available, or if the permit is for a non-plumbing sanitation
11 system that does not utilize in situ soil for treatment or
12 dispersal of wastewater.
13
- 14 (9) For a private residence, the POWTS shall be designed for the
15 maximum number of bedrooms or be based upon per capita occupancy
16 or usage of the dwelling or per function occurrence within the
17 dwelling. For public buildings, the POWTS shall be designed
18 using the sizing criteria found in ch. Comm 83, WAC, and
19 respective component manual.
20
- 21 (10) Complete plans and specifications for the proposed POWTS
22 component(s) or non-plumbing sanitation system.
23
- 24 (11) A signed and completed copy of a holding tank servicing contract
25 and recorded holding tank agreement must accompany the
26 application for a holding tank.
27
- 28 (12) Appropriate agreements and contracts for system management and
29 maintenance.
30
- 31 (13) If applicable, proof of recorded: off-lot easements; combined
32 parcel affidavits; ownership for systems serving more than one
33 structure under different ownership identifying responsibility
34 for the operation and maintenance of the system; and, a
35 restriction limiting occupancy to that used in the design of a
36 system if the approval is not based upon the number of bedrooms
37 within the dwelling.
38
- 39 (b) The issuing agent shall review the submitted application and
40 supporting documents for the proposed system, and, if necessary,
41 verify the soil evaluation at the proposed site. The department
42 reserves the right to refuse incomplete or incorrect sanitary permit
43 applications or to delay sanitary permit issuance until a corrected
44 or complete application, including supporting documentation, is
45 received.
46
- 47 (c) The issuing agent shall assist applicants in preparing an application
48 and approve or disapprove applications for sanitary permits and non-
49 plumbing sanitation systems within thirty (30) days after receiving
50 all of the required information and fees.
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POWTS and non-plumbing sanitation system inspections that are required before putting the system into use. An authorized representative may give notice and be utilized to assist the department when there is no hook-up to a POWTS.

- (b) Additional inspections of a system may be necessary and be required by the department.

Sec. 19-102. Prerequisite to use.

No POWTS or non-plumbing sanitation system that requires a permit by the department shall be used until the proper sanitary permit, inspection, testing and a revised plan, if required, have been accepted and filed with the issuing agency. The installation or use of such a system that has not been inspected, approved or does not comply with state or county codes is prohibited.

Sec. 19-103. County inspections.

The following are special inspections that the department may require before final acceptance:

- (1) Site constructed tanks need inspection after the floor is poured and keyway 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.
- (2) Preconstructed septic tanks, treatment tanks, pump chambers and holding tanks need inspection after installation and pipe hook-up is completed, but prior to backfill or pouring of concrete cap. It is preferred that all required vents, cleanouts, warning labels, locks, pumps, floats, alarms, risers and covers be in place at time of inspection.
- (3) Mound systems need inspection at the time the ground surface is to be plowed, before sand fill is being placed, before aggregate is placed in the distribution cell, at the time the distribution piping installation has been completed and after all work has been completed.
- (4) At-grade systems need inspection at the time the ground surface is to be plowed, before aggregate is placed in the distribution cell, at the time the distribution piping installation has been completed and after all work has been completed.
- (5) Sand filters need inspection at the time the liner or tank and underdrain are in place, before placement of any treatment media, at the time the distribution piping installation has been completed and after all work has been completed.
- (6) Experimental system inspections should be coordinated between the installing plumber and the department at a preconstruction meeting. Notwithstanding Section 19-101, the county and DCOMM shall be notified at least two (2) workdays prior to beginning the installation of the system to schedule the inspection(s).

4 **Sec. 19-104. Approved materials required.**

5 All materials, fixtures or devices sold, used or entering into the
6 construction of a POWTS or parts thereof shall be approved by the DCOMM
7 or shall conform to approved applicable standards or other equivalent
8 standards acceptable to the DCOMM. The use of defective or non-approved
9 materials is prohibited. The materials, design, construction and
10 performance of a non-plumbing sanitation system regulated by the
11 department shall conform to requirements in ch. Comm 91, WAC.
12

13 **Sec. 19-105. Maintenance and management program.**

14
15 (a) The owner of a POWTS shall be responsible for ensuring that the
16 operation and maintenance of the POWTS occurs in accordance with ch.
17 Comm 83, WAC, and any approved management plan. The owner or the
18 owner's agent shall report to the department each inspection,
19 evaluation, maintenance or servicing event, in accordance with ch.
20 Comm 83, WAC, and this article. A POWTS that is not maintained in
21 accordance to codes shall be considered a human health hazard.
22

23 (b) All POWTS shall be subject to a maintenance program as follows:

24
25 (1) The property owner shall sign and submit an appropriate
26 maintenance agreement and/or servicing contract to the department
27 prior to sanitary permit issuance. Holding tank agreements must
28 be recorded with the county register of deeds office.
29

30 (2) All septic tanks and lift pump tanks shall be visually inspected
31 by a properly licensed individual within three (3) years of the
32 date of installation and at least once every three (3) years
33 thereafter. The maintenance period will begin using the final
34 inspection date of the POWTS or, in the case of new construction,
35 within three (3) years from the date of occupancy. The
36 department will estimate the date of occupancy unless
37 documentation of the date is provided by the owner.
38

39 (3) Documentation of tank pumping and inspection shall be returned to
40 the department on forms provided by the department or on forms
41 acceptable to the department. The form shall certify that the
42 system is in proper operating condition and that after
43 inspection, and pumping if necessary, the tank is less than 1/3
44 full of sludge and scum. The submission of inspection,
45 maintenance or service reports shall include: the POWTS
46 identifying number; date of inspection, maintenance or service
47 performed; the property location; and license, certification or
48 registration number of the individual performing the inspection,
49 maintenance or service.
50

51 (4) Tank pumping will be waived if a certified septage servicing
52 operator, master plumber, master plumber-restricted service, a
53 person licensed under W.S.A., § 281.48, a POWTS inspector or
54 other person(s) authorized to do so by ch. Comm 83, WAC, who has
55 visually inspected the POWTS, provides documentation that the
56 system is in proper operating condition without ponding on the
57 surface of the ground and the combined sludge and scum volume
58 within the tank is less than 1/3 the volume of the tank.

4 (14) Failure to maintain the POWTS or provide documentation of its
5 maintenance as required by this article may subject the owner to
6 penalties allowed under state law and/or county ordinance.

7 **Secs. 19-106-19-120. Reserved.**

8
9 **DIVISION 5. SUBDIVISIONS AND CONDOMINIUMS NOT SERVED BY PUBLIC SEWER**

10
11 **Sec. 19-121. Purpose.**

12
13 The purpose of this division is to protect public health by requiring the
14 identification of soil absorption areas necessary for proper onsite
15 wastewater treatment for all lots/units in proposed subdivision or
16 condominium plats not served by a public sewer.

17
18 **Sec. 19-122. Scope.**

19
20 The provisions of this division apply to all proposed subdivision or
21 condominium developments not served by public sewer for which preliminary plats
22 are submitted to the county, per chapter 18 Code requirements, on or after the
23 effective date of this article. This division shall not apply to proposed
24 subdivisions or condominiums for which provisions have been made assuring the
25 availability of public sewer service prior to final plat approval.

26
27 **Sec. 19-123. Department review.**

28
29 (a) Plats

30
31 Information to be provided on a preliminary plat or on separate
32 sheets submitted as addenda to the plat shall include but not be
33 limited to those items identified in chapter 18 subdivisions, of the
34 Code. Two (2) copies of such shall be submitted to the department.

35
36 (b) Forms

37
38 Data for all soil evaluations shall be submitted to the department on
39 soil and site evaluation report forms furnished by the DCOMM. The
40 forms shall be signed and dated by a soil tester who is certified by
41 the DCOMM.

42
43 (c) Verification

44
45 (1) The department may conduct field investigations to verify,
46 including, but not limited to:

47
48 a. Depth to soil mottles or redoximorphic features;

49
50 b. Depth to observed groundwater;

51
52 c. Depth to bedrock;

53
54 d. Soil texture;

55

4 e. Soil consistence;

5 f. Soil structure; and

6 g. Land slope.

7
8
9 (2) The department may require backhoe pits to be provided for
10 verification and may require soil evaluations to be conducted
11 under department supervision.12
13 (3) The department may require the monitoring of groundwater levels
14 for proposed subdivision or condominium plats where the natural
15 soil has been altered.16
17 (d) Revocation of Certification18
19 The county may rescind or suspend plat certification, issued under
20 the provisions of this section, for any false statements or
21 representation of facts on which the certification was issued.22
23 (e) Fees24
25 Fees for department plat review regarding this division shall be
26 submitted in accordance with the schedule of fees adopted by the
27 board of supervisors. All fees shall be remitted to the department
28 at the time that the plats are submitted for review. No plat
29 certifications shall be made until the fees are received by the
30 department.31
32 (f) Approval or Objection33
34 The department shall review the submitted information and recommend
35 approval or issue an objection within the time frame allotted in
36 chapter 18 of the Code to allow timely review by the economic
37 development and land use planning committee.38
39 **Sec. 19-124. Lot and unit standards.**40
41 (a) General42
43 The area and width of an unsewered lot/unit shall be sufficient to
44 permit the installation and use of a POWTS and one replacement
45 system, if applicable, designed in accordance with applicable
46 municipal, county, and state sanitary regulations, including ch. 83,
47 WAC.48
49 (b) Area and Width Exclusion50
51 In lieu of the aforementioned unsewered lot/unit area and width
52 requirements, it may be possible to locate a code-compliant POWTS
53 and one replacement system, if applicable, on a different lot/unit
54 than the structure served, which will require appropriate recorded
55 access and service easements, and may allow downsizing of said
56 lots/units.

57

2
3 (c) Lots and Units

- 4
5 (1) The shape and location of primary and replacement soil absorption
6 areas (if applicable), building areas and well or water supply
7 line areas shall be clearly designated for each lot/unit.
8
9 (2) Minimum setback requirements for POWTS found in ch. Comm 83,
10 Trans 233, and NR 812, WAC, as well as chapter 18 of the Code and
11 any other applicable federal, state or local regulations shall be
12 maintained.
13
14 (3) Changes, amendments or modifications of planned areas must be
15 approved by the county.
16

17 **Sec. 19-125. Soil evaluation.**

18
19 The collection and reporting of all soil data shall be in accordance with
20 ch. Comm 85, WAC.
21

22 **Sec. 19-126. Outlots.**

23
24 The intended use of any outlot shall be specified on the plat. If
25 buildings for human habitation are prohibited on outlots, it shall be
26 noted on the plat.
27

28 **Sec. 19-127. Community systems.**

29
30 Where individual subdivision or condominium lots/units are to be served
31 by a community system of collection and disposal of sewage effluent by
32 soil absorption, the submitted preliminary and recorded final plats shall
33 be clearly marked to indicate this condition.
34

- 35 (1) If the components of such a community system are not in place and
36 available to all of the proposed lots/units at the time of final plat
37 submittal, a restriction shall be included on the recorded final plat
38 requiring that buildings be served by an approved community system
39 prior to occupancy.
40
41 (2) All components of a community system shall be owned and maintained by
42 a special purpose district.
43
44 (3) All components of a community system shall be accessible through
45 easements, public right-of-ways or land ownership.
46
47 (4) Community system designs shall be submitted to, and approved by, the
48 DCOMM and/or the DNR prior to final plat approval by the county.
49
50
51
52
53

2
3 (5) Design Standards

4
5 a. Residential

6
7 i. A restriction shall be included on the recorded final plat
8 stating the maximum design wastewater flow allocated to each
9 lot/unit in terms of the number of bedrooms based on one
10 hundred fifty (150) gallons per day per bedroom.

11
12 ii. The design wastewater flow of a proposed dwelling may not
13 exceed the stated maximum allocated for the lot/unit unless
14 the community system is first altered to accommodate the
15 increased flow.

16
17 b. Public

18
19 i. A restriction shall be included on the recorded final plat
20 stating the maximum design wastewater flow allocated to each
21 lot/unit.

22
23 ii. The design wastewater flow of a proposed building or use may
24 not exceed the stated maximum allocated for the lot/unit
25 unless the community system is first altered to accommodate
26 the increased flow.

27
28 c. Contaminant Load

29
30 The contaminant load of the wastewater discharged from any
31 lot/unit to a community system shall not exceed the contaminant
32 load that the community system was designed to treat.

33
34 **Sec. 19-128. Additional requirements.**

35
36 (a) At a minimum, the following information is to be provided to the
37 department at the time of preliminary plat submittal for a
38 subdivision or condominium not served by public sewer:

39
40 (1) Locations of soil pits, borings and groundwater elevation
41 observation pipes;

42
43 (2) Land slopes within minimum continuous suitable soil areas;

44
45 (3) All areas with land slopes exceeding 25%;

46
47 (4) Shape and location of approximate primary soil absorption areas
48 and replacement soil absorption areas, if applicable;

49
50 (5) Shape and location of proposed building areas. In lieu of
51 building envelopes, there must be a statement on the plat that
52 indicates the required minimum horizontal setback from a building
53 to a POWTS treatment component and any exterior subsurface
54 treatment tank; and

4 (6) Shape and location of areas available for installation of well or
5 water supply line. In lieu of this, a note shall be placed on
6 the plat indicating the applicable well and water supply line
7 setbacks from a POWTS cell, treatment tank, and pressurized and
8 non-pressurized building sewers.

9 (b) Information required above may be shown on the preliminary plat or on
10 separate sheets submitted as addenda to the plat. Separate sheets
11 submitted for review shall be at least eight and one-half (8½) by
12 eleven (11) inches in size and drawn to a scale not more than one
13 hundred (100) feet to one (1) inch.

14 (c) Additional data to accompany a preliminary plat for a subdivision or
15 condominium not served by public sewer shall include, but not be
16 limited to:

- 17 (1) Soil pit and boring data;
- 18 (2) Soil profile descriptions;
- 19 (3) Elevations of proposed primary infiltrative surfaces and
20 replacement infiltrative surfaces, if applicable (mound and at-
21 grade systems will not require replacement areas); and
- 22 (4) List of POWTS treatment options in accordance with ch. Comm 83,
23 WAC, available to each lot/unit.

24
25
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32
33
34 **The Racine County Clerk is directed to transmit duplicate copies of this**
35 **ordinance by registered mail to all affected Town Clerks within seven (7)**
36 **days after this ordinance is adopted.**

37
38
39 **Respectfully submitted,**

40		
41		
42	1st Reading _____	ECONOMIC DEVELOPMENT AND LAND USE
43		PLANNING COMMITTEE
44	2nd Reading _____	
45		_____
46	BOARD ACTION	Robert D. Grove, Chairman
47	Adopted _____	
48	For _____	
49	Against _____	Mark M. Gleason, Vice-Chairman
50	Absent _____	
51		_____
52	VOTE REQUIRED: Majority	Dan F. Sharkozy, Secretary
53		
54	Prepared by:	_____
55	Planning & Development Dept.	Kenneth Hall
56		
57		

4
5
6
7 _____
8 Thomas Pringle

9
10 _____
11 Q. A. Shakoor II

12
13 _____
14 John A. Wisch

15
16
17
18 The foregoing legislation adopted by the County Board of Supervisors of
19 Racine County, Wisconsin, is hereby:

20
21 Approved: _____

22 Vetoed: _____

23
24 Date: _____,

25
26
27 _____
28 William L. McReynolds, County Executive

29
30
31
32 The Certificate of Publication, in compliance with State Statutes, is
33 available at Racine County Planning.

34
35 FISCAL NOTE - NOT APPLICABLE
36
37