

CHAPTER 13

PRIVATE SEWAGE SYSTEM

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13.01 Title. This ordinance shall be known as, referred to, or cited as “Chapter 13. Private Sewage System.”

13.02 General Provisions. (1) Authority. These regulations are adopted under the authority granted by Wis. Stat. § 59.70(5).

(2) Purpose. The purpose of this ordinance is to promote the public health, safety, and general welfare by regulating the location, design, construction, alteration, and installation as well as the use of all private sewage systems; thereby insuring the protection and security of the general health of the public from disease and pestilence; to further insure the safe and proper use of land and water resources.

(3) Jurisdiction. The jurisdiction of this ordinance shall include all lands and waters within the incorporated and unincorporated parts of Manitowoc County that are not served by public sewers.

(4) Compliance. No private sewage system or part thereof shall hereafter be located, installed, moved, reconstructed, extended, enlarged, converted, altered, or their use changed without a sanitary permit and without full compliance with the provisions of this ordinance and pertinent state laws and codes.

(5) Abrogation and Greater Restrictions.

(a) This ordinance supercedes all pertinent provisions of any ordinance relating to private sewage systems within Manitowoc County.

(b) It is not otherwise intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, deed restrictions, or agreements; however, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

(c) This ordinance incorporates, by reference, the applicable rules, regulations, and laws as set forth in the Wis. Stat. Ch. 145 and the Wisconsin Administrative Codes regulating private sewage systems. These rules, regulations, and laws shall apply until amended and then apply as amended.

(6) Severability. If any section, clause, provision or other portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

(7) Warning and Disclaimer of Liability. The degree of protection provided by this ordinance is considered reasonable for regulatory purposes only and is based on engineering experience and scientific methods of study. This ordinance, however, does not imply that private sewage systems permitted will be totally free from problems, nor shall this ordinance create a liability on the part of or be a cause of action against the County of Manitowoc, or any office or employee thereof for any problems that may result from reliance on this ordinance.

(8) Interpretation. In their interpretation and application, the provisions of this ordinance shall be deemed to be the minimum required and shall be liberally construed in favor of Manitowoc County and shall not be deemed a limitation or repeal of any

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other power granted by the Wisconsin Statutes.

13.03 Definitions. Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the same meaning as they have at common law and to give this ordinance its most reasonable application.

(1) “Aggregate” means washed, graded, hard rock that has been washed with water under pressure over a screen during or after grading to remove fine material and with a hardness value of 3 or greater on Moh’s Scale of Hardness. Aggregate that can scratch a copper penny without leaving any residual rock material on the coin, would have a hardness of 3 or more on Moh’s Scale of Hardness.

(2) “Alternative Private Sewage System” means a system as defined in Wis. Stat. § 145.022(1)(a) (1979-1980). The alternative private sewage systems include, but not limited by enumeration here, experimental and shallow sub-surface pressure distribution systems used on sites not meeting the soil criteria for conventional private sewage systems.

(3) “Bedrock” means the rocks that underlie soil material or are at the earth’s surface. Bedrock is encountered when the weathered in-place consolidated material, larger than one (1) millimeter in size, is greater than fifty (50%) percent by volume.

(4) “Building” means a structure having walls and a roof erected or set upon an individual foundation or slab-constructed base designed or used for the housing, shelter, enclosure, or support of persons, animals, or property of any kind. A mobile home is included in this definition. Each structure abutting another structure, which does not have an ingress-egress doorway through the basement foundation walls, or structures with separate exterior or exterior abutting walls, or public use structures separated by an unpierced firewall, shall be considered as a separate or individual building.

(5) “Color” means the moist color of the soil based on Munsell soil color charts.

(6) “Conventional Private Sewage System” means a system as defined in Wis. Stat. § 145.01(12). Conventional private sewage systems are systems using a conventional soil absorption system, a system installed in a filled area approved in

writing by DCOMM, and a dosing soil absorption system.

(7) “Conventional Soil Absorption System” means one that employs gravity flow from the septic or other treatment tank and applies effluent to the soil through the use of seepage trench, bed, or pit. Sighting, construction and design must meet the minimum criteria designed by the DCOMM.

(8) “DCOMM” means Department of Commerce.

(9) “DNR” means Department of Natural Resources

(10) “Dosing Soil Absorption System” means a system that employs a pump or automatic siphon to elevate or distribute effluent to the soil through the use of a seepage trench or bed. Distribution piping in seepage trenches or beds shall be four (4) inch perforated pipe approved by DCOMM.

(11) “Dwelling Unit” means one or more rooms with provisions for living, sanitary, and sleeping facilities, which are used or intended to be used by one person or by two or more persons, maintaining a common household.

(12) “Effluent” means the liquid discharged from a septic or other treatment tank.

(13) “Failing Private Sewage System” means a failing private sewage system is one which causes or results in any of the following conditions:

(a) The failure to accept sewage discharge and backup of sewage into the structure served by the private sewage system;

(b) The discharge of sewage to the surface of the ground or to a drain tile;

(c) The discharge of sewage to any waters of the state; or

(d) The introduction of sewage into zones of saturation, which adversely affect the operation of a private sewage system.

(14) “High Groundwater” means Zones of soil saturation which include:

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(a) Perched water tables;

(b) Shallow regional groundwater tables or aquifers;

(c) Zones that are seasonally, periodically or permanently saturated.

(15) “Holding Tank” means an approved watertight receptacle for the collection and holding of sewage.

(16) “Nuisance” means any source of filth, odor, or probable cause of sickness pursuant to the provisions of Wis. Stat. § 146.14 (1991-1992).

(17) “Percolation Test” means the method specified in Wis. Admin. Code § COMM 83.09(5) of testing absorption qualities of the soil.

(18) “Permeability” means the ease with which liquids move through the soil.

(19) “Pressure Distribution System” means a soil absorption system that employs a pump or automatic siphon and small diameter distribution piping with small diameter perforations to introduce effluent into the soil. Plan review and DCOMM approval is required for each system of this type.

(20) “Private Sewage System or “private onsite wastewater treatment system,” or “POWTS.”

(a) A sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same parcel as the structure;

(b) An alternative/experimental sewage system approved by DCOMM including a substitute for the septic tank or soil absorption field;

(c) A holding tank;

(d) A system serving more than one structure or a system located on a different parcel than the structure and may be owned by the property owner or by a special purpose district.

(21) “Private Sewage System Rules” are contained in Wis. Admin. Code Ch. COMM 83 and include all of the chapter as it is presently written,

any subsequent amendments and any retitling of Wis. Admin. Code Ch. COMM 83.

(22) “Private Residence” means a one or two family building or dwelling.

(23) “Privy” means a structure that is not connected to a plumbing system, which is used by persons for the deposition of human body wastes.

(24) “Public Building” means any structure, including exterior parts of such building, such as a porch, exterior platform, or steps providing means of ingress or egress; used in whole or in part as a place of resort, assemblage, lodging, trade, traffic, occupancy, or use by the public, or by three or more tenants in accord with Wis. Stat. § 101.01(12).

(25) “Sanitary Permit” means a permit issued by the department or certified Planning and Park Commission staff for the installation of an approved private sewage system.

(26) “Seepage Bed” means an excavated area larger than five (5) feet in width, which contains a bedding of aggregate and has more than one (1) distribution line.

(27) “Seepage Trench” means an area excavated one (1) to five (5) feet in width, which contains a bedding of aggregate and a single distribution line.

(28) “Septic Tank” means a tank which receives and partially treats sewage through processes of sedimentation and bacterial action so as to separate solids from the liquid in sewage and discharges the liquid to a soil absorption system.

(29) “Small Commercial Establishment” means a commercial establishment or business place which has average total sewage flows of less than 2,100 gallons per day.

(30) “Soil” means the unconsolidated material over bedrock.

(31) “Soil Boring” means an observation pit dug by hand or backhoe.

(32) “Soil Mottles” means spots or streaks of contrasting soil colors usually caused by soil saturation for some period of a normal year.

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(33) "Soil Saturation" means the state when all the pores in a soil are filled with water; water will flow from saturated soil into a borehole.

(34) "Top Soil" means the undisturbed surface horizon of a soil often characterized by a black or dark grayish brown color due to a higher content of organic matter.

(35) "Terms Not Defined" means terms not defined in this section shall be as defined in any of the Manitowoc County Zoning Ordinances, Wisconsin Statutes, Wisconsin Administrative Code, or if not defined in any of the preceding, the terms shall be used with a meaning of common or standard utilization. Words used in the present tense include the future. Words in the singular number include the plural numbers and words in the plural number include the singular number. The word "shall" is mandatory, not permissive. All distances, unless specified otherwise, shall be measured horizontally.

13.04 Administration. (1) Declaration of Intent - This ordinance shall be administered in accordance with relevant sections of Wis. Stat. Ch. 145, as amended (especially Wis. Stat. §§ 145.19 and 145.245) and in conformance with the rules promulgated under Wis. Stat. § 145.20, as amended, and Wis. Admin. Code Chs. COMM 83 and COMM 85, as amended. It is intended that this ordinance shall be no more nor less restrictive than the State Statutes and Codes relating to private sewage systems. Further, this ordinance shall apply to the entire area of the County in accordance with Wis. Stat. § 59.70, as amended.

(2) Duties. The Manitowoc County Board of Supervisors hereby assigns the duties of administering this ordinance in accordance with Wis. Stat. § 145.20, and all other duties relating to the State and County private sewage system programs, to the Manitowoc County Planning and Park Commission. The Commission shall appoint the Director, Code Administrator and other State certified staff employees as issuing agents to assist the Commission in the performance of their duties. The issuing agents shall be under the direct supervision of the Director and shall perform all duties assigned by the Commission of this ordinance including but not limited to, the following:

(a) The issuing agents shall review the certified

soil tester reports for the proposed private sewage system and verify the reports at the proposed site if necessary.

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

(c) The issuing agents shall issue written notice to each applicant whose sanitary permit application is disapproved. Each notice 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 under Wis. Stat. Ch. 68, as amended.

(d) The issuing agent shall inspect or cause the inspection of all private sewage 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.

(e) The issuing agents shall file reports and conduct surveys and inspections and perform other duties regarding this ordinance and private sewage systems as are considered appropriate by the County Board or DCOMM.

(f) The issuing agents shall investigate violations of this ordinance and Wis. Stat. Ch. 145, as amended, where such alleged violation relates to private sewage and issue orders to abate the violations and submit orders to the District Attorney, Corporation Counsel, or Attorney General for enforcement.

13.05 Sanitary Permits Required. (1) No person may install, locate, move, reconstruct, extend, enlarge, alter, convert, or modify a private sewage system or change the land use connected to the system, unless the owner of the property on which such private sewage system is located, or is to be located, holds a valid sanitary permit.

(2) No zoning, setback or other land use permit will be issued for any structure requiring connection

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to a private sewage system, unless a sewage system satisfying all applicable state and county regulations already exists to serve the proposed structure or all permits necessary to install such a system including a sanitary permit have been approved.

(3) All premises intended for human habitation and/or occupancy and equipped with plumbing fixtures shall be provided with public sewers or a private sewage system.

(4) An approved sanitary permit is valid for two (2) years from the date of issue and may be renewed for similar periods thereafter. Renewal of a sanitary permit will be based on regulations in force at the time renewal is sought and changed regulations may impede renewal.

(5) Before a private sewage system is installed, a licensed master plumber or master restricted plumber (sewer) shall sign the application for permit and assume responsibility for installation of the system.

(6) When there is a change of ownership, building use, or (installing) master plumber, a permit transfer form must be submitted to and approved by the County prior to installation of a private sewage system.

(7) The sanitary permit shall be conspicuously posted on the property so as to be visible from the road fronting the lot during construction, alteration, or modification, etc., of the private sewage system.

13.06 General Requirements for Permits.

(1) All applications for sanitary permits for private on-site sewage disposal systems must be submitted to the County on State approved forms signed by a master plumber or master restricted plumber (sewer) and must be accompanied by:

(a) Soil Test Report prepared and signed by a state licensed certified soil tester.

(b) Complete plans and specifications prepared, signed, and sealed by a registered architect, engineer, or registered plumbing designer or by a master plumber for a system he is to install.

1. Plans and specifications for conventional

on-site sewage disposal systems for one and two-family residences shall include the items of the information enumerated as follows in MCC § 13.06(2)(a) - (e) and shall be submitted on paper not less than 8½ x 11 inches in size and shall be reviewed and approved by the County.

2. Plans and specifications for all other on-site sewage disposal systems, including holding tanks, mounds, inground pressure distribution systems, systems in fill, and systems for public buildings, must first be and approved by DCOMM before being submitted to the County. State plan review information requirements in addition to those enumerated as follows in MCC § 13.06(2)(a) - (e) are identified in Wis. Admin. Code Ch. COMM 83, and are available from DCOMM.

(2) All plans and specifications for private onsite sewage disposal systems shall include at least the following:

(a) A detailed plot plan, dimensioned or drawn to scale, showing the lot size; the location of all septic tanks, holding tanks, or other treatment tanks, building sewers (sanitary and storm), wells, water mains or water service, streams, and lakes, dosing, or plumbing chambers, distribution boxes, effluent systems, dual disposal systems, replacement system areas, and the location of the building served. All separating distances and dimensions shall be shown on the detailed plot plan.

(b) A vertical elevation reference point and a horizontal reference point.

(c) Soil borings and percolation test data related to the undisturbed and finished grade elevations, vertical elevation reference point, and horizontal reference point. Surface elevations shall be given for all soil borings.

(d) The maximum number of bedrooms in the residence shall be indicated.

(e) Complete specifications for pumps and controls including dose volume, elevation differences (vertical lift), pipe friction loss, pump performance curve, pump model, and pump manufacturer.

(3) Every installer of a private sewage system,

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who modifies or changes the design of the system, must submit to the approving authority a revised plan. All changes or modifications must be approved by the authority prior to installation for determination of approving authority, see MCC § 13.06(1).

(4) No private sewage system shall be used until the proper sanitary permit, inspection, and revised plan (if required) has been accepted, approved and filed by the County.

(5) Payment of appropriate fee established by MCC § 13.08.

13.07 Special Requirements for Holding Tanks, Alternative Private Sewage Systems, and Sewage Systems for Public Buildings.

(1) Holding Tank. (a) The use of holding tank installations will be considered on an individual basis. Holding tanks are considered a “system of last resort” and will only be permitted where there is no possibility of any other system being installed. Individual cities, villages, and towns of Manitowoc County may prohibit the use of holding tanks for all new constructions.

(b) Copies of soil test reports, plans, and specifications as required in Wis. Admin. Code § COMM 83.08, and the appropriate plan review fee must be submitted to DCOMM for plan review and approval for each request to install a holding tank on private property before submitting an application for a sanitary permit to the County. State plan review information requirements include the relevant items listed in MCC § 13.06(2)(a) - (e), plus such additional information required by DCOMM to determine conformance of the system with the requirements of Wis. Admin. Code Ch. COMM 83. (See Wis. Admin. Code § COMM 83.18, for holding tank construction and installation requirements and the DCOMM form entitled “Private Sewage Systems - Plan Approval Application”).

(c) Assigned agreement between the appropriate city, village, or town and the owner(s) guaranteeing the pumping and transporting of the holding tank contents to a disposal site meeting the requirements of Wis. Admin. Code Ch. NR 113, shall be notarized and recorded with reference to the deed for the property on which the system is located and shall be

submitted to DCOMM. The agreement shall specify that, if the owner does not cause to have the holding tank properly maintained in response to orders from local government or DCOMM, and it becomes necessary to prevent or abate a nuisance as described in Wis. Stat. § 146.13, (1991-1992), as amended, local government shall provide for pumping and transporting of the holding tank contents.

(d) The agreement shall also include a requirement and this ordinance requires that a quarterly and annual pumping report (or fourth quarter report, which includes a summary of the pumping history of the previous year) shall be submitted by the owner of a holding tank or their agent to the local government.

(e) The applicant shall apply to the County for a sanitary permit after the plans and specifications, agreement and any other state required information, has been received and approved by DCOMM and the County has received written approval of such plans and specifications from DCOMM.

(2) Alternative Private Sewage Systems.

(a) Alternative private sewage systems include (but are not limited by enumeration) shallow in-ground pressure distribution systems used on sites not meeting the soil criteria for conventional private sewage systems. Alternative private sewage systems are considered acceptable for use when the site, soil, and site criteria specified in Wis. Admin. Code § COMM 83.14, for in-ground pressure distribution systems, are met or when the site meets the conventional private sewage system criteria listed in Wis. Admin. Code § COMM 83.13.

(b) An application for an alternative system shall be made on a form supplied by DCOMM and shall be accompanied by:

1. Copy of report on Soil Borings and Percolation Tests (115) or soil and site evaluation report in accordance with Wis. Admin. Code § COMM 83.09.

2. Copy of County Inspection Report on soil characteristics and limitations of the site, except for mound systems.

3. Complete plans and specifications as required

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in Wis. Admin. Code § COMM 83.08, and such additional information as needed to determine conformance of the system with the requirements of Wis. Admin. Code Ch. COMM 83, and appropriate plan review fee must be submitted to DCOMM for review and approval before submitting an application for a sanitary permit to the County. (Reference Wis. Admin. Code § COMM 83.14 for in-ground pressure distribution systems.) (If a site is suitable for a conventional private sewage system, the application for "Use of an Alternative System" and County on-site inspection report on soil characteristics and limitations are not required.)

(c) The applicant shall apply to the County for a sanitary permit after the plans, specifications, certification forms, agreement and any other state required information have been received and approved by DCOMM and the County has received written approval of such plans and specifications from DCOMM.

(d) The installer shall notify the County and the County shall inspect a mound system:

1. When the ground is plowed.
2. While the sand fill is being placed.
3. At the time the distribution piping installation has been completed.
4. When all work has been completed.

(e) County inspection results will be submitted to the State. No system may be approved or used unless the County inspector submits a statement on forms furnished by DCOMM indicating that the system's installation was in accord with the approved plans and specifications.

13.08 Fee Schedule. (1) (a) A sanitary permit fee must be paid at the time that an application, with plans and specifications, is submitted, and a permit will not be issued until the fee has been paid.

(b) The fee for a gravity conventional system is \$300.

(c) The fee for an alternate, in-ground pressure, or mound system is \$450.

(d) The fee for a holding tank is \$375.

(e) The fee for a large scale system is \$575.

(2) Other fees for services requested of the County relating to this ordinance shall be paid before the service is rendered according to the following schedule:

(a) On-site inspection requested by a Certified Soil Tester for verification of soil borings and percolation test report including assistance in determining high ground water, high bedrock, or other soils examination: \$50.00.

(b) Any re-inspection of an on-site private sewage system caused by the installer requiring an additional field trip by County personnel: \$50.00.

(c) Renewal of a sanitary permit after the statutory 12 month grace period, but before the expiration of two years from the date of issue: \$35.00.

(d) Wisconsin Fund Application: \$100.00.

(3) An annual maintenance program fee of \$10 is required to be paid for each private onsite wastewater treatment system (POWTS) included in the maintenance program established by s. 13.09(1). The annual fee will be included on the owner's property tax bill.

13.09 Maintenance Program. (1) A maintenance program for all private onsite wastewater treatment systems (POWTS) that are located in unincorporated areas of Manitowoc County and outside of any sanitary district is hereby created.

(2) A complete inspection of a POWTS is required:

(a) when there is a conveyance, merger, partition, subdivision, or transfer of the property on which the POWTS is located or of the property on which a structure serviced by the POWTS is located.

(b) when a maintenance inspection required by sub. (4) reveals that the POWTS is not in compliance.

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(3) A complete inspection of POWTS must include:

(a) A written report of observation and soil boring by a certified soil tester. The soil boring must extend 3 feet below the bottom of the absorption area and be sufficient to determine the presence of bedrock, groundwater, or seasonally saturated soils that would adversely affect the operation of the system. The Zoning Administrator may allow use of a previously filed soil test conducted in an area near the system to verify soil conditions.

(b) A written evaluation of the POWTS and its components, including the following:

1. Treatment tanks, including risers and covers.
2. Inlet and outlet baffles.
3. Vents and observation ports, including the presence of any ponding or surface discharge.
4. High water alarms.
5. The existence of any outfall pipe or any connection to a drain tile.
6. Absorption area, including the presence of any ponding or surface discharge.
7. The presence and cleanliness of any effluent filter.
8. Compliance with setback requirements.

(c) The inspection report must be filed with the Planning and Park Department within 30 days following the date on which the POWTS is inspected.

(d) A county inspection to verify the results of the inspection may be required. Any costs associated with the county inspection including, but not limited to, backhoe pits or pumping fees are the responsibility of the owner.

(e) If the POWTS is not in compliance, a code compliant POWTS must be installed within 1 year of date on which the POWTS is inspected.

(4) Each POWTS included in the maintenance

program must be inspected once every three years. The inspector must provide the owner of the POWTS with a signed certificate of inspection on a form approved by the Planning and Park Department indicating whether the system is in code compliance and whether the combined sludge and scum volume equals 1/3 or more of the tank volume. If the combined sludge and scum volume equals 1/3 or more of the tank volume, the owner must have the tank pumped. The owner must, within 30 days from the date of inspection, provide the Planning and Park Department with the certificate of inspection signed by inspector and the owner, along with proof that any required pumping has been completed.

(5) The inspections required by subs. (3) and (4) must be performed by one of the following:

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

(6) An owner may request an extension of up to 12 months in which to complete any inspection or pumping required under this section. The request must be submitted in writing to the Planning and Park Department. The request must indicate the circumstances, such as inclement weather, road weight restrictions, or site limitations, that necessitate the extension and the request must indicate the length of the requested extension. However, no extension may be granted because of the cost of the inspection or pumping. Any extension must be authorized by the Planning and Park Department in writing.

13.10 Enforcement. (1) Manitowoc County, may investigate violations of this ordinance, issue orders to abate violations, and submit orders to the district attorney, corporation counsel, or attorney general for enforcement. Manitowoc County may also issue citations for violations of this ordinance. Enforcement of this ordinance should generally conform to the following procedure:

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(a) Field Directive - Any issuing agent, after proper investigation and a determination that a violation exists, may issue a written field directive. This field directive may consist of a hand-written note on an inspection report, or similar paper, identifying the violation that has occurred and assigning a date by which the violation must be corrected and shall include the inspector's issuing agent's telephone number and office address.

(b) A second directive, which is more formal, may be issued, which again states the violation, the date the violation was noted, and the issuing agent who noted the violation including the date by which the correction must be performed.

(c) Upon discovery of a violation and after documentation of the violation, the issuing agent may issue a correction order after issuing directives, or may proceed directly to issuing correction orders. The order must include the following:

1. A statement of the code section or statute section violated.
2. The date of inspection of the site where the violation occurred.
3. The person who conducted the inspection that revealed the violation.
4. The date by which the correction must be completed.
5. The person who must be contacted regarding reinspection of the site where the violation occurred.
6. A notation that, if the order is not followed, the Commission's staff will refer the violation to the Manitowoc County Planning and Park Commission with a recommendation to seek injunctive relief from the Circuit Court of Manitowoc County. Orders must be signed by the issuing agent or the inspector who discovered the violation and by the Director of the Manitowoc County Planning and Park Commission.
7. Orders signed by the Director of the Planning and Park Commission shall be delivered by the Sheriff of Manitowoc County or by use of certified U.S. mail, return receipt requested. The Director shall report all orders that have not been followed or

the violation corrected, to the Manitowoc County Planning and Park Commission, which will seek action in Circuit Court by submitting such orders to the Manitowoc County Corporation Counsel for enforcement.

13.11 Inspections. (1) Manitowoc County shall inspect all private sewage systems after construction, but before back filling, not later than the end of the next work day, excluding Saturdays, Sundays, and holidays, after receiving notice from the plumber in charge. The plumber in charge must have all the necessary equipment to inspect the system at the site and shall furnish such assistance to the inspector as may be necessary to make a proper inspection.

(2) Manitowoc County will also review certified soil tester reports for proposed private sewage systems and verify the report at the proposed site, if necessary.

(3) Manitowoc County may also perform:

- (a) Maintenance inspections.
- (b) Nuisance inspections.
- (c) Existing system inspections.

13.12 Appeals. (1) In all cases where applications for sanitary permits are denied by the County, because of an initial adverse determination, rejecting the use of a conventional private sewage system due to site limitation, the aggrieved party(ies) shall be given the reason for rejection in writing and shall be advised of any alternate courses of action available to them. The applicant or aggrieved party shall be provided with a list of alternatives, which may be applied in the event a conventional means of waste disposal is not acceptable.

(2) In all cases where applications for sanitary permits are denied by the County for a mound, pressure distribution system, holding tank, or system in fill, the County's denial shall be in writing.

(3) Any applicant for a sanitary permit that has been denied by the County or any other person having a substantial interest, which is adversely affected by an administrative determination of the County relating to the ordinance may have such determination reviewed in accordance with the

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provisions of Wis. Stat. Ch. 68.

(4) Wisconsin DCOMM will accept variances for systems on forms supplied by DCOMM and may approve or disapprove of such variances based on DCOMM criteria and standards.

13.13 Violations. (1) It is unlawful to violate any provision of this ordinance or fail to comply with any its requirements.

(2) It is unlawful to alter, construct, repair, or cause work to be performed on a POWTS in violation of any certificate, directive, or permit issued under the provisions of this ordinance.

(3) It is unlawful to interfere, resist, or obstruct the Code Administrator or any other person in the discharge of duties authorized under the provisions of this ordinance.

(4) A person who violates a provision of this ordinance shall, upon conviction, forfeit not less than \$100 nor more than \$2,000 for each offense, together with the costs of prosecution for each offense. Each day that a violation exists or continues constitutes a separate offense. A person who is in default of payment of a forfeiture and costs shall be imprisoned in the County Jail until the forfeiture and costs are paid, but shall not be imprisoned for more than 30 days for default of payment of the forfeiture and costs for any given violation.

(5) A violation of this ordinance is deemed a public nuisance. The creation of such a nuisance may be enjoined and the maintenance of such a nuisance may be abated by action at suit of the County, the State, or any citizen thereof.

13.14 Amendments. The County Board may from time to time amend, supplement, or repeal the regulations of this ordinance in accordance with the procedures provided in Wis. Stat. § 59.69(5), as amended.

13.15 Effective Date. This ordinance, upon passage and publication by the County Board of Manitowoc County, Wisconsin, shall be effective in all of the incorporated and unincorporated areas of Manitowoc County and shall not require approval or be subject to disapproval by any town, village, or city as provided by Wis. Stat. § 59.70(5), as

amended.

HISTORY

11/19/02: Sec. 13.08(1)(a), (b), and (c) amended by Ord. No. 2002/2003-97 effective January 1, 2003.

9/13/05: Sec. 13.03(20) amended, sec. 13.08(3) created, sec. 13.09 repealed and recreated, sec. 13.10(1) amended, and sec. 13.13 repealed and recreated by Ord. No. 2005/2006-85 effective September 22, 2005.

11/15/05: Sec. 13.08(1) repealed and recreated by Ord. 2005/2006-115 effective January 1, 2006.

10/10/06: Secs. 13.09 (1), (2), (3), and (5) amended by Ord. No. 2006/2007-66 effective October 19, 2006.

11/18/2008: Secs. 13.08(b)-(e) amended by Ord. No. 2008/2009-89 effective December 1, 2008.