

Chapter 20 - LAND DEVELOPMENT

Editor's note—Ord. No. 212-5-15, Exh. A, adopted June 16, 2015, repealed ch. 20, and enacted new provisions as herein set out. Former ch. 20, §§ 20-1—20-8, 20-57—20-62, 20-83—20-97, 20-123—20-132, 20-156—20-164, 20-196—20-201, 20-221—20-224, and derived from the compiled ordinances of 2009, §§ 14.04.010, 14.04.030—14.04.060, 14.04.080, 14.04.340—14.04.560, 16.04.010—16.04.190, 16.04.210—16.04.250, 16.04.320, 16.04.360—16.04.410. For definitions and other general provision, and administrative, permit appeal, amendment and violations provisions applicable to this chapter, see chapter 22, land use.

State Law reference— County zoning and boards of adjustment, Wis. Stats. § 59.694; zoning filing fees, Wis. Stats. § 59.696; fees for zoning appeals, Wis. Stats. § 59.697; floodplain zoning, Wis. Stats. § 87.830; county zoning and planning commissions, Wis. Stats. § 59.69; platting lands and recording and vacating plats, Wis. Stats. § 236.01 et seq.; airport and spaceport protection, Wis. Stats. § 114.135 et seq.; comprehensive planning, Wis. Stats. § 66.1001; county subdivision plans, Wis. Stats. § 236.46; construction site erosion control and storm water management zoning, Wis. Stats. § 59.693.

ARTICLE I. - IN GENERAL

Sec. 20-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Block means platted land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or municipal boundary lines.

Certified survey map means a map (meeting the requirements of Wis. Stats. § 236.34) of a minor subdivision.

Easement means legal recorded permission granted by a property owner for the use of land for a specific purpose.

Lot means a contiguous portion of a subdivision, CSM, or other parcel of land, that meets the minimum area requirement, intended for transfer of ownership or for building development and must have described boundaries that abut a public road or has access via an easement or area of common ownership to a public or private street or road.

Minor subdivision means the division of a lot, parcel or tract by the owner thereof, or his agent, for the purpose of transfer of ownership or building development where the act of division creates one to four lots of ten acres each or less in area by successive divisions within a five-year period.

Outlot means a parcel of land other than a lot or block, intended for transfer of ownership or private right-of-way. An outlot may not be used for building site unless it is in compliance with this chapter, chapter 22 or other applicable laws or ordinances.

Parcel means a contiguous unit of land, undivided by public right-of-way, described by a single description in a deed, separately owned, or capable of being separately conveyed.

Planning agency means a county zoning committee authorized by Wis. Stats. § 59.69(2).

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Plat means the map of a subdivision.

Replat means the changing of the boundaries of a recorded subdivision plat or part thereof.

Subdivision means the division of a lot, parcel or tract by the owner thereof, or his agent, for the purpose of transfer of ownership or building development where the act of division creates five or more parcels or building sites of ten acres each or less in area or where the sites of ten acres each or less in area by successive divisions within a five-year period.

(Ord. No. 212-5-15, Exh. A, 6-16-15)

Sec. 20-2. - Applicability.

The subdivision regulation provision contained in this chapter shall apply throughout the unincorporated area of the county.

(Ord. No. 212-5-15, Exh. A, 6-16-15)

Sec. 20-3. - Statutory authority and purpose.

In order to achieve the purposes of Wis. Stats. ch. 236 and section 22-305, and to provide safe and orderly shoreland subdivision layouts, the regulations set out in this chapter and adopted pursuant to Wis. Stats. §§ 59.692, 281.31 and 236.45.

(Ord. No. 212-5-15, Exh. A, 6-16-15)

Sec. 20-4. - Compliance with chapter and state provisions.

- (a) Any division of land which results in a subdivision as defined in section 20-1 shall be in compliance with the provisions of this chapter and those sections of Wis. Stats. ch. 236 including review procedures by state agencies having authority to object to plats.
- (b) No person shall divide, convey, record or monument any land in violation of this chapter or the Wisconsin Statutes; and no person shall be issued a county land use permit, or state or county sanitary permit authorizing building on or improvement of any lot or part of the subdivision, certified survey or replat within the jurisdiction of the county until the provisions and requirements of this chapter have been fully met.

(Ord. No. 212-5-15, Exh. A, 6-16-15)

Sec. 20-5. - Compliance with state vacation and alteration provisions.

When a replat of a recorded subdivision or part thereof is proposed, the subdivision shall be vacated or altered according to the provisions of Wis. Stats. §§ 236.36 through 236.445.

(Ord. No. 212-5-15, Exh. A, 6-16-15)

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Sec. 20-6. - Survey requirement.

A survey meeting the provisions of Wis. Stats. ch. 236 and this chapter is required for any parcel or parcels resulting from a land division that is ten acres or less in size.

(Ord. No. 212-5-15, Exh. A, 6-16-15)

Sec. 20-7. - Exclusions.

In no instance shall the provisions of this chapter relating to subdivisions apply to:

- (1) Transfers of interest in land by will or pursuant to court order;
- (2) Leases for a term not to exceed ten years;
- (3) Mortgages;
- (4) Utility easements; other than ingress and egress easements.
- (5) The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this chapter, chapter 22 or other applicable laws or ordinances.

(Ord. No. 212-5-15, Exh. A, 6-16-15)

Sec. 20-8. - Violations and penalties.

- (a) The zoning administrator shall report all violations of this ordinance to the zoning committee. The county may institute appropriate legal action for a violation of this ordinance.
- (b) Unless otherwise specified in the applicable state statute, the penalty for each violation of this ordinance may not be less than a forfeiture of \$10.00 or more than \$200.00 plus applicable court costs. Every day of violation may constitute a separate offense.

(Ord. No. 212-5-15, Exh. A, 6-16-15)

Secs. 20-9—20-34. - Reserved.

ARTICLE II. - PROCEDURE

DIVISION 1. - GENERALLY

Secs. 20-35—20-56. - Reserved.

DIVISION 2. - APPROVAL PROCESS

Sec. 20-57. - Consultation on sketch plan.

- (a) Prior to the filing of an application for the approval of a preliminary plat, the subdivider shall consult with the planning agency to present his proposed plat for review.
- (b) As a part of this consultation the subdivider shall submit a sketch of sufficient scale and reasonable accuracy indicating the following information:
 - (1) The boundaries of the property being considered for sale;
 - (2) Uses of land adjacent to the proposed subdivisions, proposed roads, easements, public access to navigable water, dedications, community facilities and utilities;
 - (3) General lot layout showing proposed lot widths and depths;
 - (4) General soil conditions derived from a representative sampling of soil conditions on the property, seasonally wet areas, rock outcrops and areas with slopes over 15 percent;
 - (5) Proposed filling, grading, lagooning, dredging;
 - (6) Delineation of any areas periodically flooded, shorelines and high-water lines; and
 - (7) A description of all property owned or controlled by the subdivider contiguous to the proposed plat even though only a part of the area is proposed for immediate development.
- (c) At this review or within 20 days thereafter, the subdivider will be informed of any additions, changes or corrections to his proposed plat necessary to expedite the preliminary plat and final plat procedures.

(Ord. No. 212-5-15, Exh. A, 6-16-15)

Sec. 20-58. - Preliminary plat.

- (a) Copies required. The subdivider shall submit sufficient copies of the preliminary plat to the planning agency so that two copies can be submitted by the planning agency to the agencies having authority to approve and review plats under the provisions of Wis. Stats. §§ 236.10 and 236.12.
- (b) Basic contents. The preliminary plat based upon an exterior boundary survey by a professional land surveyor shall include:
 - (1) Lot width and depths;
 - (2) Existing and proposed streets, parks, public access, community facilities utilities and easements;
 - (3) Land characteristics including seasonally wet areas and slopes over 15 percent;
 - (4) Proposed filling, grading, lagooning, dredging; and
 - (5) Delineation of any areas periodically flooded, shorelines and high-water lines.

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- (c) Scale and improvements rendering. The proposed layout shall be shown on a map at a scale of one inch equals 100 feet and shall identify the improvements, grading, paving, installation of facilities including, if applicable, preplanned sites for water disposal facilities and dedications or reservations of land which the subdivider proposes to make and shall indicate when the improvements will be provided.
- (d) Restrictive covenants. Any proposed restrictive covenants for the land involved shall be stated.
- (e) Action by planning agency. The planning agency shall approve, approve conditionally, or reject the preliminary plat within 40 days, as provided by Wis. Stats. § 236.11. Failure of the planning agency to act within 40 days shall constitute an approval.

(Ord. No. 212-5-15, Exh. A, 6-16-15)

Sec. 20-59. - Final plat.

- (a) Copies submitted and deadline. Sufficient copies shall be submitted to the planning agency within six months of preliminary plat approval unless this requirement is waived by the planning agency.
- (b) Conformance and certification. The final plat shall conform to the preliminary plat as approved and to the requirements of all applicable ordinances and state laws and shall be submitted for certification of those agencies having the authority to object to the plat as provided in Wis. Stats. § 236.12. The final plat shall be accompanied by detailed construction plans of all improvements to be provided by the subdivider.
- (c) Presentation and action. Final plats shall be presented to the planning agency at least ten workdays prior to the meeting at which they are to be considered and shall be accepted or rejected by the planning agency within 60 days of their submission.
- (d) Recording. Approved final plats shall be recorded in accordance with the requirements of Wis. Stats. § 236.25 before lots are sold.

(Ord. No. 212-5-15, Exh. A, 6-16-15)

Sec. 20-60. - Replat; requester's requirements.

When it is proposed to replat a recorded subdivision or part thereof, so as to change the boundaries of a recorded subdivision or part thereof, the subdivider or person wishing to replat shall vacate or alter the recorded plat as provided in Wis. Stats. §§ 236.40 through 236.44. The subdivider or person wishing to replat shall then proceed as specified in sections 20-58 and 20-59.

(Ord. No. 212-5-15, Exh. A, 6-16-15)

Sec. 20-61. - Replat; hearing and notice.

The clerk shall schedule a public hearing before the planning agency when a preliminary plat of a replat of lands within the county is filed, and shall cause notices of the proposed replat and public hearing to be mailed to the owners of all properties within the limits of the exterior boundaries of the proposed replat and to the owners of all properties within 200 feet of the exterior boundaries of the proposed replat.

(Ord. No. 212-5-15, Exh. A, 6-16-15)

Sec. 20-62. - Minor subdivision (certified survey map).

All certified survey maps (CSM) outside of incorporated areas shall be submitted to the county planning and zoning department for review and approval prior to recording by the register of deeds. Failure to act by the department within ten business days constitutes approval.

(Ord. No. 212-5-15, Exh. A, 6-16-15)

Sec. 20-63. - Cemetery platting.

A cemetery authority shall survey and plat those portions of lands that are proposed to be used for burial of human remains, into cemetery lots, drives and walks and the following will be required:

- (1) The survey and plat must meet the provisions of Wis. Stats. chs. 236 and 157.
- (2) The plat or map shall be recorded in the register of deeds.
- (3) The plat or map may not be recorded unless laid out and platted to the satisfaction of the county board of the county, and the town board of the town in which the land is situated.

(Ord. No. 212-5-15, Exh. A, 6-16-15)

Secs. 20-64—20-82. - Reserved.

ARTICLE III. - STANDARDS AND SPECIFICATIONS

Sec. 20-83. - Suitability of land.

- (a) No land shall be subdivided which is held unsuitable for the proposed use by the planning agency for reasons of flooding, inadequate drainage, adverse soil or rock formation, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities, or any other feature likely to be harmful to the health, safety or welfare of the future residents of the proposed subdivision or of the community.
- (b) The planning agency, in applying the provisions of this section, shall, in writing, recite the particular facts upon which it bases its conclusion that the land is not suitable for the

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proposed use and afford the subdivider an opportunity to present evidence regarding such suitability at a public hearing. Thereafter the planning agency may affirm, modify or withdraw its determination of unsuitability.

(Ord. No. 212-5-15, Exh. A, 6-16-15)

Sec. 20-84. - Layout relationship to streets, natural features and adjoining areas.

All subdivision layouts shall be developed in proper relation to existing and proposed streets, the topography, surface water, vegetative cover, other natural features and the most advantageous development of adjoining areas.

(Ord. No. 212-5-15, Exh. A, 6-16-15)

Sec. 20-85. - Dedication or reservation for public use.

(a) County power; limit; conformance.

- (1) The planning agency may require that suitable sites not to exceed ten percent of the total area of the subdivision be dedicated or reserved for future public use such as parks, playgrounds, public access and open spaces as needed by the subdivision subject to acceptance thereof by the county or town.
- (2) Any part of a street, drainageway or other public way which is indicated on a comprehensive plan or plan component shall conform to the arrangement, width and location indicated, and shall be offered for dedication to the county or town.

(b) Access to lakes and streams. Subdivisions abutting on a navigable lake or stream shall, according to the provisions of Wis. Stats. § 236.16(3), provide access at least 60 feet wide to the high-water mark so that there will be public access which is connected to existing public roads at least at one-half mile intervals, as measured along the lake or stream shore, except where greater intervals and wider access is agreed upon by the state department of natural resources and the department of administration and excluding shore areas where public parks or open space streets or roads on either side of a stream are provided. The planning agency may require dedications of access points of greater width or at more frequent intervals at points designated by them.

(c) Term; display on final plat. Reservation of land for public acquisition shall be for a period not to exceed three years. Land so dedicated or reserved must be shown on the final plat.

(Ord. No. 212-5-15, Exh. A, 6-16-15)

Sec. 20-86. - Unplattable lands on water's edge.

The lands lying between the meander line, established in accordance with Wis. Stats. § 236.20(2)(g) and the water's edge, and any otherwise unplattable lands which lie between a proposed subdivision and the water's edge, shall be included as part of lots, outlots or public dedications in any plat abutting a lake or stream. This requirement applies not only to lands

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proposed to be subdivided but also to all lands under option to the subdivider or in which he holds any interest and which are contiguous to the lands proposed to be subdivided and which abut a lake or stream as provided in Wis. Stats. § 236.16(4).

(Ord. No. 212-5-15, Exh. A, 6-16-15)

Sec. 20-87. - Improvements; completion or bond and agreement; notice for inspection.

- (a) Before final approval of any plat, the subdivider may install required street and utility improvements or, if such improvements are not installed at the time that the final plat is submitted for approval, the subdivider shall, before recording the plat, enter into a contract with the county, agreeing to install the required improvements, and shall file with that contract a surety bond meeting the approval of the district attorney as a guarantee that such improvements will be completed by the subdivider or his subcontractors not later than one year from the date of recording of the plat or later if specified.
- (b) One week prior to the time each improvement is to be installed and upon its completion, the subdivider must notify the planning agency so that adequate inspections can be made.

(Ord. No. 212-5-15, Exh. A, 6-16-15)

Sec. 20-88. - Streets.

- (a) Basic requirement. The subdivider may be required to dedicate land for and improve public streets.
- (b) General design and location. Public streets shall be designed and located to take into account:
 - (1) Existing and planned streets;
 - (2) Topographic conditions, including the bearing capacity and erosion potential of the soil;
 - (3) Public convenience and safety, including facilitating fire protection, snowplowing and pedestrian traffic;
 - (4) The proposed uses of land to be served;
 - (5) Anticipated traffic volumes; and
 - (6) Further resubdivision possibilities.
- (c) Right-of-way width. Right-of-way width shall be approved by the local accepting authority.
- (d) Construction standards. Construction shall be according to local road standards. Where there are no local road standards, the minimum standards of the state department of transportation shall apply. The subdivider shall grade the roadbeds in the roadway width to subgrade and shall surface all roadways to the width prescribed by these regulations.

(Ord. No. 212-5-15, Exh. A, 6-16-15)

Sec. 20-89. - Frontage on a public road.

All proposed lots are to be developed with frontage to a dedicated public road. If an access easement or private road is proposed, the planning agency must approve it and the following will be required:

- (1) The easement or private road must be part of the plat or certified survey map.
- (2) All proposed access easements or private roads must be a minimum of three rods in width.
- (3) All proposed access easements that are to serve more than two lots must be approved by the town board.
- (4) All existing access easements less than three rods in width are allowed to remain. Existing access easements are not required to be surveyed but must be shown on the certified survey map (CSM). Access to the proposed subdivision shall meet the terms and conditions of the existing access easement.
- (5) All proposed access easements, private roads and driveways abutting a local road must have the point of access approved by the local accepting authority.
- (6) Any portion of a lot or parcel that abuts a local road must be a minimum of three rods in width regardless if the lot or parcel has additional road frontage.

(Ord. No. 212-5-15, Exh. A, 6-16-15)

Sec. 20-90. - Parcels on private ways; disclosure requirement for sale.

No person shall sell any parcel of land of ten acres or less in size, located outside the corporate limits of a municipality, if it abuts on a road which has not been accepted as a public road unless the seller informs the purchaser in writing of the fact that the road is not a public road and is not required to be maintained by the town or county.

(Ord. No. 212-5-15, Exh. A, 6-16-15)

Sec. 20-91. - Water supply.

Where there is an existing public water supply system on or near the subdivision, the local municipality furnishing such service and the planning agency shall determine the feasibility of service and the requirements to be followed by the subdivider in connecting to the system. Where there is no existing public water supply, individual water supply systems will be permitted in accordance with the minimum standards and regulations of the department of natural resources.

(Ord. No. 212-5-15, Exh. A, 6-16-15)

Sec. 20-92. - Survey monuments.

- (a) The subdivider shall install survey monuments in accordance with the requirements of Wis. Stats. § 236.15.
- (b) All iron pipes or bars, or durable metal or concrete monuments used in lieu of iron pipes or bars, used for monumentation shall be a minimum of 24 inches in length.

(Ord. No. 212-5-15, Exh. A, 6-16-15)

Sec. 20-93. - Storm drainage.

- (a) Storm drainage facilities, where needed, shall be designed to permit the unimpeded flow of natural watercourses, ensure the drainage of all points along the line of streets and provide positive drainage away from on-site sewage disposal facilities. In designing storm drainage facilities, special consideration shall be given to protection against shoreland erosion and siltation of surface waters and preventing excess runoff on adjacent property.
- (b) The planning agency may require that easements or drainageways of widths sufficient to accommodate anticipated stormwater runoff be provided.

(Ord. No. 212-5-15, Exh. A, 6-16-15)

Sec. 20-94. - Lot area, minimum.

A minimum lot area of one acre is required by this article except where any of the following apply:

- (a) The city's zoning provisions apply or where a more restrictive municipal ordinance applies.
- (b) The proposed lot is located within a previously platted area of an unincorporated village and shall meet all of the following conditions:
 - (1) The proposed lot combines existing lots, or portions thereof, to create one single lot.
 - (2) The lot must be served by a public sewer or a detailed soil test must be completed on the proposed lot as provided in Wis. Admin. Code ch. SPS 385 and demonstrate the proposed lot will meet the requirements of Clark County Ordinance Chapter 20, Article IV, Private Onsite Wastewater Treatment System and all other applicable laws, codes and ordinances dealing with wastewater.
 - (3) The proposed lot must be approved by the town board.

(Ord. No. 212-5-15, Exh. A, 6-16-15)

Sec. 20-95. - Lots not served by public sewers; optional detailed soil tests.

If a subdivider chooses, he may carry out a detailed soil test on a proposed lot as provided in Wis. Admin. Code ch. SPS 385. The location of the three required soil borings or soil test pits over the site of the proposed infiltration component shall be accurately recorded on the subdivision plat. An infiltration component may be located on the site of the tested area without further tests unless further tests are deemed necessary by the zoning administrator or planning agency and if installation is within five years of the initial tests.

(Ord. No. 212-5-15, Exh. A, 6-16-15)

Sec. 20-96. - Cluster development.

- (a) Purpose; use of undeveloped area. Grouping of residences in cluster subdivisions will permit individual minimum lot sizes to be reduced; provided that overall density within the subdivision is maintained. The remaining undeveloped area within the subdivision is to be used to provide common open space and preserve the scenic qualities of the shoreland area. Grouping of residences facilitates common water supply and sewage disposal systems.
- (b) Review agencies; considerations.
 - (1) The preliminary plat for a proposed cluster subdivision shall be reviewed by the department of administration and any regional planning commission of which the county is a member in addition to the other required approving and objecting authorities.
 - (2) The planning agency and the department of administration shall consider the effect of any proposed cluster development within the 1,000-foot setback of a lake on the carrying capacity of the lake, the erosion potential of the shore, the water-supply and waste-disposal potential of the soil and subsurface geology, the scenic beauty of the lake, and other pertinent factors.
- (c) Configuration and dedications.
 - (1) Development and lot size. Proposed cluster developments shall include a minimum of five acres and shall be platted according to the subdivision regulation requirements of this article. The maximum permitted number of lots on such development shall be determined by dividing the total area of the subdivision, excluding streets, by the minimum lot sizes required herein.
 - (2) Principal structures proximity. The minimum distance between principal structures shall be 50 feet.
 - (3) Open space dedication. Excess land not used for lots and streets shall be dedicated in perpetuity to remain in open space. This may be accomplished by conveyance in common to each of the owners of lots in the development or by dedication to the county, town or municipality.
 - a. Lands dedicated to the public must be accepted by action of the governing body of the accepting unit of government.

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- b. If the land is to be conveyed to owners of lots in the development, a homeowners' association of similar legally constituted body shall be created to maintain the open space land.
 - c. Any restriction placed on platted land by covenant, grant of easement or any other manner which was required by a public body or which names a public body as grantee, promisee or beneficiary shall vest in law or in equity against anyone who has or acquires an interest in the land subject to the restriction.
- (d) Water and sewer. Water supply and sewage disposal shall meet the minimum standards of the department of health services, department of commerce, and the department of administration; articles IV and V of this chapter; and other applicable regulations.

(Ord. No. 212-5-15, Exh. A, 6-16-15)

Sec. 20-97. - Modification of provisions.

The planning agency may permit modifications from the subdivision provisions of this chapter, after holding a public hearing under the following conditions:

- (1) Because of the unique topographic of other conditions of the land involved, literal application of the provisions of this article would impose undue hardship.
- (2) Conditions are attached to plat approval that assure compliance with the requirements of this article insofar as practical.
- (3) There is compliance with the provisions of Wis. Stats. ch. 236 and other relevant state laws.
- (4) The purposes and intent of this article are observed.

(Ord. No. 212-5-15, Exh. A, 6-16-15)

Secs. 20-98—20-122. - Reserved.

ARTICLE IV. - PRIVATE ON-SITE WASTEWATER TREATMENT SYSTEMS

State Law reference— Requirement for county ordinance governing private sewage systems, Wis. Stats. § 59.70(5). (Back)

DIVISION 1. - GENERALLY

Sec. 20-123. - Statutory authority.

This article is adopted pursuant to the authorization in Wis. Stats. §§ 59.07(1), 59.70(5), 145.04, 145.19, and 20.245.

(Ord. No. 212-5-15, Exh. A, 6-16-15)

Sec. 20-124. - Purpose.

This article is adopted to promote and protect public health and safety by ensuring the proper siting, design, installation, inspection and management of the county private on-site wastewater treatment system (POWTS) and nonplumbing sanitation systems.

(Ord. No. 212-5-15, Exh. A, 6-16-15)

Sec. 20-125. - Applicability.

This article applies to the entire geographical area of the county. This article shall not require approval or be subject to disapproval by any town, city, or village.

(Ord. No. 212-5-15, Exh. A, 6-16-15)

Sec. 20-126. - Effective date.

After public hearing, adoption by the county board and publishing or posting as required by law, this article shall be effective. Sanitary permits issued by the planning and zoning department prior to the adoption and publication of the ordinance from which this article is derived shall be subject to the ordinance in effect at time of permit issuance.

(Ord. No. 212-5-15, Exh. A, 6-16-15)

Sec. 20-127. - Liability.

This article shall not create a liability on the part of or a course of action against the county or any employee thereof for any private on-site wastewater treatment system (POWTS) or nonplumbing sanitation system, which may not function as designed. There shall be no liability or warranty for any site, which is approved or denied. The issuance of a sanitary permit and the final inspection of such a system does not warrant the system's function, nor is there a guarantee that the system is free of defects or that all aspects of the system comply to Wisconsin Statute or Administrative Code requirements.

(Ord. No. 212-5-15, Exh. A, 6-16-15)

Sec. 20-128. - Interpretations.

The provisions of this article shall be held to be minimum requirements and shall be liberally construed in favor of the county and shall not be deemed a limitation or repeal of any other power granted by state law and related administrative codes.

(Ord. No. 212-5-15, Exh. A, 6-16-15)

Sec. 20-129. - Compliance.

- (a) All structures or premises in the county that are permanently or intermittently intended for human habitation or occupancy, which are not serviced by a public sewer, shall have a system for holding or treatment and dispersal of sewage and wastewater which complies with the provisions of this article.
- (b) The private on-site wastewater treatment system (POWTS) or nonplumbing sanitation system for newly constructed structures, replacement structures, or structures requiring a reconnection permit shall be installed and inspected only after a sanitary permit has been obtained.

(Ord. No. 212-5-15, Exh. A, 6-16-15)

Sec. 20-130. - Incorporation of provisions by reference.

- (a) This article incorporates by reference the following rules, regulations, and laws, as set forth in the Wisconsin Statutes and the Wisconsin Administrative Code governing the location, construction, and use of private sewage systems:
 - (1) Wis. Stats. ch. 145, Wis. Stats. §§ 59.70(5), 254.59, 281.48 and 968.10;
 - (2) Wis. Admin. Code chs. SPS 305, 326, 362, 381—387, and 391;
 - (3) Wis. Admin. Code chs. NR 113 and 116;
 - (4) Wis. Admin. Code chs. DHS 178.
- (b) These rules, regulations, and laws shall apply until amended or renumbered and then shall apply as amended or renumbered.

(Ord. No. 212-5-15, Exh. A, 6-16-15)

Sec. 20-131. - Limitations.

- (a) All domestic wastewater shall enter a private on-site wastewater treatment system (POWTS) unless otherwise exempted by the state or this article.
- (b) A nonplumbing sanitation system may be permitted only when the structure or premises served by the nonplumbing sanitation is not provided with 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 nonplumbing sanitation system must be provided.
- (c) A sanitary permit for the installation of a holding tank shall not be issued unless a soil and site evaluation determines that the property is unsuitable for any other type of system permitted by Wis. Admin. Code ch. SPS 383, except as provided in subsection (c)(1) or (2) of this section.
 - (1) A holding tank may be installed to serve a use with a daily wastewater flow of less than 160 gallons per day. In addition to items required in section 20-157, an application for a

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sanitary permit to install a holding tank to serve a use with less than 160 gallons per day shall include a notarized, written statement from the property owner, agreeing to install another type of system if any change of use occurs which results in a daily wastewater flow which equals or exceeds 160 gallons per day.

- (2) A holding tank may be installed when the only applicable treatment component for the site requires the use of an additional pretreatment component in order to attain influent quality more stringent than provided in Wis. Admin. Code § SPS 383.44(5)(b)a. through c.

(Ord. No. 212-5-15, Exh. A, 6-16-15)

Sec. 20-132. - Failing systems.

- (a) When a failing private on-site wastewater treatment system (POWTS) or nonplumbing 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 planning and zoning department order.
- (b) Unlawfully modified or installed POWTS or nonplumbing sanitation systems which are discharging untreated or partially treated sewage to the ground surface or surface waters shall be ordered by the planning and zoning department to be corrected or replaced with a code compliant system.

(Ord. No. 212-5-15, Exh. A, 6-16-15)

Secs. 20-133—20-155. - Reserved.

DIVISION 2. - APPLICATIONS AND PERMITS

Sec. 20-156. - Soil and site evaluation.

- (a) Soil and site evaluations shall be done prior to the issuance of all state sanitary permits as specified in Wis. Admin. Code chs. SPS 383, 385, and 391.
- (b) Soil test pits shall be constructed which allow adequate visual observation of the soil profile in place. This is best accomplished by using backhoe-excavated pits, although hand dug pits may be acceptable.
- (c) A planning and zoning department onsite verification of a soil and site evaluation report may be necessary to determine the suitability of a lot for a private on-site wastewater treatment system (POWTS). This verification will be made prior to the issuance or denial of the sanitary permit.
- (d) A certified soil tester may also request that the planning and zoning department perform an onsite verification of a soil and site evaluation report.

(Ord. No. 212-5-15, Exh. A, 6-16-15)

Sec. 20-157. - Sanitary permits.

- (a) Every private on-site wastewater treatment system (POWTS) shall require a separate application and sanitary permit.
- (b) A sanitary permit shall be obtained by the property owner, his agent or contractor, in the name of the property owner, prior to the installation, establishment or construction of any structure which requires a POWTS or nonplumbing sanitation system. Any property owner, his agent or contractor, who starts construction prior to obtaining a sanitary permit is in violation and will be subject to the penalties provided in this article.
- (c) A state sanitary permit shall be obtained by the property owner, his agent or contractor, before any POWTS may be installed, replaced, or modified. A sanitary permit is not required for manhole risers, manhole covers, baffles, filters, pumps, valves, controllers, or meters.
- (d) A county sanitary permit shall be obtained prior to constructing or installing a nonplumbing sanitation system.
- (e) A county sanitary permit shall be obtained by the property owner, his agent or contractor, before any POWTS may be reconnected.
- (f) No person may sell at retail a septic/holding tank for installation unless the purchaser holds a valid sanitary permit.

(Ord. No. 212-5-15, Exh. A, 6-16-15)

Sec. 20-158. - Application requirements.

- (a) A sanitary permit application shall include the following information which shall be furnished by the applicant on forms required by the state and/or the planning and zoning department along with the applicable fees:
 - (1) Soil and site evaluation report.
 - (2) System plans (see section 20-159, and Wis. Admin. Code § SPS 383.22).
 - (3) Appropriate agreements and contracts for system management and maintenance.
 - (4) A copy of the POWTS Component User's Manual.
 - (5) Verification that any existing POWTS on the same parcel of land is not failing according to Wis. Stats. § 145.245(4).
 - (6) Any other information required by the planning and zoning department.
- (b) When any official state action is required prior to the issuance of a sanitary permit, an original copy of the official action shall accompany the application.
- (c) Pit privy permit applications shall be accompanied by a soil and site evaluation provided by a certified soil tester to determine compliance with Wis. Admin. Code. ch. SPS 391.

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- (d) The planning and zoning department reserves the right to refuse incomplete or incorrect permit applications or to delay permit issuance until corrected or completed applications are received.

(Ord. No. 212-5-15, Exh. A, 6-16-15)

Sec. 20-159. - Plans.

System plans shall be submitted for approval to the planning and zoning department or to the state in accordance with Wis. Admin. Code ch. SPS 383. Plans shall comply with the requirements of Wis. Admin. Code ch. SPS 383 and this article.

- (1) Plans submitted to the planning and zoning department for approval shall include the original and two copies.
- (2) If plans are reviewed and approved by the state, one set of the plans submitted to the planning and zoning department shall bear an original state approval stamp or seal.

(Ord. No. 212-5-15, Exh. A, 6-16-15)

Sec. 20-160. - Sanitary permit expiration and renewal.

- (a) A sanitary permit for a private on-site wastewater treatment system (POWTS) or nonplumbing sanitation system which has not been installed, modified or reconnected and approved shall expire two years after the date of issuance. Permits may be renewed following written application to the planning and zoning department by the property owner, his agent or contractor, prior to the expiration date of the original permit.
- (b) There shall be a fee for the renewal of a sanitary permit.
- (c) The renewal shall be based on ordinance and code requirements in effect at the time of renewal.
- (d) A new sanitary permit shall be obtained by the owner or his agent prior to beginning construction if a sanitary permit has expired.

(Ord. No. 212-5-15, Exh. A, 6-16-15)

Sec. 20-161. - Transfer of ownership.

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

- (1) The applicable transfer form shall be submitted to the planning and zoning department.
- (2) The submittal of the appropriate fee.
- (3) Transfer of ownership shall not affect the expiration date or renewal requirements.

(Ord. No. 212-5-15, Exh. A, 6-16-15)

Sec. 20-162. - Change of plumbers.

- (a) When an owner wishes to change plumbers, it will be necessary to furnish the planning and zoning department with the applicable transfer form signed by the new plumber.
- (b) The transfer of sanitary permits shall take place prior to the installation of the private on-site wastewater treatment system (POWTS).
- (c) Sanitary permits for systems requiring state plan approval shall not be transferred to a different plumber unless the plan bears the stamp of an architect, engineer, or plumbing designer, or a new state level approval is obtained by the new plumber.
- (d) Transfer fee is required to be submitted.

(Ord. No. 212-5-15, Exh. A, 6-16-15)

Sec. 20-163. - Reconnection.

- (a) A county sanitary permit for reconnections shall be obtained prior to:
 - (1) Disconnection of a structure from an existing private on-site wastewater treatment system (POWTS) and connection of another structure to the system.
 - (2) Rebuilding a structure that is connected to a POWTS.
- (b) Prior to issuing a reconnection permit, the existing POWTS shall be examined to:
 - (1) Determine if it is a failing system.
 - (2) Determine if it will be capable of handling the proposed designed wastewater flow and contaminant load from the proposed building to be served.
 - (3) Determine that all minimum setback requirements of Wis. Admin. Code ch. SPS 383 will be maintained.
- (c) Application for a county sanitary permit for reconnections shall include the following:
 - (1) 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 Wis. Admin. Code ch. SPS 383 unless a valid report meeting these criteria is on file with the department.
 - (2) A report provided by a licensed plumber, certified septage pumper, CST, or a POWTS inspector relative to the condition, capacities, baffles and manhole covers for any existing treatment or holding tanks and all other system components.
 - (3) A plot plan prepared by a plumber or designer.
 - (4) Reconnection to an existing holding tank shall require a new servicing contract.
 - (5) Reconnection to an existing POWTS may require a contingency plan or system management plan.

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- (d) When reconnection to an undersized system is permitted by Wis. Admin. Code chs. SPS 383 and 384 an affidavit for the use of the undersized system must be recorded in the register of deeds office.
- (e) All systems shall be inspected at the time of reconnection, prior to backfilling, to ensure that proper materials are being used.

(Ord. No. 212-5-15, Exh. A, 6-16-15)

Sec. 20-164. - Fees.

- (a) Fees pertaining to private on-site wastewater treatment system (POWTS) and sanitary permits shall be set by the planning and zoning committee and shall be reviewed periodically.
 - (1) A current fee schedule can be requested from the planning and zoning department.
 - (2) No fees shall be refunded after a sanitary permit has been issued.
 - (3) An additional charge of \$100.00 will be charged for all after-the-fact applications to partially recover the cost of obtaining compliance.
- (b) Agent plan review. County plan review fees for any system approved by the planning and zoning department as a designated agent of the state shall be the same as those fees set by the state in Wis. Admin. Code ch. SPS 302, except for holding tank review fees which shall be set by the planning and zoning committee.

(Ord. No. 212-5-15, Exh. A, 6-16-15)

Secs. 20-165—20-195. - Reserved.

DIVISION 3. - INSPECTIONS

Subdivision I. - In General

Sec. 20-196. - General review and examination of POWTS installation, operation and equipment.

- (a) Notice for final inspection shall be given to the planning and zoning department for all private on-site wastewater treatment systems (POWTS) installed, modified or reconnected.
- (b) When a POWTS is ready for inspection, the plumber in charge shall make arrangements to enable the inspector to inspect all parts of the system. The plumber shall provide the proper apparatus, equipment and necessary assistance to make a proper inspection.
- (c) A reinspection fee may be assessed when additional inspections of a POWTS are necessary.
- (d) A POWTS may be inspected periodically, per Wis. Admin. Code § SPS 383.26(1) after the initial installation inspection and/or after the system is operative.

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(Ord. No. 212-5-15, Exh. A, 6-16-15)

Sec. 20-197. - Site-constructed holding tanks.

- (a) All site-constructed holding tanks shall be inspected after the floor is poured and the 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.
- (b) Concrete walls may be poured only after it has been determined that the tank, as formed, complies with the approved plans.
- (c) A final inspection is required at the time of connection to the building sewer.

(Ord. No. 212-5-15, Exh. A, 6-16-15)

Sec. 20-198. - Nonplumbing sanitary systems.

- (a) All nonplumbing sanitary systems installed shall be inspected for compliance with Wis. Admin. Code ch. SPS 391 and this article.
- (b) Nonplumbing sanitary systems serving public uses shall also be inspected for compliance with Wis. Admin. Code ch. SPS 362.29(2).

(Ord. No. 212-5-15, Exh. A, 6-16-15)

Sec. 20-199. - Testing requirement.

- (a) If testing of new systems or new system components is required by Wis. Admin. Code ch. SPS 382, 383 or 384 or as a condition of plan approval, notice shall be given to the planning and zoning department so that they may make an inspection during the test.
- (b) The planning and zoning department shall verify that required testing has been completed by:
 - (1) Performing an inspection during the test; and/or
 - (2) Requiring written verification from the responsible person.

(Ord. No. 212-5-15, Exh. A, 6-16-15)

Sec. 20-200. - Maintenance and management.

- (a) All POWTS shall be managed and maintained in accordance with Wis. Admin. Code chs. SPS 383 and 384 and this article. This includes all POWTs installed prior to July 1, 2000.
- (b) The property owner shall submit a copy of an appropriate maintenance agreement and/or servicing contract to the planning and zoning department prior to sanitary permit issuance.

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- (c) The property owner shall submit a new or revised maintenance agreement and/or servicing contract to the planning and zoning department whenever there is a change to such document.
- (d) The property owner shall submit a new maintenance agreement and/or servicing contract to the planning and zoning department prior to expiration of any existing maintenance agreement and/or servicing contract.

(Ord. No. 212-5-15, Exh. A, 6-16-15)

Sec. 20-201. - Septic tank maintenance program.

The applicant for a sanitary permit which includes a septic tank component shall be provided written notice by the planning and zoning department of the maintenance program at the time the sanitary permit is issued.

- (1) All septic tanks permitted and installed on or after July 1, 1980, shall be visually inspected and pumped within three years of the date of installation and at least once every three years thereafter, unless upon inspection the tank is found to have less than one-third of the volume occupied by sludge and scum.
- (2) The owner of such septic tank shall furnish the planning and zoning department with a copy of the inspection report verifying the condition of the tank, and whether wastewater or effluent from the POWTS is ponding on the ground surface.

(Ord. No. 212-5-15, Exh. A, 6-16-15)

Secs. 20-202—20-220. - Reserved.

Subdivision II. - Administration and Enforcement

Sec. 20-221. - Authority to administer article.

The planning and zoning department shall be responsible for the administration of this article.

(Ord. No. 212-5-15, Exh. A, 6-16-15)

Sec. 20-222. - Powers and duties.

In the administration of this article, the planning and zoning department shall have the following powers and duties:

- (1) Advise applicants concerning the provisions of this article and assist them in preparing permit applications.
- (2) Review and approve plans for POWTS as approved through agent status by the state.

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- (3) Issue sanitary permits and inspect properties for compliance with this article and related Wisconsin Statutes and the Administrative Code.
- (4) Maintain records of all plan approvals, sanitary permits issued, inspections, and other official actions.
- (5) Have access to any premises during reasonable hours in accordance with Wis. Stats. § 145.02(3)(c) for the purpose of performing official duties or at other times set by mutual agreement between the property owner or his agent and the planning and zoning department or upon issuance of a special inspection warrant in accordance with Wis. Stats. § 66.122.
- (6) Upon reasonable cause or question as to proper compliance, revoke or suspend any sanitary permit and issue cease and desist orders requiring the cessation of any construction, alteration or use of a building which is in violation of the provisions of this article, until compliance with this article or applicable Wisconsin Statutes and the Administrative Code is obtained.
- (7) Issue and enforce orders to plumbers, pumpers, property owners, their agents or contractors or the responsible party, to ensure proper compliance with all provisions of this article.
- (8) Administer the state fund grant program and distribute grants to qualified applicants.
- (9) Withhold permits or approvals pursuant to this chapter where the applicant or owner is in violation of this article or any ordinance administered by the planning and zoning department and for any parcel of land which has an outstanding violation until the violation has been corrected.
- (10) Perform other duties regarding POWTS as considered appropriate by the county or the state.

(Ord. No. 212-5-15, Exh. A, 6-16-15)

Sec. 20-223. - Board of adjustment.

Any person who alleges that there is an error in any order, requirement or decision made in the enforcement of this article may appeal to the board of adjustment. Any appeal shall be made on forms furnished by the planning and zoning department within 30 days of the date of the administrative action. Other substantiating evidence will be accepted.

(Ord. No. 212-5-15, Exh. A, 6-16-15)

Sec. 20-224. - Violations and penalties.

- (a) Any person who fails to comply with the provisions of this article, or any order of the planning and zoning department issued in accordance with this article, shall be subject to section 20-8 of this chapter.

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- (b) Any construction which is in violation of this article shall cease upon written orders from the planning and zoning department and/or the placement of a notification of violation at the site.
- (c) All construction shall remain stopped until the order is released by the planning and zoning department.

(Ord. No. 212-5-15, Exh. A, 6-16-15)