



Chapter 16

Private On-Site Wastewater Treatment System (POWTS)

CHAPTER 16

Private On-Site Wastewater Treatment System

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**Revised 4/2010 COUNTY
PRIVATE ON-SITE WASTEWATER TREATMENT SYSTEM- CHAPTER 16**

16.01 INTRODUCTION

(1) AUTHORITY

- (a) This chapter of the code is mandated by the State of Wisconsin as authorized in Sec. 59.70(5), Wisconsin Statutes.
- (b) This chapter of the code incorporates by reference the provisions of Chapter 145, Wisconsin Statutes, and all subsequent rules and regulations promulgated thereupon regarding POWTS as defined in Sec. 145.01, Wisconsin Statutes. Any provisions of Chapter 145, Wisconsin Statutes, shall apply until amended and then shall apply as amended.
- (c) This chapter of the code incorporates the rules established in COMM 83 Wisconsin Administrative Code shall apply until amended and then shall apply as amended.
- (d) This chapter of the code shall not be more lenient than the rules and regulations promulgated pursuant to Chapter 145, Wisconsin Statutes.
- (e) This chapter of the Code incorporates the rules established in Chapter COMM 91, Wisconsin Administrative Code which shall apply until amended and then shall apply as amended.

(2) PURPOSE

- (a) The purpose of this ordinance is to provide a uniform method of regulating the siting, construction, replacement and maintenance of POWTS in order to protect the health, safety and general welfare of the residents of Winnebago County.

(3) INTENT

- (a) The intent of this ordinance is to enforce all state codes regarding POWTS in order to obtain compliance with ground water protection laws.

(4) ABROGATION AND GREATER RESTRICTIONS

- (a) It is not intended by this section to interfere with, abrogate or annul any existing easements, covenants or other agreements between parties; nor is it intended by this ordinance to repeal, abrogate, annul or in any way impair or interfere with any existing provisions of law or ordinance or rules, regulations or permit previously adopted or issued pursuant to law relating to the use of POWTS. However, wherever this ordinance imposes greater restrictions, the provisions of this section shall control.

(5) SEVERABILITY AND NON-LIABILITY

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

(6) JURISDICTION

- (a) The jurisdiction of this chapter of the code shall apply to the entire area of the county.

(7) TITLE. This Ordinance shall be known as, referred to or cited as the “Winnebago County Sanitary Ordinance” or “Sanitary Ordinance”.

(8) BASIC PRINCIPLES

- (a) Every building intended for human habitation or occupancy shall be provided with a properly functioning private on-site waste water treatment system (hereinafter referred to as POWTS), or where there is no plumbing in the structure, a privy that complies with COMM 91. Travel trailers and RV’s with self-contained units are excluded from this section.

16.02 ADMINISTRATION AND ENFORCEMENT**(1) LICENSES REQUIRED**

- (a) Any member of the zoning staff who is licensed as a Certified Soil Tester and/or Plumbing Inspector II may administer this ordinance.

(2) INSPECTIONS

- (a) Private On-Site Wastewater Treatment System: A licensed staff member shall inspect or cause the inspection of all POWTS no later than the next workday after completion of construction (excluding Saturdays, Sundays and holidays) but before backfilling.
- (b) Soil Tests: If after review a soil test appears to be inaccurate based on information provided by the soil survey of Winnebago County, the tested site shall be verified in the field.
 - (1) Field verifications shall be done only on sunny days in order to make accurate interpretations. The licensed staff member shall determine if sunny conditions are suitable for field verifications. Where inclement weather conditions delay field verifications, requests will be rescheduled as soon as sunny conditions prevail.
 - (2) A licensed staff member will perform field verifications during winter soil testing hours (10:00 A.M. to 2:00 P.M. from November 15th to March 15th) for replacement systems only.
 - (3) All field verifications for soil tests shall be done by evaluating a soil profile. The soil profile shall be exposed by excavating an area large enough for a person to stand in for the purpose of evaluating the soil profile. The excavation may be done by hand or with a backhoe. The depth of the excavation shall be at least one foot below the elevation of the estimated high ground water as indicated by the Report On Soil Borings and Percolation tests. Excavations that exceed a depth of two feet shall be provided with a step or ladder for ingress and egress.
 - (4) Excavations may be left open until a licensed staff member can verify the tested site. It shall be the property owner's responsibility to cover and/or fence off the excavation to prevent any person from falling into the excavation and becoming injured. Winnebago County shall not be held liable for any such injuries. The Zoning Office shall be notified in accordance with Sec. 16.02(2)(c) of this ordinance if excavations are to be left open for county verification.
 - (5) (Notification For Inspections: All requests for inspections shall be made at least 24 hours in advance of the requested time and date of the inspection excluding Saturdays, Sundays and holidays.

(3) ADMINISTRATIVE DUTIES

- (a) A licensed staff member shall review all Reports on Soil Boring and Percolation Tests for proposed POWTS.
- (b) A Licensed staff member shall approve and disapprove applications for sanitary permits and assist applicants in preparing an approvable application.
- (c) A licensed staff member shall investigate all violations of the POWTS ordinance and Sec. 254.01(2) or 281.01(18), Wisconsin Statutes; issue orders to abate the violations; and submit violations to the district attorney, corporation counsel or attorney general for enforcement.
- (d) A licensed staff member shall have access to premises during reasonable hours for inspecting POWTS or investigating any violations of this ordinance. If the licensed staff member is refused access to premises after presenting his or her identification, he or she shall procure a special inspection warrant in accordance with requirements of the Wisconsin Statutes.

16.03 SANITARY PERMITS**(1) PERMIT REQUIRED**

- (a) No person shall install or perform work on a POWTS unless that person is a licensed plumber, and the owner of the property on which the system is located holds a valid County Sanitary Permit. This includes the following:
 - (1) Installation of new POWTS;
 - (2) Reconnection of a structure to an existing POWTS;
 - (3) Repair of an existing POWTS.
- (b) No person shall sell at retail a septic tank, pump chamber or holding tank unless the purchaser holds a valid sanitary permit.
- (c) Where required by Wisconsin Administrative Code Chapter COMM 83, the County shall forward a copy of each Sanitary Permit issued along with the appropriate fee to the Department of Commerce within ninety (90) days after the permit is issued.
- (d) A County Sanitary Permit shall be valid for two years from the original date of issuance.

(2) TRANSFERS

- (a) A property owner may transfer a sanitary permit to a new property owner by submitting a Sanitary Permit Transfer/Renewal Form (DILHR - SBD - 6399) and the appropriate fee to the Winnebago County Zoning Office. The form shall be signed by the previous sanitary permit holder and the licensed plumber responsible for the installation of the POWTS.
- (b) A property owner may transfer a sanitary permit from the original installing licensed plumber to a new installing licensed plumber by submitting a Sanitary Permit Transfer/Renewal Form (DILHR - SBD - 6399) and the appropriate fee to the Winnebago County Zoning Office. The form shall be signed by the new installing licensed plumber responsible for the installation of the POWTS. If the original POWTS plans required state approval, the new installing licensed plumber shall obtain a new set of state approved plans before the sanitary permit may be transferred to the new installing licensed plumber. In cases where state-approved POWTS plans were designed by an engineer, architect or licensed designer, no new state approval is necessary and the sanitary permit may be transferred to the new installing licensed plumber.

(3) RENEWALS

- (a) A property owner or the licensed plumber responsible for the installation of the POWTS may renew a sanitary permit before the expiration date by submitting a Sanitary Permit Transfer/Renew Form (DILHR - SBD - 6399) and the appropriate fee to the Winnebago County Zoning Office. The form shall be signed by the licensed plumber responsible for the installation of the POWTS. The sanitary permit shall meet all the regulations in force at the time the renewal is being sought before the permit may be renewed. The sanitary permit shall expire two years from the date of renewal unless the permit is again renewed before the expiration date.

(4) CROSS-COMPLIANCE

- (a) No sanitary permit shall be issued until such time as adequate evidence is presented to show that the proposed construction would be in compliance with the Winnebago County Town/County Zoning Ordinance, Winnebago County Land Division Ordinance, or any applicable Town Zoning Ordinance.
- (b) Permit applications, including site plans, shall be required to meet the requirements of the Winnebago County Land Records Ordinance.

(5) VIOLATION

- (a) Should a permit be issued subsequent to the issuance of a violation notice or a citation by the County, the County may include within the permit time limitations for construction as well as other conditions relating to the violation which must be prior to final system approval.

16.04 EXISTING PRIVATE ON-SITE WASTEWATER TREATMENT SYSTEM

- (1) A county, city, town, or village may not issue a building permit and/or zoning permit for the following conditions unless the owner of the property secures a sanitary permit to modify, replace, or reconnect to the existing POWTS:
 - (a) Construction of a structure to be connected to an existing POWTS.
 - (b) Disconnection of a structure from an existing POWTS and connection of another structure to the system (e.g. replacing a mobile home).
 - (c) Reconstruction of a structure that is connected to a POWTS and that has become uninhabitable due to damage resulting from fire, wind, or other manmade or natural disasters.
 - (d) Conversions of structures to public buildings or places of employment or changes in use of public buildings and/or places of employment.
 - (e) An addition of bedrooms to a structure or a conversion of existing space to bedrooms within a structure.
 - (f) An addition to a structure which exceeds twenty-five (25) percent of the total gross area of the existing structure.
 - (g) Reconstruction of a structure that is connected to a POWTS and that has been razed.

16.05 HOLDING TANKS

- (1) **Sanitary Permit:** A sanitary permit for holding tank(s) shall be granted only if one or more of the following conditions exists, regardless of whether for new construction or replacement:
- (a) The property is in a flood plain with no contiguous higher area.
 - (b) The soil survey of Winnebago County has the entire property mapped as an Udorthent soil type.
 - (c) The property has size limitations which prevent the installation of a soil absorption system.
 - (d) A soil test has been conducted on the property by a certified soil tester and all soil types on the property, as identified in the soil survey of Winnebago County, have been identified and verified by the certified soil tester to be unsuitable for any type of soil absorption system.
 - (e) The installation and use of holding tanks, or alternative systems as approved by Wisconsin Department of Commerce and Winnebago County, as a private sewage system for festival or event grounds are permitted regardless of whether there is a suitable site that allows for the installation of a private sewage system that provides onsite treatment and disposal of domestic wastewater. In addition to complying with all applicable provisions of the Wisconsin Administrative Code, the holding tank installation shall comply with the following:
 - (1) The festival or event shall provide evidence, typically in the form of ticket sales or recorded gate attendance, that the festival or event has exceeded an attendance of more than 100,000 for five (5) or more consecutive years.
 - (2) Grounds shall be owned, or bound by lease for ten (10) or more years, by the festival or event utilizing the grounds.
 - (3) Property owner shall provide written approval of the holding tanks or alternative system installation prior to permit issuance.
 - (4) Influent flows to the holding tank(s) shall be metered in accordance with Wis. Admin. Code Ch. 83.54(2)(d). The water meter shall include a remote reading device for each meter. The remote reader(s) shall be mounted in a conspicuous location on the exterior of the building(s) served by the holding tank(s) and shall have a numerical display of gallons used to the nearest 100 gallons.
 - (5) Inspection, evaluation, maintenance, and servicing reports, including water meter readings, shall be submitted to the Department within thirty (30) calendar days from the date of inspection, evaluation, maintenance, or servicing.

- (6) Holding tanks shall be abandoned in accordance with Wis. Admin. Code Ch. 83.33 at the time the lease expires, the property is sold, or municipal sewer becomes available.
 - (7) Financial security for Removal. For each tank installed, a minimum \$5,000 (five thousand dollar) bond, letter of credit, or other similarly approved financial guarantee shall be filed with the County at the time of permit application and shall be maintained until the lease of the property expires, property is sold, municipal sewer becomes available, or at a time that is mutually agreed to by the applicant or owner and the county.
 - (f) The property or structure served is located within a mapped active sanitary district or incorporated municipality where sewer has been installed but is not available to specific properties or structures located within the district.
- (2) **Holding Tank Agreement:** Any property owner who applies for a sanitary permit for a holding tank(s) must first enter into a Holding Tank Agreement with the County. Holding Tank Agreements in effect within each town shall hereby be assigned to Winnebago County. A licensed staff member will sign the Holding Tank Agreement on behalf of the County.
- (a) Holding Tank Agreement Conditions:
 - (1) The property owner shall enter into a Holding Tank Servicing Contract with a licensed pumper who shall be responsible for pumping out the holding tank(s) when required and disposing of the waste in accordance with Wis. Admin. Code Chapter NR 113.
 - (2) The property owner shall maintain the holding tank(s) so as to conform to all requirements of Wis. Adm. Code Chapter COMM 83 relating to holding tanks.
 - (3) The property owner shall properly maintain the holding tank(s) by notifying the contracted licensed pumper to have the holding tank(s) pumped out when the tank(s) are full. Holding Tank(s) that serve a structure that has seasonal or intermittent use shall be pumped out when full but no less than once during each calendar year.
 - (4) Where holding tank(s) are not properly maintained and are consequently causing a nuisance as described in Sec. 254.01(2) and 281.01(18) Wis. Stats., the County shall order the tank(s) to be maintained by a private contractor at the County's expense. The County shall then invoice the property owner for all such costs incurred. If the invoice is not paid within 30 days, the County shall place the amount on the tax roll as a special assessment against the property in question.
 - (5) The Holding Tank Agreement shall be recorded in the Winnebago County Register of Deeds Office prior to issuance of a sanitary permit.
- (3) **Holding Tank Servicing Contract:** All owners of existing and future holding tank(s) shall enter into a Holding Tank Servicing Contract with a licensed pumper.
- (a) Holding Tank Servicing Contract Conditions:

- (1) The property owner shall permit the pumper to have access and enter upon the property for the purpose of servicing the holding tank(s).
 - (2) The property owner shall provide and maintain an all-weather access road no greater than 10 feet from the riser(s) of the holding tank(s) so that the pumper can service the holding tank(s) with the pumping equipment.
 - (3) The Holding Tank Servicing Contract shall be filed in the Winnebago County Zoning Office prior to the issuance of a sanitary permit for a holding tank(s).
 - (4) If the property owner decides to contract with a licensed pumper who is not named on the Holding tank Servicing Contract filed in the Winnebago County Zoning Office, a new Holding Tank Servicing Contract must be filed in the same office within 10 business days from the date of change.
- (4) **Pumping Reports:** Pumping reports shall be submitted for every existing and future holding tank(s) installed in Winnebago County.
 - (a) Pumping reports shall be submitted to the Winnebago County Zoning Office on a semi-annual basis on forms provided by COMM which are available in The Winnebago County Zoning Office.
 - (b) It shall be the responsibility of the licensed pumper to submit the pumping reports as required in the Holding Tank Agreement and Holding Tank Servicing Contract.
 - (c) In the case of registration under s. 281.48(3), Stats. the owner shall submit the pumping report to the County.
 - (d) The following information shall be included on the pumping report:
 - (1) The name and address of the person responsible for servicing the holding tank(s).
 - (2) The name of the owner of the property where the holding tank(s) are located.
 - (3) The location of the property on which the holding tank(s) is installed.
 - (4) The sanitary permit number issued for the holding tank(s).
 - (5) The dates on which the holding tank(s) were serviced.
 - (6) The volumes in gallons of the contents pumped from the holding tank(s) for each servicing.
 - (7) The disposal sites to which the contents from the holding tank(s) were delivered.
 - (8) The tax parcel number of the property on which the holding tank(s) are located.

16.06 PUBLIC SEWER

- (1) When public sewers approved by the Department of Natural Resources become available to the premises served, the use of the POWTS shall be discontinued within that period of time required by order, but not to exceed one year from date of order.
- (2) All abandoned treatment tanks and seepage pits shall have the contents pumped out by a licensed pumper upon connection to public sewer and disposed of in accordance with Wis. Adm. Code Chapter NR 113.
- (3) All abandoned seepage pits, septic tanks, holding tanks and pump chambers shall be removed or the covers removed upon connection to public sewer and the remaining excavation shall be immediately filled with a suitable soil material, rendering the POWTS inoperable. Winnebago County does not require a permit for this activity.
- (4)
 - (a) Where property is located within an Urban Designated NR-121 Sewer Service Area and Sanitary District, no county permit for a POWTS shall be issued unless one of the conditions specified in (b) or (c) of this section are applicable. All other development within these areas shall be by public sewer only.
 - (b) Where property is within a sanitary district and the district is physically unable to provide sewer to the property, and a county permit for a POWTS may be issued provided that the property owner, in conjunction with the Sanitary District, prepares and records with the Register of Deeds, an agreement to connect to the Sanitary District when so determined by the District.
 - (c) Where property is not within a sanitary district, evidence must exist that the nearest sanitary district(s) cannot provide public sewer in a cost effective manner at this time. The property owner shall prepare and record with the Register of Deeds, an agreement to connect to public sewer when so determined by the nearest sanitary district(s). For purposes of this subsection (c) “cost-effective” shall be defined as a systematic comparison of alternative means for providing wastewater treatment that will total resource costs.

16.07 PRIVIES

(1) **Principal Structures:**

- (a) Privies shall be permitted only on properties that have a principal structure that has no plumbing installed on the premises.
- (b) Structures that have plumbing installed shall be provided with a code-compliant POWTS and the privy shall be immediately abandoned upon installation of said system in accordance with Sec. 16.06(2), (3) of this ordinance.

(2) **Parks and Campgrounds:** Privies shall be permitted in parks and campgrounds whether public or private.

(3) **Privies Prohibited:** Existing privies located on properties that already have a principal structure with plumbing are prohibited.

- (a) All existing privies, as described in Sec. 16.07(3) of this ordinance, shall be immediately abandoned in accordance with Sec. 16.06(2), (3) of this ordinance.
- (b) Portable Restrooms are prohibited except for parks and campgrounds as described in Section 16.07(2) and temporary uses for public events not to exceed ten (10) days in duration.

(4) **Permit Required:** No privy of any kind may be constructed, erected, altered or moved unless the owner of the property possesses a valid sanitary permit issued by the County.

(5) **Minimum Standards:** All privies shall conform to the minimum standards established in Wisconsin Administrative Code Chapter COMM 91.

16.08 PRIVATE ON-SITE WASTEWATER TREATMENT SYSTEM (POWTS) MAINTENANCE

- (a) All private sewage systems shall be managed and maintained in accordance with Wis. Admin. Code Ch. COMM 83 and 84 and this ordinance.
- (b) The property owner shall report to the Winnebago County Zoning Department each inspection, maintenance or servicing event, in accordance with Wis. Admin. Code Ch. COMM 83 and this Ordinance.
- (c) All septic tanks, regardless of installation date, shall be visually inspected and pumped within three (3) years of the date of installation or, in the case of new construction, within 36 months of the date of occupancy, and at least once every three (3) years thereafter.
- (d) If, upon inspection by a licensed individual, as stated in Wis. Admin. Code Ch. COMM 83.54, it is determined that less than one-third (1/3) of the volume of a septic tank is occupied by sludge and scum, pumping and/or inspection may be deferred for one (1) year.
- (e) Pumping of a septic tank shall be done by a certified septage servicing operator in accordance with Wis. Admin. Code Ch. NR 113.
- (f) Visual inspection of a private sewage system may be conducted by a licensed individual as stated in Wis. Admin. Code Ch. COMM 83.54 to determine the condition of the tank and whether wastewater or effluent from the POWTS is ponding on the ground surface.
- (g) The owner of such septic tank shall furnish the Winnebago County Zoning Department with a copy of the inspection report verifying the condition of the tank, whether wastewater or effluent from the POWTS is ponding on the ground surface, and the date of pumping/ inspection within ten (10) days of the date of inspection and pumping. Reports shall include all information required in Wis. Admin. Code Ch. COMM 83.55, and shall be signed by the person(s) inspecting and pumping the private sewage system. Other maintenance or management reports required by Wis. Admin. Code Ch. COMM 83 or 84 should be included in this report.

16.09 DISCHARGES PROHIBITED

(1) Private On-Site Wastewater Treatment System

- (a) Every POWTS shall be designed, located, and constructed to prevent any discharge of sewage or partially treated sewage into drain tiles, onto the ground surface, into the structure served, into the surface waters of the state, or into the groundwater of the state including zones of seasonal soil saturation.

(2) Clear Water

- (a) The discharge of surface, rain, and other clear water (including sump-pump water) into a POWTS is prohibited.

(3) Cesspools

- (a) The discharge of sewage or partially-treated sewage to a cesspool is prohibited.

(4) Wash Water

- (a) The discharge of washwater to a road ditch, ground discharge, sump-pump hole, dry-well, cesspool, or any other place other than a septic tank or holding tank is prohibited.

(5) Holding Tank and Septic Tank Waste

- (a) The discharge of sewage or partially-treated sewage from a septic tank or holding tank to the ground surface, road ditch, cesspool, dry-well, or any waters of the state by any means is prohibited.

16.10 VIOLATIONS AND PENALTIES

- (1) Any person who shall violate any provisions of this Chapter of the Code, upon conviction of such violation, shall be subject to a penalty as provided in Sec. 25.04 of this Code. Winnebago County has adopted, pursuant to Sec. 66.0113, Wisconsin Statutes, the citation system of enforcement of this ordinance, and the following schedule of cash deposits as provided below is hereby established:
 - (a) Failure to file an inspection/pumping report after notice of maintenance requirement as stated in Ch. 16.08 Winnebago County Sanitary Ordinance – \$200.00 plus costs.
 - (1) A citation shall be dismissed if a completed inspection/pumping report and \$50.00 administrative fee are filed with the Winnebago County Zoning Department at least 14 days prior to the scheduled court date.
 - (b) Failure to properly maintain holding tank(s) as determined by semi-annual and annual pumping reports - \$500.00 plus costs.
 - (c) Discharging washwater to any location other than a septic tank or holding tank - \$100.00 plus costs.
 - (d) Discharging the contents of a septic tank or holding tank to the ground surface, road ditch, or any waters of the state – \$200.00 plus costs.
 - (e) All other violations of this Ordinance - \$200.00 plus costs.
- (2) Any person who violates any provisions of this ordinance and/or is penalized in accordance with Sec. 16.10(1) of this Ordinance shall be held liable for compliance with this Ordinance.

16.11 DEFINITIONS**(1) Meaning**

- (a) Except as specifically defined below, words and phrases used in this ordinance are to be interpreted as having the same meaning as Common Law. Words in the present tense include the future, words in the singular include the plural, and words in the plural include the singular. The word "shall" is mandatory.

(2) Specific Definition

- (a) **Cesspool** - a covered excavation in the ground which receives sewage or other organic wastes from a drainage system, and so designed as to retain the organic matter and solids, permitting the liquids to seep into the soil cavities.
- (b) **Clear Water** - cooling water and condensate drainage from refrigeration compressors and air-conditioning equipment, water used for equipment chilling purposes, liquid having no impurities or where impurities have been reduced below a minimum concentration considered harmful, and cooled condensate from steam heating systems or other equipment. This term also includes sump water.
- (c) **COMM** - Department of Commerce.
- (d) **Failing Private On-site Wastewater Treatment Systems** - a POWTS which causes or results in any of the following conditions:
 - (1) The failure to accept sewage discharges and back up of sewage into the structure served by the POWTS.
 - (2) The discharge of sewage to the surface of the ground or to a drain tile.
 - (3) The discharge of sewage to any waters of the state.
 - (4) The introduction of sewage into zones of saturation which adversely affects the operation of a POWTS.
- (e) **Field Verification** - An evaluation of a soil profile conducted by a licensed staff member at a site that was tested by a certified soil tester.
- (f) **Flood Plain** - The land adjacent to a body of water which has been or may be hereafter covered by flood water.
- (g) **Area** - The square feet of floor space within the outside lien of walls and includes the total of all space on all floors of a structure. It does not include porches, garages, or space in an unfinished attic, basement or cellar when said unfinished attic, basement or cellar space is used for storage of incidental uses.
- (h) **Holding Tank** - An approved watertight receptacle for a collection and holding of sewage.

- (i) **Licensed Pumper** - A person or firm licensed by a State of Wisconsin to pump, haul and dispose of sewage and septage.
- (j) **Licensed Staff Member** - Any member of the Winnebago County Zoning staff who is licensed by the State of Wisconsin as a Certified Soil Tester and/or POWTS Inspector, depending on the type of inspection.
- (k) **Plumbing** - Any piping, fixtures, equipment, devices or appurtenances in connection with water supplies, water distribution and drainage systems, including hot water storage tanks, water softeners and water heaters connected with such water and drainage systems.
- (l) **Principal Structure** - The area enclosed by walls and a roof of which the principal use is human habitation and/or occupancy.
- (m) **Privy** - A structure that is not connected to a plumbing system which is used by persons for a deposition of human body wastes.
- (n) **Private On-Site Wastewater Treatment System (POWTS)** - Means a sewage treatment or disposal system serving a single structure with a septic tank and soil absorption field located on the same parcel as the structure. The term also means an alternative sewage system approved by the Department including a substitute for the septic tank or absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure. A private onsite wastewater treatment system may be owned by the property owner or by a special purpose district.
- (o) **Pump Chamber** - A tank which receives septic tank effluent and discharges a specified volume by means of a pump to a soil absorption system.
- (p) **Seasonal or Intermittent Use** - The habitation of a structure for only a portion of a year including without limitation, such things as summer homes, cottages, and trailers.
- (q) **Septic Tank** - A tank which receives and partially treats sewage through processes of sedimentation, oxygenation, flotation and bacterial action so as to separate solids from the liquid in the sewage and discharges the liquid to a soil absorption system.
- (r) **Sewage** - The liquid- and water-carried wastes created in and to be conducted away from residences, industrial establishments and public buildings.
- (s) **Soil Profile** - A vertical section of the soil extending through all its horizons and into the parent material.
- (t) **Suitable Soil Material** - Any natural soil, sand, or gravel not containing any debris such as wood, plastic, metal, glass, paper, rubber, or any other similar materials.
- (u) **Udorthent** - A soil type described by the soil survey of Winnebago County as a soil that consists of 1 to 4 feet of fill material over poorly drained and very poorly drained soils.

The fill material commonly is clay, silty clay, silty clay loam and clay loam. The fill material also includes sand or mostly non-soil material such as concrete, cinders, trash and spoilbank deposits adjacent to ditches and canals. These soils are saturated for long periods at depths of 1 to 5 feet and commonly at a depth of 1 to 3 feet. They are also subject to occasional flooding or ponding.

- (v) **Wash Water** - Water which has been contaminated by soap, detergent, or any other cleaning agent.
- (w) **Waters of The State** - Includes those portions of Lake Michigan and Lake Superior within the boundaries of Wisconsin, and all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems, and other surface or groundwater, natural or artificial, public or private, within the state or its jurisdiction.
- (x) **Zone of Seasonal Saturation** - The zone in which all soil pores are filled with water during some period of a year as determined by mottling.

16.12 FEES

- (1)
 - (a) Fees for permits, applications, or reviews shall be as established from time to time by the Winnebago County Board of Supervisors. Upon adoption by the County Board, the current fee shall be maintained on a current fee schedule in the Zoning Office.
 - (b) Fees for all after-the-fact permits, applications, or reviews shall be doubled.
 - (c) In addition to the foregoing fees as allowed by Wis. Stats. 145.20(4), each owner of a Private On-site Wastewater Treatment System (POWTS) shall annually be charged a fee of Five and 00/100 Dollars (\$5.00) per POWTS for the record keeping attributed to the inventory and tracking of the pumping and maintenance of each system, said fee to be recovered in the same manner as municipalities may make property assessments pursuant to Sec 66.0703, Wis. Stats.

16.13 APPEALS

In lieu of the procedures specified in Chapter 68, Wisconsin Statutes, and in accordance with Section 68.16, Wisconsin Statutes, appeals relating to the terms and provisions of this Chapter and appeals concerning applications for the Wisconsin Fund shall be to the Winnebago County Board of Adjustment in accordance with provisions and procedures established in Section 17.32 of the General Code of Winnebago County (Winnebago County Town/County Zoning Ordinance).

16.14 EFFECTIVE DATE

This Ordinance shall be effective on the date following publication thereof, except for Section 16.12, which shall be effective on July 1, 1992.

CHAPTER 16**HISTORY INDEX**

16.01 thru 16.10	Ordinance adopted	08/19/80
	Amended	05/19/92
16.01(1)(e)	Ordinance created	10/20/02
16.01(1)(7)	Ordinance created	10/20/02
16.01(8)(a)	Ordinance created	10/20/02
16.02(2)(b)	Amended	10/20/02
16.03(a)	Amended	10/20/02
16.03(1)(c)	Amended	10/20/02
16.03(1)(d)	Amended	10/20/02
16.03(4)	Ordinance created	03/19/97
16.03(5)	Ordinance created	10/20/02
16.05(4) Created	Ordinance adopted	12/16/80
16.05(1)(a)(b)	Ordinance adopted	04/16/85
	Amended	08/18/87
16.05(1)(e)	Ordinance created	04/27/10
16.06(4)	Ordinance created	10/20/02
	Amended	01/20/04
16.07(3)(b)	Ordinance created	10/20/02
16.07(5)	Ordinance created	10/20/02
16.08	Ordinance recreated	09/18/07
16.10(1)(e)	Deleted	10/20/02
16.10	Ordinance recreated	02/28/08
16.11 thru 16.13	Created	05/19/92
16.11(2)(n)	Amended	10/20/02
16.12	Amended	10/1993
	Amended	03/21/95
	Amended	10/20/02
	Ordinance recreated	09/18/07
16.13	Ordinance created	10/20/02
16.14	Ordinance recreated	10/20/02

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HISTORY INDEX

16.05(1)(e)	Ordinance Created	04/2010
16.05(f)	Ordinance Created	08/20/19