TITLE 9
ZONING; PUBLIC SAFETY, HEALTH & WELFARE; AND SANITARY CODE VIOLATIONS

CHAPTER 1
PUBLIC SAFETY, HEALTH AND WELFARE

9-1-1: EQUAL RIGHTS IN HOUSING

Whereas, Green County recognizes its responsibilities under Section 106.04, Wis. Stats., and further endorses the concepts of fair and open housing to all persons and the prohibition of discrimination contained in said section, Green County therefore adopts Section 106.04, Wis. Stats., and all subsequent amendments thereto.

The Green County Clerk shall maintain forms for complaints to be filed under Section 106.04, Wis. Stats., and shall assist any person alleging the violation thereof, in Green County, to file a complaint thereunder with the Wisconsin Department of Workforce Development, Equal Rights Division, for enforcement as provided by Section 106.04, Wis. Stats. (Ord. 00-0701)

CHAPTER 2
GREEN COUNTY SANITARY CODE REGULATIONS

9-2-1: STATUTORY AUTHORITY

This ordinance is adopted pursuant to the authorization in §59.70(1), 59.70(5), 145.04, 145.19, 145.20, 145.245, Wisconsin Statutes.

9-2-2: INTENT AND INTERPRETATION

The general intent of this chapter is to regulate the location, construction, installation, alteration, design, and use of all private sewage disposal systems so as to promote and protect public health and safety by assuring the proper siting, design, installation, inspection and management of private sewage systems and non-plumbing sanitation systems.

Interpretation and application of the provisions of this chapter shall be held to be minimum requirements and shall be broadly and liberally construed in favor of Green County and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes, and is limited only by express language.

This ordinance shall be effective after public hearing, adoption by the County Board and publishing or posting as required by law. The existing sanitary provisions for the County shall be repealed effective on the date of the enactment of this ordinance.

9-2-3: ABROGATION AND UNIFORMITY WITH STATE REGULATIONS

A. It is not intended by this chapter to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, or permits previously adopted or issued pursuant to law.

B. This ordinance shall be subject to the provisions of Chapter 145 and 146, Wisconsin Statutes, and all subsequent rules and regulations promulgated there under regarding private sewage systems. These rules, regulations, and laws shall apply until amended and then shall apply as amended.

C. Incorporation of Provisions by Reference. This chapter incorporates by reference the applicable rules, regulations, and laws as set forth in the Wisconsin Statutes, and the Wisconsin Administrative Code: Chapters 145, 146, Wisconsin Statutes, and Chapters NR 112, NR 113, and COMM 81, 83, 85, 87, of the Wisconsin Administrative Code, and those portions of Chapter 91 of the Wisconsin Administrative Code which relate to the installation of vault privies.

This ordinance also 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: §59.70(5), Chs. 281 and 145, 281.48, 254.59, 281.48 and 968.10, Wisconsin Statutes; Chs. Comm. 52.63, Comm. 81, Comm. 82, Comm. 83, Comm. 84, Comm. 85, NR 113 and NR 116 Wis. Admin. Code, and those portions of Chapter 91 of the Wisconsin Administrative Code which relate to the installation of vault privies.

These rules, regulations and laws shall apply until amended and then shall apply as amended or renumbered.

9-2-4: WAIVER OF SEVERABILITY AND LIABILITY

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

This ordinance shall not create a liability on the part of or a cause of action against the County or any employee thereof for any private sewage system or non-plumbing 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.

9-2-5: GENERAL CONDITIONS

A. Applicability: This ordinance applies to the entire unincorporated or unsewered area of Green County.

B. Compliance: All Buildings in Green County that are permanently or intermittently intended for human habitation or occupancy, which are not serviced by public sanitary sewer, shall have an approved POWTS other than a privy.

(1) All plumbing fixtures shall be connected to a public sanitary sewer system where available. Where such a public sewer system is not available, a POWTS shall be used. The agency or municipality owning or controlling the public sanitary sewer system shall make the determination of availability as to individual lots and shall forward said determination in writing to the Office of the Zoning Administrator.

(2) No POWTS or part thereof shall be located, installed, moved, reconstructed or substantially altered except as permitted by this ordinance. The owner of the property on which the system is located and the company or individual doing the work are both responsible for compliance with this ordinance.

(3) After installation, the POWTS for newly constructed buildings shall be inspected and approved by the Zoning Department before the building can be occupied.

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

(5) A privy may be permitted only when the structure or premises served by the privy is not required to be provided with an indoor plumbing system. If plumbing is installed in the structure or running water is supplied to the structure, then an acceptable method of sewage disposal other than, or in addition to, a privy must be provided.

(6) Any private sewage system, or portion(s) thereof, installed within a floodplain shall comply with all applicable requirements of NR 116, Wis. Admin. Code, and the Green County Zoning Code, Title 4, of the General Code of Ordinances for Green County.

(7) Installation of a holding tank is prohibited for new construction and will not be allowed as a replacement for a failed existing POWTS if any other type of private sewage system permitted by Comm. 83, Wis. Admin. Code, may be utilized.

A sanitary permit for the installation of a holding tank, or which designates a holding tank as a replacement system, shall not be issued unless a Soil and Site Evaluation determines that the property is unsuitable for any other type of system permitted by Comm. 83, Wis. Admin. Code.

(8) Failing Systems.

(a) When a failing private sewage system or non-plumbing sanitation system is identified, it shall be brought into compliance with current code requirements, replaced with a code compliant system or its use discontinued within that period of time required by Zoning Department or Health Department Order.

(b) Unlawfully modified private sewage systems, a private sewage system that has sewage bypassed or a holding tank which is discharging untreated or partially treated sewage to the ground, ground surface or surface waters may be ordered by the Zoning Department or Health Department to be corrected or replaced with a code compliant system.

(9) Design wastewater flow sizing for any POWTS system installation shall not be reduced by the use of a “per capita use” method under Comm. 83.43, Wis. Admin. Code if the structure is residential and can use a “gallon per day per bedroom” calculation which provides for a larger system to be used. For those residential uses utilizing the “per capita use” method of sizing under Comm. 83.43, Wis. Admin. Code, a deed restriction limiting the structure to that proposed occupancy or use shall be recorded with the Green County Register of Deeds office.

(10) Any private sewage system (POWTS) in use or proposed to be used in Green County shall provide a 36 inch or greater separation to limiting soil factors, regardless of installation date, to be considered as a legal, Code-compliant system.

9-2-6: ADMINISTRATION AND ENFORCEMENT

9-2-6-1: ADMINISTRATION

The County Zoning Administrator shall be responsible for the administration of this ordinance. The Zoning Administrator may delegate his/her responsibilities to personnel employed by the Zoning Department and, in the case of issuing abatement orders, to the County Health Department.

9-2-6-2: POWERS AND DUTIES

In the administration of this ordinance, the Zoning Administrator shall have the following powers and duties:

A. Delegate duties to and supervise clerical staff and other employees to assure full and complete compliance with this ordinance and related Wisconsin Statutes and the Administrative Code.

B. Review all applications and plans for private sewage systems submitted to the County.

C. Issue, deny, and rescind sanitary permits; maintain records of permits, inspections made, work approved and performed, and other information as appropriate.

D. Review soil reports for the proposed private sewage systems and verify the report at the proposed site, if necessary. Approved soil reports will be filed.

E. Inspect all private sewage systems after construction, but before backfilling no later than the end of the next work day, excluding Saturdays, Sundays, and holidays, after receiving notice from plumber in charge.

F. Report violations of this ordinance to the Corporation Counsel.

G. Assist the County Health Department in investigating all complaints relative to private sewage systems pursuant to §145.20(2)(f), Wis. Stats. Order any person, firm or corporation owning, using, operating or installing a private sewage system to modify, repair, or replace it to a safe or code complying condition if the system is found to be defective, unsafe, unsanitary, malfunctioning or otherwise in violation of this ordinance or applicable state regulations.

H. Have access to any premises for the purpose of performing official duties between 8:00 a.m. and 8:00 p.m., or at other times set by mutual agreement between the property owner or his agent and the Zoning Administrator, or upon issuance of a special inspection warrant in accordance with §66.0119, Wisconsin Statutes. Application for a sanitary permit, or the filing of a soil boring report, is considered for the purposes of this ordinance, the owner's consent to enter the premises.

I. 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 ordinance, until compliance with this ordinance or applicable Wisconsin Statutes and the Administrative Code is obtained or delegate this authority to the County Health Department.

J. Issue and enforce orders to plumbers, pumpers, property owners, their agents or contractors or the responsible party, to assure proper compliance with all provisions of this ordinance or delegate this authority to the County Health Department.

K. Withhold permit(s) or approval(s) pursuant to this ordinance where the applicant, owner or licensed contractor is in violation of this or any ordinance administered by the Zoning Department and for any parcel(s) of land which have an outstanding violation until the violation(s) have been corrected. A request for waiver of these provisions may be made, to grant or deny a permit or approval on the merits of the application, to the Corporation Counsel and the Zoning Committee.

L. Perform other duties regarding private sewage systems as considered appropriate by the County or the State.

9-2-7: VIOLATIONS AND PENALTIES

A. Any person who fails to comply with the provisions of this ordinance, or any order of the Zoning Department issued in accordance with this ordinance, or resists enforcement, shall be subject to a penalty as provided in this Section 4-6-3 of the Green County Code.

B. Any construction which is in violation of this ordinance shall cease upon written orders from the Zoning Department or the placement of a notification of violation at the site.

C. All construction shall remain stopped until the order is released by the Zoning Department.

D. Violations of this ordinance shall be prosecuted by the Corporation Counsel and/or the District Attorney as directed by the Green County Board or as required by law.

9-2-8: ABANDONMENT OF PRIVATE SEWAGE SYSTEMS

A. When public sewers approved by the Department of Natural Resources become available to the structure or premises served, the private sewage system may need to be disconnected within one year and a connection made to the public sewer. Determination of whether sewer is available and whether disconnection is necessary shall be made by the local sewer service entity.

B. Discontinued Use. The components of an existing private sewage system that are not part of the approved design of a replacement system shall be abandoned at the time of the installation of the replacement system by the plumber installing the system. Abandonment shall be done according to the following:

1. Disconnecting all piping to the tanks and pits.

2. Sealing all disconnected piping to the tanks and pits in accordance with Comm. 82.21 (2)(h), Wis. Admin. Code.

3. Pumping and disposing of the contents from all tanks and pits.

4. NOTE: The disposal of the contents from septic tanks, treatment tanks, distribution tanks, seepage pits and holding tanks is addressed in Chapter NR 113, Wis. Admin. Code which is administered by the Department of Natural Resources.

5. Removing all tanks or removing the covers of the tanks or pits and filling the tanks and pits with uncontaminated soil, gravel or an inert solid material.

9-2-9: SANITARY PERMIT

9-2-9-1: VALIDITY

A. No person may install or modify a private sewage system or privy unless the owner of the property on which the private sewage system is to be installed holds a valid sanitary permit.

Every private sewage system shall require a separate application.

B. A sanitary permit shall be obtained by the property owner, his/her agent or contractor, in the name of the property owner, prior to installation, establishment or construction of any structure which requires a private sewage system or privy. Any property owner, his/her agent or contractor, who starts construction prior to obtaining a sanitary permit is in violation and may be subject to the penalties provided in this ordinance.

C. A sanitary permit shall be obtained by the property owner, his agent or contractor before any private sewage system or part thereof may be installed, enlarged, replaced, reconnected, altered, or modified. A sanitary permit is not required for the addition of manhole risers or for the replacement of manhole covers, manhole risers, baffles or pumps.

NOTE: Pursuant to §145.135(2)(b), Wis. Stats., the approval of a sanitary permit is based on the rules in effect on the date of the permit issuance or renewal.

D. A County Sanitary Permit shall be obtained prior to constructing or installing a privy and for the reconnection of an existing POWTS as required by this chapter.

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

F. If any part of a private sewage system has failed or requires replacement or modification, the entire system shall be evaluated for compliance with existing codes prior to sanitary permit issuance. This shall include a soil and site evaluation for those components that utilize in situ soil for treatment or dispersal, unless a valid report is already on file with the Zoning Department.

If any part of the system is found to be defective or not in conformance with the applicable provisions of this ordinance, the sanitary permit application shall include specifications for the repair, renovation, replacement or removal of that part.

9-2-9-2: 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 Zoning Department along with all applicable fees:

1. Names and addresses of the applicant (owner of the site) and the plumber employed (when applicable).

2. Legal description of the subject site and the parcel identification or parcel number.

3. All lot dimensions.

4. Building use (single family, duplex, etc.).

5. A site plan.

6. An approved soil test on forms approved by the Zoning Department (if not already on file).

7. The original approved state plans/forms for systems requiring State approval.

8. A tank cross-section for all systems, and pump information for systems that utilize a pump.

9. Agreements and/or affidavits required to install and/or utilize an existing system or service holding tanks.

10. Appropriate agreements and contracts for system management and maintenance.

11. Verification pursuant to the provisions of 9-2-17-2 that any existing private sewage systems on the same parcel of land are not failing private sewage systems.

12. Copies of any documents required in D below and verification that they have been recorded.

13. Any other information required by the Zoning Department, state laws or codes, including verification of compliance with this ordinance.

14. Dispersal cell cross section.

B. When any official State action is required prior to the issuance of a sanitary permit, an original copy of the official action and, when appropriate, a plan bearing an original stamp of approval shall accompany the application.

C. The following documents must be recorded with the Green County Register of Deeds prior to sanitary permit issuance:

1. Maintenance agreements or contracts.

2. If a private sewage system, or parts thereof, are located on a different parcel than the structure served, an appropriate easement or combined parcel affidavit must be recorded.

3. If a private sewage system serves more than one structure under different ownership, a document identifying all parties that have ownership rights and are responsible for the operation and maintenance must be recorded.

4. If a private sewage system is owned by a party other than the owner of the parcel on which it is installed, a document identifying the owner of the system, the structures to be served by the system, and the party responsible for operation and maintenance must be recorded.

5. If the design wastewater flow of a private sewage system for a dwelling is not based upon the number of bedrooms within the dwelling, a deed restriction limiting occupancy to that used in the design must be recorded.

D. The Zoning Department reserves the right to require Floodplain and/or Wetland delineation for the building site or proposed private sewage system area prior to sanitary permit issuance. The Zoning Department may require elevations on plans to be tied to floodplain elevation datum by a Registered Land Surveyor.

E. The Zoning Department reserves the right to refuse incomplete or incorrect permit applications or to delay permit issuance until corrected or completed applications are received.

9-2-9-3: PERMIT FEES

Permit fees for the following shall be as established by the Green County Land Use and Zoning Committee:

1. State or County required Sanitary Permit; Installation, modification, addition, or replacement, repair or rebuilding of POWTS, holding, treatment or dispersal component or system

2. Reconnection or connection to existing system

3. Privy

4. Renewal fee

5. Reinspection fee

6. Transfer fee

7. Change of Plumber

8. Soil evaluation filing fee

9. Soil evaluation on-site.

10. Wisconsin Fund application fee

11. POWTS Maintenance Inspection Report filing fee
(excluding routine Holding Tank Pumping Reports)

12. The above fees will be doubled whenever the project has been started prior to the issuance of the permit. The above fees will be tripled if the permit is not obtained within thirty (30) days of notification. This doubling or tripling does not apply to that portion of fees comprised of monies owed to the State. (Ord. 03-0201; 2/11/03; Ord. 06-1101, 11/14/06; Ord. 08-1002, 11/12/08)

9-2-10: PLANS

System plans shall be submitted for approval to the Zoning Department or to the State in accordance with Comm. 83, Wis. Admin. Code. Plans shall comply with the requirements of Comm. 83, Wis. Admin. Code, and this ordinance.

A. Plans submitted to the Zoning Department shall include the original and as many copies as are required by the Zoning Department.

B. If plans are reviewed and approved by the State, at least one set of the plans submitted to the Zoning Department shall bear an original State approval stamp or seal.

C. Plans submitted shall be clear, legible and permanent copies.

D. Plans submitted shall comply with Comm. 83, Wis. Admin. Code, and include the following:

1. The name of the property owner and the legal description of the site;

2. Estimated daily wastewater flow and design wastewater flow;

3. A detailed plot plan (site plan), dimensioned or drawn to scale, on paper no smaller than 8½ inches by 11 inches in size. The plot plan shall delineate the lot size and the location of all existing and proposed: private sewage system components; building sewers; private interceptor main sewers; wells; water mains or water services; buildings; lot lines; swimming pools; navigable waters; and the benchmark established on the Soil and Site Evaluation Report. Adjoining properties shall be checked to insure that the horizontal setback parameters in Comm. 83.43, Wis. Admin. Code, are complied with. All separating distances and dimensions shall be clearly shown on the plot plan.

4. Details and configuration layouts depicting how the system is to be constructed.

5. A contingency plan in the event the proposed private sewage system fails and cannot be repaired in conformity with Comm. 83.22(2), Wis. Admin. Code, including information on whether or not the soil test shows sufficient area for a future replacement site.
6. Sufficient supporting information to determine whether the proposed design, installation and management of the proposed private sewage system or modification to an existing system complies with this ordinance, in conformity with Comm. 83.20(2)(c), Wis. Admin. Code.

E. Plans shall be signed or sealed as specified in Comm. 83, Wis. Admin. Code.

F. A copy of the approved plans shall be maintained at the construction site until the private sewage system installation is completed, inspected and accepted. The plans shall be made available to the County Zoning Inspector.

G. A modification to the design of a private sewage system which has been previously approved shall be submitted to the Zoning Department or the State as specified in Comm. 83, Wis. Admin. Code. Plan revisions must be approved prior to system installation. A fee may be charged when submitting revised plans.

9-2-11: SANITARY PERMITS

9-2-11-1: PERMIT CARDS

A. The permit card issued by the Zoning Administrator to the property owner or his agent shall serve as the sanitary permit.

B. The permit card shall contain all the information required by §145.135, Wisconsin Statutes.

C. The permit card shall be displayed at the site in such a manner that it will be visible from a road abutting the lot during all construction phases.

D. The permit card may not be removed until the private sewage system has been installed, inspected, and approved by the Zoning Administrator.

E. Failure to display the permit card shall be considered a violation of this section and may subject the property owner, his agent or contractor to penalty provisions of this ordinance.

9-2-11-2: PERMIT EXPIRATION

A. A sanitary permit for a private sewage system or privy 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 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 requirements in force at the time of renewal.

D. A change in ordinance requirements may impede the renewal. A previous sanitary permit which has not been acted upon shall not constitute a prior existing use for the purposes of this Ordinance.

E. The property owner, his agent or contractor, shall return the original permit card and receive a new card when the permit is renewed.

F. All sanitary permits issued prior to the effective date of this ordinance shall expire two years from the date of issuance unless renewed.

G. A new sanitary permit shall be obtained by the owner or his agent prior to beginning construction if a sanitary permit has expired.

9-2-11-3: TRANSFER OF OWNERSHIP

Transfer of ownership of a property for which a valid sanitary permit exists and has been issued prior to installation of the system shall be subject to the following:

1. The property owner shall submit the applicable State transfer form to the Zoning Department.

2. The sanitary permit card shall be returned to the Zoning Department so that a new permit card may be issued.

3. Transfer of ownership shall not affect the expiration date or renewal requirements.

9-2-11-4: CHANGE OF PLUMBERS

A. When an owner wishes to change plumbers, it will be necessary for him to furnish the Zoning Department with the applicable plan revision forms signed by the new plumber.

B. The revision of sanitary permits shall take place prior to the installation of the private sewage system.

C. Sanitary permits for systems requiring State plan approval shall not be revised to a different plumber unless the plan bears the stamp of an architect or engineer, plumbing designer, or a State level approval is obtained by the new plumber.

D. Required filing fee, if any, shall be submitted with the revision.

9-2-11-5: PERMIT DENIAL

The issuing agent within the Zoning or Health Department reserves the right to refuse incomplete or incorrect permit applications, and/or delay permit issuance until corrected and/or completed applications are received. He/she may also deny a permit to any person who has not yet complied with any enforcement orders issued under this ordinance even if said failure to comply relates to a separate parcel. The issuing agent shall issue written notice to each applicant whose sanitary

permit application is disapproved. Appeals of any denials will follow the process in §4-6-1-5:B, and must be filed within 30 days of the denial.

Each notice shall state the specific reasons for disapproval. (Ord. 03-0201, 2/11/03)

9-2-12: INSPECTION; REINSPECTIONS; TESTING

9-2-12-1: INSTALLATION INSPECTION

A. Notice for final inspection shall be given to the Zoning Department for all private sewage systems installed, modified or reconnected.

The issuing agent shall inspect or cause the inspection of all private sewage systems to establish site condition suitability prior to construction and, 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, shall reinspect.

B. The issuing agent shall file reports and conduct surveys and inspections as required.

C. Inspections shall be done pursuant to the approved plans/package requirements and as deemed necessary by the Zoning Office to assure compliance with appropriate codes and the approval package.

D. No inspection will be scheduled for the same date as permit issuance. Permits shall be obtained prior to the start of construction of the septic system.

E. The entire system shall be left completely open until it has been inspected and accepted, unless the requirements of Comm. 83, Wis. Admin. Code, are not met by the Zoning Department.

F. When a private sewage system 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.

G. Private sewage systems may be inspected periodically, after the initial installation inspection(s) and/or after the system is operative, as deemed necessary by the Zoning Administrator.

H. All plan revisions required due to changes in POWTS installations shall be submitted within sixty (60) days of system installation.

9-2-12-2: PRIVIES, INSPECTIONS

A. All privies installed shall be inspected for compliance with Comm. 91, Wis. Admin. Code, or as amended, and this ordinance. Non-plumbing sanitary systems serving uses other than one and two family dwellings which are specifically allowed by this Code shall also be inspected for compliance with Comm. 52.63, Wis. Admin. Code.

B. The property owner shall notify the Zoning Department for inspection immediately after the privy has been constructed or installed.

9-2-12-3: EXPERIMENTAL SYSTEMS AND PACKAGE SYSTEMS NOT RECOGNIZED BY COMM. 83.61

A. Shall only be installed after State review and approval of the plans, and after issuance of an appropriate sanitary permit.

B. The plumber installing the system shall coordinate any required preconstruction meeting(s).

C. The plumber installing the system shall notify the Zoning Department at least two (2) workdays prior to beginning the installation of the system to schedule the inspection(s) and shall notify the State as may be required by the approved plans.

D. Inspections shall be done pursuant to the approved plan requirements and as deemed necessary by the Zoning Department to assure compliance with appropriate codes and the plan approval.

9-2-12-4: REINSPECTION

A. A reinspection fee may be assessed when a reinspection of a private sewage system is required because the initial inspection disclosed that the installation is incomplete at the scheduled inspection time or does not comply with applicable Wisconsin Statutes, Administrative Codes, the approved plans or this ordinance. Each additional reinspection required at the site may be assessed a separate fee.

B. The reinspection fee shall be due within ten working days of written notification by the Zoning Department. Failure to pay this fee within that period shall constitute a violation of this ordinance. A fee may also be assessed if multiple inspections of a system or soil moisture is requested.

9-2-12-5: TESTING

A. If testing of new systems or new system components is required by Comm. 82, 83, or 84, Wis. Admin. Code, or as a condition of plan approval, notice shall be given to the Zoning Department so that the Zoning Department may make an inspection during the test.

B. The Zoning Department shall verify that required testing has been completed, by:

1. Performing an inspection during the test, said test being performed by a qualified, State-licensed individual,
2. Requiring written verification from the responsible person, or
3. Both a and b.

9-2-13: SOIL REPORTS AND SITE EVALUATIONS

9-2-13-1: SOIL TEST REPORTS

A sanitary permit shall not be issued until a soil and site evaluation report has been reviewed and approved by the issuing agent. At least one backhoe pit must be done for each system area set aside. The report and evaluation must be in accordance with Comm. 85, Wis. Admin. Code and submitted to the County within 30 days of the observations/tests.

9-2-13-2: VERIFICATION

A. The issuing agent may verify the report and soils at the proposed site if deemed necessary. Backhoe pits are required whenever the County verifies soil boring data. The soil test pits shall be left in such a manner that will permit access to them for the evaluation of the soil profile or reopened upon request. Unattended backhoe pits are the liability of the Certified Soil Tester or property owner.

   When review of a site evaluation determines that a soil and site evaluation is not approved, the fee submitted with the report will not be refunded.

B. A certified soil tester may request Zoning Department or State verification of a Soil and Site Evaluation Report before a complete sanitary permit application is submitted. A request for this verification shall include all information and fees required for the normal submission of a Soil and Site Evaluation Report. When a review or site evaluation determines that a site is not approved, the fee submitted will not be refunded.

C. Soil and site verification during weather or site conditions which may limit the ability to conduct a full evaluation, or where the potential for error could be made due to the unfavorable conditions, verification may be deferred, at the discretion of the Zoning Department, to a time when suitable conditions are present for the verification/evaluation to be conducted.

9-2-14: HOLDING TANKS; FORMS; INSPECTIONS

9-2-14-1: HOLDING TANKS

General: Holding tanks for private sewage are hereby prohibited, with the following exceptions:

A. Shall not be allowed for new construction.
B. Shall be allowed as a system of last resort to replace an existing POWTS system which has failed according to §145.245(4), Wis. Stats.
C. Shall be allowed to replace an existing holding tank.
D. In all cases where the use of a holding tank is proposed or allowed, prior to any sanitary permit application, a suitable and approved Soil and Site Evaluation Report must be on file with the Zoning Department that illustrates that no other system would be possible on the parcel. If Wisconsin Plumbing Codes and this code allow another type of POWTS system, it must be installed in lieu of a holding tank.
E. Licensed campgrounds holding all required permits may be allowed to utilize State-approved transfer containers, if used as part of a collection system incident to a Code-compliant sewage disposal system on premises.

F. Temporary holding tanks may be allowed with proper state approvals and subject to 9-2-14-2 when seasonal conditions do not allow placement of a standard soil absorption system.

9-2-14-2: HOLDING TANK FORMS

A. Holding Tank Agreement: In cases where holding tanks are allowed, the owner of the holding tank shall enter into a Holding Tank Agreement with the appropriate city, village or town guaranteeing that the local governmental unit which signed the agreement will service the holding tank, if the owner fails to have the holding tank properly serviced in response to orders issued by the Zoning Department. The Maintenance Agreement shall be binding upon the owner, the heirs of the owner and assignees of the owner. The Holding Tank Agreement shall be filed with the Register of Deeds and shall be recorded in a manner which will permit the existence of the agreement to be determined by reference to the property where the holding tank is installed.

B. The owner or agent shall submit a copy of the holding tank Maintenance Agreement when plans are submitted to the Zoning Department for review.

C. Holding Tank Servicing Contract: All holding tank users/owners shall enter into a contract with a State-licensed pumper to service and pump his/her holding tank. Exceptions to this are those users/owners who can comply with NR 113, Wis. Admin. Code as an exempt farmer. In these cases, the owner/user will provide the Zoning Office with semi-annual pumping reports. The owner or agent shall submit a copy of the servicing contract when plans are submitted to the Zoning Department for review.

9-2-14-3: HOLDING TANK INSPECTIONS

The governmental unit or County may enter upon the property to investigate the condition of the holding tank when pumping reports and/or meter readings may indicate that the holding tank is not being properly maintained. The County may also order an evaluation of the holding tank by a licensed plumber to certify that the holding tank is still water tight. If the holding tank is found to no longer be water tight, the holding tank must be replaced with a code complying system.

9-2-14-4: PUMPING REPORTS

All land owners with holding tanks in Green County shall submit semi-annual pumping reports to the office of the Green County Zoning Administrator.

9-2-14-5: LOCKS AND HIGH WATER ALARM

All holding tanks shall be equipped with functional locking devices and high water alarms. The high water warning device shall be installed so that it activates one (1) foot below the inlet pipe. This device shall either be an audible or illuminated alarm. If the latter, it shall be conspicuously mounted. Electrical junction boxes, including warning equipment junctions, shall be located outside the holding tank unless they are housed in waterproof, explosion-proof enclosures. Electrical relays or controls shall be located outside the holding tank. In cases where the Zoning Administrator or his designee finds the locking devices and/or high water alarms missing or not functioning properly, he shall order them replaced.

9-2-14-6: WATER METERS

The owner agrees, pursuant to Comm. 83.18(10), Wis. Admin. Code, to have a water meter installed in a new building or new structure. For purposes of this section, new shall incorporate the replacement of a mobile home with a different one as well as the building of a new structure to replace an existing one. The water meter shall be installed by a plumber authorized by the State to conduct such installations, with said installation complying with State regulations and manufacturers specifications. The owner agrees to be financially responsible for the purchase, installation, maintenance and repair of the water meter, and agrees to allow the governmental unit to enter the property on a regular basis to read and/or inspect the water meter.

9-2-15: SYSTEM MANAGEMENT AND MAINTENANCE

9-2-15-1: MAINTENANCE AND MANAGEMENT

A. All private sewage systems shall be managed and maintained in accordance with Comm. 83.84 and 87, Wis. Admin. Code, and this ordinance. Only state-licensed master plumbers, POWTS inspectors and POWTS maintainers shall provide the maintenance and/or service on all systems. Licensed tank pumpers may report the condition of an existing tank only; but may not provide a maintenance report on any other POWTS component or soil absorption system unless specifically state-licensed to do so. (Ord. 04-0101, 01/13/04)

B. The property owner shall report to the Zoning Department each inspection, maintenance or servicing event, in accordance with Comm. 83, Wis. Admin. Code, and this ordinance.

C. Prior to issuance of a sanitary permit, the property owner shall submit to the Zoning Department a copy of an appropriately recorded maintenance agreement, with said agreement having been recorded with the Green County Register of Deeds Office.

D. The property owner shall submit a new or revised maintenance agreement and/or servicing contract to the Zoning Department whenever there is a change to such document(s).

E. The property owner shall submit a new maintenance agreement and/or servicing contract to the Zoning Department prior to expiration of any existing maintenance agreement and/or servicing contract.

9-2-15-2: MANAGEMENT

A. Responsibility. The owner of a POWTS shall operate and maintain the system in compliance with the approved system design and maintenance provisions that were submitted with the permit application.

B. Any POWTS that is not maintained in accordance with the approved management plans shall be considered a failing private sewage system. The use, maintenance or operation of a failed private sewage system is prohibited.

C. Each POWTS design shall include a management plan for maintaining the designed performance and operational standards required by this chapter. The management plan shall be a part of the sanitary permit application. The plans shall include all necessary information, including but not limited to:

1. Accumulated solids or byproduct removal;
2. Influent and effluent volume and characteristics;
3. Groundwater monitoring well location(s);
4. Monitoring well construction requirements and sampling procedures;
5. Monitoring/sampling port locations;
6. Metering, sampling and monitoring schedules;
7. Site vegetative cover maintenance;
8. Load and rest schedules;
9. Contingency plans for events involving component or operational failure;
10. Alarms or other systems to alert owner when system is not operating properly;
11. Odor and nuisance control;
12. All maintenance requirements in terms of processes and their frequency;
13. Reporting frequency, and designated reporting agent;
14. Other pertinent information as deemed necessary.

9-2-15-3: MONITORING INFLUENT AND EFFLUENT LOADS

A. The influent loads discharging to a POWTS and/or the effluent loads from a POWTS shall be sampled and evaluated for contaminants as required in the approved package or design. The results of the analysis shall be reported to the County by the POWTS owner or their designated agent as specified in the management plan.

B. The County may require monitoring of additional constituents not originally included in the management plan.

C. The samples shall be collected and handled in accordance with the requirements of the approved management plan or, when no procedures are specified, in accordance with published sampling procedures.

9-2-15-4: CONTINGENCY PLAN

All applications for sanitary permit shall include a contingency plan that describes the procedures that must be followed at any time when the POWTS is not operating in accordance with the approved design. The plan must include specifics about the system characteristics or other safeguards that will assure that the system will not discharge untreated or partially treated effluent during any component malfunction.

The plan must include information on whether or not the soil test has sufficient area for a future replacement site. A holding tank shall not be designated as a replacement system if any other soil-based treatment area is available to the property.

9-2-15-5: SERVICE REPORTS

A. Reports of system servicing or maintenance shall be submitted to the County:

1. Within 10 business days from the date of service;
2. By the owner or the owners agent;
3. Required service or maintenance shall be performed only be a qualified, licensed person designated under 9-2-15-1-A;

B. Reports shall include, but are not limited to, the following information:

1. The system owner's name, address, and legal description/parcel number;
2. The name and certification number of licensed individuals performing the service or repair;
3. Information of any malfunction of system components and any repairs that were made;
4. Meter readings;
5. Pumping information;
6. Results of analysis of any effluent sampling;
7. General observations of overall system condition and performance.
8. Type of use.
9. Age of system.
10. Nuisance factors, such as odors or user complaints.
11. Mechanical malfunction within the system including problems with valves or other mechanical or plumbing components.
12. Material fatigue, including durability or corrosion as related to construction or structural design.
13. Neglect or improper use, such as exceeding the design rate, poor maintenance of vegetative cover, inappropriate cover over the POWTS, or inappropriate activity over the POWTS.
14. Ponding in distribution cell, prior to pump cycle, is evidence of development of a clogging mat or reduced infiltration rates.
15. Pump malfunction includes dosing volume problems, pressurization problems, breakdown, burnout, or cycling problems.
16. Overflow/seepage problems, as shown by evidence or confirmed sewage effluent, including backup if due to clogging.

9-2-16: PRIVIES

9-2-16-1: PRIVY REQUIREMENTS

A. All privies shall be constructed to meet the requirements of Comm. 83.15 and 83.20, Wis. Admin. Code, dealing with septic and other treatment tanks. No privy shall be erected or maintained within 50 feet of any surface water or well, 10 feet of the right-of-way of any street or other public thoroughfare, 5 feet of the property line or 25 feet of the door or window of any building.

B. Privies shall be located on ground that is well drained, and where there is no possibility of contaminating any drinking water supply.

C. Privies shall be provided with suitable approach, such as concrete, gravel or cinder walk.

D. The foundations shall be of concrete or other masonry.

E. The vault shall extend at least 6 inches above ground, be as dark as possible and be proof against entrance by flies, rats, or other vermin. The upper portion shall be of concrete, or of brick or stone laid in cement mortar; in poorly drained soil, the entire vault shall be of concrete, brick, PVC or fiberglass.

F. All windows, ventilators and other openings shall be screened to prevent the entrance of flies, and all doors shall be self-closing. A separate ventilator shall be provided for the vault and shall extend from the vault to not less than one foot above the roof and be provided with an effective ventilating hood.

G. The entire installation shall be kept clean and sanitary. Milk of lime (freshly slaked lime) or other equally effective disinfectant shall be used in the vault and in the urinal trough in sufficient quantities, and at frequent intervals. The floors, seats and urinals shall be scrubbed as often as necessary. The vault shall be cleaned out at proper intervals.

H. A water-tight vault shall be required for the privy. Privies without a water-tight vault will not be permitted.

I. All privies shall be inspected after installation for compliance with applicable codes. The property owner shall notify the Green County Zoning Office for inspection immediately after the privy has been constructed and prior to any use.

9-2-16-2: NON-PLUMBING SANITATION SYSTEMS

Chemical, organic (composting), electrical, gas, and other non-water using toilets that shall be utilized in place of a privy and non-plumbing sanitation systems other than a privy, are hereby prohibited.

9-2-17: RECONNECTION; EVALUATION; APPLICATION FOR RECONNECTION

9-2-17-1: RECONNECTION OF EXISTING PRIVATE SEWAGE SYSTEM

A County reconnection sanitary permit shall be required when an existing private sewage system is intended to be connected to a structure or where a structure which requires a private sewage system is rebuilt or replaced with a new or different structure. The permit shall be obtained prior to:

A. Construction of a structure to be connected to an existing private sewage system;
B. Disconnection of a structure from an existing private sewage system and connection of another structure to the system; or
C. Rebuilding a structure that is connected to a private sewage system.

Connection of a second structure to an existing POWTS will require a County reconnection sanitary permit. The applicant shall provide all necessary documentation that the proposed connection will not produce a wastewater load which exceeds the capability of the system. Annual proof of wastewater load may be required. Any connection or reconnection which provides for more than one residence to be connected to a POWTS shall be for an established time period only with re-application for renewal after the time period expires. If the system shows no sign of failure of overload, renewal may be granted for a like period of time with no fee required.

9-2-17-2: EVALUATION

Prior to issuing the approval for the reconnection to the existing structure, an evaluation of the existing private sewage system must be made. The following is the procedure that must be followed in evaluating the private sewage system:

A. Existing sanitary permits and soil test information on file shall be examined for reliability. The existing system must be sized to accommodate the proposed wastewater load for all intended structures. If no sanitary permit on record, documentation must be provided by a licensed plumber as to the size of the existing drain field.

B. If there is not adequate or reliable soils information, a soil boring(s) shall be completed by a Certified Soil Tester to determine if there are suitable soils for the system in use and to identify a replacement area if there is not one available. This information shall be reported to the issuing agent with the required fee, which shall review the report and verify the soils, when considered appropriate.

C. The existing septic tank shall be pumped and inspected by a licensed pumper to determine the condition and size of the tank and whether it is in good repair (No treatment or holding tank should be entered without proper life support equipment).
The existing private sewage system should be examined to:

1. Determine the location of the septic and/or dosing tank and soil absorption system to determine that all minimum setbacks of Comm. 83, Wis. Admin. Code, will be maintained. If setbacks cannot be met, a variance from Department of Commerce is required.

2. Determine, where possible, if the private sewage system corresponds to the County's files (when available), and whether it is capable of handling the proposed wastewater load.

3. Determine whether the system is surfacing or has an outfall pipe connected to it thereby creating a nuisance or surface discharge.

4. Determine by examining through the vent whether or not the system is ponded, and to what degree it is ponded, and whether the ponding represents a failing or non-functioning soil absorption system.

5. Ensure that if any tank covers are installed above grade (holding tank manholes and pump chamber manholes shall always be above grade) that they are installed with locks and warning labels visible or will be covered with soil according to Comm. 83, Wis. Admin. Code.

D. If existing systems are found to be undersized or inadequate for the proposed reconnection, a new Code-compliant system must be installed.

9-2-17-3: APPLICATION FOR RECONNECTION

A. Application for a County reconnection permit shall include the following:

1. Documentation of all the above requirements listed under the "Evaluation" section. (9-2-17-2)
2. A plot plan prepared by a plumber.
3. Complete plans for any system components which will be modified or replaced.

4. Reconnection to an existing holding tank will require an inspection of the location of the tank to determine if the minimum setback requirements of Comm. 83, Wis. Admin. Code, will be maintained and to ensure that the entire holding tank is watertight, tank covers, locking devices, warning labels, and alarm systems are functioning properly. A holding tank service contract, which meets the requirements of Comm. 83, Wis. Admin. Code, must be submitted as part of the application for the reconnection, if a current one is not on file.

B. Reconnection to an existing system other than a holding tank shall require a new recorded maintenance agreement or contract.

C. Application fees shall be required as per §9-2-9-3, above.

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

E. Tank Collapse, Repair or System Failure: If a septic tank has failed or collapsed, any component or piping requires repair or replacement, or if an absorption area has failed, the complete disposal system must be evaluated for compliance with this ordinance and State Uniform Plumbing Codes prior to permit issuance and reconstruction. Evaluation of drain fields or seepage pits older than 1986 will require a soil boring be done to verify compliance with setback to limiting factors. All POWTS systems used or proposed to be used in Green County shall provide a 36 inch or greater separation to limiting soil factors regardless of installation date in order to be considered a legal Code-compliant system.

F. Nonconforming Systems: If, during the evaluation of the existing private sewage system, it is determined that the system does not conform to the applicable codes and regulations in effect at the time of the inspection, or is undersized, the zoning permit shall not be issued until a sanitary permit has been issued for a new private sewage system that meets the codes and regulations. The code complying system must be installed before the completion of the project. (Ord. 03-0201, 2/11/03)

9-2-18: CONSTRUCTION AFFECTING WASTEWATER FLOW OR CONTAMINANT LOAD

A. Modification in Wastewater Flow or Contaminant Load. A modification in wastewater flow or contaminant load shall be considered to occur:

1. In public buildings, facilities or places of employment, when there is a proposed change in occupancy of the structure; or the proposed modification affects either the type or number of plumbing appliances, fixtures or devices discharging to the system; and

2. In dwellings or residences, when there is a proposed addition, remodeling or change of use of an existing structure which would increase or decrease the number of bedrooms, or would add 100 square feet or more to the building, excluding additions which are open decks or porches (without walls or screened sides), or garage areas. Only one such enclosed living space addition of less than 100 square feet will be allowed over the life of a residential structure, without compliance with subsection (B) for consideration of a modification in wastewater flow. Any further enclosed

additions which add either over or less than 100 square feet will require compliance with the documentation in subsection (B). (Ord. 03-0201; 2/11/03)

B. Prior to commencing the construction of an addition to or modification of a structure which will affect the wastewater load flow and/or contaminant load to an existing private sewage system or interfere with a functioning system, the owner(s) of the property shall:

1. Possess a sanitary permit to construct a new private sewage system or modify an existing private sewage system to accommodate the modification in wastewater flow or contaminant load; or

2. Provide the following to the Zoning Department:

a. Documentation that a private sewage system of adequate capability and capacity to accommodate the increased wastewater flow and contaminant load already exists to serve the structure, as specified in Comm. 83, Wis. Admin. Code. This documentation can be demonstrated by either of the following:

(1) With evidence submitted of the prior issuance of a sanitary permit which indicates that a Code-compliant system of adequate capacity and capability to accommodate the increased wastewater flow and contaminant load to serve the structure has been installed on the premises in suitable soil, the documentation requirement is a signed statement by a qualified, licensed individual for an inspection done within the prior six months, that the POWTS system's tank and absorption is functional, shows no sign of failure, and does not interfere with proposed construction.

(2) If no sanitary permit records can be located, the following information is required to be submitted:

(a) Information on the soil conditions of the soil absorption system, prepared and submitted by a Certified Soil Tester, which indicates an adequate separation distance to a limiting factor, as required by Code;

(b) Signed information in written and sketch form by a qualified, licensed individual relative to the sizing, dimensions, locations and setbacks of the existing tank and soil absorption system; and

(c) A signed statement by a qualified, licensed individual for an inspection done within the prior six months, that the POWTS system's tank and absorption system is functional, shows no sign of failure, and does not interfere with proposed construction.

b. Documentation showing that the location of the proposed structure conforms to the applicable setback distances to all of the existing private sewage system components; and

c. The same steps and procedures outlined in “Reconnection of Existing Private Sewage System” above will be followed.

3. Any installation, addition or modification of a sewer system must be completed and accepted before the addition or modified area of the structure may be occupied.

C. Prior to commencing construction of any structure or addition to a structure on a property containing site where there exists a private sewage system, the owner or his agent shall determine that the proposed structure conforms with the dimensional applicable setback limitations of Comm. 83, Wis. Admin. Code. Documentation shall be submitted as required in Comm. 83, Wis. Admin. Code, in conformity with Comm. 83.23(2)(e), Wis. Admin. Code.

9-2-19: ADDITIONAL PROHIBITIONS

The use of a constructed wetland or an evapotranspiration bed as a POWTS treatment component are hereby prohibited.

9-2-20: DEFINITIONS

9-2-20-1: GENERAL

For the purposes of this Title, certain terms or words used herein shall be interpreted as having the same meaning as they have in the Wisconsin State Statutes, Administrative Code, and Code for Green County. Words used in the present tense include the future; words in the singular number include the plural number, and words in the plural number include the singular number. The word "shall" is mandatory and not directory. All distances, unless otherwise specified, shall be measured horizontally. The word "building" includes the word "structure".

9-2-20-2: SPECIAL DEFINITIONS:

ALTERNATIVE SYSTEM: Any sewage system other than a conventional, mound, in-ground pressure or at grade sewage system.

BUILDING: A structure having a roof supported by columns or walls. Each portion of a building separated by division walls from the ground up, without openings in those walls, is a separate building for the purposes of this Title.

BEDROOM: A room designated or intended to provide a space for sleeping, or a room designated as a study or den that contains or is adjacent to a closet.

BUILDING SITE: The space or area of ground upon which a building is to be erected.

CHEMICAL TOILET: Chemical, organic (composting), electrical, gas, and other non-water using toilets.

CONVENTIONAL PRIVATE SEWAGE SYSTEM: A private sewage system consisting of a septic tank and an in-ground soil absorption component with gravity distribution in the absorption area of effluent.

COUNTY SANITARY PERMIT: A permit issued by the County Zoning Office for the installation reconnection of a private sewage system or for the installation of a non-plumbing sanitation system, pursuant to §§59.70 and 145.04, Wisconsin Statutes.

EXCEPTION: The use of property, including the use and location of buildings, the size of lots and the dimensions of required yards, otherwise not allowable under the terms of this Title which is permissible by reason of special provisions of this Title, or for which a special permit may be issued by the Board of Adjustment, under conditions specified in this Title.

FAILING NON-PLUMBING SANITATION SYSTEM: A non-plumbing sanitation system is one which causes or results in the discharge of human wastes or excrement:

a. into surface water or groundwater;
b. into zones of bedrock, or zones of seasonal saturation; or
c. to the surface of the ground.

FAILING PRIVATE SEWAGE SYSTEM: Failing private sewage system has the meaning specified under §145.245(4), Wisconsin Statutes.

A holding tank which discharges sewage to the ground surface, including intentional discharges and discharges caused by neglect, shall be considered a failing private sewage system.

HUMAN HABITATION: The act of occupying a structure as a dwelling or sleeping place, whether intermittently or as a principal residence, or act of occupying a structure as a place of employment or out of which a business operates.

ISSUING AGENT: The County office, department, committee, position or employee assigned the duties of administering the private sewage system program by the County Board.

LOT: A parcel of land occupied or designed to be occupied by one building and its accessory buildings or uses, including the open spaces required by this Title, and abutting on a public street or other officially approved means of access. A lot may be a parcel designated in a plat or described in a conveyance recorded in the office of the Register of Deeds, or any part of a larger parcel when such part complies with the requirements of this Title as to width and area for the district in which it is located. No land included in any street, highway or railroad right of way shall be included in computing lot area.

LOT LINES: The lines bounding a lot as defined herein.

NON-PLUMBING SANITATION SYSTEM: Sanitation systems and devices within the scope of Comm. 91, Wis. Admin. Code, which are alternatives to water carried waste plumbing fixtures and drain systems including, but not limited to, incinerating toilets, composting toilets and privies.

OCCUPANCY: Pertains to and is the purpose for which a building is used or intended to be used. A change of occupancy is not intended to include a change of tenants or proprietors.

PERSON: Except when otherwise indicated by the context, the word "person" shall include the plural, or a company, firm, corporation or partnership.

PORTABLE RESTROOM: A self-contained portable unit that includes fixtures, incorporating holding tank facilities, designed to contain human excrement.

POWTS (Private Onsite Wastewater Treatment Systems): Any subsystem, subassembly or other system designed for use in or as a part of a private onsite wastewater treatment system which may include treatment, dispersal or holding and related piping and has the meaning given for "Private sewage system" under §145.01(12), Wis. Stats.

NOTE: Section 145.01(12), Wis. Stats., reads: "Private sewage system" means 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. This term also means an alternative sewage system approved by the department including a substitute for the septic tank or soil 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 sewage system may be owned by the property owner or by a special purpose district.

PRIVY: A non-portable, enclosed outhouse or structure used for deposition of human excrement.

SANITARY PERMIT: The term "sanitary permit," as used in this ordinance, shall mean a County Sanitary Permit, a State Sanitary Permit, or both.

SEPTIC TANK: An anaerobic treatment tank.

SETBACK: The minimum horizontal distance from the front line of the lot or from the center line of the highway to the nearest part of the building, exclusive of permitted projection, measured at right angles to the highway or the front lot line.

STATE SANITARY PERMIT: A permit issued by the County Zoning Office for the installation or modification of a private sewage system, pursuant to §145.135 and 145.19, Wisconsin Statutes.

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

TRAILER: Any vehicle, house car, camp car, or any portable or mobile vehicle on wheels, skids, rollers or blocks, either self-propelled or propelled by any other means, which is used or originally designed to be used for residential, living or sleeping purposes.

WETLAND: Wetland means any area where the water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which have soils indicative of wet conditions as shown on the official wetland inventory map maintained in the Zoning Office. (Ord. 00-0101) (Title 9 adopted per Ord. 01-0401, 4/17/01)

CHAPTER 3
PRIVATE WATER SYSTEMS ORDINANCE

9-3-1: AUTHORITY AND ADOPTION

1. This ordinance is adopted under the authority granted to the County by §§59.70(6) and 280.21, Wis. Stats., and ch. NR 845, Wis. Adm. Code.

2. This ordinance is subject to the provisions of §§59.70(6) and 280.21, Wis. Stats., and all rules promulgated thereunder regulating private water systems.

3. Failure to comply with any of the provisions of such regulations shall constitute a violation of this ordinance, actionable according to the penalties provided herein.

4. This ordinance applies to the entire county and includes cities, towns, villages and sanitary districts in the county.

9-3-2: JURISDICTION

The provisions of this ordinance shall apply to all private water systems within Green County pertinent to well abandonment and drill hole abandonment.

9-3-3: PURPOSE

The purpose of this ordinance is to protect the drinking water and groundwater resources of the county by governing access to groundwater through regulating private well locations and well abandonment and drill hole abandonment. This ordinance does not pertain to ground water monitoring wells or any community water system. (Ord. 08-0801, 8/12/2008)

9-3-4: INTENT

The intent of this ordinance is to regulate well abandonment and drill hole abandonment and to provide for administration and enforcement of this ordinance.

9-3-5: EFFECTIVE DATE

This ordinance shall be effective upon its adoption by the Green County Board of Supervisors.

9-3-6: SEVERABILITY AND NON-LIABILITY

If any section, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected. The County asserts that there is no liability on the part of the Board of Supervisors, its agencies, or employees for any health hazards or damages that may occur as a result of reliance upon, and compliance with, this ordinance.

9-3-7: REPEAL

All other county ordinances or parts of ordinances inconsistent or conflicting with this ordinance, to the extent of the inconsistency only, are repealed.

9-3-8: DEFINITIONS

ADMINISTRATOR: The county employee designated by the County Board of Supervisors to administer ch. NR 812, Wis. Adm. Code pertinent to well abandonment and drill hole abandonment in the county as authorized by the department.

CENTRAL OFFICE: The bureau of water supply, located in Madison, Wisconsin, which functions as the coordinating authority for the statewide water supply program.

COMMUNITY OFFICE STAFF: County office personnel trained to answer general well abandonment and drill hole abandonment questions.

COMMUNITY WATER SYSTEM: Has the meaning designated in ch. NR 811.02(9), Wis. Adm. Code.

DELEGATION LEVEL: The program level, as set forth in ch. NR 845.05, Wis. Adm. Code, at which a county is authorized to administer and enforce ch. NR 812, Wis. Adm. Code.
DEPARTMENT: The Department of Natural Resources.

DISTRICT OFFICE: The department office located in Madison, Wisconsin.

EXISTING INSTALLATIONS: Has the meaning designated in ch. NR 812, Wis. Adm. Code.

HEALTH HAZARD: A condition which constitutes:

1. A violation of ch. NR 812, Wis. Adm. Code, regarding the installation, construction, operation or maintenance of a private well; or
2. Confirmed bacteriologically-unsafe well water quality.

NON-COMMUNITY WATER SYSTEM: A public water supply system that is not a community water system. It serves at least 25 persons per day at least 60 days each year. A non-community water system commonly serves a transient population rather than permanent year-round residents. This is typically an individual well serving a restaurant, industry, service station, tavern, motel, campground or church.

NON-COMPLYING WELL OR PUMP INSTALLATION: A private water system not in compliance with all provisions of ch. NR 812, Wis. Adm. Code, in effect at the time the well was constructed or the pump was installed.

PERSON: An individual, corporation, company, association, cooperative, trust, institution, partnership, state, public utility, sanitary district, municipality or federal agency.

PERSONAL INTEREST: Having a financial interest in a property or being related by marriage or birth to a person having a financial interest in a property.

PRIMARY DRINKING WATER STANDARDS: Those maximum contaminant levels which represent minimum public health standards set forth in ch. NR 809, Wis. Adm. Code.

PRIVATE WATER SYSTEM ORDINANCE: A county ordinance, approved by the department, regulating private water systems at the county's authorized delegation level.

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

PUBLIC WATER SYSTEMS: Has the meaning designated in ch. NR 812, Wis. Adm. Code.

PUMP INSTALLER/PLUMBER: Any person that works on a new or existing well or water system. (Ord. 08-0801, 8/12/2008)

VARIANCE: An approval issued by the department under ch. NR 812, Wis. Adm. Code, allowing a private water system to vary from ch. NR 812, Wis. Adm. Code requirements if department approved conditions are met.

WATER SYSTEM: The water collection, storage, treatment facilities and all structure, piping and appurtenances by which water is provided.

WELL: Has the meaning designated in §280, Wis. Stats.

WELL CONSTRUCTION: The procedures, methods, materials and equipment used during the construction or reconstruction of a private well.

WELL DRILLER: Any person who constructs a well and is licensed in the state of Wisconsin. (Ord. 08-0801, 8/12/2008)

WELL LOCATION PERMIT: A permit or comparable registration system, issued by the County, which allows the construction or reconstruction of a private well. (Ord. 08-0801, 8/12/2008

9-3-9: COUNTY RESPONSIBILITIES

9-3-9-1: WELL AND DRILL HOLE ABANDONMENT

The permanent abandonment of unused or contaminated wells or drill holes in noncomplying water systems is an important step of the protection of local ground water quality. Wells, especially those with structural defects, may act as conduits for the vertical movement of contamination from or near the ground surface to the ground water or from one aquifer to another.

The County requires the proper abandonment of wells not in service, or that will be taken out of service, if the well is abandoned, or non-complying in accordance with §NR 812.26, Wis. Adm. Code. The County may require abandonment of a well with water exceeding a primary drinking water standard listed in ch. NR 809, Wis. Adm. Code, or other chemical compounds for which state health advisory limits have been issued including inorganic and organic compounds, after consultation with and approval by the department.

The County shall cooperate with all other governmental units and agencies in the enforcement of all state and local laws and regulations pertaining to matters in this ordinance. (Ord. 05-0601, 6-14-05)

9-3-9-2: PRIVATE WELL LOCATION PERMITS

The County requires the issuance of a permit authorizing the location of new and replacement private wells, including drilled, driven point, dug, bored or jetted wells, or the reconstruction or rehabilitation of existing private wells. (Ord. 08-0801, 8/12/2008)

9-3-10: ADMINISTRATOR

The County Land Conservationist shall act as the Green County Administrator and is assigned the duties of administering the private water system program in accordance with department rules.

The administrator or authorized assistant shall have the power and duty to enforce the provisions of this ordinance and all other ordinance, laws and orders of the County and of the State of Wisconsin which relate to the abandonment of all private water systems within the County at the County's authorized delegation level.

9-3-10-1: QUALIFICATIONS OF ADMINISTRATOR

The administrator shall be informed on the principles and practices of well abandonment and drill hole abandonment.

9-3-10-2: POWERS

The County Administrator or authorized assistant shall have all the powers necessary to enforce the provisions of this ordinance commensurate with the level or levels of the County's delegated authority including the following:

A. In the performance of his or her duties, the administrator or an authorized assistant may enter any building or property upon presentation of the proper credential, during reasonable hours for the purpose of inspecting the private water system for purposes pertinent to well abandonment and drill hole abandonment. No person may interfere with the administrator or an authorized assistant in the performance of his or her duties. Any person interfering shall be in violation of this ordinance and subject to penalty as provided by this ordinance. If consent to enter property for inspection purposes is denied, the administrator may obtain a special inspection warrant under §§66.0119(1)&(2) and 66.0119(3), Wis. Stats.

B. Order any person owning, operating or installing a private water system to abandon, repair or place it in a complying safe or sanitary condition if the system is found to be abandoned, or if not in compliance with ch. NR 812, Wis. Adm. Code, or the county ordinance.

9-3-10-3: DUTIES OF ADMINISTRATOR

It shall be the duty of the administrator or authorized assistant to enforce the provisions of this ordinance and perform the following duties commensurate with the level or levels of the County's delegated authority.

A. Provide the department with copies of all abandonment inspection forms and correspondence as required by ch. NR 845, Wis. Adm. Code.

B. Investigate and record all private water system complaints. (Ord. 08-0801, 8/12/2008)

C. Investigate cases of noncompliance with this ordinance, ch. NR 812, Wis. Adm. Code, and §280, Wis. Stats., issue orders to abate the noncompliance and submit violations to the District Attorney or Corporation Counsel for enforcement.

D. Refer complaints and cases of noncompliance believed to be or known to be beyond the scope of the County's delegation level to the department.

E. Cooperate with all other government units and agencies in the enforcement of all state and local laws and regulations of matters related to this ordinance.

F. Assist the department as specified in ch. NR 845, Wis. Adm. Code.

G. Refer variance requests and actions which require department approval to the department.

H. Advise owners not to drink or use water from private water systems under conditions specified in ch. NR 845, Wis. Adm. Code.

I. Record all permits, fees, inspections and other actions, and make an annual report thereon to the County Board of Supervisors. (Ord. 08-0801, 8/12/2008)

J. Inspect the location of new private water systems upon completion. (Ord. 08-0801, 8/12/2008)

9-3-11: REQUIREMENTS AND PERMITS

1. No person may install a private well or water system unless the owner of the property on which the private water system is to be installed holds a valid well location permit issued by the County or has made arrangements to acquire a permit by notifying the Land Conservationist, or his/her designee, prior to construction. Notification shall include providing the Land Conservationist, or his/her designee with the property owner's name and address, property legal description, proposed starting date and identification of the person who will be obtaining the permit.

2. No private water system may be located, installed or operated within the jurisdictional limits of the county without the appropriate permit being obtained in compliance with sub. (1) above and without being in full compliance with the provisions of this ordinance and all other applicable state and local laws and regulations. Permit applications for the location of a well shall be made by the property owner. Permits shall be issued from the office of the Land Conservationist, or his/her designee.

3. The permit application shall be on forms provided by the Land Conservationist, or his/her designee, and shall include the following:

    a. A site plan diagram. The plan diagram shall be submitted on paper not less than 8½ by 11 inches and shall include the location of all structures, all other wells (used or unused) or sources of water, septic tanks, septic absorption fields, underground fuel

storage tanks, animal yards and other sources of contamination; at least one property line, the property access road and nearest public road. Distances shall be provided by dimension or to scale. For large parcels the plan must include a small scale diagram showing all property lines and adjacent roads in addition to the large scale diagram showing site details.

b. A copy of any variance granted by the department including proof that the variance has been properly recorded.

4. Well location permit applications shall be signed by the property owner. Well location permit applications shall be submitted to the Land Conservationist, or his/her designee, at least 2 working days prior to construction. The well driller shall be responsible for maintaining full compliance with all provisions of ch. NR 812, Wis. Admin. Code. The permit application shall be submitted by the property owner and shall be issued to the property owner.

5. a. The Land Conservationist, or his/her designee, shall assist applicants by answering questions and providing forms, reviewing applications and approve, disapprove or notify an applicant of the need to seek a variance or special approval from the department or return the permit application due to incompleteness for all private water systems to be constructed or modified in the county within 7 working days following submission of the permit application. The Land Conservationist, or his/her designee, may reserve final approval or disapproval of a permit which requires department action until the variance or special approval request has been acted on by the department.

b. If a permit is disapproved because an applicant submits an incomplete or inaccurate application, one-half of the application fee shall be retained by the County. Any reapplication shall require the same fee as a new application.

6. The Land Conservationist, or his/her designee, shall issue written notice to each applicant whose permit application is disapproved. An application shall be disapproved if the well construction would result in noncompliance with ch. NR 812, Wis. Admin. Code, or if a well construction variance or special approval request was denied by the department. Each notice shall:

a. State the specific reason for denial.
b. Inform the applicant of the right to request a special approval or a variance from the department and the procedures for making such a request.

7. When construction occurs on a weekend or holiday, notification shall be provided to the Land Conservationist, or his/her designee, on the first workday following the weekend or holiday in the same manner as described in sub. 4 above. Unless other arrangements are made with the Land Conservationist, or his/her designee, the permit application shall be obtained on the first workday following the weekend or holiday. The well driller shall be responsible for maintaining full compliance with all provisions of ch. NR 812, Wis. Admin. Code.

8. All unused wells on the property shall be properly permanently abandoned within 30 days of construction of the new or replacement well. In accordance to ch. NR 12, Wis. Admin. Code, County staff shall be informed of well abandonment.

9. A permit transfer application shall be submitted to the county when there is a change of property owner after the application is submitted but before well construction is completed. Failure to submit a transfer application to the County shall invalidate a previously issued permit. The application shall be on a form made available by the Land Conservationist, or his/her designee.

10. As soon as the well location permit is received, it shall be displayed conspicuously at the well site during construction, for a minimum of seven (7) days following completion of construction.

11. A well location permit shall be valid for a period of one year or until construction is completed, whichever comes first. If the permit expires, a new application shall be submitted to the Land Conservationist, or his/her designee. Reapplications shall be evaluated so that construction will comply with the provisions of ch. NR 812, Wis. Admin. Code, in effect at the time of the reapplication. The Land Conservationist, or his/her designee, may require additional inspection and fees for reapplications.

12. A well location permit is not required nor shall be issued by the County for private water systems requiring written plan approval from the department.

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

14. No permit may be issued to any property owner or designated agent of the property owner who is in violation of this ordinance until the violation has been corrected.

(Ord. 08-0801, 8/12/2008)

9-3-12: APPEALS

Persons seeking to appeal decisions of the administrator under this ordinance shall file written letters of appeal with the administrator. The administrator shall place the appeal on the agenda of the Land and Water Conservation Committee and the appeal shall be given a due process proceedings in accord with §59.69(2)(e), of the Wisconsin Statutes. The Committee shall decide whether to uphold, uphold with modifications or reverse the administrator's decision based upon the terms and intent of this ordinance and the relevant state laws and administrative rules. No appellate decision of the Committee shall have the effect of approving an existing or proposed condition that would violate this ordinance or state law or administrative rule. Appeals that may only be approved by the granting of a variance to ch. NR 812, Wis. Adm. Code, shall be referred to the department pursuant to ch. NR 845.09(11)(b), Wis. Adm. Code. Board appellate decisions shall be made in writing and shall be filed in the administrator's office. Appeals of decisions made by authorized agents on behalf of the administrator shall be made first to the administrator and then be appealable as provided herein.

9-3-13: VIOLATIONS

The administrator shall investigate violations of the Private Water System Ordinance and ch. NR 812, Wis. Adm. Code, relating to the County's authorized delegation level(s), issue orders to abate the violations and submit orders to the District Attorney or Corporation Counsel for enforcement.

9-3-13-1: NOTICE OF NONCOMPLIANCE

A. A well driller or pump installer/plumber shall submit a notice of noncompliance to the Department of Land Conservation of known unused or improperly abandoned wells located on properties where work was completed on wells or existing water systems.
B. The notice shall include the landowner's name, address, and location of the unused well with a site diagram on paper not less than 8½ x 11 inches.

(Ord. 08-0801, 8/12/2008)

9-3-14: ADMINISTRATOR DIRECTIVES AND ORDERS

9-3-14-1: FIELD DIRECTIVE

The administrator, after investigation and a determination that a violation exists, may issue a written field directive. This field directive may consist of a handwritten 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 telephone number and office address.

9-3-14-2: FORMAL DIRECTIVE

A formal letter may be issued, which states the violation, the ordinance (administrative rule or statutory) section violated, the date the violation was noted, the inspector who noted the violation and assigns a date by which the correction must be made.

9-3-14-3: CORRECTION ORDER

Upon discovery and after documentation of a violation, the administrator may issue a corrective order. The administrator may use a stepped enforcement procedure by issuing a directive before an order, or may proceed directly to issuing a correction order. An order shall include the following:

A. The location of the violation (site).
B. The name of the parties involved, owner, permittee, well constructor, or pump installer.
C. The section of the ordinance and Wisconsin Administrative Code section violated.
D. The date of inspection of the site where the violation occurred.
E. The name of the person who conducted the inspection which revealed the violation.
F. The date by which the correction must be completed.
G. The name of the person who must be contacted regarding subsequent inspection of the site.
H. A statement that, if the order is not complied with, the administrator will refer the violation to the District Attorney or Corporation Counsel with a recommendation to seek injunctive relief and/or forfeitures from the Circuit Court of Green County. Orders must be signed by the administrator of the private water system ordinance.
I. The administrator shall report all orders that have not been complied with to the Green County Corporation Counsel for enforcement.

9-3-15: ENFORCEMENT ACTIONS

A. An enforcement action may be brought by the Corporation Counsel against a person or persons for any of the following violations:

1. Failure to comply with any provision of this ordinance.
2. Failure to comply with any directive or order issued by the county administrator.
3. Resisting, obstructing or interfering with the county administrator's, or an authorized assistant's, actions undertaken pursuant to this ordinance.

B. The County Corporation Counsel may, for any violation, seek:

1. Injunctive relief and/or
2. Forfeitures of not less than $50.00 but not more than $200.00
3. Each day of violation is a separate offense.
4. Failure to obtain a permit as required under this Ordinance shall be assessed a forfeiture of $500.00.

(Ord. 03-1201; 12/09/2003; Ord. 08-0801, 8/12/2008)

9-3-16: FEE SCHEDULE

A. The fee for a well permit shall be $50.00.

B. The fee for a transfer of a well-setting permit shall be $40.00.
(Ord. 08-0801, 8/12/2008)

CHAPTER 4
ANIMAL MANURE STORAGE ORDINANCE

9-4-1: ANIMAL MANURE STORAGE ORDINANCE ADOPTED

A. Authority And Name: This Ordinance is adopted under authority granted by §92.16, Wis. Stats.

This Ordinance shall be known as, referred to, and may be cited as the *GREEN COUNTY ANIMAL MANURE STORAGE ORDINANCE* and is hereinafter referred to as this "Chapter".

B. Findings And Declaration Of Policy: The Green County Board of Supervisors finds that storage of animal manure in storage facilities not meeting technical design and construction standards may cause pollution of the surface and ground waters of Green County, and may result in actual or potential harm to the health of County residents and transients; to livestock, aquatic life and other animals and plants; and to the property tax base of Green County.

The Green County Board of Supervisors also finds that improper management of animal manure storage facilities, and utilization, including land application of stored animal manure, may cause pollution of the ground and surface waters of Green County.

The Green County Board of Supervisors further finds that the technical standards issued by the U.S.D.A. Natural Resources Conservation Service and developed with the assistance of the interagency Standards Oversight Committee provide effective, practical, and environmentally safe methods of storing and utilizing animal manure.

C. Purpose: The purpose of this Chapter is to regulate the location, design, construction, installation, operation, alteration and use of animal manure storage facilities, as well as abandonment and the application of manure from these facilities in order to prevent water pollution and thereby protect the health of Green County residents and transients; prevent the spread of disease; and promote the prosperity and general welfare of the citizens of Green County. It is also intended to provide for the administration and enforcement of this Chapter and to provide penalties for its violation.

D. Interpretation: In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

E. Severability Clause: If any section, provision, or portion of this Chapter is ruled invalid by a court, the remainder of the Chapter shall not for that reason be rendered ineffective.

F. Applicability: This Chapter applies to the unincorporated areas of Green County and to all animal manure storage facilities constructed therein. (Ord. 97-0510) (Ord. 00-0102)

9-4-2: DEFINITIONS:

ABANDONMENT: Any animal manure storage facility not used for that purpose for two (2) consecutive years and is shown to be a potential threat to groundwater or surface water pollution, shall be abandoned following the procedure as stated in Standard 313 of Section IV of the Technical Guide.

ANIMAL MANURE: Excrete from livestock, poultry and other materials, such as bedding, rain or other water, soil, hair, feathers, and other debris normally included in animal manure handling operations.

ANIMAL MANURE STORAGE FACILITY: Both fabricated and earthen facilities as herein defined.

APPLICANT: Any person who applies for a permit under this Chapter.

DISCONTINUE OF USE: A farming operation that has removed the livestock units that were principally using the animal manure storage facility must empty that animal manure storage facility within one hundred twenty (120) days or when land becomes fit based on weather conditions and at such time as the animal manure may be utilized following the nutrient management plan for that farm.

EARTHEN ANIMAL MANURE STORAGE FACILITY: A facility above or below grade, excavated, or constructed of earth berms or dikes, or utilizing pits, depressions or ponds to contain animal manure and associated liquids for storage which may be lined with earth, nonstructural concrete, or a flexible membrane material for a period of thirty (30) or more days or that has the capacity to store 5,000 cubic feet or more of animal manure.

FABRICATED ANIMAL MANURE STORAGE FACILITY: A concrete, steel, or otherwise fabricated storage of animal manure with one or more walls to contain manure and associated liquids for a period of thirty (30) or more days or that has the capacity to store 5,000 cubic feet or more of animal manure.

HIGH GROUND WATER LEVEL: The higher of either the elevation to which the soil is saturated as observed as a free water surface in an unlined hole, or the elevation to which the soil has been seasonally or periodically saturated as indicated by soil redsoxamorphic features throughout the soil profile.

NUTRIENT MANAGEMENT PLAN: Written plan detailing the amount, form, placement, and timing of application of plant nutrients, including animal manure.

PERMIT: The signed, written statement issued by the Green County Department of Land Conservation under this Chapter authorizing the applicant to construct, abandon, install, enlarge, or substantially alter an animal manure storage facility and to use or dispose of manure from the facility.

PERMITTEE: Any person to whom a permit is issued under this Chapter.

PERSON: Any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, county, or State agency within Wisconsin, the Federal 7government, or any combination thereof.

TECHNICAL GUIDE: The United States Department of Agriculture (U.S.D.A.) Natural Resources Conservation Service Technical Guide, Section IV as adopted by the Green County Land and Water Conservation Committee and the Department of Land Conservation shall provide the minimum guidelines for this Ordinance. Any more restricting requirements above and beyond the Technical Guide may be set by Green County for use in this Ordinance.

UNCONFINED MANURE STACK: Any uncontained mechanically deposited animal manure placed on an earthen, concrete, or other surface meeting Standard 313 of Section IV of the Technical Guide for a period of less than thirty (30) days and/or having a total accumulation of less than 5,000 cubic feet to facilitate daily or periodic land spreading. These will note be regulated by this Ordinance, but may be regulated due to a NR243 Notice of Discharge complaint.

WATER POLLUTION: Contaminating or rendering unclean or impure the ground or surface waters of the State, or making the same injurious to public health, harmful for commercial or recreational use, or deleterious to fish, bird, animal, or plant life. (Ord. 97-0510) (Ord. 00-0102)

9-4-3: ACTIVITIES SUBJECT TO REGULATION

A. General Requirement: Any person who designs, constructs, installs, reconstructs, enlarges, abandons or alters an animal manure storage facility; or who employs another person to do the same, on land subject to this Chapter, shall be subject to the provisions of this Chapter.

B. Compliance With Permit Requirements: A person is in compliance with this Chapter if he or she follows the procedures of this Chapter, receives a permit from the Department of Land Conservation before beginning activities subject to regulation under this Chapter, and complies with the requirements of the permit. (Ord. 97-0510) (Ord. 00-0102)

9-4-4: STANDARDS

A. Standards For Animal Manure Waste Storage Facilities: The standards for design and construction of animal manure storage facilities are the current standards in Section IV of the Technical Guide, Standards 313 and 634 as it existed on the date of adoption of this Chapter including any and all existing and future standards amended thereto.

B. Standards For Nutrient Management Plan: The standards for a nutrient management plan shall be as provided in Section IV of the Technical Guide, Standard 590, including any and all existing and future standards amended thereto.

C. Subsequent Modification Of Standards: The standards of the Technical Guide are adopted and by reference made a part of this Chapter as if fully set forth. Any future amendment, revision or modification of the standards incorporated herein are made a part of this Chapter.

D. Human Household Wastewater Prohibited: Human household wastewater shall not be discharged into animal manure storage facilities unless provided for through other permitting process outside of this Chapter.

E. Standards: Any or all standards contained or referenced in this Chapter shall be maintained and available through the Green County Department of Land Conservation. (Ord. 97-0510) (Ord. 00-0102)

9-4-5: APPLICATION FOR AND ISSUANCE OF PERMITS

A. Permit Required: No person may undertake an activity subject to this Chapter without obtaining a permit from the Department of Land Conservation prior to beginning the proposed activity.

B. Exception To Permit Requirements: Emergency repairs such as repairing a broken pipe or equipment, leaking dikes, or the removal of stoppages may be performed without a permit. If repairs will significantly alter the original design and construction of the facility, a report shall be made to the Department of Land Conservation within two (2) work days of the emergency for a determination by the Department of Land Conservation on whether a permit will be required for any additional alteration or repair to the facility.

C. On-Site Investigation Required: Each application for a permit under this Section shall require an on-site inspection prior to issuance and include a summary report of on-site conditions. The site inspection shall be conducted by the Department of Land Conservation staff.

D. Fee: The nonrefundable fee for a permit under this Chapter shall be twenty five dollars ($25.00).

E. Animal Manure Storage Facility Plan And Nutrient Management Plan Required: Each application for a permit under this Section shall include an animal manure storage facility plan and nutrient management plan. The plan shall specify:

1. The number, kinds, and weights of animals for which storage is provided and the duration for which storage is to be provided. Storage volume computations and the storage facility volume shall be provided.

2. A plan view of the facility and its location in relation to buildings and homes within one thousand feet (1,000') of the proposed facility. The plan view shall be drawn to scale, with a scale no smaller than one inch equals one hundred feet (1" = 100'), the North arrow, scale of drawing, township, range, and quarter - quarter section of the proposed facility, and location, description and elevation of temporary bench mark.

3. The structural details, load assumptions, design computations, dimensions, cross sections, concrete thickness, reinforcing steel to be used, and facility elevations. The construction and material specifications set forth in Section IV of the Technical Guide including any and all existing and future amendments including, but not limited to, applicable specifications for earthen fill quantities and soil types, excavation quantities and soil types, timber and pipes.

4. The location of any existing or proposed well within one thousand feet (1,000') of the facility.

5. The soil test pit locations and soil descriptions to a depth of at least five feet (5') below the planned bottom of the facility. Surface elevation of soil test pits shall be provided. Also results of any laboratory tests performed on the soils shall be provided.

6. The elevation of high ground water level or bedrock if encountered in the soil profile and the date of any such determinations.

7. Provisions for adequate drainage and control of runoff to prevent pollution of surface water and ground water. If a navigable body of water lies within five hundred feet (500') of the facility, the location and distance to the body of water shall be shown.

8. A time schedule for construction of the facility.

9. A description of the method and materials proposed in transferring animal manure into and from the facility.

10. A nutrient management plan for utilization of the animal manure, including, but not limited to, the amount of land available for application of manure, identification of the areas where the manure will be used, soil types and any limitations on manure application due to soil limitations, crop rotations, type and proximity of bedrock or water table, slope of land, and proximity to surface water. The nutrient management plan is required to ensure that suitable acreage is available for land application and crop uptake of manure nutrients.

11. An operation and maintenance plan, operating safety provisions, and details of the manure transfer system, including, but not limited to, materials quality, shall be provided.

12. The type of fencing to be used around the facility. Fencing shall be a minimum of eleven (11) gauge, forty-seven (47) inch woven wire with at least one barbed wire above it **or** nine (9) gauge, fifty-two (52) inch woven livestock panels, **or** eleven and one-half gauge chain link no less than forty-eight (48) inches high **or** any other fence that will provide greater protection. The facility shall be posted for "No Trespassing" and/or "Warning" **MANURE STORAGE FACILITY**. These signs shall be spaced at intervals of no more than two hundred feet (200').

F. Written Approval From Green County Zoning: Each application for a permit under this Section shall include written approval from the Green County Zoning Department.

G. Review Of Application: The Department of Land Conservation shall receive and review all permit applications and shall determine if the proposed facility meets required standards set forth in Section 7-5-4 of this Chapter. Within thirty (30) working days after receiving the completed application and fee, the Department of Land Conservation shall inform the applicant in writing whether the permit application is approved or disapproved. If additional information is required, the Department of Land Conservation shall notify the permit applicant. The Department of Land Conservation shall have thirty (30) working days from the receipt of the additional information in which to approve or disapprove the application. No construction may commence without the final approval by the Department of Land Conservation. If after thirty (30) days the Department of Land Conservation has not responded, the application is considered approved and may go ahead with the project. If the plan is to be reviewed by the Natural Resources Conservation Service, Department of Natural Resources, or Department of Agriculture, Trade and Consumer Protection, another thirty (30) working days is needed.

H. Permit Conditions: All permits issued under this Chapter shall be issued subject to the following conditions and requirements:

1. Animal manure storage facility design and construction, management, and utilization activities shall be carried out in accordance with the animal manure facility plan and applicable standards specified in Section 7-5-4 of this Chapter.

2. The permittee shall give two (2) working days' notice to the Department of Land Conservation before starting any construction activity authorized by the permit.

3. Approval in writing must be obtained from the Department of Land Conservation prior to any modifications to the approved animal manure facility plan.

4. The permittee and, if applicable, the contractor, shall certify in writing that the facility was installed as planned.

5. The Department of Land Conservation staff may conduct on-site inspections before, during and after construction.

Activities authorized by permit must be completed within two (2) years from the date of issuance after which such permit shall be void. (Permit for construction may also be subject to County Zoning Ordinance time limitations.)

I. Permit Revocation: The Department of Land Conservation may revoke any permit issued under this Chapter if the holder of the permit misrepresents any of the materials to be used for constructing and/or reconstructing the animal manure facility, misrepresents the plans of the animal manure facility, makes statements within the permit application which misrepresent the facts, or if the holder of the permit violates any of the conditions of the permit. The permittee shall be immediately notified of the revocation in writing giving reason(s) for the revocation. (Ord. 97-0510) (Ord. 00-0102)

9-4-6: ADMINISTRATION

A. Delegation Of Authority: Green County Board of Supervisors hereby designates the Green County Department of Land Conservation to administer and enforce this Chapter.

B. Administrative Duties: In the administration of this Chapter, the Department of Land Conservation shall:

1. Keep an accurate record of all permit applications, animal manure facility plans, permits issued, inspections made, and other official actions.

2. Review permit applications and issue permits in accordance with Section 7-5-5 of this Chapter.

3. Inspect animal manure storage facility construction to ensure the facility is being constructed according to plan specifications.

4. Investigate complaints relating to compliance with this Chapter.

5. Perform other duties as specified in this Chapter.

C. Design and Construction Plan Approval: Storage facility design and construction plans may be provided through the Department of Land Conservation, cooperating members or County, State, or Federal government agencies, and private consultants. Private consultants shall be registered professional engineers, licensed in the State of Wisconsin. Storage facility designs, construction plans, and specifications utilizing preapproved or prequalified Natural Resources Conservation Service plans must be prepared by a registered professional engineer, licensed in the State of Wisconsin. The approval of preapproved or prequalified plans must state that plan meets the requirements of this Chapter. Construction plans utilizing a preapproval or prequalified plan must be adapted to fit site conditions making it comply with Standard 313

D. Inspection Authority: The Department of Land Conservation is authorized to enter upon any lands affected by this Chapter to inspect the land prior to or after permit issuance to determine compliance with this Chapter. If permission cannot be received from the applicant or permittee, the permit may be denied or entry by the Department of Land Conservation shall be in accordance with §92.07(14), Wis. Stats.

E. Enforcement Authority: The Department of Land Conservation is authorized to post an order stopping work upon land which has had a permit revoked or on land in violation of this Chapter. Notice is given by both posting upon the land where the violation occurs one or more copies of a poster stating the violation, and by mailing a copy of the order by certified

mail, return receipt requested, to the person whose activity is in violation of this Chapter. The order shall specify that the activity must cease immediately and be brought into compliance within five (5) working days.

Any permit revocation or order stopping work shall remain in effect unless retracted by the Department of Land Conservation, or until the activity is brought into compliance with this Chapter. The Department of Land Conservation is authorized to refer any violation of this Chapter or of any order stopping work issued pursuant to this Chapter to the District Attorney for commencement of further legal proceedings. (Ord. 97-0510) (Ord. 00-0102)

9-4-7: VIOLATIONS

A. Penalties: Any person who violates, neglects, or refuses to comply with or resists the enforcement of any of the provisions of this Chapter shall be subject to subsection 7-4-31C of this Title which is a Class Three forfeiture plus costs for each violation. An unlawful violation includes, but is not limited to, failure to comply with any standard of this Chapter, failure to comply with any condition or qualification attached to the permit, or misrepresentations in obtaining the permit. Each day that a violation exists shall be a separate offense. Citations for a violation may be written by the Green County Sheriff, deputy sheriffs, an authorized Department of Natural Resources employee, or the Green County Department of Land Conservation employees. (If a citation is issued, all construction, repair or other work on the facility shall cease, except for correction of the violation, until the corrections or violations are remedied.)

B. Enforcement Of Injunctions: As a substitute for or as an addition to forfeiture actions, Green County may seek enforcement by injunction order at the suit of the County or the owner or owners of the land within the district affected by the regulations of this Title. (Ord. 97-0510)

9-4-8: APPEALS FROM ADMINISTRATIVE DECISIONS

A. Authority: The Green County Land and Water Conservation Committee shall hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination by Department of Land Conservation staff in administering this Chapter.

B. Procedure: Any appeal shall be made by written request, mailed or delivered to the Green County Land and Water Conservation Committee, c/o Department of Land Conservation, 1627 4th Avenue W, Monroe, WI 53566. The request shall state the ground or grounds upon which it is contended that the decision should be modified or reversed. The appeal shall be heard within sixty (60) days of the date the appeal is filed with the Department. A copy of the meeting notice shall be sent to the applicant and the appropriate town Board. The Department shall transmit to the Committee all documents constituting the record from which the appeal was taken. The Committee shall issue a written decision regarding the appeal within sixty (60) days after the appeal hearing.

C. Statutory Administrative Review And Certiorari: The decision of the Green County Land and Water Conservation Committee shall be subject to further administrative review by the Green County Board of Adjustment if a written appeal seeking such review is filed within thirty (30) days after the decision of the Committee. The decision of the Board of Adjustment shall be subject to judicial review if, within thirty (30) days after the decision of the Board of Adjustment, an action seeking the remedy available by certiorari is

commenced, as authorized by this County Code and §59.694, Wis. Stats. (Ord. 97-0510) (Ord. 07-0801; 8/14/07)

CHAPTER 5
ANIMAL FEEDLOT ORDINANCE

9-5: ANIMAL FEEDLOTS

9-5-1: ADMINISTRATION

The Land Conservationist shall administer this section and is assigned all necessary duties and powers in accordance with this Code. The Land Conservation office shall maintain any written record relating to each application including a written decision, with findings of fact, in support of the approval or denial of the application. These records will be maintained for not less than seven (7) years.

9-5-2: SITING OF RESIDENTIAL BUILDINGS LIMITED

For the purposes of this Section, a permitted feedlot shall be one for which a permit has been issued pursuant to Section 9-5-7 of the Green County Code and shall not refer to a feedlot which was in existence at the time of enactment of this Ordinance but for which a permit has not been obtained. (Ord. 00-0101)

9-5-3: GENERAL SETBACKS FOR ANIMAL FEEDLOTS PERMITTED UNDER SECTION 9-4-4

A. New or expanding feedlots are prohibited in the one hundred (100) year floodplain or in a floodway.

B. All wells located within a livestock facility shall comply with Chapters NR 811 and 812. New or substantially altered livestock structures shall be separated from existing wells by distances required in Chapters NR 811 and 812 regardless of whether the livestock facility operator owns the land on which the wells are located. A livestock structure in existence on May 1, 2006, may be altered as long as the alteration does not reduce the distance between the livestock structure and an existing well. These provisions shall not apply if the Department of Natural Resources grants an appropriate variance as provided in Chapters NR 811 and 812.

B. Setbacks for new or expanding feedlots from non-farm related dwellings and lands shall be in accordance with Table 1.

TABLE 1.

CATEGORY	501-999 Animal Units	1000+Animal Units
Property Line	100 feet	100 feet
Public Road Right-of-	100 feet	150 feet

Way		
Public Lands, including Public Parks	150 feet	200 feet
Wetland	150 feet	200 feet
Drainage Ditch	300 feet	300 feet
Navigable Waters Exclusive of Lakes	300 feet	300 feet
Lake	1000 feet	1000 feet

D. For the purposes of determining setbacks, any manure storage facility utilized by the animal feedlot shall be considered part of the animal feedlot.

E. All measurements shall be from the closest edge of any manmade structure or natural structure converted for use with an animal feedlot. For those feedlots which are facilities with a production of poultry, livestock or dairy cattle, all measurements shall be from the closest edge of those areas to which the animals have regular and intended access.

F. For the purpose of this section, expansion means an increase in the largest number of animal units kept at a livestock facility on at least 90 days in any 12-month period. The acquisition of an existing livestock facility, by the operator of an adjacent livestock facility, does not constitute an "expansion" unless the operator increases the numbers of animal units kept on the combined livestock facilities on at least 90 days in any 12-month period.

Any expansion as a result of a change in construction or operation as defined above, for an animal feedlot which is already located within the preceding setbacks may be allowed, but such changes shall not further encroach upon the setbacks. Expansions as a result of the accumulation of additional animal units shall not be permitted unless the entire animal feedlot as defined in §9-5-4-5 also meets all setback requirements for the size of the operation requested to be permitted. (Ord. 00-0101; Ord. 01-0401, 4/17/01; Ord. 03-0201, 2/11/03)

9-5-4: FEEDLOT PERFORMANCE STANDARDS

9-5-4-1: FEEDLOT - GENERAL RESTRICTIONS

A. New or expanding existing livestock facilities shall comply with all provisions of this Code and those of Chapter ATCP 51, Wisconsin Administrative Code. Where the Wisconsin Administrative Code differs or is more restrictive that Code shall govern except as specifically provided and allowed in ATCP 51.10(3), Wis. Adm. Code.

B. New or expanding existing farms in Green County shall be classified in one or more of the following two levels, based on the total number of animal units of all types of animals which are fed, confined, maintained or stabled on the premises: 0-500 animal units: allowable with no permit required; 501-999 animal units: permit required.

C. A feedlot existing and operational at the time of this ordinance's passage that is not in compliance with the regulations of this ordinance shall be considered a non-conforming use. An existing non-conforming feedlot that is reduced in its operation to levels below those requiring a conditional use permit, abandoned or not operational for a period of five (5) consecutive years shall no longer retain its non-conforming status and must comply with all the regulations set forth in the Green County Code prior to the reintroduction of livestock. The sole exception to this provision will be in the event that the result of an involuntary change of ownership including, but not limited to, a mortgage or land contract foreclosure or bankruptcy proceeding, the feedlot ceases operation, the lender or subsequent owner will have five (5) years from the original date of acquisition to restock the feedlot and retain the non-conforming status of that feedlot.

D. Feedlot permits required.

For the following conditions, a feedlot permit is required:

1. A feedlot which is proposed for a lot or a site where a feedlot does not exist at the time of the application for permit;

2. Expansion of an existing animal feedlot such that it will need a permit as defined by §9-5-4-1-A. Pursuant to ATCP 51.06(2), Wis. Adm. Code, expansions of 20% or less do not require a permit;

3. An existing permitted feedlot is to be restocked after being abandoned or unused for a period for five (5) or more consecutive years unless excepted pursuant to Sub B, above.

E. For the purposes of this code, if through accident, act of God, or otherwise, a non-conforming animal feedlot is destroyed or damaged in excess of one-half of the replacement value, any reconstruction or use shall be in conformity with all existing ordinances. (Ord. 01-0401, 4/17/01)

F. Permits will not expire so long as applicant adds animals and starts construction within two (2) years. Failure to do so without a written extension from the Land Conservationist will require a new application. Absent changes, permits will remain in effect as long as the operation remains in compliance. If a permit holder wishes to transfer the permit, the permit holder may do so but shall notify the Land Conservationist in writing of the transfer and a new permit will be issued.

G. Existing permits may be modified without re-application so long as compliance with this Ordinance and Chapter ATCP 51, Wis. Adm. Code are maintained.

9-5-4-2: PERMITTING PROCEDURE; PERMIT CRITERIA

A. All applicants shall follow the current procedure for Animal Feedlot applications as established and revised from time to time, by the Green County Land and Water Conservation Committee. Copies of the procedures are available from the office of the Green County Conservationist.

In addition, the following standards shall be met by all feedlots subject to a permit:

1. As part of the permitting process, the NRCS Nutrient Management Plan shall be submitted with the application. Further, the applicant shall submit any annual updates of the Nutrient Management Plan. Applicants must further complete ATCP 51 Worksheet 3 or substitute the relevant information from the applicant's WPDES permit.

2. All feedlot designs must be reviewed and approved by the Land Conservation Department. The Land Conservation Department shall further review all feedlot projects to ensure that runoff water from storm water or other sources does not create a pollution or sedimentation problem.

3. At all times during the exercise of the permit, the applicant shall have ownership of acreage, or shall provide to the County Conservationist copies of contracts for the spreading of manure on acreage, sufficient to comply with the NRCS Nutrient Management Plan. If rental agreements do not include full cropping rights to the land, said contracts shall require a minimum of a four year limited term easement allowing the applicant access to said acreage for the purposes of spreading manure and shall be recorded in the Register of Deeds office in the county of location.

4. For the purpose of developing the nutrient management plan, two or more animal feedlot operations under common ownership, farmed and/or managed by a common operator or two or more animal feeding operations utilizing a common area or system for the disposal of waste, shall require filing and adherence to an acceptable nutrient management plan which covers all acreage to be spread. (Ord. 00-0101; Ord. 01-0401, 4/17/01)

5. All adjoining landowners shall be invited to attend an informational meeting before issuance of a permit, with notification being provided by the Land Conservationist.

6. Applicant shall submit with the completed application a permit fee in the amount of $25.00.

B. Applicants who submit a complete application, together with the fee, will be approved unless there is clear and convincing information that the proposed facility does not meet the standards of this Ordinance, or Chapter ATCP 51, Wis. Adm. Code.

9-5-4-3: REPEALED AND RESERVED FOR FUTURE USE PURSUANT TO ORD. 03-0201

9-5-4-4: VIOLATIONS

Any person who, with or without a permit under this ordinance violates any of its standards or requirements shall be subject to the imposition of an appropriate forfeiture in accordance with Green County Code or for injunctional relief or both at the discretion of the County. (Ord. 00-0101)

9-5-4-5: DEFINITIONS

LIVESTOCK FACILITY: "Livestock facility" means a feedlot, dairy farm or other operation where livestock are, or will be, fed, confined, maintained or stabled for a total of 45 days or more in any 12-

month period. A livestock facility includes all of the tax parcels of land on which the facility is located, but does not include a pasture or winter grazing area. Related livestock facilities are collectively treated as a single “livestock facility” for the purposes of this Code, except than an operator may elect to treat a separate species facility as a separate “livestock facility.”

LIVESTOCK STRUCTURE: “Livestock structure” means a building or other structure used to house or feed livestock, to confine livestock for milking, to confine livestock for feeding other than grazing, to store livestock feed, or to collect or store waste generated at a livestock facility. Livestock structure includes a barn, milking parlor, feed storage facility, feeding facility, animal lot or waste storage facility. “Livestock structure” does not include a pasture or winter grazing area, a fence surrounding a pasture or winter grazing area, a livestock watering or feeding facility in a pasture for winter grazing or a winter grazing area, or a machine shed or like facility that is not used for livestock.
(Ord. 07-0801, 8/14/07)