

Article A: Introduction

Sec. 15-1-1 Statutory Authority.

This Ordinance is adopted pursuant to the authorization in Secs. 59.70(1), 59.70(5), 145.04, 145.19, 145.20, 145.245, Wis. Stats.

Sec. 15-1-2 Purpose.

This Ordinance is adopted to promote and protect public health and safety by assuring the proper siting, design, installation, inspection and management of private sewage systems and nonplumbing sanitation systems.

Sec. 15-1-3 Repeal and Effective Date.

Existing title 15, Chapter 1 of the Bayfield County Code of Ordinances shall be repealed and replaced by this Ordinance effective March 16, 2001.

Sec. 15-1-4 Severability and Liability.

- (a) 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.
- (b) 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 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.

Sect. 15-1-5 Interpretations.

The provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the County and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes and related administrative codes.

Sec. 15-1-6 Definitions.

The following terms shall have the meanings indicated:

- (a) **Accessory Building.** A structure incidental and subordinate to a habitable building.
- (b) **Board of Adjustment.** A County committee created under the authority of Sec. 59.94, Wis. Stats., to act in a quasi-judicial capacity to resolve land use issues.
- (c) **County.** The County authority; the Bayfield County Planning and Zoning Department.
- (d) **County Sanitary Permit.** A permit issued by the County for the reconnection of a private sewage system or for the installation of a nonplumbing sanitation system, pursuant to Secs. 59.70 and 145.04, Wis. Stats.
- (e) **Failing Private Sewage System.** “Failing private sewage system” has the meaning specified under Sec. 145.245(4), Wis. Stats., and shall include a holding tank which discharges sewage to the ground surface, including intentional discharges and discharges caused by neglect, shall also be considered a failing private sewage system.
- (f) **Human Habitation.** The act of occupying a structure as a dwelling or sleeping place, whether intermittently or as a principal residence.
- (g) **Issuing Agent.** The Bayfield County Planning and Zoning Department.
- (h) **Modification in Wastewater Flow or Contaminant Load.** A modification in wastewater flow or contaminant load shall be considered to occur:

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

In dwellings, when there is an increase or decrease in the number of bedrooms, or an increase in total square footage of enclosed living space of more than twenty-five percent (25%).
- (i) **Nonplumbing Sanitation System.** Sanitation systems and devices within the scope of Comm 91, Wis. Adm. Code, which are alternatives to water carried waste plumbing fixtures and drain systems; including, but not limited, incinerating toilets, composting toilets and privies.
- (j) **Plumber.** A person licensed by the State as a Master Plumber or Master Plumber- Restricted services.
- (k) **Private Sewage System.** Also referred to as a “Private Onsite Wastewater Treatment System” or “POWTS,” has the meaning given under Sec. 145.01(12), Wis. Stats.

- (l) **Privy.** An enclosed nonportable toilet, including composting and incinerating toilets, into which nonwater carried human wastes, are deposited
- (m) **Rebuilt.** The construction which takes place after a structure is demolished or damaged to the extent of fifty percent (50%).
- (n) **Sanitary Permit.** The term “sanitary permit,” as used in this Ordinance shall mean a County Sanitary Permit, a State Sanitary Permit or both.
- (o) **Septic Tank.** An anaerobic treatment tank.
- (p) **State.** The Wisconsin Department of Commerce.
- (q) **Zoning Committee.** A County Committee created by the County Board under the authorization of Ch. 59.69, Wis. Stats, to act in the matter of land use.