

CHAPTER 13

PRIVATE SEWAGE SYSTEMS

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PART I. INTRODUCTION.

13.01 Title.

This ordinance may be referred to as the Private Sewage Systems Ordinance.

13.02 Authority.

These regulations are adopted under the authority granted by Wis. Stat. §§ 59.70(1), 59.70(5), 145.04, 145.19, 145.20, and 145.245.

13.03 Purpose.

The purpose of this Private Sewage Systems Ordinance is to insure the safe and proper use of land and water resources and to promote the public health, safety, and general welfare by regulating the location, design, installation, alteration, inspection, management, and use of all private sewage systems thereby insuring the protection and security of the general health of the public from disease and pestilence.

13.04 Jurisdiction.

This Private Sewage Systems Ordinance shall apply to all lands and waters within the incorporated and unincorporated parts of Manitowoc County that are not served by public sewers.

13.05 Abrogation and Greater Restrictions.

- (1) This Private Sewage Systems Ordinance supersedes all pertinent provisions of any ordinance adopted by the County of Manitowoc relating to private sewage systems within Manitowoc County, Wisconsin.
- (2) This Private Sewage Systems Ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, deed restrictions, or agreements; however, where this Private Sewage Systems Ordinance imposes greater restrictions, the provisions of this Private Sewage Systems Ordinance shall prevail.
- (3) This Private Sewage Systems Ordinance incorporates, by reference, all applicable rules, regulations, and laws as set forth in Wis. Stat. ch. 145 and the Wisconsin

Administrative Codes regulating private sewage systems, including, but not limited to: Wis. Admin. Code chs. SPS 381, SPS 382, SPS 383, SPS 384, SPS 385, and SPS 391. The rules, regulations, and laws incorporated herein by reference shall apply until amended and then apply as amended. A violation of any rule, regulation, or law incorporated herein shall constitute a violation of this Private Sewage Systems Ordinance.

13.06 Severability.

If any section, clause, provision, or other portion of this Private Sewage Systems Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Private Sewage Systems Ordinance shall not be affected thereby.

13.07 Warning and Disclaimer of Liability.

The degree of protection provided by this Private Sewage Systems Ordinance is considered reasonable for regulatory purposes only and is based on engineering experience and scientific methods of study. This Private Sewage Systems Ordinance, however, does not imply that private sewage systems permitted will be free from problems, nor shall this Private Sewage Systems Ordinance create a liability on the part of or be a cause of action against Manitowoc County, or any officer or employee thereof for any problem that may result from reliance on this Private Sewage Systems Ordinance.

13.08 Interpretation.

The provisions of this Private Sewage Systems Ordinance shall be deemed to be the minimum standards required and shall be liberally construed in favor of Manitowoc County and shall not be deemed a limitation or repeal of any other power granted to Manitowoc County by the Wisconsin Statutes.

PART II. DEFINITIONS.

13.09 Definitions.

For the purpose of administering and enforcing this Private Sewage Systems Ordinance, the terms or words used herein shall be interpreted as follows: Words used in the present tense include the future; words in the singular include the plural; words in the plural include the singular. The word “shall” is mandatory, not permissive. All distances unless otherwise specified shall be measured horizontally. Terms used in this Private Sewage Systems Ordinance, but not otherwise defined herein, shall first have the same meaning as those terms in Wis. Stat. ch. 145 and Wis. Admin. Code ch. SPS 381, and if not specifically defined therein shall be defined as ordinarily and commonly used.

The following terms used in this Private Sewage Systems Ordinance mean:

- (1) “Bedrock” means rock that is exposed at the earth’s surface or underlies soil material and includes:
 - (a) Weathered in-place consolidated material, larger than 2 mm in size and greater than 50% by volume; and
 - (b) Weakly consolidated sandstone at the point of increased resistance to penetration of a knife blade.
- (2) “Building” means a structure for support, shelter or enclosure of persons or property. A mobile home is expressly included in the definition of a building.
- (3) “Certified septage servicing operator” means an individual licensed by DSPS as a certified operator under Wis. Admin. Code ch. NR 114.
- (4) “Certified soil tester” means an individual licensed by DSPS as a certified soil tester under Wis. Stat. § 145.045 and Wis. Admin. Code § SPS 305.33.
- (5) “Code compliant POWTS” means a private on-site wastewater treatment system that complies with all applicable Wisconsin Statutes and Administrative Codes (including, but not limited to, Wis. Stat. ch. 145, Wis. Admin. Code chs. SPS 381, SPS 383, SPS 385, and SPS 391) and this Private Sewage Systems Ordinance.
- (6) “Color” means the moist color of the soil based on Munsell soil color charts.
- (7) “Department” means the Manitowoc County Planning and Zoning Department unless the context requires otherwise.
- (8) “Director” means the Director of the Manitowoc County Planning and Zoning Department or his or her designee.
- (9) “DSPS” means the Wisconsin Department of Safety and Professional Services.
- (10) “DNR” means the Wisconsin Department of Natural Resources.
- (11) “Dwelling” means a structure, or that part of a structure, which is used or intended to be used as a home, residence, or sleeping place by one person or by two (2) or more persons maintaining a common household, to the exclusion of all others.
- (12) “Effluent” means liquid discharged from a process, device, appurtenance or piping system.
- (13) “Failing private on-site wastewater treatment system” or “Failing POWTS” means a POWTS that causes or results in any of the following conditions:
 - (a) The discharge of sewage into surface water or groundwater;

- (b) The introduction of sewage into zones of saturation;
 - (c) The discharge of sewage to a drain tile or into zones of bedrock;
 - (d) The discharge of sewage to the surface of the ground; or
 - (e) The failure to accept sewage discharges and back up of sewage into the structure served by the POWTS.
 - (f) The failure to meet the vertical separation distance between the infiltrative surface of the treatment or dispersal component and estimated high groundwater or bedrock as required by the applicable Wisconsin Administrative Code.
- (14) “Failing private sewage system” means any failing POWTS or any non-plumbing sanitation system that causes or results in any of the conditions identified in § 13.09(12)(a) thru (f) of this Private Sewage System Ordinance.
 - (15) “Human habitation” means the use of a building for living for any period of time, for activities such as sleeping, eating or cooking, or combinations thereof.
 - (16) “High groundwater” means zones of soil saturation that include perched water tables, shallow regional groundwater tables, or aquifers, or zones that are seasonally, periodically, or permanently saturated.
 - (17) “Holding tank” means a watertight receptacle for the collection and holding of wastewater.
 - (18) “Non-plumbing sanitation system” means sanitation systems and devices within the scope of Wis. Admin. Code ch. SPS 391, which are alternatives to water carried waste plumbing fixtures and drain systems, which include, but are not limited to, incinerating toilets, composting toilets and privies.
 - (19) “Parcel” means a tract of land that is identified by an individual tax identification number.
 - (20) “Pit Privy” means a privy where the subsurface storage chamber is not water tight.
 - (21) “POWTS Maintainer” means an individual licensed by DSPS as a POWTS maintainer under Wis. Admin. Code § SPS 305.36.
 - (22) “Private On-site Wastewater Treatment System,” or “POWTS” means a sewage treatment and disposal system serving a single building with a septic tank and soil absorption field located on the same parcel as the building. “Private on-site wastewater treatment system,” or “POWTS” also means: (a) an alternative sewage system approved by DSPS including a substitute for the septic tank or soil absorption field; (b) a holding tank; (c) a sewage treatment and disposal system serving more than one building; and, (d) a sewage treatment and disposal system

located on a different parcel than the building it serves. A POWTS may be owned by the property owner or by a special purpose district. “Private on-site wastewater treatment system,” or “POWTS” does not mean and does not include any non-plumbing sanitation system.

- (23) “Private sewage system” means a system designed to hold and/or treat and disperse sewage and wastewater and includes any sewage system meeting the definition of a POWTS and any sanitation system meeting the definition of a non-plumbing sanitation system.
- (24) “Privy” means an enclosed toilet into which non-water carried human wastes are deposited to a subsurface storage chamber.
- (25) “Public building” means any structure, including exterior parts of such building, such as a porch, exterior platform or steps providing means of ingress or egress, used in whole or in part as a place of resort, assemblage, lodging, trade, traffic, occupancy, or use by the public or by three (3) or more tenants.
- (26) “Sanitary permit” means a permit issued by DSPS or the Department for the installation of an approved private sewage system.
- (27) “Septic tank” means a tank that receives and partially treats sewage through processes of sedimentation and bacterial action so as to separate solids from the liquid in sewage, and discharges the liquid to a soil absorption system.
- (28) “Sewage” means wastewater containing fecal coliform bacteria exceeding 200 colony forming units (CFU) per 100 ml.
- (29) “Soil” means the naturally occurring pedogenically developed and undeveloped regolith overlying bedrock.
- (30) “Soil and site evaluation” means the procedure specified in Wis. Admin. Code ch. SPS 385 conducted by a certified soil tester for the purpose of specifying, designing, and installing a POWTS to serve a building.
- (31) “Soil and site evaluation report” means the soil evaluation report prepared by a certified soil tester after he or she conducted a soil and site evaluation, which meets all requirements of Wis. Admin. Code § SPS 385.40.
- (32) “Soil boring” means an observation pit dug by hand or backhoe.

PART III. GENERAL REQUIREMENTS.

13.10 Compliance.

All buildings in Manitowoc County that are permanently or intermittently intended for human habitation, which are not serviced by a public sewer or a privately owned

wastewater treatment facility regulated by the DNR, shall have a private sewage system for holding and/or treatment and dispersal of sewage and wastewater that complies with the provisions of this Private Sewage Systems Ordinance.

13.11 Limitations and Prohibitions.

- (1) All domestic wastewater shall enter a POWTS unless otherwise exempted by the State of Wisconsin or this Private Sewage Systems Ordinance.
- (2) A non-plumbing sanitation system may be permitted only when the building served by the non-plumbing sanitation system does not have an indoor plumbing system. If plumbing is installed in a building, or running water is supplied to a building, an acceptable method of sewage disposal other than, or in addition to, a non-plumbing sanitation system must be provided.
- (3) Portable restrooms may be utilized for temporary purposes only. A sanitary permit is not required for a portable restroom. For the purpose of this § 13.11, temporary shall mean the following:
 - (a) A period of 30 consecutive days or less for temporary gatherings, festivals and similar activities.
 - (b) The duration of construction plus two weeks for use at any construction site.
- (4) Failing Private Sewage Systems.
 - (a) When a failing private sewage system is identified, it shall be brought into compliance with this Private Sewage Systems Ordinance, replaced with a private sewage system that is in compliance with this Private Sewage Systems Ordinance, or its use discontinued within the period of time required by Manitowoc County order.
 - (b) An unlawfully modified private sewage system or a POWTS that has sewage bypassed shall be deemed a violation of this Private Sewage Systems Ordinance and may be ordered by Manitowoc County to be corrected or replaced with a private sewage system that is in compliance with this Private Sewage Systems Ordinance.

13.12 Holding Tanks.

Holding tanks shall only be permitted on a case by case basis and under the following circumstances:

- (1) To serve a use with a designed wastewater flow (DWF) of less than 150 gallons per day. In addition to items required in Part IV of this Private Sewage Systems Ordinance, an application for a sanitary permit to install a holding tank to serve a

use with a DWF of less than one hundred fifty gallons per day shall include a deed restriction requiring the property owner to install another type of POWTS if any change in use occurs that results in a DWF that equals or exceeds one hundred fifty (150) gallons per day.

- (2) Holding tanks designed with a DFW of more than 150 gallons per day may be permitted under the following circumstances:
 - (a) If a soil and site evaluation conducted on all land under common ownership within 600 feet of the building to be served by the proposed holding tank shows there is no suitable site for any of the following type of POWTS:
 1. At-Grade System;
 2. Gravity In-ground System;
 3. Mound System; or
 4. Pressurized In-Ground System.
 - (b) For a public building notwithstanding the availability of a suitable area that allows for the installation of a POWTS that provides on-site treatment and disposal of domestic wastewater.
 - (c) To replace a holding tank serving an existing building provided the new holding tank meets all requirements of this Private Sewage Ordinance.
 - (d) If a public sewer approved by the DNR will be installed to serve the property within two years of the date of sanitary permit issuance. An application for a sanitary permit to install a temporary holding tank shall include written statements from:
 1. The municipality or sanitary district, verifying the date that public sewer will be installed and available to serve the property;
 2. The DNR verifying approval of the public sewer;
 3. The property owner agreeing to connect to public sewer when it becomes available and to abandon the temporary holding tank; and
 4. The property owner agreeing that if public sewer does not become available within two years of the date of sanitary permit issuance, the holding tank must be replaced with a suitable POWTS.

13.13 Floodplain.

Any private sewage system, or any portion thereof, installed within a floodplain shall comply with all applicable requirements of Wis. Admin. Code ch. NR 116 and Chapter 31 (Floodplain Zoning) of the Manitowoc County Code of Ordinances.

13.14 Issuance of Building Permits.

- (1) New construction. No Manitowoc County zoning permit may be issued to commence construction or installation of a building that must have a private sewage system unless the owner of the property possesses either a valid reconnection permit or a valid sanitary permit for the installation of a private sewage system from the Department. Any private sewage system that serves a newly constructed building shall be installed, inspected, and approved before the building may be occupied.
- (2) Construction affecting wastewater flow or contaminant load.
 - (a) No Manitowoc County zoning permit may be issued to commence construction of any addition or alteration to an existing building when the proposed construction will modify the designed wastewater flow or contaminant load, or both, to an existing POWTS, unless the owner of the property:
 1. Possesses a valid sanitary permit to either modify the existing POWTS or construct a POWTS to accommodate the modification in wastewater flow and contaminant load; or
 2. Provides documentation to verify that the existing POWTS is sufficient to accommodate the modification in wastewater flow and contaminant load.
 - (b) For the purpose of this § 13.14, a modification in design wastewater flow or contaminant load shall be considered to occur:
 1. For commercial facilities, public buildings, and places of employment, when there is a proposed change in occupancy of the building or the proposed modification affects either the type or number of plumbing appliance, fixtures, or devices discharging to the system; or
 2. For a dwelling, when there is an increase or decrease in the number of bedrooms.

13.15 Abandonment.

- (1) When public sewer approved by the DNR becomes available to a building served by a POWTS, the building shall be disconnected from the POWTS within one (1) year and a connection shall be made to the public sewer. Determination of whether the sewer is available shall be made by the utility having jurisdiction. Abandonment of the disconnected POWTS shall be done in accordance with the provisions of Wis. Admin. Code ch. SPS 383.
- (2) At the time of the installation of a replacement POWTS, the components of an existing POWTS that are not part of the approved design of the replacement POWTS shall be abandoned according to Wis. Admin. Code ch. SPS 383.

PART IV. PERMITS AND APPLICATIONS.

13.16 Soil and Site Evaluation.

- (1) A soil and site evaluation shall comply with Wis. Admin. Code chs. SPS 383, SPS 385, and SPS 391 and this Private Sewage Systems Ordinance.
- (2) Soil test pits dug as part of a soil and site evaluation shall be constructed to allow adequate visual observation of the soil profile in place.
- (3) The Department shall review soil and site evaluation reports and may verify the report by conducting an on-site investigation. Verification of a soil and site evaluation shall be made at the discretion of the Director before the issuance of a sanitary permit. Verification shall result in one of the following:
 - (a) Issuance of a sanitary permit, provided all information on the application is correct and complete;
 - (b) Establishment of a file indicating site suitability;
 - (c) Holding a sanitary permit application open pending clarification of information or new information by the owner, the plumber, or the certified soil tester; or
 - (d) Denial of a sanitary permit if the site does not meet all requirements of the Wisconsin Statutes, Administrative Codes, and this Private Sewage Systems Ordinance. If the permit application is denied, the fees will be returned to the submitting party, except the required soil and site evaluation review fee.
- (4) A certified soil tester may request the Department to verify a soil and site evaluation before a complete sanitary permit application is submitted. Application for verification of a soil and site evaluation shall be made on forms provided by the Department, and shall include the original copy of the soil and site evaluation report

and as many copies as required by the Department. A re-inspection fee may be assessed if excavation of soil test pits are not complete before the time appointed by the Department to conduct an on-site investigation as part of verifying the soil and site evaluation.

13.17 Sanitary Permits.

- (1) A sanitary permit shall be obtained by the property owner, his or her agent, or his or her contractor before any POWTS or any part thereof may be installed, replaced, repaired, reconnected, or modified. A sanitary permit is not required for minor repairs to POWTS such as manhole risers or covers, septic tank baffles, pumps and related controls and wiring, vents, and other items as determined by the Department.
- (2) A sanitary permit shall be obtained before constructing or installing a non-plumbing sanitation system.
- (3) A sanitary permit shall be obtained by the property owner, his or her agent, or his or her contractor in the name of the property owner, before the installation, establishment, or construction of any building that requires a private sewage system.
- (4) If any part of a POWTS has failed, or requires replacement or modification, the entire system shall be evaluated for compliance with this Private Sewage Systems Ordinance before the issuance of a sanitary permit. This evaluation shall include a soil and site evaluation for those components that utilize *in situ* soil for treatment or dispersal. Notwithstanding the foregoing, a soil and site evaluation is not required if the Department approved a soil and site evaluation report after July 1, 1980 that verifies that the vertical separation distance between the infiltrative surface of the existing treatment or dispersal component and estimated high groundwater or bedrock complies with Wis. Admin. Code ch. SPS 383. The Department may accept soil and site evaluation reports on file with, and approved by, the Department before July 1, 1980 on a case by case basis at its sole discretion. If any part of a POWTS is found to be defective or not in conformance with the applicable provisions of this Private Sewage Systems Ordinance, the sanitary permit application shall include specifications for the repair, renovation, replacement or removal of that part.
- (5) Every private sewage system shall require a separate application and separate sanitary permit.
- (6) Any sanitary permit provision, stipulation, component, requirement, or condition of approval shall have the same effect as any requirement, standard, or provision of this Private Sewage Systems Ordinance. A violation of any sanitary permit condition, provision, stipulation, component, or requirement shall be deemed a violation of this Private Sewage Systems Ordinance.

13.18 Application Requirements.

- (1) An applicant for a sanitary permit shall provide the following information on forms provided by the State of Wisconsin and/or the Department, along with all applicable fees:
 - (a) Name(s) and address(es) of the owner of the site and the plumber (when applicable);
 - (b) Legal description of the site and the parcel identification number;
 - (c) All lot dimensions;
 - (d) Description of the building use (single family, duplex, etc.);
 - (e) Soil and site evaluation report;
 - (f) System plans meeting the following:
 1. Plans submitted to Manitowoc County shall include the original and two copies.
 2. For any plans reviewed and approved by the State of Wisconsin, at least one set of plans submitted to Manitowoc County shall bear an original State of Wisconsin approval stamp or seal.
 3. Plans submitted shall be clear, legible, and permanent.
 4. Plans submitted for POWTS shall comply with Wis. Admin. Code ch. SPS 383, and shall include the following:
 - a. The name of the property owner and the legal description of the site;
 - b. Estimated daily wastewater flow and design wastewater flow;
 - c. 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 of the following: POWTS 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 distances in Wis. Admin. Code § SPS

383.43 are met. All separating distances and dimensions shall be clearly shown on the plot plan;

- d. Details and configuration layouts depicting how the POWTS is to be constructed;
 - e. A management plan for the proposed POWTS;
 - f. A description of a contingency plan in the event the proposed POWTS fails and cannot be repaired;
 - g. Sufficient supporting information to determine whether the proposed design, installation, and management of the proposed POWTS, or modification to an existing POWTS, complies with this Private Sewage Systems Ordinance; and
 - h. Signature or seal as required by Wis. Admin. Code ch. SPS 383.
5. Plans submitted for non-plumbing sanitation systems shall include the following:
- a. The name of the property owner and the legal description of the site;
 - b. Details and configuration layouts depicting how the non-plumbing sanitation system is to be constructed;
 - c. A management plan for the proposed non-plumbing sanitation system;
 - d. A description of a contingency plan in the event the proposed non-plumbing sanitation system fails and must be replaced;
 - e. Sufficient supporting information to determine whether the proposed design, installation and management of the proposed non-plumbing sanitation system, or modification to an existing non-plumbing sanitation system, complies with this Private Sewage Systems Ordinance;
 - f. Signature of the applicant.
6. A copy of the approved plan 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 Department upon request.

7. A revision to an approved plan for a modification to the design of a private sewage system shall be submitted to the Department or the State of Wisconsin, whichever is applicable. Plan revisions must be approved before private sewage system installation. Revisions required after the installation of a private sewage system shall be submitted to the Department within 30 days of the date of installation. A fee may be charged when submitting revised plans.
 - (g) Agreements and contracts for system management and maintenance as required by this Private Sewage Systems Ordinance;
 - (h) Verification that any existing POWTS on the same parcel is not failing;
 - (i) Copies of any documents required in § 13.18(3) of this Private Sewage Systems Ordinance and verification that such documents have been recorded with the Manitowoc County Register of Deeds; and
 - (j) Any other information required by Manitowoc County.
- (2) When any official State of Wisconsin action is required before the issuance of a sanitary permit, an original copy of the official state action shall accompany the application.
- (3) The following documents shall be recorded with the Manitowoc County Register of Deeds before issuance of a sanitary permit:
 - (a) A maintenance agreement, or other maintenance documents, if recording is required by Wis. Admin. Code ch. SPS 383 or this Private Sewage Systems Ordinance;
 - (b) A maintenance agreement if the proposed POWTS serves more than one structure. The maintenance agreement must include all parties that have ownership rights in the system and a description of the responsibilities for the operation and maintenance of the system;
 - (c) A maintenance agreement if the proposed POWTS is owned by a party other than the owner of the parcel on which it is installed. The maintenance agreement must identify the owner of the system, the structures to be served by the system, and the party responsible for operation and maintenance of the system;
 - (d) A deed restriction if the design wastewater flow of a POWTS for a dwelling is not based upon the number of bedrooms within the dwelling;
 - (e) A deed restriction if a holding tank will be installed in lieu of another type of private sewage system because there is a DWF of less than 150 gallons per day; and

- (f) A maintenance agreement if a land division would occur that would separate any POWTS component from the parcel where the structure served by that components is located.
- (4) If the proposed POWTS, or any part thereof, is located on a different parcel than the building served, the parcels shall be combined in accordance with Chapter 12 (Subdivision Ordinance) of the Manitowoc County Code. If it is not possible to combine the parcels, an appropriate easement or affidavit shall be recorded.
- (5) Manitowoc County reserves the right to require a Floodplain and/or Wetland delineation before issuance of a sanitary permit. Manitowoc County may require elevations on plans to be tied to floodplain elevation datum by a Registered Land Surveyor.
- (6) Manitowoc County may refuse incomplete or incorrect permit applications or may delay permit issuance until a corrected or completed application is received.

13.19 Permits Cards.

- (1) The permit card issued by the Department to the property owner, his or her agent, or his or her contractor shall serve as the sanitary permit.
- (2) 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 phases of construction.
- (3) The permit card may not be removed until the private sewage system has been installed, inspected, and approved by the Department.

13.20 Permit Expiration and Renewal.

- (1) A sanitary permit for a private sewage system that has not been: a) installed, replaced, repaired, modified, or reconnected; or b) approved by the Department shall expire two years after the date of issuance unless renewed. Sanitary permits may only be renewed by applying to the Department before the expiration date of the original permit.
- (2) There shall be a fee for the renewal of a sanitary permit.
- (3) A sanitary permit renewal shall be based on Wisconsin Statutes and Administrative Codes and Manitowoc County ordinance requirements in force at the time of renewal.
- (4) A sanitary permit that has been renewed shall expire two years from the date of renewal.

- (5) A new sanitary permit must be obtained by the owner, his or her agent, or his or her contractor before beginning construction of any part of any building once a sanitary permit has expired.

13.21 Transfer of Ownership.

Transfer of ownership of a valid sanitary permit shall be subject to the following:

- (1) The applicable form shall be submitted to the Department;
- (2) The sanitary permit card shall be returned to the Department. The Department may issue a new permit card; and
- (3) Transfer of ownership shall not affect the expiration date or renewal requirements.

13.22 Change of Plumbers.

Change of plumbers for a valid sanitary permit shall be subject to the following:

- (1) The applicable form shall be submitted to the Department;
- (2) The change of plumbers shall be approved by the Department before the installation of the private sewage system; and
- (3) If plan approval is/was required, the plan shall bear the stamp of an architect or engineer, plumbing designer, or plan approval must be obtained by the new plumber from DSPS or the Department, whichever is applicable.

13.23 Permit Denial.

If any provision of Wisconsin Statute, Wisconsin Administrative Code, or this Private Sewage Systems Ordinance has not been complied with when applying for a sanitary permit, the permit shall be denied. Reasons for the denial shall be forwarded to the plumber and landowner.

13.24 Withholding Permit Approval.

Where the applicant, owner, or licensed contractor is in violation of this Private Sewage Systems Ordinance or any other ordinance administered by Manitowoc County, the Department may withhold any permit(s) or approval(s) that would otherwise be granted pursuant to this Private Sewage Systems Ordinance until such violation is corrected. A request for waiver of this provision may be made to the Planning and Park Commission.

13.25 POWTS Reconnection.

- (1) A “reconnection permit” shall be obtained from the Department before:
 - (a) Construction of a building to be connected to an existing POWTS;
 - (b) Disconnection of a building from an existing POWTS and connection of a different building to the POWTS, except as permitted in § 13.25(4) of this Private Sewage Systems Ordinance;
 - (c) Rebuilding a building that is connected to a POWTS; or
 - (d) A modification of, or addition to, an existing building that includes a new connection to an existing POWTS.
- (2) Before issuing a reconnection permit, the existing POWTS shall be examined to:
 - (a) Determine if it is a failing POWTS;
 - (b) Determine if the POWTS will be capable of handling the proposed wastewater flow and contaminant load from the building to be served; and
 - (c) Determine that the POWTS meets the minimum setback requirements of Wis. Admin. Code ch. SPS 383.
- (3) An application for a reconnection permit shall include the following:
 - (a) All items in § 13.18(1)(a) thru (e) and § 13.18(1)(h) thru (j) of this Private Sewage Systems Ordinance;
 - (b) An inspection report of the POWTS as specified in § 13.32(3) of this Private Sewage Systems Ordinance, unless the Department determines that an inspection report as specified in § 13.32(4) is sufficient. If a POWTS that complies with this Private Sewage Systems Ordinance was installed less than three years before the issuance of the reconnection permit or if an inspection report as specified in § 13.32(3) of this Private Sewage Systems Ordinance was accepted by the Department less than three years before reconnection permit issuance, a new inspection report is not required;
 - (c) Complete plans as specified in § 13.18(1)(f) of this Private Sewage Systems Ordinance for any POWTS component that will be modified or replaced; and
 - (d) If required by the Department, a new maintenance agreement, a new servicing contract, and/or an updated holding tank agreement that meets the requirements of this Private Sewage Systems Ordinance.

- (4) Notwithstanding § 13.25(1) of this Private Sewage Systems Ordinance, replacing a building connected to a POWTS with a new or different building within two years of the date of sanitary permit issuance shall only require the following:
 - (a) A statement that the POWTS has not been altered;
 - (b) A statement that a modification in wastewater flow or contaminant load will not occur;
 - (c) A plot plan that documents all setbacks between the structure and POWTS components; and
 - (d) A reinspection fee.
- (5) Reconnection to an undersized POWTS is not permitted.
- (6) The Department may require a POWTS to be inspected at the time of reconnection, before backfilling.

13.26 Emergency Repairs and Installations.

- (1) Emergency repairs or removal of stoppages may be performed without a sanitary permit provided such work is reported to the Department as soon as possible.
- (2) Emergency tank installations may be performed provided a sanitary permit application is submitted to the Department within 14 days from the date of installation. If a property owner cannot submit a permit application to the Department within 14 days from the date of installation, the property owner shall make acceptable and expeditious arrangements with the Department for sanitary permit issuance.
- (3) The installer must notify the Department before performing any work.

13.27 Fees.

- (1) Sanitary permit and reconnection permit fees must be paid at the time that an application is submitted. Sanitary permit and reconnection permits shall not be issued until the fee has been paid.
- (2) Applicable fees shall be submitted at the time private sewage system plans, revisions, and soil tests are submitted for Department review. The Department shall not review any private sewage system plan, revision, or soil test until the fee has been paid.
- (3) Any fee for services requested of the Department relating to this Private Sewage Systems Ordinance shall be paid before the service is rendered.

- (4) An annual maintenance program fee shall be paid for each private sewage system included in the maintenance program established by § 13.32 of this Private Sewage Systems Ordinance. The annual fee may be included on the owner's property tax bill.
- (5) Fees shall be determined and adjusted from time to time by the Planning and Park Commission Pursuant to Wis. Stat. § 66.0628(2) and as specified in Chapter 4 (Finance) of the Manitowoc County Code. Any fee imposed shall have a reasonable relationship to the service for which the fee is imposed.

PART V. INSPECTIONS AND TESTING.

13.28 Inspections; General.

- (1) When a sanitary permit is required under this Private Sewage Systems Ordinance, no part of a private sewage system or any private sewage system component may be covered nor shall any private sewage system or any private sewage system component be put into service until the Department has had an opportunity to inspect the private sewage system in accordance with this § 13.28.
- (2) The master plumber or the master plumber-restricted service responsible for the installation, replacement, repair, modification, or reconnection of a POWTS shall notify the Department when the work will be or is ready for inspection and shall schedule the inspection with the Department at least one (1) full business day, excluding weekends and holidays, before the requested inspection time. The notification shall be in person, in writing, by telephone, or other electronic communication in a format acceptable to the Department.
- (3) Private sewage systems shall be inspected by the Department for compliance with all applicable Wisconsin Statutes, Administrative Codes, the approved plans, and this Private Sewage Systems Ordinance. Inspections will occur after construction, but before backfilling, no later than the end of the next workday, excluding Saturdays, Sundays, and holidays, after receiving notice.
- (4) The entire POWTS shall be left completely open until it has been inspected and accepted, unless an inspection is not made by the end of the next workday, excluding Saturdays, Sundays, and holidays, after receiving notice, in which case the master plumber or master plumber restricted service may proceed with the installation of the POWTS, including backfilling and covering.
- (5) The master plumber or the master plumber-restricted service responsible for the installation, replacement, repair, modification, or reconnection of a POWTS shall provide the proper apparatus, equipment, and necessary assistance for the Department to make a proper inspection.

13.29 Inspections; Site Constructed Holding Tanks.

- (1) All site constructed holding tanks shall have an initial inspection after the floor is poured and the keyway and water stop are installed or after the forms for the tank walls have been set, but in all instances before any concrete for the walls has been poured.
- (2) Concrete walls may be poured only after the Department has determined that the tank, as formed, complies with the approved plans.
- (3) An initial holding tank inspection shall not eliminate the need for an inspection after the installation has been completed.

13.30 Reinspection.

- (1) A reinspection fee may be assessed when a reinspection of a POWTS 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, this Private Sewage Systems Ordinance, or the approved plans. Each additional reinspection shall require a separate fee.
- (2) The reinspection fee shall be due within ten working days of written notification by the Department.

13.31 Testing.

- (1) If testing of a new POWTS or any new POWTS component is required by Wisconsin Statute, Administrative Code, this Private Sewage Systems Ordinance, or as a condition of plan approval, the master plumber or the master plumber-restricted service responsible for the installation, replacement, repair, modification, or reconnection of the POWTS or POWTS component shall schedule the inspection with the Department at least one (1) full business day, excluding weekends and holidays, before the requested inspection time.
- (2) The Department shall verify that required testing has been completed by either:
 - (a) Performing an inspection during the test; or
 - (b) Requiring written verification from the person responsible for performing the test.

PART VI. MANAGEMENT AND MAINTENANCE.

13.32 Maintenance Program.

- (1) A maintenance program for all POWTS located in the unincorporated areas of Manitowoc County and outside of any sanitary district is hereby created.
- (2) As part of the maintenance program, a complete inspection of a POWTS is required within a reasonable period of time after the conveyance, merger, partition, subdivision, or transfer of any property that contains a POWTS or any property on which a building serviced by a POWTS is located. For the purposes of this section, a “complete inspection” shall mean an inspection that meets the requirements of § 13.32(3) of this Private Sewage Systems Ordinance.
 - (a) The following shall constitute a conveyance, merger, partition, subdivision, or transfer of property for purposes of this § 13.32:
 1. The transfer of real property or any interest in real property from any person or entity to any other person or entity with or without consideration unless expressly exempted by this Private Sewage Systems Ordinance;
 2. When an owner transfers real property and retains a life estate;
 3. When real property is transferred to an irrevocable living trust;
 4. When an option to purchase is exercised, whether contained in a lease or otherwise;
 5. The execution of a land contract; or
 6. When one or more additional person(s) obtains an ownership interest in real property.
 - (b) The following shall not constitute a conveyance, merger, partition, subdivision, or transfer of property for purposes of this § 13.32:
 1. The transfer between spouses;
 2. When property is transferred to a revocable trust or property is returned to the original owner from a revocable trust. A copy of the trust document must be sent to the Department to verify that such transfer is not subject to the inspection requirement this Private Sewage Systems Ordinance;
 3. Execution of a lease with an option to purchase. However, when an option to purchase is exercised, whether contained in a lease or otherwise, a complete inspection is required;

4. When a person is removed from the real property ownership;
 5. The filing of a correction instrument as authorized by Wis. Stat. § 706.085;
 6. When a deed is filed by an owner of real property whereby the owner combines two or more lots into a single lot;
 7. The recording of a mortgage;
 8. The transfer by operation of law or court order;
 9. The transfer of land for public road right of way and similar projects; and
 10. The transfer to correct lot lines and property boundaries.
- (c) If a POWTS was inspected and found to not be failing, a second transfer of the same real property within 24 months of the initial inspection shall not require an additional inspection.
- (d) If a POWTS is found to be failing, the purchaser may enter into an agreement with the Department to cease using any building serviced by the failing POWTS until such time as the building is served by a private sewage system that meets the requirement of this Private Sewage Systems Ordinance.
- (e) For purposes of this Private Sewage Systems Ordinance a transfer is considered complete upon the execution of the applicable document.
- (3) A complete inspection of a POWTS must include:
- (a) A written report of observation and soil boring by a certified soil tester. The soil boring must extend 3 feet below the bottom of the absorption area and be sufficient to determine the presence of bedrock, groundwater, or seasonally saturated soils. The Director may allow use of a previously filed soil test conducted in an area near the POWTS to verify soil conditions.
 - (b) A written evaluation of the POWTS and its components, including the following:
 1. Treatment tanks, including risers and covers;
 2. Inlet and outlet baffles;
 3. Vents and observation ports;
 4. High water alarms;

5. The existence of any outfall pipe or any connection to a drain tile;
 6. Absorption area, including the presence of any ponding or surface discharge;
 7. The presence and cleanliness of any effluent filter; and
 8. Compliance with setback requirements.
- (c) The inspection report must be filed with the Department within 30 days of the date the POWTS is inspected.
 - (d) The Department may conduct its own inspection to verify the results of the complete inspection. Any costs associated with the Department's inspection including, but not limited to, backhoe pits or pumping fees shall be paid by the owner of the POWTS.
 - (e) If the POWTS is not in compliance with this Private Sewage Systems Ordinance, a POWTS that complies with Wisconsin Statutes, Administrative Codes, and this Private Sewage Systems Ordinance must be installed within one year of the date on which the POWTS is inspected.
- (4) Every POWTS in Manitowoc County must be inspected once every three (3) years. The inspector must provide the owner of the POWTS with a signed certificate of inspection on a form approved by the Director. The signed certificate must indicate whether the POWTS is in compliance with all applicable Wisconsin Statutes, Administrative Codes, and this Private Sewage Systems Ordinance and whether the combined sludge and scum volume equals 1/3 or more of the tank volume. If the combined sludge and scum volume equals 1/3 or more of the tank volume, the owner must have the tank pumped. The owner must, within 30 days from the date of inspection, provide the Director with the certificate of inspection signed by inspector.
 - (5) When a maintenance inspection reveals that the POWTS is not in compliance with any applicable Wisconsin Statute, Administrative Code, or this Private Sewage Systems Ordinance, a complete inspection must be completed within 30 days of the date the maintenance inspection.
 - (6) The inspections required by this Private Sewage Systems Ordinance must be performed by one of the following:
 - (a) A licensed master plumber;
 - (b) A licensed master plumber-restricted service;
 - (c) A licensed journeyman plumber;
 - (d) A licensed journeyman plumber-restricted service;

- (e) A certified POWTS inspector;
 - (f) A certified septage servicing operator under Wis. Admin. Code ch. NR 114;
or
 - (g) A registered POWTS maintainer.
- (7) The owner of a POWTS may request an extension of up to 12 months in which to complete any inspection or pumping required under this Private Sewage Systems Ordinance. The request must be submitted in writing to the Director. The request must indicate the circumstances, such as inclement weather, road weight restrictions, or site limitations, that necessitate the extension and the request must indicate the length of the requested extension. No extension shall be granted due to the cost of the inspection or pumping. Any extension must be authorized by the Director in writing.

13.33 Holding Tank Maintenance and Agreement.

- (1) The owner of each holding tank shall sign a maintenance agreement that documents the maintenance requirements for the holding tank system, including owner's responsibility to:
 - (a) Maintain a servicing contract;
 - (b) Have the system serviced; and
 - (c) Provide servicing reports in accordance with this Private Sewage Systems Ordinance.
- (2) The maintenance agreement shall provide that it is binding upon the owner and the successors, heirs, and assignees of the owner.
- (3) The maintenance agreement shall be filed with the Manitowoc County Register of Deeds and shall be recorded in a manner that will permit the existence of the maintenance agreement to be determined by reference to the real property where the holding tank is located.
- (4) A copy of the maintenance agreement shall be submitted to the Department when holding tank plans are submitted for review.
- (5) Owners of all holding tanks are required to submit pumping reports to the Department. The pumping reports shall be submitted on forms provided by the Department, shall certify that the holding tank was pumped according to the terms of the holding tank maintenance agreement, and shall certify that each time the tank was pumped in the subject period it was pumped by a licensed pumper according to the requirements of Wis. Admin. Code ch. NR 113.

- (6) The Department may require the owner of a holding tank that is violating the maintenance agreement to replace the holding tank with a POWTS or, if the parcel is unsuitable for any type of POWTS, to hire a plumber to install a water meter and evaluate the holding tank for compliance with this Private Sewage Systems Ordinance and sign a new maintenance agreement that requires the certified septage servicing operator to report water meter readings at each pumping.
- (7) Holding tanks that are pumped at intervals of more than three (3) years shall be subject to the maintenance inspections found in S. 13.32(4) of this Private Sewage Systems Ordinance.

13.34 Maintenance Responsibilities.

- (1) The owner of a private sewage system shall be responsible for ensuring that the operation and maintenance of the private sewage system occurs in accordance with this Private Sewage Systems Ordinance and any approved management plan.
- (2) The owner of a POWTS shall be responsible for ensuring that access opening covers remain locked or secured except for inspection, evaluation, maintenance, or servicing purposes.
- (3) The owner of a POWTS shall maintain a maintenance contract with a POWTS maintainer if the management of the POWTS involves evaluating, monitoring, or maintaining any part of the system at an interval of 12 months or less.
- (4) The owner of a POWTS shall maintain a service contract with a certified septage servicing operator for the POWTS if the management plan involves the servicing of any holding, treatment, or dispersal component at an interval of 12 months or less.
- (5) A private sewage system that is not serviced or maintained in accordance with the approved management plan shall be considered a human health hazard and shall be subject to the provisions of § 7.17 of the Manitowoc County Code in addition to any enforcement action taken under this Private Sewage Systems Ordinance.
- (6) Unless expressly stated otherwise, activities relating to evaluating, monitoring and maintaining POWTS components pursuant to an approved management plan shall be conducted by a registered POWTS maintainer.
- (7) The inspection, evaluation, or maintenance of any private sewage system treatment component that requires maintenance at an interval of less than twelve (12) months shall be conducted in accordance with the requirements specified by the manufacturer or designer of the treatment component.

PART VII. ADMINISTRATION AND ENFORCEMENT.

13.35 Administration.

- (1) Declaration of Intent. This Private Sewage Systems Ordinance shall be administered in accordance with applicable sections of Wis. Stat. ch. 145 and all Administrative Code promulgated thereunder including, but not limited to, Wis. Admin. Code chs. SPS 383, SPS 385, and SPS 391. It is intended that this Private Sewage Systems Ordinance shall be no more nor less restrictive than the State Statutes and Administrative Codes relating to the design, installation, inspection, and management of a POWTS.
- (2) Duties. The Manitowoc County Board of Supervisors hereby assigns the duties of administering this Private Sewage Systems Ordinance along with all other duties relating to the State of Wisconsin and Manitowoc County POWTS programs, to the Manitowoc County Planning and Zoning Department. The Planning and Park Commission shall appoint the Director and other employees who are certified by the State of Wisconsin as issuing agents. The issuing agents shall be under the direct supervision of the Director and shall perform all duties assigned by the Director to carry out the terms of this Private Sewage Systems Ordinance.

13.36 Appeals.

- (1) Any applicant denied a sanitary or reconnection permit by the Department or any person adversely affected by an administrative determination of the Department relating to this Private Sewage Systems Ordinance may have such determination reviewed in accordance with the provisions of Wis. Stat. ch. 68.
- (2) In all cases where applications for sanitary or reconnection permits are denied by the Department, the Department's denial shall be in writing.

13.37 Violations.

- (1) It is unlawful to violate any provision of this Private Sewage Systems Ordinance, any order or directive issued pursuant Private Sewage Systems Ordinance, or to or fail to comply with any requirement contained within or issued pursuant to this Private Sewage Systems Ordinance.
- (2) It is unlawful to fail to comply with any permit condition, plan component, management plan requirement, or other permit requirement as provided by the Department or DSPS.
- (3) It is unlawful to install, construct, replace, repair, reconnect, or modify any private sewage system or any part or component thereof without a valid sanitary permit issued by the Department.

- (4) It is unlawful to alter, construct, repair, or cause work to be performed on a private sewage system in violation of any order, certificate, directive, or permit issued under the provisions of this Private Sewage Systems Ordinance.
- (5) It is unlawful to interfere, resist, or obstruct the Director or any other person in the discharge of duties authorized under the provisions of this Private Sewage Systems Ordinance.
- (6) It is unlawful to own or operate a failing POWTS.
- (7) It is unlawful to use or occupy any building that requires a private sewage system, which is not serviced by a private sewage system that complies with the Private Sewage Systems Ordinance.
- (8) It is unlawful for any person to knowingly provide false information, make a false statement, fail to provide, or misrepresent any material fact to any Manitowoc County agent, board, commission, committee, department, employee, official, or officer acting in an official capacity under this Private Sewage Systems Ordinance.

13.38 Enforcement.

- (1) The Department shall enforce this Private Sewage Systems Ordinance and may conduct inspections, investigate alleged or actual violations of this Private Sewage Systems Ordinance, issue orders to abate violations, and submit violations to the Corporation Counsel for enforcement.
- (2) The Department may request permission to inspect, at a reasonable time and date, any premises or structure for which a permit has been applied for or granted to determine compliance with this Private Sewage Systems Ordinance. Refusal to grant permission is grounds for denial or revocation of a permit.
- (3) The Department may apply for, obtain, and execute a special inspection warrant pursuant to Wis. Stat. § 66.0119 as necessary to enforce this Private Sewage Systems Ordinance.
- (4) If the Department finds a violation of any provision of this Private Sewage Systems Ordinance, the Department may issue a written notice to the owner stating the conditions of non-compliance, specifying the action required to come into compliance, and providing a reasonable amount of time within which compliance is required.
- (5) The Department may revoke a permit for substantial noncompliance with any provision of this Private Sewage Systems Ordinance, refusal to permit inspection of a premises for which a permit has been granted, or failure to comply with the any action required in a notice of noncompliance.

- (6) The Department may issue a citation for any violation of this Private Sewage Systems Ordinance. The Department is not required to issue a notice of noncompliance or take any other action before issuing a citation.
- (7) The Director may refer a violation of this Private Sewage Systems Ordinance to Corporation Counsel for legal action, including but not limited to, an action seeking injunctive relief. The Department is not required to issue a notice of noncompliance or take any other action before referring a violation to Corporation Counsel.
- (8) Nothing in this § 13.38 may be construed to prevent the Department from using any other lawful means to enforce this Private Sewage Systems Ordinance.
- (9) A violation of this Private Sewage Systems Ordinance is deemed a public nuisance. The creation of such a nuisance may be enjoined, and the maintenance of such a nuisance may be abated, by action at suit of Manitowoc County, the State of Wisconsin, or any citizen thereof.

13.39 Penalties.

- (1) A person shall, upon conviction for any violation of this Private Sewage Systems Ordinance, forfeit not less than \$100 nor more than \$1,000 for each offense, together with the costs of prosecution for each violation, and may be ordered to take such action as is necessary to abate the offense within a specified time. Each day that a violation exists or continues shall constitute a separate offense.
- (2) A person who has the ability to pay a forfeiture entered pursuant to this Private Sewage Systems Ordinance, but who fails or refuses to do so may be confined in the county jail until the forfeiture and costs are paid, but the period of confinement may not exceed 30 days. In determining whether a person has the ability to pay, all items of income and all assets may be considered regardless of whether the income and assets are subject to garnishment, lien, or attachment by creditors.
- (3) The failure of a Manitowoc County employee, official, or officer to perform an official duty imposed by Private Sewage Systems Ordinance will not subject the employee, official, or officer to a penalty.

13.40 Effective Date.

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

HISTORY

11/15/1988: Codified by Ord. No. 88/89-117 effective November 23, 1988.

06/16/1992: Sec. 13.08 repealed and recreated by Ord. No. 92/93-40 effective June 26, 1992.

09/28/1993: Sec. 13.07(2)(b)2 repealed and recreated by Ord. No. 93/94-98 effective October 7, 1993.

10/28/1997: Ch. 13 amended by replacing "DILHR" with "DCOMM" and "ILHR" with "COMM" passim; secs. 13.03(8), 13.02(1), 13.02(5)(c), 13.03(2), 13.03(6), 13.03(20)(b), 13.03(24), 13.04(1), 13.04(2)(f), 13.06(1), 13.07(2)(a), 13.07(2)(b)1., 13.07(2)3., 13.08(1), 13.08(1)(a), 13.08(1)(c), 13.08(1)(d), 13.09(1), 13.09(1)(a), 13.10(1), and 13.12(4) amended; secs. 13.08(2)(a) and 13.09(1)(b) repealed; and secs. 13.08(2)(b) through (d) renumbered as secs. 13.08(2)(a) thru (c) respectively by Ord. No. 97/98-103 effective November 5, 1997.

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

09/13/2005: Secs. 13.03(20) and 13.10(1) amended, sec. 13.08(3) created, and secs. 13.09 and 13.13 repealed and recreated by Ord. No. 2005/2006-85 effective September 22, 2005.

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

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

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

05/21/2013: Sec.13.08(1)(a) renumbered as sec. 13.08(1), secs. 13.08(1)(b)-(e) repealed, and secs. 13.08(2) and (3) amended by Ord. No. 2013/2014-25 effective August 1, 2013.

12/16/2014: Sec. 13.01 amended by Ord. No. 2014/2015-68 effective December 27, 2014.

09/15/2015: Sec. 13.09(2)(a) amended by Ord. No. 2015/2016-41 effective September 18, 2015.

12/19/2017: Repealed and recreated by Ordinance No. 2017/2018-75 effective December 28, 2017.

07/17/2018: Table of Contents amended by Ord. No. 2018/2019-29 effective July 24, 2018.

04/09/2019: Typographical corrections made to Table of Contents.

02/15/2022: Typographical corrections made to secs. 13.09(3), 13.09(4), 13.09(5), 13.09(13) (as renumbered), 13.09(14) (as renumbered), 13.09(15) (as renumbered), 13.09(16) (as renumbered), 13.09(18) (as renumbered), 13.09(20) (as renumbered), 13.09(22) (as renumbered), 13.09(23) (as renumbered), 13.09(26) (as renumbered), 13.09(27) (as renumbered), 13.09(30) (as renumbered), 13.09(31) (as renumbered), 13.09(32) (as renumbered), 13.12(1), 13.25(6), 13.32(3)(d), and 13.33(6); renumbered 13.09(16) definition of "department" from (16) to (7); sec. 13.09 renumbered subsections (7) (definition of "director") through (31) (definition of "soil boring") to (8) through (32); and corrected the part number in Part VII heading ("Administration and Enforcement").