

ORD. AMEND. NO. _____, 2009-2010

AMENDING CHAPTER 46 OF THE DANE COUNTY CODE OF ORDINANCES,
REGARDING COLLECTION OF FEES FOR PRIVATE SEWAGE SYSTEM
MAINTENANCE PROGRAM

The County Board of Supervisors of the County of Dane does ordain as follows:

ARTICLE 1. Unless otherwise expressly stated herein, all references to section and chapter numbers are to those of the Dane County Code of Ordinances.

ARTICLE 2. Section 46.11(5)1. is amended to read as follows:

46.11 INSPECTIONS. (5) 1. The division department shall place all septic tanks on a three-year periodic maintenance program. All private sewage systems including aerobic treatment units or other technology intended to treat wastewater shall be placed on an three-year inspection program cycle appropriate to the component per Ch. COMM 83.54(4), Wisconsin Administrative Code. Pumping reports for holding tanks shall be submitted semi-annually per s. 46.06(5)(b). All other private sewage systems shall be placed on a three-year inspection program in conformance with WIS. ADMIN. CODE s. COMM 83.54(4). Notices of the maintenance due shall be sent by the department to the system owner at least 30 days prior to every triennial anniversary of the due date. (a) of completion of the private sewage system, or (b) for systems in place prior to January 1, 1980, the randomly selected initial inspection date. All such owners, or their successors or assigns, shall demonstrate compliance with this chapter by returning report forms prepared by the division department, or certifications approved by the division department, prior to the due date identified in the notice, duly signed by a person authorized in s. 145.245(3), Wis. Stats., or Ch. COMM 5, Wis. Admin. Code., along with the fee required by sec. 46.23(12).

ARTICLE 3. Section 46.23(12) is amended to read as follows:

46.23 FEES. (12) There shall be a county fee of \$26 for the performance of departmental duties required by sec. 46.11(5). Each owner of a private sewage system shall annually be charged a fee of \$8.67 for administration of the inspection programs required by s. 46.11(5). Such fee is authorized by WIS STAT. s. 145.20(4) and will be collected in the same manner that municipalities may make property assessments pursuant to WIS STAT s. 66.0703.

ARTICLE 4. Section 46.40 is rescinded.

~~**46.40 GROUNDWATER PROTECTION FUND. (1)** Ten dollars from each fee collected under s. 46.23(12) shall be placed in a segregated account titled Groundwater Protection Fund.~~
~~**(2)** The department is authorized to disburse grants from the fund to persons who replace their failing private sewage systems, subject to the following conditions:~~

- ~~(a) The structure served by the sewage system must be an owner-occupied 1 or 2 family residence;~~
- ~~(b) The grantee must be ineligible for a grant from the State of Wisconsin under s. 145.245, Wis. Stats., unless the amount of the state grant is less than \$750, in which case the grantee may apply for a grant under this section to bring the total of the combined state and county grant to \$750;~~
- ~~(c) Grants shall be limited to a maximum of \$750.00 each with grants awarded to eligible applicants in the order received, provided that any application that cannot be fully funded in the year submitted will be placed on a priority list for funding consideration in the next or succeeding funding cycles;~~
- ~~(d) The owner of the system voluntarily agrees to replacement of the system. A person is ineligible for a grant if the department has referred the failing system to the corporation counsel for legal action due to refusal or neglect on the part of the system owner to voluntarily make the correction;~~
- ~~(e) The grantee has not previously received a grant for the same residence; and~~
- ~~(f) Applications for reimbursement of system replacement costs to Dane County must include evidence of property ownership, evidence of the premises being the primary residence of the owner and evidence that the replacement system has been paid for.~~
- ~~(3) For purposes of this section, grantee includes all eligible owners of the system.~~
- ~~(4) The program will operate on a funding cycle which begins January 1 and ends December 31 of the succeeding year. Eligibility for funding is determined as of the calendar year in which the replacement system is approved by the department. The grant application must be made in the same or succeeding calendar year in which the determination of failure is made.~~

ARTICLE 5. Section 46.42 is recinded.

~~**46.42 WELL ABANDONMENT GRANT PROGRAM.** (1) In this section, (a) *Abandonment costs* include materials and labor involved in the abandonment of a malfunctioning well.~~

~~(b) *Eligible owner* means the owner of a property served by a well that has been determined to be a malfunctioning well.~~

~~(c) *Formal enforcement action* is commenced with the earlier of issuance of a citation or a written referral to the corporation counsel.~~

~~(d) *Malfunctioning well* means a private well which is the subject of a written determination by a county sanitarian that the well does not meet the minimum standards of the applicable State of Wisconsin regulations. The term also includes an unused, unsafe or non-complying well.~~

~~(e) *Properly abandoned* means the act of permanently sealing off or removing a well when performed by a licensed well driller, pump installer or other person with demonstrated knowledge of abandonment requirements and proficiency in performing well abandonments. Persons other than licensed individuals must be approved in advance in writing by the division. All well closures and removals must be performed in accordance with applicable State of Wisconsin regulations.~~

~~(2) There is hereby created a program to provide financial assistance to eligible owners for the proper abandonment of malfunctioning wells.~~
~~(3) Eligible owners will receive 75% of the abandonment costs up to a maximum of \$350.00.~~
~~(a) A grant will not be made if formal enforcement action has been commenced against an otherwise eligible owner.~~
~~(4) Owners of malfunctioning or unused wells that are eligible for reimbursement through the Dane County Land Conservation Office are not eligible for grants under this section.~~
~~(5) Owners of wells located in the city of Madison are not eligible for this program.~~
~~(6) Applicants for grants under this section must submit evidence of compliance with the following eligibility criteria:~~
~~(a) A copy of the property ownership document as recorded at the Dane County Register of Deeds Office;~~
~~(b) A copy of the invoice marked "paid in full" from the individual that performed the abandonment work; and~~
~~(c) A copy of the properly completed well abandonment report in compliance with Wisconsin Administrative Code chapter NR 812.~~
~~(7) Grants shall be awarded to eligible applicants in the order received, provided that any application that cannot be fully funded in the year submitted will be placed on a priority list for funding consideration in the next of succeeding funding cycles.~~

ARTICLE 6. NON-CODE PROVISION. The amendments made herein shall first take effect on January 1, 2010, or the day after publication, whichever comes later.

[EXPLANATION: This amendment revises the method of collecting fees associated with private sewage system inspections and provides for collecting fees as a special assessment on tax bills. It also abolishes the Groundwater Protection Fund and the Well Abandonment Grant Program, all to take effect January 1, 2010.]

Submitted By:

