



County of Door SANITARIAN'S DEPARTMENT

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DOOR COUNTY CODE § 21.03 E. (1) (a) 2 Transfer/Change of Interest in Property Ownership Within Door County

Administration of Door County's private onsite wastewater treatment system [POWTS] program affords opportunities for the use of discretionary decision making. This includes, but is not limited to, the administration and enforcement of *Chapter 21 – "Private Onsite Wastewater Treatment Systems" – Door County Code - § 21.03 E. (1) 1 & 2 Door County Code.*

§ 21.03 E. (1) (a) 1 & 2 Door County Code reads as follows: Inspections and Testing; General. Pursuant to s. 145.02(3)(c), Stats., the Sanitarian may inspect at any time, with or without notice, the construction, installation, operation or maintenance of a POWTS to ascertain whether the POWTS conforms to plans approved, the conditions of approval and this chapter, or any applicable law, regulation or rule.

1. All POWTS shall be inspected at least once every three (3) years. The owner of a POWTS must submit to the Sanitarian a certification form (to be provided by the Sanitarian) every three(3) years, signed by the owner and signed by a master plumber, a journeyman plumber or restricted plumber licensed under Ch. 145 Wis. Stats or a person licensed under Sec. 146.20 Wis. Stats. who has inspected the system. The form shall require certification that the system is in proper operating condition, and that after inspection and pumping if necessary, the septic tank is less than 1/3 full of sludge and scum. Pumping is required when the septic tank is 1/3 or more full of sludge and scum.

2. Inspection and, if deemed failing or in defective condition, renovation or replacement of all POWTS is required within one year of any conveyance, sale or transfer of the real property or improvements, or any interest therein.

The focus here is § 21.03 E. (1) (a) 2 Door County Code. This provision allows the Sanitarian's Department to require inspection and satisfactory abatement of any violation discovered "...within one year of any conveyance, sale or transfer of the real property or improvements, or any interest therein..."

Effective September 10, 2008, the § 21.03 E. (1) (a) 2 Door County Code requirements will be triggered upon any:

- conveyance, sale or transfer of real property or improvements, or
- conveyance, sale or transfer of any interest in real property or improvements.

Triggering events include, but are not limited to, the following:

- Conveyance, sale or transfer which includes a reservation of a life estate;
- Conveyance, sale or transfer to or from a trust [e.g., living (inter vivos) trust, testamentary trust, real estate investment trust, family trust, etc.];
- Addition or deletion of person from record title;
- Gifts or donations;
- Conveyance, sale or transfer that is by operation of law

.The foregoing is meant to be exemplary and illustrated, not limiting in scope.

This intent here is to cast as broad a net as possible, identify those POWTS that are failing, and ensure that rehabilitation or replacement is timely accomplished. This will, in turn, help to safeguard the public health, and protect the environment.

A prior opinion of the Corporation Counsel was obtained. Counsel agrees with and supports this interpretation and change.