



2005 ASSEMBLY BILL 852

December 5, 2005 - Introduced by Representatives PETTIS, FREESE, MUSSER, LOTHIAN, OTT, HINES and BALLWEG. Referred to Committee on Urban and Local Affairs.

1 **AN ACT** *to repeal* 145.135 (title), 145.135 (2) (title), 145.19 (3) (title), 145.19 (4)
2 (title), 145.19 (5) (title) and 145.19 (6) (title); *to renumber* 145.19 (2) and
3 145.19 (4); *to renumber and amend* 145.135 (1), 145.135 (2), 145.19 (3),
4 145.19 (5) and 145.19 (6); *to amend* 25.46 (5c), 145.19 (title), 145.19 (1) and
5 145.20 (3) (c); *to repeal and recreate* 145.19 (1) (title) and 145.19 (2) (title);
6 and *to create* 145.01 (14g), 145.01 (14r), 145.19 (1r) (title), 145.19 (1r) (b) and
7 145.19 (2) (e) of the statutes; **relating to:** requiring tracer wires in the
8 installation of private sewage systems.

Analysis by the Legislative Reference Bureau

Under current law, no person may install a private sewage system unless the owner of the property where the system will be installed has been issued a sanitary permit by the local governmental unit that is responsible for the regulation of private sewage systems. The governmental unit approves or disapproves an application for a sanitary permit based on rules promulgated by the Department of Commerce.

This bill prohibits any person from installing a private sewage system unless the person installing the private sewage system places tracer wires under the ground so that the pipes leading to the private sewage system can be located after the installation.

ASSEMBLY BILL 852

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 25.46 (5c) of the statutes is amended to read:

2 25.46 (5c) The moneys collected under s. 145.19 (6) (2) (d) for environmental
3 management.

4 **SECTION 2.** 145.01 (14g) of the statutes is created to read:

5 145.01 (14g) SANITARY PERMIT. “Sanitary permit” means a permit issued by a
6 governmental unit responsible for the regulation of private sewage systems for the
7 installation of a private sewage system.

8 **SECTION 3.** 145.01 (14r) of the statutes is created to read:

9 145.01 (14r) SELL AT RETAIL. “Sell at retail” has the meaning given in s. 100.201
10 (1) (d).

11 **SECTION 4.** 145.135 (title) of the statutes is repealed.

12 **SECTION 5.** 145.135 (1) of the statutes is renumbered 145.19 (2m) and amended
13 to read:

14 145.19 (2m) VALIDITY OF PERMITS. ~~In this section, “sanitary permit” means a~~
15 ~~permit issued by the department or any governmental unit responsible for the~~
16 ~~regulation of private sewage systems for the installation of a private sewage system.~~
17 ~~No person may install a private sewage system unless the owner of the property on~~
18 ~~which the private sewage system is to be installed holds a valid sanitary permit. A~~
19 ~~sanitary permit is valid for 2 years from the date of issue and renewable for similar~~
20 ~~periods thereafter. A governmental unit responsible for the regulation of private~~
21 ~~sewage systems may not charge more than one fee for a sanitary permit or the~~

ASSEMBLY BILL 852

1 ~~renewal of a sanitary permit in any 12-month period.~~ A sanitary permit shall
2 remain valid to the end of the established period, notwithstanding any change in the
3 state plumbing code or in any private sewage system ordinance during that period.
4 A sanitary permit may be transferred from the holder to a subsequent owner of the
5 land, except that the subsequent owner must obtain a new copy of the sanitary
6 permit from the issuing agent.

7 **(1m) SOIL TESTING.** The results of any percolation test or other test relating to
8 the disposal of liquid domestic wastes into the soil shall be retained by the
9 governmental unit responsible for the regulation of private sewage systems where
10 the property is located. The governmental unit responsible for the regulation of
11 private sewage systems shall make the test results available to an applicant for a
12 sanitary permit and shall accept the test results as the basis for a sanitary permit
13 application unless the soil at the test site is altered to the extent that a new soil test
14 is necessary.

15 **SECTION 6.** 145.135 (2) (title) of the statutes is repealed.

16 **SECTION 7.** 145.135 (2) of the statutes is renumbered 145.19 (1r) (a) and 145.19
17 (1r) (a) (intro.) and 1., as renumbered, are amended to read:

18 145.19 **(1r)** (a) (intro.) A sanitary permit shall include a notice displayed
19 conspicuously and separately on the sanitary permit ~~form~~, to inform the permit
20 holder that:

21 1. The purpose of the sanitary permit is to allow installation of the private
22 sewage system described in the sanitary permit.

23 **SECTION 8.** 145.19 (title) of the statutes is amended to read:

24 **145.19** (title) **Sanitary permit permits.**

25 **SECTION 9.** 145.19 (1) (title) of the statutes is repealed and recreated to read:

ASSEMBLY BILL 852

1 145.19 (1) (title) REQUIREMENTS.

2 **SECTION 10.** 145.19 (1) of the statutes is amended to read:

3 145.19 (1) No person may sell at retail or purchase a septic tank may be
4 purchased and no person may install a private sewage system may be installed
5 unless the owner of the property on which the private sewage system is to be installed
6 holds a valid sanitary permit from the governmental unit responsible for the
7 regulation of private sewage systems in which the property is located. Beginning on
8 the effective date of this subsection ... [revisor inserts date], no private sewage
9 system may be installed unless the person installing the private sewage system
10 places tracer wires underground so that the pipes leading to the private sewage
11 system can be located after the installation.

12 **(1g) FORMS; APPROVAL.** ~~The department shall prescribe the information to be~~
13 ~~included in the sanitary permit and furnish sanitary permit forms to the~~
14 governmental unit. The applicant shall submit the completed sanitary permit to the
15 governmental unit. The governmental unit shall approve or disapprove the sanitary
16 permit according to the rules promulgated by the department under this chapter. ~~No~~
17 ~~person may sell at retail, as defined under s. 100.201 (1) (d), a septic tank for~~
18 ~~installation in this state unless the purchaser holds a valid sanitary permit issued~~
19 ~~under this section.~~

20 **SECTION 11.** 145.19 (1r) (title) of the statutes is created to read:

21 145.19 (1r) (title) INFORMATION ON PERMITS.

22 **SECTION 12.** 145.19 (1r) (b) of the statutes is created to read:

23 145.19 (1r) (b) In addition to the notice under par. (a), the department may
24 prescribe any other information to be included in the sanitary permit.

25 **SECTION 13.** 145.19 (2) (title) of the statutes is repealed and recreated to read:

ASSEMBLY BILL 852

1 145.19 (2) (title) FEES.

2 **SECTION 14.** 145.19 (2) of the statutes is renumbered 145.19 (2) (a).

3 **SECTION 15.** 145.19 (2) (e) of the statutes is created to read:

4 145.19 (2) (e) A governmental unit responsible for the regulation of private
5 sewage systems may not charge more than one fee for a sanitary permit or the
6 renewal of a sanitary permit in any 12-month period.

7 **SECTION 16.** 145.19 (3) (title) of the statutes is repealed.

8 **SECTION 17.** 145.19 (3) of the statutes is renumbered 145.19 (2) (b) and amended
9 to read:

10 145.19 (2) (b) The governmental unit responsible for the regulation of private
11 sewage systems shall forward a copy of each valid sanitary permit and \$20, or the
12 amount determined under department rule, of the fee to the department within 90
13 days after the sanitary permit is issued.

14 **SECTION 18.** 145.19 (4) (title) of the statutes is repealed.

15 **SECTION 19.** 145.19 (4) of the statutes is renumbered 145.19 (2) (c).

16 **SECTION 20.** 145.19 (5) (title) of the statutes is repealed.

17 **SECTION 21.** 145.19 (5) of the statutes is renumbered 145.19 (2) (f) and amended
18 to read:

19 145.19 (2) (f) The department, by rule promulgated under ch. 227, may adjust
20 the minimum ~~permit~~ fee under ~~sub. (2)~~ par. (a) and the fee portion forwarded under
21 ~~sub. (3)~~ par. (b).

22 **SECTION 22.** 145.19 (6) (title) of the statutes is repealed.

23 **SECTION 23.** 145.19 (6) of the statutes is renumbered 145.19 (2) (d) and
24 amended to read:

