

No. 51, A.]

[Published May 16, 1957.

CHAPTER 86

AN ACT to create 20.005 (2) (a) (lines 266a to 266c), 20.410 (3) and 146.20 of the statutes, relating to the power and duties of the state board of health to license and regulate the business of servicing septic tanks, seepage pits, grease traps or privies; granting rule making authority, providing penalties and making an appropriation.

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

SECTION 1. 20.005 (2) (a) (lines 266a to 266c) of the statutes are created to read:

20.005 (2) (a)		1957-58	1958-59
266a.	Wisconsin sanitary licensee 20.410 (3)	\$8,840	\$9,240
266b.	Personal services	7,340	7,740
266c.	Materials and expense	1,500	1,500

SECTION 2. 20.410 (3) of the statutes is created to read:

20.410 (3) WISCONSIN SANITARY LICENSEE. On July 1, 1957, \$8,840 and on July 1, 1958, \$9,240 is appropriated for the administration of s. 146.20.

SECTION 3. 146.20 of the statutes is created to read:

146.20 SERVICING SEPTIC TANKS, SEEPAGE PITS, GREASE TRAPS AND PRIVIES. (1) POWERS OF STATE BOARD OF HEALTH. The state board of health shall adopt rules relating to the business of servicing septic tanks, seepage pits, grease traps or privies and establish necessary safeguards to protect the public health against the hazards of insanitary and unhealthful practices and conditions. It shall have general supervision and control of methods of servicing septic tanks, seepage pits, grease traps and privies to prevent a nuisance or menace to public health.

(2) DEFINITIONS. For the purpose of this section:

(a) "Board" means the state board of health.

(b) "Septic tank" means and includes a septic toilet, chemical closet and any other watertight enclosure used for storage and decomposition of human excrement, domestic or industrial wastes.

(c) "Seepage pit" means and includes a dry well, leaching pit or any other cavity in the ground which receives the liquid discharge of a septic tank.

(d) "Grease trap" means a watertight tank for the collection of grease present in sewage and other wastes, and from which grease may be skimmed from the surface of liquid waste for disposal.

(e) "Privy" means a cavity in the ground constructed for toilet uses which receives human excrement either to be partially absorbed directly by the surrounding soil or storage for decomposition and periodic removal.

(f) "Servicing" means cleaning, removing and disposal of scum, liquid, sludge or other wastes from a septic tank, seepage pit, grease trap or privy.

(3) LICENSING. (a) *License; application; fee.* Every person before engaging in the business of servicing septic tanks, seepage pits, grease traps or privies in this state shall make application on forms prepared by the board for licensing of each vehicle used by him in such business. The annual license fee is \$25 for each vehicle for a state resident licensee and \$50 for a nonresident licensee. If the board, after investigation, is satisfied that the applicant has the qualifications, experience, and equipment to perform the services in a manner not detrimental to public health it shall issue the license, provided a surety bond has been executed. The license fee shall accompany all applications.

(b) *Expiration date of license.* All licenses so issued shall expire on June 30 and shall not be transferable. Application for renewal shall be filed on or before July 1, and if filed after that date a penalty of \$5 shall be charged.

(c) *Wisconsin sanitary licensee.* Any person licensed under this section is required to paint on the side of any vehicle, which he uses in such business, the words "Wisconsin Sanitary Licensee" and immediately under these words "License No." with the number of his license in the space so provided with letters and numbers at least 2 inches high; and all lettering and numbering shall be in distinct color contrast to its background.

(d) *Licensing exceptions.* No license is required of any person for servicing a septic tank, seepage pit, grease trap or privy on real estate owned or leased by him or by a licensed plumber but such servicing shall be in conformity with the law and the rules of the board.

(4) SURETY BOND. Before receiving a license the applicant shall execute and deposit with the board a surety bond covering the period for which

the license is issued, by a surety company authorized to transact business within the state, to indemnify persons for whom faulty work is performed. Such bond shall be in the amount of \$1,000 for residents of the state and \$5,000 for nonresidents; provided that the aggregate liability of the surety to all such persons shall, in no event, exceed the amount of the bond. Such bond shall be conditioned on the performance of services in conformity with all applicable health laws and rules.

(5) **AUTHORITY TO SUSPEND OR REVOKE LICENSES.** The board may and upon written complaint shall make investigations and conduct hearings and may suspend or revoke any license if the board finds that the licensee has:

(a) Failed to execute, deposit and maintain a surety bond.

(b) Made a material misstatement in the application for license or any application for a renewal thereof.

(c) Demonstrated incompetency to conduct the business.

(d) Violated any provisions of this section or any rule prescribed by the board.

(6) **PENALTIES.** Any person who engages in the business of servicing septic tanks, seepage pits, grease traps or privies without first securing a license or renewal thereof, or who otherwise violates any provision of this section, shall be fined not more than \$100 or imprisoned not more than 30 days, or both. Each day such violation continues shall constitute a separate offense.

SECTION 4. This act shall take effect July 1, 1957, or on the first day of the month following its publication, whichever comes later.

SECTION 5. This bill is declared to be an emergency appropriation bill and is recommended by the joint committee on finance.

Approved May 13, 1957.
