

CHAPTER 6
TOWN OF DECATUR
ORDINANCE PROHIBITING USE OF HOLDING TANKS

SECTION 1: Purpose: Whereas, the Town Board of the Town of Decatur believes it is in the best interests of the public to prohibit the use of holding tanks for private sewage systems in the Town of Decatur, the installation and use of all holding tanks for any new or existing structure is prohibited in the Town of Decatur except as by the appeal procedure provided herein.

SECTION 2: Statutory Authority: This ordinance is enacted pursuant to Chapter 145 and 146 of the Wisconsin Statutes and Chapter 463 of Wisconsin Administrative Code, specifically Section H63.18(2).

SECTION 3: Definitions: The definitions contained in Section 145.01 of Wisconsin Statutes and Section 53.02 of Wisconsin Administrative Code are hereby adopted and made part of the ordinance by reference.

SECTION 4: Appeal Rights: Any person may appeal to the Town Board of the Town of Decatur for a variance to the prohibition to installation and use of holding tanks in the Town of Decatur. The appeal shall be in writing, stating sufficient reasons and cause for the issuance of a variance by details as to installation plan, and agreement to a holding tank agreement.

SECTION 5: Appeal Hearing: The Town Board of the Town of Decatur shall hear the request for a variance at a regular meeting of the Town Board after giving written notice to the applicant at least 14 days prior to the meeting. The 14 day notice may be waived by the applicant with a signed request.

SECTION 6: Appeal Decision: The Town Board may grant a variance for the installation and use of a holding tank within the Town of Decatur if the Board finds that the following apply:

1. The issuance of a variance will not harm public interests or good;
2. There exists no other reasonable alternative;
3. The appeal information is complete including necessary installation plan;
4. The applicant consents to the signing of a holding tank agreement;
5. The applicant must receive all required approval from Green County
6. No other reasons exist to deny the issuance of a variance.

SECTION 7: Fee: The applicant seeking a variance shall remit to the Town Clerk a \$25.00 non-refundable filing fee with the appeal request.

SECTION 8: Holding Tank Agreement: The Town Board shall require the applicant granted a variance to consent to a holding tank agreement and comply with all state laws and code requirements.

SECTION 9: Quarterly Report: Pursuant to Section 63.18(4) of Wisconsin Administrative Code, the owner shall submit a quarterly pumping report to the proper Green County authority which shall state the following:

1. The Owner's name,
2. The location of property where the holding tank is located,
3. Volumes pumped,
4. Disposal site of the volume pumped.

This report shall be made available to the Town of Decatur upon request by the Town.

SECTION 10: Inspection: The Town Board of the Town of Decatur shall be authorized to inspect at reasonable times any holding tank installed and in use under this Ordinance.

SECTION 11: Enforcement and Notice of Violation: Upon inspection by the Town Board of the Town of Decatur, through its Town Board, if the holding tank has not been properly maintained or

serviced in compliance with Wisconsin law or in such a manner as to create a nuisance, the Town Board of the Town of Decatur may issue a Notice to pump or correct the violation within twenty-four (24) hours. The notice shall indicate that failure to pump the holding tank or take corrective action as directed shall result in the Town of Decatur causing such work to be done and charged back to the Owner. Further, that failure to pay the costs of such work within thirty (30) days of the date of notice of the charges shall result in placing the charge on the Owner's tax bill as a Special Charge.

SECTION 12: Servicing of Holding Tank and Charge Back:

Upon failure of an Owner to comply with a proper Notice of the Town Board of the Town of Decatur to pump or correct a violation in the use of a holding tank, the Town Board may contract with a properly licensed business to pump or correct the holding tank violation. The costs of such pumping or corrective action shall be charged back to the Owner of the land. Failure to pay such costs within thirty (30) days shall result in the placing of the said amount on the Owner's tax bill as a Special Charge. The Special Charge shall be a Special Assessment against the owner's property. In addition, the owner of tax-exempt property shall deposit with the Town of Decatur a Cash Bond in the amount of \$500.00 (Five Hundred Dollars). This bond shall guarantee to the Town of Decatur reimbursement of any and all expenses incurred by the Town of Decatur as a result of servicing such holding tank.

SECTION 13: Severability and Conflict: If any section, sub-section, sentence, clause, phrase or word of this ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 14: Penalty: In addition to the other procedures contained herein, any person violating this ordinance by installing or using a holding tank without the issuance of a proper permit shall be fined not less than \$10.00 and not more than \$200.00 for each offense, plus costs and disbursements. In default of payment of the above forfeiture plus costs and disbursement, the person convicted shall be confined to the county jail until such forfeiture plus costs and disbursements have been paid, not to exceed thirty (30) days. Each day a violation exists or continues shall constitute a separate offense.

SECTION 15: Injunctive Relief: The Town Board of the Town of Decatur may authorize the commencement of appropriate legal action or proceedings to prohibit the owner, residence agent or occupant of the premises from use of a holding tank installed or used in violation of this ordinance.

Adopted this 17th day of January, 2017

By the Town Board of the Town of Decatur

Allen Schneider, Town Chairperson

Ronald L. Schwartzlow, 1st Supervisor

Robert A. Gadow, 2nd Supervisor

Attested by:

Ann L. Schwartz, Clerk/Treasurer