

Chapter 13.08

HOLDING TANKS

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13.08.010 Restricted.

A. Holding tanks for new residential construction shall be prohibited in the town.

B. No holding tank for existing residential construction or new or existing nonresidential construction shall be permitted in the town without the approval of the town board. (Ord. dated 10/12/92 (part): prior code § 11.06(1) and (2))

**13.08.020 Approval conditions--
Agreement.**

Upon approval of the town board and as a precondition to the installation of a holding tank for existing residential construction or new or existing nonresidential construction, the landowner shall enter into an agreement with the town relative to the installing, maintaining, and emptying such holding tank. Such owner shall cause the agreement to be recorded with the office of the register of deeds for Racine County and the agreement shall constitute an agreement running with the land and binding upon the owners, his heirs, successors, administrators and assigns. In such agreement the owner shall agree:

A. To be fully responsible and liable for the proper operation and maintenance of the holding tank and for the disposal of the contents of the holding tank in accord with all applicable laws, ordinances, rules and regulations;

B. To obey all lawful orders with respect to the holding tank which are issued by the town and its officials, as well as all other agencies and officers with jurisdiction as to such holding tank;

C. To pay all charges and costs incurred by town or county for inspection, pumping, hauling or otherwise servicing and maintaining said holding tank;

D. To install warning devices, both visual and audible, to indicate when the holding tank is full or in need of pumping;

E. To have the contents from the holding tank removed, hauled and disposed of by a hauler licensed by the state in accord with all state and local laws, ordinances, rules and regulations;

F. To file receipts with the Racine County department of environmental control at least quarterly evidencing the date and volume of contents which was removed from the holding tank;

G. To allow any authorized person of the town or Racine County to inspect the holding tank and the premises at all reasonable times;

H. To having a lien asserted against the property served by the holding tank for any obligations or damages accruing to the town under the agreement and to having any such obligations or damages placed upon the town tax rolls and collected as any other real estate tax;

I. To bind any future owner of the property served by the holding tank to enter into a like agreement with the town;

J. To be bound to such new contract terms provided under this chapter as shall be enacted from time to time; provided, however, that prior to the adoption of any amendment of this chapter which shall provide for any such new contract terms that the owner, or his successor in interest, shall have been given at least fifteen (15) days notice of the intention to amend this chapter and shall have been given an opportunity to

be heard before the adoption of such amendment. (Ord. dated 10/12/92 (part): prior code § 11.06(3))

13.08.030 Service to more than one property.

Unless required by the applicable law, rules and regulations, no contract shall be entered into with respect to a holding tank to serve more than one property. (Ord. dated 10/12/92 (part): prior code § 11.06(4))

13.08.040 Effective date.

This chapter shall be in effect as to all contracts entered into by the town as to holding tanks following the adoption and publication of this chapter. (Ord. dated 10/12/92 (part): prior code § 11.06(6))

13.08.050 Board of appeals.

The town board shall act as a board of appeals should any person request a variance from any of the provisions of this chapter. The decision in any such request for variance shall be communicated to the Racine County department of environmental control. (Ord. dated 10/12/92 (part): prior code § 11.06(7))