

TOWN OF DUNN

ORDINANCE NO. 11-12

**AN ORDINANCE REGULATING THE INSTALLATION
AND MAINTENANCE OF HOLDING TANKS IN THE TOWN OF DUNN,
DANE COUNTY, WISCONSIN**

Section 1

Holding tanks shall be prohibited as private sewage-systems for new construction in the Town of Dunn, except as herein authorized. Holding tanks shall be permitted if it is the only reasonable means of providing sewage service for the property.

Section 2

No person, firm or corporation shall construct or use a sewage holding tank within the Town of Dunn without first having obtained a permit therefor from the Town Board of the Town of Dunn.

Section 3

No person, firm or corporation shall be issued a permit for a sewage holding tank in the Town of Dunn unless that person, firm or corporation shall have:

- (a) Obtained any and all necessary state, county and local permits.
- (b) Complied with all applicable State, County and local laws, regulations and ordinances.
- (c) Paid all permit fees.

Section 4

Any person, firm or corporation who wishes to construct or use a sewage holding tank within the Town of Dunn shall prior to such construction or use complete and file a sewage holding tank application form with the Town Clerk. The application fee shall be \$25.00 and shall be paid at the time the application is filed with the Town Clerk.

Section 5

Any person, firm or corporation who is denied the right to install or use a holding tank by virtue of this ordinance may

appeal to the Town Board. Such appeal shall be made within 30 days of the date of denial. Following a public hearing, notice of which shall be given as a Class 1 notice, the Town Board may grant variances only in cases where all of the following are present:

- (a) Unnecessary hardship not due to the fault or omission of the applicant or owner of the lands, and
- (b) The installation of a holding tank will not pollute either ground water, subsoil water or create other pollution problems, and
- (c) Where no private sewage system other than a holding tank is feasible for a particular site.

Section 6

Upon the public hearing, the Town Board shall review and consider the variance application and file its decision thereon with the Town Clerk and give written notice thereof to the applicant within sixty days of the date the variance request is filed with the Town Clerk. The Town Clerk shall inform the Department of Industry Labor and Human Relations in writing of each variance granted.

Section 7

Any permit issued under this ordinance shall be subject to and conditioned upon the entering into and signing if a recordable agreement between all the applicants and the Town of Dunn regarding the holding tank, which agreement may include provisions regarding a bond for the property, and other requirements as determined reasonable and necessary by the Town Board.

Section 8

If the Town Board denies the variance application, the applicant may appeal such decision to the Circuit Court for Dane County by writ of certiorari. Such appeal shall be filed with the Clerk of Circuit Court within thirty days of the date of notice of the Town Board's action to the applicant.

Section 9

The Court shall direct that the variance be granted only if it finds the action of the Town Board to be arbitrary, unreasonable or discriminatory.

Section 10

When a public sewer service becomes available for a parcel with a permit hereunder or another form of private sewage system is permitted for such land, the waste facility shall be

disconnected from the holding tank and shall be connected to the public sewer or other form of private sewage system, and the holding tank shall be abandoned in accordance with applicable laws, regulations and ordinances, including, but not limited to, regulations of the Wisconsin Department of Industry, Labor and Human Relations. To the extent permitted by law and to avoid unnecessary hardship, the Town Board may permit exceptions to this requirement.

Section 11

Any permit issued under this ordinance shall be considered in effect for an indefinite period, subject to continued compliance with the conditions of the permit. Such permit shall also be subject to commencement of substantial construction of the holding tank within six months from the issuance of a permit. In the event such substantial construction shall not be commenced within such six month period, said permit shall expire, unless prior to such expiration, the permit holder shall have applied to and obtained an extension of such period from the Town Board for good cause shown.

Section 12

Invalidation of any part of this ordinance by a court shall not invalidate the balance thereof.