

TOWN OF MAPLE GROVE
MANITOWOC COUNTY, WISCONSIN

ORDINANCE NO. 199 7-1

AN ORDINANCE TO PROHIBIT THE USE OF HOLDING TANKS
FOR NEW CONSTRUCTION

WHEREAS, the proper setting, design, installation, and maintenance of private sewage systems are essential to the public health and welfare; and

WHEREAS, the Manitowoc County Board of Supervisors adopted the Manitowoc County Private Sewage System Ordinance pursuant to Section 59.065, Wis. Stat., which is applicable in the Town of Maple Grove; and

WHEREAS, Section 13.07(1)(a) of the Manitowoc County Private Sewage System Ordinance applies to the use of holding tanks and authorizes the Town of Maple Grove to prohibit the use of holding tanks for all new construction; and

WHEREAS, Section ILHR 83.18(2)(b), Wisconsin Administrative Code, authorizes the Town to prohibit the installation and use of holding tanks for new construction;

NOW, THEREFORE, the Town Board of the Town of Maple Grove, Manitowoc County, Wisconsin, do ordain as follows:

Section 1. Definitions.

1.1 "Holding tank" means an approved watertight receptacle for the collection and holding of sewage.

1.2 "New construction" means a new structure for which no sanitary permit for the installation of a private sewage system was issued prior to the effective date of this ordinance.

1.3 "Private sewage system" means a septic tank and soil absorption field, an alternative system approved by the Department of Commerce, Safety and Buildings Division, including a substitute for the septic tank or soil absorption field, or holding tank.

Section 2. Prohibition. The installation and use of a holding tank for new construction in the Town of Maple Grove is prohibited.

Section 3. Existing Structure. When the use of a holding tank becomes the only available alternative for the disposal of sanitary liquid waste for an existing building, the Town shall allow the use of a holding tank or condemn the property.

Section 4. Appeal Procedure; Variance.

4.1 Any person aggrieved by the application of this ordinance may appeal to the Town Board of the Town of Maple Grove by filing with the Town Clerk a written notice of appeal specifying the reasons thereof, together with an administrative fee in the amount of \$200.00.

4.2 The Town Board shall hold a hearing on the appeal within thirty (30) days after the appeal is filed.

4.3 The Town Board shall decide the appeal within a reasonable time. The Town Board shall have the power to allow a variance from the terms of this ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship. In making its determination, the Town Board shall consider the time the holding tank will be in use, arrangements for disposal of the effluent, the hardship caused by the prohibition, the public

health concerns, the likelihood of such installation resulting in a public nuisance, and any other factors affecting the public health and welfare it deems appropriate.

4.4 The Town Board shall notify the Department of Commerce, Safety and Buildings Division in writing of each variance granted hereunder.

Section 5. Severability. If any portion of this ordinance is found to be void or otherwise unenforceable by a court of competent jurisdiction, such finding shall not affect the remaining portions of this ordinance which shall remain in full force and effect.

Section 6. Effective Date. This ordinance shall be effective upon adoption and posting according to law.

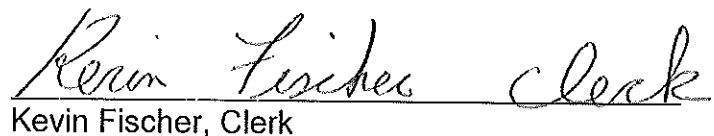
Section 7. Approval. Prior to adoption, a copy of this ordinance was submitted to and approved by the Department of Commerce, Safety and Buildings Division pursuant to Section ILHR 83.18, Wisconsin Administrative Code.

Adopted this 10 day of February, 1997.

TOWN OF MAPLE GROVE TOWN BOARD


Harry Schaefer, Chairperson

ATTEST:


Kevin Fischer, Clerk