

**TOWN OF KILDARE  
ORDINANCE NO. 8(A)**

**AN ORDINANCE PROHIBITING THE USE OF HOLDING TANKS  
IN THE TOWN OF KILDARE, JUNEAU COUNTY, WISCONSIN**

The Town Board of the Town of Kildare, Juneau County, Wisconsin, in order to promote the public health, safety, general welfare and good order in the Town of Kildare and for its inhabitants, pursuant to powers inherent to it as a Town and granted to it by the electors of the Town under Section 60.10 and Section 60.22(3) of the Wisconsin Statutes, does ordain as follows:

Section 1 – Purpose

Whereas the Town Board believes it is in the best public interests of the public to prohibit the use of holding tanks for private sewage systems in the Town of Kildare, the installation and use of all holding tanks for new construction is prohibited in the Town of Kildare except by appeal procedure provided herein.

Section 2 – Authority

This ordinance is enacted pursuant to Chapter 145 of Wisconsin Statutes and COMM Chapters 81 through 84 of the Wisconsin Administrative Code.

Section 3— Definitions

The definitions contained in Section 145.01 of the Wisconsin Statutes and Section 63.02 of the Wisconsin Administrative Code are hereby adopted and made a part of this ordinance by reference.

Section 4— Appeal Rights

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

Section 5— Appeal Hearing

The Town Board shall hear the request for a variance at a regular meeting of the Town Board after giving written notice to the applicant at least seven (7) calendar days prior to the meeting.

### Section 6— Appeal Decision

The Town Board may grant a variance for the installation and use of a holding tank within the Town of Kildare if the Town Board finds that:

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 plans;
4. The applicant consents to the signing of a holding tank agreement;
5. No other reasons exist to deny the issuance of a variance.

### Section 7— Fee

The applicant seeking a variance shall file with the Town Clerk a non-refundable \$25.00 filing fee with an appeal request.

### Section 8 –HoldinQ Tank Acireement

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— Penalties

In addition to the other procedures contained herein, any person or persons violating this ordinance by installing or using a holding tank without issuance of a proper permit shall, upon conviction, forfeit not less than \$10.00 and not more than \$200.00 together with all costs incurred by the Town as a result of the violation including reasonable attorney's fees. Upon failure to pay said forfeiture and costs, the person shall be confined in the Juneau County Jail until said forfeiture and costs are paid, not to exceed thirty (30) days. Each day that a violation continues to exist shall constitute a separate offense.

### Section 10— Iniunctive Relief

The Town Board 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.

Section 11 – Severability

Should any section, clause or provision of this ordinance be declared by the Court to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be invalid.

Section 12 – Conflict

All ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed.

Section 13 – Effective Date

This ordinance shall be in force and effect from and after its passage and publication as provided by law.


INTRODUCED AND ADOPTED by the Town Board of the Town of Kildare at a regular meeting held on the 12<sup>th</sup> day of July, 2006.



Chairman

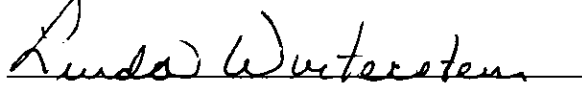


Supervisor



Supervisor

Attest:



Clerk

Posted 7-14-06 in three public places in the Town of Kildare

1. Town Hall Bulletin Board
2. Clerk's Residence
3. Country Corners Bait & Tackle

Published 7-13-06 in The Messenger of Juneau County