

Chapter 375

SEWERS AND SEWAGE DISPOSAL

[HISTORY: Adopted by the Town Board of the Town of La Pointe as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Sanitary District — See Ch. 135.

Madeline Sanitary District Ordinances — See Ch. A500.

ARTICLE I

Holding Tanks

[Adopted 2-11-1987 by Ord. No. 89]

§ 375-1. Purpose.

The purpose of this article is to regulate the installation, use and maintenance of holding tanks as private sewage systems within the Town of La Pointe. The installation, use and maintenance of holding tanks shall be permitted only under the terms and conditions set forth herein.

§ 375-2. Statutory authority.

Pursuant to Chs. 145 and 146, Wis. Stats., and Ch. Comm 83, Wis. Adm. Code, the Town Board of La Pointe does hereby enact this article.

§ 375-3. Definitions.

The definitions contained in § 145.01, Wis. Stats., and § Comm 81.01, Wis. Adm. Code, are hereby adopted and made a part of this article by reference.

§ 375-4. Restriction on installation and use.¹

Holding tanks for use as private sewage systems shall not be installed for any new or existing structure in the Town of La Pointe without first obtaining a permit and entering an agreement as provided herein. Replacement holding tanks for existing structures to replace defective systems shall also be required to comply with this article. All private sewage systems must comply with the Ashland County Private Sewage System Ordinance.

§ 375-5. Permit required.

Prior to the installation of any holding tank for private sewage purposes within the Town

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

of La Pointe the owner of the premises desiring to install the holding tank shall apply to the Madeline Sanitary District Commission² for a permit authorizing the installation of the holding tank.

§ 375-6. Application information.

The Madeline Sanitary District Commission may request sufficient information in writing to determine that the proposed holding tank will comply with the requirements of Ch. Comm 83, Wis. Adm. Code, as to installation, construction, design, use and servicing. Failure to comply with this section or provide adequate information to the Madeline Sanitary District Commission shall be adequate grounds to deny the issuance of the permit.

§ 375-7. Holding tank agreement. ³

Prior to the issuance of a permit by the Madeline Sanitary District Commission the applicant must consent to and sign a holding tank agreement in a form approved by the Commission. The holding tank agreement shall be signed by the Commission Chairperson and the District Clerk on behalf of the Town of La Pointe upon approval and recommendation of the Madeline Sanitary District Commission as provided herein.

§ 375-8. Approval of permit.

Upon review of the application information by the Madeline Sanitary District Commission, a holding tank permit may be issued if the Commission finds the following:

- A. Necessary application information is complete;
- B. All statutory and Administrative Code requirements have been complied with;
- C. The applicant has consented to and signed a holding tank agreement as provided herein; and
- D. The issuance of a permit would not be contrary to the public good.

§ 375-9. Issuance of permit. ⁴

Upon approval of the issuance of a permit by the Madeline Sanitary District Inspector, the Madeline Sanitary District Chairperson is authorized to sign a permit and execute a holding tank agreement with the owner or owners pursuant to § 375-7 of this article.

§ 375-10. Fee. ⁵

2. Editor's Note: Throughout this article, references to this Commission were standardized to read "Madeline Sanitary District Commission" at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

5. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

The applicant shall be required to tender to the Madeline Sanitary District a fee as set by the Madeline Sanitary District Commission prior to the issuance of the holding tank permit. This fee shall be used to defray the administrative costs of issuance of the permit.

§ 375-11. Inspection.

The Madeline Sanitary District Inspector shall be authorized to inspect at reasonable times any holding tank installed and in use under this article.

§ 375-12. Enforcement; notice of violation.

Upon personal inspection by the Sanitary Inspector, 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 Sanitary Inspector may issue a notice to pump or correct the violation within not less than 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 La Pointe causing such work to be done and charged back to the owner and, further, that failure to pay the costs of such work within 30 days of date of notice of the charges shall result in placing the charge on the owner's tax bill as a special charge.

§ 375-13. Servicing of holding tank and recovery of costs.

Upon failure of an owner to comply with a proper notice of the Madeline Sanitary Inspector to pump or correct violation in the use of a holding tank, the Sanitary Inspector may contract with a properly licensed business to pump or correct the holding tank. The costs of such pumping or corrective action shall be billed to the owner of the land. Failure to pay the costs within 30 days shall result in the placing of the costs on the owner's tax bill as a special charge. The special charge shall be a special assessment against the property.

§ 375-14. Quarterly report.

Pursuant to Ch. Comm 83, Wis. Adm. Code, the owner shall submit a quarterly pumping report to the Sanitary District which shall state the following:

- A. The owner's name.
- B. Location of property where the holding tank is located.
- C. Volumes pumped.
- D. Disposal site of the volume pumped.

§ 375-15. Violations and penalties.

- A. In addition to the other procedures contained herein, any person violating this article by installing or using a holding tank without the issuance of a proper permit shall be fined not less than \$100 and not more than \$1,000 for each offense, plus

costs and disbursements.⁶

- B. In default of payment of the above forfeiture plus costs and disbursements, the person convicted shall be confined to the county jail until such forfeiture plus costs and disbursements have been paid, not to exceed 30 days.

§ 375-16. Injunctive relief.

The Madeline Sanitary District Commission may authorize the commencement of appropriate legal action or proceedings to prohibit the owner, resident, agent or occupant of the premises from use of a holding tank installed or used in violation of this article.

⁶. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).