

ORDINANCE NO. 146AN ORDINANCE TO REGULATE THE
OPERATION OF HOLDING TANKS IN THE
VILLAGE OF OCONOMOWOC LAKE

The Village Board of the Village of Oconomowoc Lake do ordain as follows:

SECTION 1: An Ordinance entitled "Operation of Holding Tanks in the Village of Oconomowoc Lake" is hereby created to read as follows:

- A. OPERATION REGULATED. No person, corporation or organization shall operate any device designed for the holding of sewage wastes in the Village of Oconomowoc Lake unless an agreement has been obtained from and entered into with the Village.
- C. AGREEMENT. An agreement as provided by the Village of Oconomowoc Lake in form according to Exhibit "A" attached, shall be executed by the applicant/owner to operate a holding tank. Said agreement shall provide as follows:
1. Applicant/Owner shall agree with the Village to operate a holding tank of adequate size for the use proposed as approved by the Waukesha County Department of Health & Human Services.
 2. Applicant/Owner shall agree to conform to all rules and regulations, ordinances and codes of the Village of Oconomowoc Lake, as well as all regulations and Statutes of the State of Wisconsin or Waukesha County, in the maintenance of said holding tank.
 3. Applicant/Owner shall agree to submit to the Village of Oconomowoc Lake a copy of a contract or agreement signed by a State of Wisconsin approved or licensed tank pumping firm, which provides for the periodic pumping of said holding tank whenever necessary at applicant/owner's expense.
 4. Applicant/Owner agrees to, when necessary, have the holding tank pumped out by a State approved wastewater

holding tank pumping firm and otherwise maintain the tanks at the applicant/owner's expense.

5. Applicant/Owner shall agree that at any time said holding tank is not pumped as necessary, the Village of Oconomowoc Lake or any designated officer thereof shall have the right on 24 hours written notice to hire or otherwise accomplish the emptying of said tank at the expense of the owner. The Village shall add to said cost a 15% additional charge for the administration of this section. If the total amount owed to the Village remains unpaid for 30 days, the Village Treasurer may place said charge as a special charge against the real estate taxes of the owner and it may be collected as such according to Statute.
 6. Applicant/Owner will agree in said agreement to grant to the Village of Oconomowoc Lake full right, license and authority to enter upon his/her property for inspection, pumping and transportation from said holding tank.
 7. The agreement referred to herein shall be executed in recordable form, shall contain the legal description of the owner's property benefited, and shall be recorded with the Register of Deeds for Waukesha County.
 8. All parties in interest to owner's property shall execute and be parties to the agreement.
 9. The agreement shall continue so long as the holding tank is operated and shall terminate upon connection to an alternate sanitary septic system and abandonment of said holding tank.
 10. The agreement, upon execution by applicant/owner, shall thereupon become a part of this ordinance and enforceable as a part of this ordinance as if it were contained herein.
- D. INSPECTION. In the event a violation ever occurs causing a nuisance, the Village may inspect said holding tank on a

monthly basis to insure that future violations do not occur. The fee for these inspections shall be the responsibility of the applicant/owner and in the event applicant/owner does not pay said inspection fees, the cost may then be added to the tax roll as a special real estate charge. The amount of the inspection fee shall be as determined from time to time by the Village Board.

- E. PENALTIES. In addition to the financial obligations provided for in this Ordinance, if the applicant/owner violates or permits violation of any provision of this Ordinance or the Holding Tank Agreement, said applicant and owner shall be liable to the Village for a penalty of not less than \$10.00 nor more than \$100.00 for each violation of which convicted. Each day that a violation occurs or continues shall be considered a separate violation of this Ordinance.

SECTION 2: SEVERABILITY.

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a decision of a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and not affect the validity of all other provisions, sections, or portions of the ordinance which shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 3: EFFECTIVE DATE.

This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Passed and adopted this 20th day of May, 1996.

BY THE VILLAGE OF OCONOMOWOC LAKE:

Raymond Foster Jr.
RAYMOND FOSTER, JR. VILLAGE PRESIDENT

ATTEST:

Cheryl A. Wierdsma
CHERYL WIERDSMA, VILLAGE CLERK

STATE OF WISCONSIN }
COUNTY OF WAUKESHA }

AFFIDAVIT OF POSTING
ORD 146 - HOLDING TANKS

The undersigned, being first duly sworn, on oath deposes and states that on May 24, 1996 at the direction of the Clerk of the Village of Oconomowoc Lake, he posted copies of the foregoing proceedings of the Village Board in the following public places in said Village.

to-wit:

- (1) Opposite the entrance to the Oconomowoc Lake Club on the northern side of the road in front of the Club;
- (2) At the entrance to the Village Hall on West Pabst Road;
- (3) At the northern corner of the junction of West Beach Road and the private drive (South Beach Road) leading into the Borisch, Fischer, Lowry, et al properties.

James R. Fulmer

Subscribed and sworn to before me

this 24 day of May, 1996

Cheryl A. Wierdema
Notary Public, Waukesha County, Wisconsin
My commission expires: 11-14-99