

AN ORDINANCE TO PROHIBIT THE INSTALLATION AND USE OF HOLDING TANKS FOR
NEW CONSTRUCTION WITHIN THE TOWN OF FORT WINNEBAGO

The Town Board of the Town of Fort Winnebago, Columbia County, Wisconsin, do ordain
as follows:

SECTION I: Intent.

The Intent of this Ordinance is to protect the public health
against unsanitary and unhealthful practices and conditions,
and to protect the surface waters and ground waters of the
Town of Fort Winnebago from contamination by septage.

SECTION II: Authority.

The Town Board of the Town of Fort Winnebago has specific
authority, powers, and duties, pursuant to Section 66.052, (1991-
92) Wis. Stats., to Chapters 143, 281, 146 and 823, (1991-92)
Wis. Stats. And pursuant to Section ILHR 83.18, Wis. Admin.
Code.

SECTION III: Applicability.

The provisions of this Ordinance shall apply to all land within the
jurisdiction of the Town of Fort Winnebago, Columbia County, Wis.

SECTION IV: Adoption of Ordinance.

The Town Board of the Town of Fort Winnebago has, by adoption
of this Ordinance, confirmed the specific statutory authority,
powers, and duties noted in the specific sections of this Ordinance
and has established, by the sections and this Ordinance, the
regulation, control, and prevention of certain uses, activities,
businesses and operations by persons that may affect public safety
and public health within the Town of Fort Winnebago.

SECTION V: Definitions in this Ordinance:

- A. "Holding Tank" means an approved watertight receptacle
for the collection and holding of septage.
- B. "Septage" means the scum, liquid, sludge or other waste in a
septic tank, soil absorption field, holding tank, or grease
trap or privy.

SECTION VI: General Provision.

Whereas, the County of Columbia has not enacted a county-wide
Ordinance prohibiting the use of holding tanks for new construction
pursuant to ILHR, 83.18 Wis. Adm. Code, and;

Whereas, the Town Board of the Town of Fort Winnebago, has
considered the advantages and disadvantages of allowing use of
holding tanks, and;

Whereas, the Town Board has determined that public health and
welfare requires the restriction of use of holding tanks for new
construction; particularly in areas of dense development and/or

near navigable lakes, streams, wells, and high water tables, and;

Whereas the Town Board has considered the expense and liability which may ensue if the Town of Fort Winnebago enters into servicing contracts under ILHR 83.18 (4) and, the cost of enforcing them, and the lack of manpower to supervise holding tank use, and;

Whereas, the proliferation of holding tanks presents potential damage to the groundwater and navigable waters of the Town;

Now, therefore, the Town Board of the Town of Fort Winnebago does hereby ordain that pursuant to Section 83.18 (b)2(b) the installation and use of holding tanks for new construction is hereby prohibited in the Town of Fort Winnebago.

SECTION VII: Public Nuisance.

The installation or use of holding tanks in the Town of Fort Winnebago for new construction in violation of this Ordinance shall be considered a Public Nuisance subject to Chapter 823 Wis. Statutes and the remedies therein provided.

SECTION VIII: Notice to County.

Upon passage of this Ordinance, the Town Clerk shall deliver a copy of this Ordinance to the Columbia County Zoning Administrator for the use of that municipality in enforcing section 66.036 Wis. Stats. Which restricts building permits for construction of structures unless a private domestic sewage treatment and disposal system, satisfying all applicable regulations, exists to serve the structure.

SECTION IX: Severability.

The provisions of this Ordinance shall be deemed severable and it is expressly declared that the Town Board would have passed the other provisions of this Ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this Ordinance or the application to any person or circumstances is held invalid, the remainder of the Ordinance and the applications of such provisions to other persons or circumstances shall not be affected.

This Ordinance shall be effective after publication or posting as required by law.

Dated in the Town of Fort Winnebago, Columbia County, Wisconsin, this 2nd day of November, 1998.

BY ORDER OF THE TOWN BOARD, TOWN OF FORT WINNEBAGO, COLUMBIA COUNTY, WISCONSIN.

William Schroeder Erwin Walker W.S.
Town Chairman Town Supervisor

Rita F. Fedrick Kay E. Gajvenis
Town Supervisor Town Clerk

Adopted: November 2, 1998
Published: December 3, 1998

Posted @ Fort Winnebago School; Portage Diesel; Kay Gajvenis residence.