

Town of Liberty Grove Ordinance No. 19-03

The Town Board of supervisors of the Town of Liberty Grove, Door County Wisconsin does ordain as follows:

Town of Liberty Grove Ordinances No. 5-99 and No.1-01 are hereby amended as follows:

Amend Section 8.B.

Title: Request for a Section 8.A. Exempt Holding Tank Permit

The words “commercial entity” are struck from Line 1 of paragraph 8.B.

The words “temporary holding tank permit” are struck from Line 7 of paragraph 8. B. Replaced by: Section 8.A. Exempt Holding Tank Permit

Amend 8.B (1) to read: The applicant’s property is located in a Commercial Center or General Commercial area as identified by the Town of Liberty Grove Comprehensive General Plan Design Map and is able to demonstrate through the use of expert testimony and scientific evidence that the site and the applicant’s intended use will not support a conventional or mound septic system POWTS; and

Amend 8.B (2) to read: The Town finds that there is not a health, safety or welfare threat to the residents of Liberty Grove by the use of a holding tank as a system of last resort to handle wastewater produced by the applicant’s intended use of the property and that the municipal waste water treatment plant servicing the Town is able to process the wastewater effluent.

Upon the findings by the Town of clear and convincing scientific evidence and expert opinion that a holding tank is the system of last resort for handling the wastewater effluent produced by the applicant’s intended use of the property, the Town Board by a supermajority vote of no less than 4 to 1 may instruct the Town Clerk/Administrator to issue a holding tank permit on the following terms and conditions:

- a. A non-refundable fee is paid to the Town in the amount of \$1,000.00;
- b. The risk of proceeding under this section is solely at the risk of the applicant;
- c. The Section 8.A. Exempt Holding Tank Permit is not assignable--if the ownership or permitted use of the property changes a new Section 8.A. Exempt Holding Tank Permit must be applied for;
- d. If sewer and water service become available to the applicant’s property, the applicant’s Section 8.A. Exempt Holding Tank Permit shall terminate 6 months after service is available;

- e. In the event the terms of this Addendum to the Holding Tank Regulation Ordinance, other Town Ordinances, County Ordinances, State Administrative Code provisions or State Statutes are violated, the Town may revoke the permit;
- f. All other terms and conditions of the Holding Tank Ordinance 5-99 remain in force and effect.

Severance.

If provisions of this ordinance are declared to be severable, and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid, such decision shall not affect the validity of the remaining sections, sentences, clauses or phrases of this ordinance.

This ordinance shall take place upon proper publication, posting, recording and filing with the Town Clerk.

I, Walter L. Kalms, Clerk/Administrator of the Town of Liberty Grove, Door County Wisconsin hereby certify that the above is a true and correct copy of an ordinance which was adopted at a properly noticed meeting of the Liberty Grove Town Board on the 17th day of December, 2003.

Dated this 18th day of December, 2003.

Walter L. Kalms, Clerk/Administrator