

Ordinance No. 2010-003

**AN ORDINANCE TO AMEND CHAPTER 10, SECTION 10.09(2)(d)
OF THE TOWN OF DELAFIELD MUNICIPAL CODE
TO ELIMINATE THE REQUIREMENT FOR A
HOLDING TANK CASH BOND REQUIREMENT**

WHEREAS, the Town Board of the Town of Delafield has received a recommendation from the Town Building Inspector that the holding tank cash bond that is currently required by the Town Code be removed, and instead that the Town rely upon the ability to impose a special charge if the Town incurs costs with regard to pumping a holding tank; and

WHEREAS, the Town Board finds the Building Inspector's request to be reasonable and intends to accept his recommendation by eliminating the holding tank cash deposit requirement.

NOW, THEREFORE, the Town Board of the Town of Delafield, Waukesha County, Wisconsin DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Chapter 10 of the Town of Delafield Municipal Code entitled "Public Nuisances," Section 10.09 entitled "Regulation of Holding Tanks," subsection (2) entitled "Agreement," subsection (d) is hereby repealed and recreated as follows:

10.09(2) Agreement

...

(d) Owner shall agree that at any time such holding tank is not pumped as necessary, the Town shall have the right on 24 hours written notice to hire or otherwise accomplish the emptying of such tank at the expense of the owner. The Town shall add to such cost 15% additional charge for the administration of this section. The total amount owed to the Town if such amount remains unpaid for 30 days shall be charged to the Owner as a special charge against the real estate of the owner pursuant to §66.0627, Wis. Stats., and may be collected as such according to the statute.

SECTION 2: SEVERABILITY

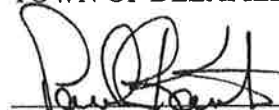
The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance 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.

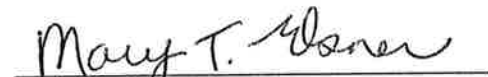
This ordinance passed this 10th day of August, 2010.

BY THE TOWN BOARD OF THE
TOWN OF DELAFIELD:



Paul L. Kanter, Town Chairman

ATTEST:


Mary T. Elsher, CMC, WCMC
Town Clerk

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