

ORDINANCE NO. 2017-08AN ORDINANCE TO REPEAL AND RECREATE
SECTION 10.09 (1) (b)
OF THE TOWN OF DELAFIELD MUNICIPAL CODE
RELATED TO HOLDING TANKS PERMITTED

WHEREAS, Chapter 10.09 (1) (b), titled Commercial, Industrial and Institutional, states that holding tanks will be permitted for replacement of existing septic or sewage systems and for new construction of commercial and industrial projects, and

WHEREAS, Chapter 10.09 (1) (b) does not allow holding tanks for new construction of institutional projects, and

WHEREAS, Waukesha County Department of Parks and Land Use, Environmental Division informed the Town Engineer on September 20, 2017 in a telephone conversation that the County encourages holding tanks for institutional uses that have kitchens to separate the high strength wastes, fats, oils and grease from the normal septic waste thus allowing conventional or mound systems to work more efficiently, and

WHEREAS, the Waukesha County Department of Parks and Land Use, Environmental Division has been allowing and encouraging holding tanks for institutional uses for the last 10 years,

WHEREAS, the Town Board determined that allowing institutional lands that have kitchens and/or generate high strength waste, oils, fats or grease to install a holding tanks protects the health, safety and welfare of Town residents and is consistent with the practices and permitting allowed by the Waukesha County Department of Parks and Land Use, Environmental Division,

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 (1) entitled "Holding Tanks Permitted," subsection (b) entitled "Commercial, Industrial and Institutional" is hereby repealed and recreated as follows:

- (b) Commercial, Industrial and Institutional. Holding tanks will be permitted for the replacement of existing septic and sewage systems and for new construction of commercial, industrial and institutional projects.

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 ordinance 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 be effective upon publication or posting as provided by law.

Dated this 10th day of October, 2017.

TOWN OF DELAFIELD



Lawrence G. Krause, Town Chairman

ATTEST:



Mary Elsner, Town Clerk

This ordinance ~~posted~~ or published 10/17/2017.