

HOLDING TANK AGREEMENT

Document Number

Between property owner and governmental unit

Property owner(s):

Governmental Unit:

City Village Town of

Agreement Date:

We acknowledge that application is being made for the installation of a holding tank or tanks on the following described property: (Provide legal description below or on a separate page)

Recording Area

Return to:

County zoning agency

Parcel Number:

This instrument drafted by:

We acknowledge that the continued use of the described property requires the installation of a holding tank on the property for the containment of wastewater. We also acknowledge that the described property cannot now be served by a publicly owned wastewater treatment work (POTW) as defined in ch. NR 211 Wis. Adm. Code, or by any other type of privately owned wastewater treatment system (POWTS) permitted under ch. Comm 83, Wis. Adm. Code or ch. 145, Wis. Stats.

As an inducement to the County of _____ (hereafter referred to as County) to issue a sanitary permit for the installation of a holding tank on the above described property and to undertake inspection of the holding tank at the time of installation, we agree to the following:

The property owner is responsible for the operation and maintenance of the holding tank, locking device, alarm and access, and agrees to conform to all applicable requirements of ch. COMM 83, Wis. Adm. Code. If the owner fails to have the holding tank properly serviced in response to orders issued by the governmental unit or county to prevent or abate a human health hazard as described in s. 254.59, Wis. Stats, the governmental unit or County may enter upon the property and service the tank or cause the tank to be serviced.

The owner agrees to pay all charges and costs incurred by the governmental unit or County for inspection, pumping, hauling, or otherwise servicing and maintaining the holding tank in such a manner as to prevent or abate any human health hazard caused by the holding tank. The governmental unit or County shall notify the owner of any costs, which shall be paid by the property owner within thirty (30) days from the date of notice. In the event the property owner does not pay the costs within thirty (30) days, the property owner specifically agrees that all the costs and charges may be placed on the next tax roll in a column headed "For Abatement of a Nuisance" as a special tax on the lands upon which the human health hazard was abated, and the tax shall be collected as prescribed by s. 66.0703 and s. 254.59(2), Wis. Stats.

The property owner, except as provided by s. NR 113.05(4), Wis. Adm. Code, agrees to contract with a person who is licensed under s. NR 113, Wis. Adm. Code, to have the holding tank serviced and to submit to the County a service report in accordance with s. COMM 83.55, Wis. Adm. Code, for each service event. In the case of registration under s. NR 113.05(4), Wis. Adm. Code, the property owner shall submit the reports to the County. The governmental unit or County may enter upon the property to investigate the condition of the holding tank when service reports, meter readings or other evidence indicate that the holding tank is not being properly maintained.

This agreement will remain in effect only until the governmental unit and/or County certifies that the property is served by either a publicly owned wastewater treatment work (POTW) as defined in ch. NR 211 Wis. Adm. Code, or by another type of privately owned wastewater treatment system (POWTS) permitted under ch. Comm 83, Wis. Adm. Code or ch. 145, Wis. Stats. In addition, cancellation of this agreement shall be by executing and recording said certification with reference to this agreement in such a manner which will permit the existence of the certification to be determined by reference to the property.

This agreement shall be binding upon the property owner and any heirs, successors or assignees of the property owner until released from the agreement as described above. The property owner shall submit the agreement to the register of deeds, and the agreement shall be recorded by the register of deeds in a manner that will permit the existence of the agreement to be determined by reference to the property where the holding tank is installed.

Signature of Government Official

Notarized Signature of Property Owner

Printed Name of Government Official

Printed Name of Property Owner

Title of Government Official

STATE OF WISCONSIN

COUNTY OF _____

} ss

Subscribed and sworn before me

This _____ day of _____, _____

Notary Public, State of Wisconsin

My commission expires _____