

Tank Inspections and Removals

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Sec. 8-5-1 Purpose and Authority.

- (a) **Purpose.** This Chapter is adopted for the purpose of promoting the health and safety of Town residents, preservation of Town property and property values, and to implement and comply with applicable State and Federal statutes, codes and regulations related to fire prevention, inspections, and the regulation of underground and aboveground petroleum product storage tanks and facilities.
- (b) **Authority.** This Chapter is enacted pursuant to the Town's police powers and pursuant to authority granted under Sec. 60.555, Wis. Stats., and under Chapter ILHR 10, Wis. Adm. Code.

Sec. 8-5-2 Service Contracts.

- (a) **Contracts Authorized.** The Town Board may enter into contracts with qualified third parties for the provision of fire prevention and inspection services, inspections and reviews required under Chapter ILHR 10, Wis. Adm. Code, and any other such related services as the Town may be authorized or required to perform pursuant to applicable State and Federal statutes, codes and regulations.
- (b) **Certification Requirements.** All contracts entered into or approved by the Town must be with persons who are certified, with regard to the services to be performed by such person, by the Wisconsin Department of Industry, Labor and Human Relations (ILHR), to the extent that ILHR has a certification program applicable to the service being performed. Contracts may be awarded to business entities (as opposed to an individual), if the Town is satisfied that all persons who will perform services under the contract meet the certification requirements of this Chapter. Any contract entered into hereunder may be

revoked by the Town if the person or entity that is a party to the contract loses the certification required under this Chapter.

- (c) Other Contract Terms. The Town Board may enter into contracts with the persons or entities, for such periods, and at such cost, as the Town Board, in its sole discretion, deems appropriate and beneficial to the Town. Except as otherwise required by law, the Town will not be required to solicit bids for the contracts regulated by this Chapter. If ILHR, or another applicable State or Federal agency, has identified a person or entity with which the Town is required to contract for any or all of the services regulated by this Chapter, the Town will enter into a contract for such service(s) with that person or entity.

Sec. 8-5-3 Fees for Contract Services.

- (a) Fees Regulated by State. Where the State, under Chapter ILHR 10 or ILHR 2, Wis. Adm. Code, has set a fee for services regulated under this Chapter, the State fee will be charged, collected and administered by the party with whom the Town has contracted for such service.
- (b) Fees for Tank Removal Inspections. Until such time as the State or other applicable regulatory agency establishes a different, mandatory fee schedule, the Town Board will establish a fee schedule for inspection of the closure of non-federally regulated petroleum storage tank systems, where applicable State or Federal statutes, codes or regulations require inspection of the closure. Where the Town has entered into a separate contract or agreement for such inspection services, the inspector will be responsible for collection and remittance of the inspection fee.