

**CHAPTER 2
WASTE DISPOSAL**

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2.01 PURPOSE

The purpose of this regulation is to further the maintenance of safe and healthful conditions, prevent and control water pollution, promote the public health, safety and convenience and interest of the residents of the Town of Center, Outagamie County, Wisconsin, by establishing minimum standards covering the location, size, operation and control of private waste disposal sites and disposal of waste material, solid or liquid, of any kind or nature in the Town of Center, Outagamie County, Wisconsin.

2.02 LICENSING

(1) A license is required to operate a private waste disposal site or to deposit or dump or dispose of any waste material of any kind or nature, either liquid or solid. No person, firm, municipality or corporation owning land leasing it or having any interest therein whatsoever, which is located in the Town of Center, Outagamie County, Wisconsin, shall dump or dispose of garbage, rubbish or refuse, or liquid or solid waste material including sludge or waste liquids of any kind or nature, on his property or on any property which is located in the Town of Center, Outagamie County, Wisconsin, or permit any other person, firm or municipality or corporation, to dump or dispose of such garbage, rubbish, refuse, sludge, waste material of any kind or nature, waste water, or either liquid or solid waste material on his property or on any property in the Town of Center, except upon license issued by the Town Board of the Town of Center, Outagamie County, Wisconsin, and in conformity with the provisions herein set out. This ordinance is not intended to apply to the regulation of agricultural waste provided the same is disposed of in accordance with good and reasonable agricultural practices.

(2) Application for License. The application for license hereunder shall be made to the Town Board for the Town of Center, Outagamie County, Wisconsin, in writing. The applicant shall state:

- (a) The name and address of the applicant; if the applicant is a corporation, the name and address of the corporation's registered agent.
- (b) The legal description of the private waste disposal site or waste disposal location to be used in the Town of Center, Outagamie County, Wisconsin.

- (c) The name of the municipality or person, firm or corporation with whom the applicant has a contract to dispose of garbage, rubbish and refuse.
- (d) The length of time the applicant intends to conduct disposal operations on said site.
- (e) The application for license shall have attached to it a license issued by the Department of Natural Resources for the State of Wisconsin or its successor, certifying that the proposed site meets all the minimum standards for location design, construction, operation and maintenance as a solid waste disposal site under Wisconsin Statute Chapter 289 and that it meets all the other standards and regulations and the approval of said Department of Natural Resources or its successor.
- (f) The applicant shall further have attached to his application the written approval of the State Board of Health approving the waste disposal site and its proposed method of operation.

(3) Term of License. A license issued hereunder should be for a term of one (1) year commencing on the first day of July. Such license may be renewed by the Town Board for the Town of Center, Outagamie County, Wisconsin, from year to year without further written application except the annual fee, and the license may be revoked by the Town Board at any time for cause as herein before set out.

(4) License Fee. The applicant shall accompany his application with an annual license fee set by resolution of the Town Board. If the application is denied, the license fee shall be returned to the applicant.

(5) Granting of License. In addition thereto, no license shall be issued until the waste disposal site or location where said waste material, whether liquid or solid, is to be deposited, and the proposed method of disposal and operation has been inspected and approved by the Town Board of the Town of Center, Outagamie County, Wisconsin, a member thereof, or the duly appointed agent of the said Town Board. If a license is revoked hereunder, no refund of the license fee shall be made except as provided in Section (4) above. If the State Board of Health disapproves of the waste disposal site or the method of operation at any time, any license issued hereunder shall be automatically deemed revoked without action of the Town Board for the Town of Center.

(6) Security Deposit. The said application for license shall be accompanied by a cash deposit of \$1,000.00 to be held by the Town Board of the Town of Center during the time this license is in effect and subject to the provision that in the event the applicant shall fail to maintain the said private waste disposal site or waste disposal location in the conditions called for by this ordinance and in the event he shall so continue to violate the provisions of this ordinance after five (5) days written notice of the violations thereof, the Town Board, its agents and employees, shall be permitted to enter upon said premises and do everything necessary to make the construction and operation of said waste disposal location comply with the provisions of said ordinance. By making

written application for license to operate such private waste disposal site or waste disposal location to the Town Board of the Town of Center, the applicant does give the said Town Board, its servants, agents and employees an easement to go on the premises of said private waste disposal site or waste disposal location and take the necessary steps to make the waste disposal site or waste disposal location comply with the provisions of the ordinance. The applicant does hereby expressly authorize and direct the said Town Board to deduct the cost of such work as may be performed by it or its servants, employees or agents from the \$1,000.00 security deposit. And the said applicant expressly agrees to hold the said Town Board of the Town of Center, its agents, employees and servants harmless by reason of any act which they may do in bringing the said waste disposal site or waste disposal location up to the standards of operation set out in this ordinance. And in the event the security deposit by reason of withdrawals so made by the Town Board shall be reduced to less than \$1,000.00, as a condition of further operating said private waste disposal site or waste disposal location, the applicant for said license shall promptly deposit such sums with the Town Board for the Town of Center, as will bring the balance on deposit up to the minimum figure of \$1,000.00.

2.03 REGULATIONS

(1) Only the sanitary landfill method of disposal as approved by the Department of Natural Resources of the State of Wisconsin shall be used as a waste disposal site licensed hereunder.

(2) There should be no burning of garbage, rubbish or refuse at any waste disposal site licensed hereunder.

(3) No paper or other garbage, rubbish or refuse shall be allowed to blow about the waste disposal site or be allowed to escape the waste disposal site.

(4) A licensee hereunder shall take all necessary precautions to insure that the waste disposal site shall be maintained reasonably free of insects, vermin and rodents and shall immediately cause the extermination of such insects, vermin and rodents infesting such waste disposal site.

(5) The waste disposal site shall be operated in accordance with the minimum standards for location, design, construction, operation and maintenance of a solid waste disposal site as established by the Department of Natural Resources in accordance with Wisconsin Statutes Chapter 289 as may be amended from time to time, excepting only where this ordinance sets forth more restrictive standards and in such case the more restrictive standards shall apply.

(6) The waste disposal site may be operated six (6) days a week, excluding Sunday, between the hours of 7:00 A.M. and 5:00 P.M. The owner, however, is to have at all times a custodian in charge of said waste disposal site during those hours of operation to insure that these regulations are enforced.

(7) Upon abandonment of waste disposal operation whether by reason of expiration or revocation of the license issued hereunder, the licensee shall cover the area in which the waste disposal has been with at least three feet of fill.

(8) No waste disposal shall be permitted within 1500 feet of a residence, commercial or industrial building in the Town of Center, Outagamie County, Wisconsin.

(9) All Town waste disposal sites or waste disposal locations licensed under the ordinance shall be enclosed with a cyclone fence with a two inch wire mesh or its equivalent. The entrance gate is to be locked at all times outside of the regular time of operation of said waste disposal site.

(10) The use of the waste disposal site is hereby restricted to refuse collected from persons, firms or corporations operating within the Town of Center, Outagamie County, Wisconsin, and no garbage, rubbish or refuse shall be brought into said waste disposal site from any place whatsoever outside of the boundaries of the said Town of Center without a special permit from said Township as set forth in subparagraph (11) below.

(11) In the event a person, firm or corporation or municipal corporation shall desire to use any waste disposal site located within the boundaries of the Town of Center, to deposit any garbage, rubbish, refuse or waste material, collected from outside the boundaries of the Town of Center, then such person, firm, corporation or municipal corporation shall apply to the Town Clerk for the Town of Center for a special waste disposal use permit, the annual fee for which shall be set by Resolution of the Town Board.

The Town Clerk shall issue such special permits on an annual basis for a term of one (1) year beginning on the first day of July. The annual fee for the special permit shall be prorated over the remaining months, if the permit is issued after July except that no pro-rata reduction shall be made if the applicant has made use of the waste disposal site without timely application for the special waste disposal use permit.

2.04 INSURANCE

Prior to issuance of a license hereunder the applicant shall furnish the Town Board a certificate of insurance showing that the operations of the applicant pursuant to the license will be covered by public liability and property damage and indemnity insurance in the amount of \$1,000,000.00 for each death or injury; \$2,000,000.00 for all deaths and injuries occurring in a common accident; and \$1,000,000.00 for property damage liability and will hold the Town harmless from any liability which may arise by reason of issuance of a license hereunder or operations of the license hereunder. Failure to provide the insurance required hereunder or cancellation of the insurance shall automatically void the license issued hereunder.

2.05 REVOCATION

The Town Board may revoke any license issued hereunder for cause upon three (3) days' notice to the applicant and after granting the applicant an opportunity to be heard. Cause shall include a violation of this ordinance or any other ordinance or state law regulating the disposal of garbage, rubbish and refuse or by the creation of a public nuisance. Cause shall also include disapproval by the State Board of Health or Department of Natural Resources of the waste disposal site or waste disposal location or the waste disposal operations conducted thereof. If any license is revoked hereunder, the license fee shall not be returned to the applicant.

2.06 EXCEPTION

The provisions of this ordinance shall not apply to waste disposal operations at the waste disposal site owned by the Town of Center, Outagamie County, Wisconsin.

2.07 WHEY DISPOSAL

(1) The storage and disposal of whey or whey by-products or waste water from a dairy plant shall be regulated under this sub-section exclusively and no other sub-section of Chapter 2 of the Code of Ordinances shall apply to whey or whey products.

(2) All property owners and whey haulers shall comply with all regulations of the Department of Natural Resources governing the spreading or spraying of whey. Copies of all reports required to be filed with the DNR shall be filed with the Town Clerk.

(3) Spreading or spraying of waste shall be done no closer than 660 feet from any residence unless written permission is obtained from the occupant and the owner of said residence. A copy of said writing granting permission shall be filed with the Town Clerk.

(4) Between May 1st and December 15th the spreading of whey on agricultural land shall be done at a rate of no more than 15,000 gallons per acre per year or less if run-off or if conditions would not permit it to soak in the ground within one hour after application.

(5) Prior to the spreading or spraying of waste, whey or whey by-products upon agricultural land, the hauler shall obtain a permit from the Town. The annual permit fee shall be set by resolution of the Town Board.

(6) Every whey hauler prior to the spreading of any dairy waste water, whey or whey by-products in the Town of Center shall post a \$10,000.0 performance bond with the Town Clerk which shall be maintained during the time that said hauler is spreading on lands in the Town. Any damages caused by the hauler failing to comply with the regulations of this ordinance shall be paid from the said bond to the extent of said performance bond.

(7) Any violation of this ordinance by a hauler shall result in the cancellation of the hauler's permit.

2.20 PENALTIES

Any person, firm or corporation who shall violate any provisions of this ordinance shall, upon conviction thereof, forfeit not less than \$100.00 nor more than \$1,000.00 together with the costs of prosecution, and in default of payments of such forfeiture and costs of prosecution, shall be imprisoned in the County Jail until said forfeiture and costs are paid, but not exceeding ninety (90) days. Each violation and each day a violation continues or occurs shall constitute a separate offense. This section shall not affect the Town Board's right to take other actions under this ordinance.