

**TOWN OF STANLEY
CODE OF ORDINANCES
CHAPTER 7: ENVIRONMENTAL ORDINANCE**

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DEFINITIONS

AIR CURTAIN DESTRUCTOR -- means a solid waste disposal facility that combines a fixed wall open pit and mechanical air supply which uses an excess of oxygen and turbulence to accomplish the smokeless combustion of clean wood wastes and similar combustible material.

APPLICANT -- means the person applying for a license under this ordinance. The applicant is the person, upon approval by the Town, to whom the license shall be issued.

AUTOMOBILE GRAVEYARD -- means an establishment or place of business which is maintained, used, or operated for storing, keeping, buying or selling wrecked, scrapped, ruined or dismantled motor vehicles or motor vehicle parts. Ten or more such vehicles constitute an automobile graveyard.

ASBESTOS -- means chrysotile, crocidolite, amosite, fibrous tremolite, fibrous actinokite or fibrous anthophyllite

CAUSE -- means a ground for legal action

CLASS 2 NOTICE -- means all legal notices that require two (2) insertions in the official newspaper, pursuant to Sec. 985.07, (1991-1992) Wis. Stats.

COMPOST -- means a mixture of decaying organic matter such as leaves and manure used as fertilizers, a composition, mixture

COUNTY -- means the County of Barron, Wisconsin.

DEMOLITION AND CONSTRUCTION WASTE -- means waste resulting from the construction, demolition or razing of buildings, roads and other structures. Demolition and construction material typically consists of concrete, bricks, bituminous concrete, wood, glass, masonry, roofing, siding and plaster, alone or in combinations. It does not include hazardous waste, hazardous special waste, asbestos, waste paints, solvents, sealers, adhesives or similar hazardous or toxic material. It does not include waste tires, scrap metal, junk vehicles, material at automobile graveyards, material at auto wrecking yards or material at salvage yards or junk implements of husbandry.

DILHR -- means the Wisconsin Department of Industry, Labor and Human Relations.

DISCHARGE (OF WASTES) -- means, but is not limited to, spilling, leaking, pumping, pouring, emitting, emptying or dumping of waste

DISPOSAL (OF WASTES) -- means the discharge, deposit, injection, spilling, dumping, leaking or placing of waste into land, air or water. Disposal of waste does not include generation, transportation, storage, treatment or recycling of waste.

DNR -- means the Wisconsin Department of Natural Resources

EMERGENCY -- means a situation in which property or human life are in jeopardy.

EXPANSION (OF WASTES FACILITY) -- means to construct or develop a waste facility beyond the original area licensed or approved by the DNR or the Town.

FACILITIES -- means facilities established for waste and recyclable material disposal, storage, treatment and recycling. This shall include waste facilities, recycling centers and incinerators.

FEASIBILITY REPORTS -- means a report submitted to the DNR or its successor agency regarding a specific waste facility that describes the facility, surrounding area and proposed operation in terms of land use, topography, soils, geology, groundwater, surface water, proposed waste quantities and characteristics, preliminary facility design concepts, environmental impacts, the need for the facility and waste reduction and recovery alternatives.

FINAL CLOSURE (OF WASTES FACILITY) -- means the date at which time no further waste is to be disposed in the active fill area of a waste facility.

FORFEITURE -- means any fine or penalty established for violation of laws, regulations or ordinances, including Town ordinances.

GARBAGE -- means discarded material resulting from the handling, processing, storage and consumption of food.

GROUNDWATER -- means any of the waters of the State of Wisconsin occurring in a saturated subsurface geological formation or permeable rock or soil.

HAZARDOUS -- means dangerous, perilous or a major risk of loss of property or injury to persons.

HAZARDOUS WASTE -- means any waste identified by the DNR, by rule or regulation, as a hazardous waste. These wastes shall not include waste oil, household hazardous waste and any other special waste excluded by the DNR as hazardous waste and if the special waste is approved by license by the Town Board of the Town for the disposal, storage, treatment, recycling or landspreading in the Town.

HAZARDOUS SUBSTANCE -- means any substances or combination of substances, including any waste of a solid, semi-solid, liquid or gaseous form which may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or which may pose a substantial present or potential hazard to human health or to the environment because of its quantity, concentration or physical, chemical or infectious characteristics. This term includes, but is not limited to, substances which are toxic, corrosive, flammable, irritants, strong sensitizers or explosives as determined by the rules or regulations of the DNR.

HOUSEHOLD HAZARDOUS WASTE -- means specific solid waste from household sources that are specifically excluded from being considered hazardous waste by rules, regulations and/or orders of the DNR.

INCINERATOR -- means a processing facility designed and operated for controlled burning of waste primarily to achieve volume and weight reduction or to change waste characteristics. Facilities which use waste as a supplemental fuel where less than 30% of the heat input to the facility is derived from such supplemental fuel are not classified as incinerators. An incinerator does include a medical waste incinerators.

INFECTIOUS -- means capable of causing infection, capable of being transmitted by infection without actual contact, caused by a microorganism, easily or readily communicated

INFECTIOUS WASTE -- means waste that contains pathogens with sufficient virulence and in sufficient quantity that exposure of a susceptible human or animal to the waste could cause the human or animal to contract an infectious disease.

INFRASTRUCTURE -- means the permanent public installations in the Town, including but not limited to, public roads, public bridges, public water systems and public sewers

INITIAL SITE REPORTS -- means a report submitted to the DNR which describes a proposed waste disposal facility in sufficient detail to allow the DNR and/or the Town Board of the Town to give a written opinion or comments on whether or not a feasibility report should be prepared.

JUNK -- means any old scrap metal, metal alloy, synthetic or organic material, or waste, or any junked, ruined, dismantled or wrecked motor vehicle or machinery, or any part thereof.

JUNKYARD -- means any place which is owned, maintained, operated or used for storing, keeping, processing, buying or selling junk, including automobile graveyards, scrap metal processors, auto wrecking yards, salvage yards, auto-recycling yards, used auto parts yards and temporary storage of automobile bodies or parts awaiting disposal as a normal part of a business operation when the business will continually have like material located on the premises. The definition does not include solid waste, hazardous waste, litter, trash and other debris scattered along or upon the highway, or temporary operations and temporary storage of junk for a limited duration not exceeding four (4) months in any calendar year.

LONG TERM CARE -- means the routine care, maintenance and monitoring of a solid waste facility, hazardous waste facility or recyclable material facility following closing of the facility.

LANDSPREADING -- means the process where non-hazardous waste, including but not limited to, agricultural by-products, industrial or municipal sludge, commercial, industrial or residential septage and compost is discharged, deposited, placed or injected in thin layers onto the land surface or the process where the waste is incorporated into the top several feet of the surface soil for agricultural, silvicultural or waste disposal, storage or treatment purposes authorized under this ordinance.

MANIFESTS (FOR WASTE REGULATION) -- means a written form used for identifying the quantity, composition and the origin, routing and destination of waste or wastes during its transport

MEDICAL WASTES -- means containers, packages and material that contain infectious waste or that are from a medical treatment area and are mixed with infectious waste.

MOTOR VEHICLE -- means a vehicle which is self-propelled

NUCLEAR WASTE -- means any radioactive substances or matter including source material, special nuclear material and by-product material defined in Sec. 144.052, (1991-1992) Wis. Stats., from the nuclear industry including, but not limited to, gloves, clothing, lubricating oils and scrap paper exposed to radioactive material.

NUISANCE -- means, unless otherwise noted, a public nuisance.

ORDINANCE -- means a local ordinance of the Town duly enacted by the Town Board of the Town.

PERSON -- means any natural individual, firm, trust, partnership, association or corporation.

PLAN OF OPERATION -- means a report submitted to the DNR or its successor agency for a waste facility that describes its location, design, construction, documentation, monitoring, sanitation, operation, maintenance, closing and long term care.

POLLUTION -- means contaminating or rendering unclean or impure the waters, land and air of the State of Wisconsin, or making the same injurious to public health, harmful for commercial or recreational use, or deleterious to fish, bird, animal or plant life.

PREMISES -- means an area designated in any license issued by the Town.

PUBLIC LAND -- means lands in the Town owned, leased or controlled by the federal, state or local governments including the Town. This may include lands held in fee or held by easement.

PUBLIC NUISANCE -- means an injurious effect on the safety, health or morals of the public or use of property which works some substantial annoyance, inconvenience or injury to the public and as a nuisance which causes hurt, inconvenience or damage to the public generally, or such part of the public as necessarily comes in contact with it in the exercise of a public or common right.

RECYCLING -- means the transfer, transporting, processing, marketing and conversion of solid waste into usable material or products and includes the stockpiling and disposal of non-usable portions of solid waste, but does not include the collection of solid waste.

RECYCLING FACILITY OR RECYCLABLE MATERIAL FACILITY -- means a facility for the processing and conversion of solid waste into usable recyclable material or products and includes the temporary stockpiling and disposal of non-usable portions of waste.

RECYCLABLE MATERIAL -- means material in waste for which there exists a commercially demonstrated processing or manufacturing technology which uses the material as a raw material.

REFUSE -- means all matters produced from industrial or community life, subject to decomposition, not defined as sewage or combustible and non-combustible rubbish, including but not limited to, paper, wood, metal, glass, cloth and products thereof; litter and street rubbish, ashes; and lumber, concrete and other debris resulting from the construction or demolition of structures.

RESIDENT -- means a person who occupies a dwelling or abode within the State of Wisconsin and, where applicable, within the Town, has a present intent to remain within the State of Wisconsin or Town, where applicable, for a period of time and manifests the genuineness of intent by establishing an ongoing physical presence in the State of Wisconsin and Town, where applicable.

RESIDENTIAL PROPERTY -- means property occupied or suitable to be occupied for residential purposes and the property abutting that property for which the owner or renter is responsible for maintenance and care. An agricultural establishment shall be considered residential property for purposes of this ordinance unless specifically noted otherwise.

RESPONSIBLE UNIT -- means a municipality, county or solid waste management system under Sec. 59.07(135), (1991-1992) Wis. Stats., that is designated under Sec. 159.09(1), (1991-1992) Wis. Stats.

ROAD -- means the roadway, including the berm or shoulder area and any lands considered part of the road right-of-way.

ROADWAY -- means that portion of a road between the regularly established curb lines or that portion which is improved, designed or ordinarily used for vehicular travel, excluding the berm or shoulder. In a divided highway the term "roadway" refers to each roadway separately but not to all such roadways collectively.

SEPTAGE -- means the scum, liquid, sludge, sewage or other wastes from a septic tank, soil absorption field, holding tank or privy. This term does not include the wastes from a grease trap.

SEPTIC TANKS -- means and includes a septic toilet, chemical closet and any other "watertight" enclosure used for storage and composition of human excrement, domestic or industrial sewage waste.

SEWAGE -- means water carried wastes created in and to be conducted away from domestic residences, industrial establishments and public facilities.

SLUDGE -- means mud, mire, ooze, any heavy slimy deposit or sediment that is not septage.

SOLID WASTE -- means any garbage, refuse, septage, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility and other discarded or salvageable material, including solid, liquid, semi-solid or contained gaseous material resulting from residential, industrial, commercial, mining and agricultural facilities and from community activities, but does not include, recyclable material, scrap metal, junk vehicles, material at automobile graveyards, material at salvage yards, material at auto wrecking yards, junk implements of husbandry, hazardous waste, hazardous substances or solid or dissolved material in irrigation return flows or industrial discharges which are point sources subject to licenses under Chapter 147, (1991-1992) Wis. Stats., or source, special nuclear or by-product material as defined under Sec. 140.52, (1991-1992) Wis. Stats. Solid waste shall also include the special wastes specifically defined in this ordinance unless specifically noted to the contrary.

SPECIAL ASSESSMENT -- means an amount entered in the tax roll as an assessment against real property to compensate for all or part of the costs of public work or improvements which benefit the property. "Special assessment" includes any interest and penalties assessed for nonpayment of the special charge before it is placed in the tax roll.

SPECIAL WASTE -- means any of the following wastes:

1. non-hazardous waste containing free liquids
2. non-hazardous waste from a pollution control process or system unless exempted by the Town Board of the Town
3. non-hazardous waste from any state or federal approved pollution or waste discharge removal operation or from any other non-hazardous waste removal or non-hazardous waste remedial operation required by state or federal law, regulation or order
4. non-hazardous waste and recyclable material from a licensed waste disposal, storage or treatment facility or recycling facility unless exempted by the Town Board of the Town

5. asbestos waste and material approved for solid waste disposal by DNR permit
6. contaminated non-hazardous waste, including contaminated soils
7. medical or bio-medical non-hazardous waste
8. non-hazardous sludge
9. demolition or construction non-hazardous waste and material
10. discarded tires and waste tires
11. fireworks waste and material
12. non-hazardous ash from an incinerator or an air curtain destructor
13. dead animals
14. explosive non-hazardous waste and material
15. yard waste
16. trees
17. shrubs
18. brush
19. weeds
20. vegetation
21. vegetable, fruit and grain by-products
22. dirt
23. rocks
24. bricks
25. concrete blocks
26. demolition and construction wastes
27. human waste

STORAGE (WASTES) -- means the holding of waste for a temporary period, at the end of which period the waste is to be treated or disposed. For purposes of this ordinance, the temporary period shall, unless noted otherwise, or unless extended by the approval of the Town Board of the Town, shall not be longer than four (4) consecutive weeks from date of receipt.

SUBPOENA -- means a written legal order directing a person to appear in court to testify and/or bring documents.

SURFACE WATER -- means waters following no defined course or channel and not gathering into any definite body of water but that diffuse themselves over the surface of the ground.

SUSPEND/SUSPENSION -- means to withdraw and withhold from a person employment, a license for a period of time and to withdraw and withhold all rights, privileges and authority previously conferred.

TEMPORARY STORAGE -- means not exceeding four (4) consecutive weeks after initial deposit.

TOWN -- means the Town of Stanley, Barron County, Wisconsin.

TOXIC -- means any substance, other than a radioactive substance, which has the capacity to produce personal injury or illness to persons through ingestion, inhalation or absorption through any body surface.

TREATMENT (WASTES) -- means any method, technique or process, including neutralization, which follows generation and which is designed to change the physical, chemical or biological character or composition of any

waste so as to neutralize the waste or so as to render the waste non-hazardous, safer for transport, amendable for recovery, amendable for storage or reduced in volume. "Treatment" includes landspreading, composting, incineration, waste tire treatment, sludge treatment or sewer treatment.

VESSEL -- means every description of watercraft used or capable of being used as a means of transportation on water, except a seaplane on the water and a fishing raft.

VILLAGE POWERS -- means powers granted by the electors of the Town at the annual Town meeting or special Town meeting to the Town Board of the Town pursuant to Sec. 60.10, (1991-1992) Wis. Stats.

WASTE -- means any waste, including construction waste, household hazardous waste, liquid waste, special waste, medical waste, demolition waste, ash, sludge, septage, refuse, rubbish, garbage and discarded recyclable material. It also includes recyclable material, scrap metal, junk vehicles, material at automobile graveyards, material at salvage yards, material at auto wrecking yards, junk implements of husbandry or hazardous waste. It does not include nuclear waste or any by-product defined in Sec. 140.52, (1991-1992) Wis. Stats., unless specifically noted in this ordinance.

WASTE DISPOSAL FACILITY -- means a solid waste, hazardous waste, sludge, municipal sewage waste, demolition waste, construction waste, waste tire or ash disposal facility. This does not include landspreading, composting and incineration.

WASTE STORAGE FACILITY -- means a solid waste, hazardous waste, sludge, municipal sewage waste, demolition waste, construction waste, tire or ash storage facility. This does include facilities for recyclable material, scrap metal, material at automobile graveyards, material at salvage yards or material at auto wrecking yards.

WASTE TIRE -- means a tire that is no longer suitable for its original purpose because of wear, damage or defect.

WASTE TIRE FACILITY -- means any waste tire disposal, storage or treatment facility or operation in the Town, except as noted in the exemption section, where any person who owns, operates or controls the waste tire disposal, storage or treatment facility has more than two hundred and fifty (250) waste tires at the establishment, operation or premises. Two or more operation premises under common ownership adjacent to each other are deemed by this ordinance to be a single waste tire facility or operation.

WASTE TREATMENT FACILITY -- means a solid waste, hazardous waste, sludge, municipal sewage waste, demolition waste, construction waste, waste tire or ash treatment facility. For purposes of this ordinance, waste treatment shall include landspreading, composting and incineration. This does include facilities for recyclable material, scrap metal, material at automobile graveyards, material at salvage yards and material at auto wrecking yards.

TOWN OF STANLEY ENVIRONMENTAL ORDINANCE

7.1 Title/Purpose

This ordinance is entitled the "Town of Stanley Environmental Ordinance" which relates to specific environmental concerns, specifically: waste management, recycling and pollution abatement. The purpose of this ordinance is as follows:

- A. To protect the public health and safety of the residents and other persons in the Town.
- B. To protect the environment in the Town.
- C. To protect the public lands, buildings, equipment and public infrastructures in the Town.
- D. To protect private lands, buildings, equipment and the private infrastructures in the Town.
- E. To regulate, control and license certain waste or recyclable material facilities, uses, activities, businesses and operations by persons in the Town that if not regulated and controlled may endanger public health and safety, destroy or damage the environment, destroy or damage the public lands and public infrastructures or destroy or damage the private lands or private infrastructures in the Town.
- F. To fine or penalize those persons who violate this ordinance, including revocation, suspension or denial of the appropriate licenses.

7.2 Authority

The Town Board of the Town has the specific statutory authority, powers and duties, pursuant to the specific sections in Chapters 60, 66 and 144, (1991-1992) Wis. Stats., pursuant to sections noted specifically in this ordinance and/or by its adoption of village powers under Sec. 60.10, (1991-1992) Wis. Stats., to regulate, control and license in the Town persons engaged in certain facilities, uses, activities, businesses and operations, to assess these persons with appropriate fees for licenses as noted herein and to enforce, by revocation or penalty, the provisions of these ordinances and the provisions of the licenses.

7.3 Adoption of Ordinance

The Town Board of the Town has, by adoption of this ordinance, confirmed the specific statutory authority, powers and duties noted in the specific sections of this ordinance and has established, by these sections and by this ordinance, certain licenses to regulate and control:

- A. Persons engaged in certain described waste or recyclable material facilities, uses, activities, businesses and operations in the Town.
- B. To regulate, by these licenses, the persons engaged at these facilities and in these uses, activities, businesses and operations at certain locations within the Town.
- C. To assess these persons with appropriate fees for the licenses.
- D. To enforce, by revocation of licenses or by penalty, the provisions of these ordinances and the provisions of the licenses herein noted.

7.4 License Provisions

A. Licenses Required

(1) The Town has established that those persons owning, operating or controlling the below noted waste or recyclable material facilities, uses, activities, businesses or operations, unless exempt by provisions of this ordinance, shall apply for, obtain and maintain the appropriate licenses prior to commencing or continuing these facilities, uses, activities, businesses or operations located in the Town, specifically:

- a. Solid Waste Disposal Facility
- b. Solid Waste Storage Facility and/or Recyclable Material Facility
- c. Solid Waste Treatment Facility and/or Solid Waste Incinerator Facility
- d. Waste and Recyclable Material Collection Operation
- e. Waste and Recyclable Material Transportation Operation
- f. Waste Tire Storage Facility
- g. Non-Hazardous Demolition/Construction Waste Disposal, Storage or Treatment Facility
- h. Non-Hazardous Municipal Sewage Disposal, Storage or Treatment Facility
- i. Non-Hazardous Sludge Disposal, Storage or Treatment Facility
- j. Non-Hazardous Ash Disposal, Storage or Treatment Facility
- k. Hazardous Waste Disposal, Storage or Treatment Facility (Including A Hazardous Waste Incinerator Facility)

B. Specific License Provisions

1. Waste or Recyclable Material Facility License

(a) No person, except as noted in the exemption section, shall dispose, store, treat or recycle or cause, allow or permit any other person to dispose, store, treat or recycle waste or recyclable material in the Town on land, facilities, buildings or premises owned, operated or controlled by that person unless that person has obtained and maintains the appropriate Town Waste or Recyclable Material Facility License.

(b) The Town may, by this ordinance, issue the following separate and distinct facility licenses for waste and recyclable material disposal, storage or treatment based on the type of facility, use, activity or operation of the person applying for the license. These licenses are:

- 1) Solid Waste Disposal Facility License (Does Include Authorized Recyclable Material Disposal and Authorized Waste Tire Disposal)
- 2) Solid Waste Storage Facility and/or Recyclable Material Facility License (Does Include Solid Waste Composting and Medical Waste Storage)
- 3) Solid Waste Treatment Facility and/or Solid Waste Incinerator Facility License (Does Include Waste Tire and Recyclable Material Incineration and Medical Waste Incinerator and Treatment)
- 4) Waste Tire Storage and Treatment Facility License (Does Not Include Waste Tire Incineration)

- 5) Non-Hazardous Demolition/Construction Waste Disposal, Storage or Treatment Facility License (Does Not Include Waste Incineration, Hazardous Waste Disposal, Storage or Treatment or Asbestos Waste Disposal, Storage or Treatment)
- 6) Non-Hazardous Municipal Sewage Disposal, Storage or Treatment Facility License (Does Include Solid Waste Sewage Landspreading, Composting and Incineration but Does Not Include Hazardous Sewage Disposal, Storage or Treatment)
- 7) Non-Hazardous Sludge Disposal, Storage or Treatment Facility License (Does Include Sludge Landspreading, Composting and Incineration. Does Not Include Hazardous Sludge Disposal, Storage or Treatment)
- 8) Non-Hazardous Ash Disposal, Storage or Treatment Facility License (Does Include Ash Landspreading, Composting and Incineration but Does Not Include Hazardous Ash Disposal, Storage or Treatment)
- 9) Hazardous Waste Disposal, Storage or Treatment Facility License (Does Include Hazardous Waste Landspreading, Hazardous Waste Composting and Hazardous Waste Incineration)

For purposes of this ordinance, a medical waste disposal, storage or treatment facility shall be required to obtain and maintain a Solid Waste Disposal, Storage or Treatment Facility License.

(c) No person, except as noted in the exemption section, shall dispose, store, treat or recycle, or cause, allow or permit any other person to dispose, store, treat or recycle any waste or recyclable material on land owned, operated or controlled by that person, except under the conditions established in this ordinance and where a license has been issued by the Town Board of the Town, then only upon compliance with the written conditions established in the license.

(d) No person, except as noted in the exemption section, shall construct, own, operate or control any waste disposal facility or recyclable material facility on any land or premises in the Town until the Town Board of the Town and other appropriate municipal bodies have approved any necessary negotiated agreement pursuant to Sec. 144.445, (1991-1992) Wis. Stats., or until the Waste Facility Siting Board or its successor agency has issued an arbitration award pursuant to Sec. 144.445, (1991-1992) Wis. Stats., then only until the arbitration award issued by the Waste Facility Siting Board or its successor agency authorizes the construction of the wastes facility at the premises herein noted and then only until the applicant(s) informs in writing the Town Board of the Town that the waste facility construction will commence at the premises by a date certain.

(e) The Town Board of the Town shall not issue any required facility license for disposal, storage, treatment or recycling of waste or recyclable material at a waste disposal, storage or treatment facility or recyclable material facility in any residential zoning district, public purpose zoning district, commercial zoning, mobile home zoning or agricultural zoning district or in any district that may only authorize waste or recyclable material disposal, storage or treatment by district zone, by a conditional use permit or by special exemption unless the waste or recyclable material facility was authorized by an order in an arbitration award by the Waste Facility Siting Board or unless the Town Board of the Town finds, after appropriate

negotiations and one or more public hearings, that the requested issuance of a license would be in the public interest of the Town and its residents and that the conditions established in the license will protect the public health, safety and the environment in the Town.

(f) No person, except as noted in the exemption section, shall cause, allow or permit any person to burn or treat any type of waste or recyclable material in any type of incinerator within the Town unless that person has a Town Solid Waste Treatment Facility and/or Solid Waste Incinerator Facility License or a Hazardous Waste Disposal, Storage or Treatment Facility License. A residential, industrial or commercial heating stove or heating furnace located in a residential, commercial or industrial establishment or located in an accessory building adjacent to these establishments where the primary function is to provide heat or a residential solid waste burner where the primary function is to burn residential solid waste generated from any residential establishment in the Town shall not be considered incinerators for purposes of this ordinance. For purposes of this provision, a medical waste incinerator shall be considered a incinerator.

2. Waste and Recyclable Material Collection License

(a) No person, except as noted in the exemption section, shall collect for consideration, fee or charge, of any kind or amount, waste or recyclable material in the Town unless that person has obtained and maintains a Town Waste and Recyclable Material Collection License.

(b) No person, except as noted in the exemption section, shall cause, allow or permit any person to collect, for any consideration, fee or charge, of any kind or amount, waste or recyclable material in the Town where the waste or recyclable material collected in the Town is intended by that person to be ultimately disposed, stored, treated or recycled at a waste disposal, storage or treatment facility or recyclable material facility either inside or outside the Town unless the person that is collecting the waste or recyclable material in the Town has obtained and maintains a Town Waste and Recyclable Material Collection License. The Town Board of the Town may establish by resolution at anytime that non-profit charitable organizations or named individual non-profit charitable organizations will not be required to obtain a Town Waste and Recyclable Material Collection License from the Town.

(c) No person, except as noted in the exemption section, shall collect for consideration, fee or charge, of any kind or amount, waste or recyclable material on land in the Town, except under the conditions established in this ordinance and where a license has been issued by the Town Board of the Town, then only upon compliance with the written conditions established in the license.

3. Waste and Recyclable Material Transportation License

(a) No person, except as noted in the exemption section, shall transport, for consideration, fee or charge, of any kind or amount, waste or recyclable material in the Town unless that person has obtained and maintains a Town Waste and Recyclable Material Transportation License.

(b) No person, except as noted in the exemption section, shall cause, allow or permit any other person to transport any waste or recyclable material to and from any waste disposal, storage or treatment facility or recyclable material facility in the Town for consideration, charge or fee, of any kind or amount, where the waste or recyclable material transported in the Town is intended by that person to be ultimately disposed, stored, treated or recycled at or removed

from a waste disposal, storage or treatment facility or recyclable material facility in the Town unless that person transporting the waste has obtained and maintains a Town Waste and Recyclable Material Transportation License. The Town Board of the Town may establish, by resolution, at anytime, that non-profit charitable organizations or named individual non-profit charitable organizations will not be required to obtain a Town Waste and Recyclable Material Transportation License from the Town.

(c) No person, except as noted in the exemption section, shall transport, for consideration, fee or charge, of any kind or amount, waste or recyclable material in the Town, except under the conditions established in this ordinance and where a license has been issued by the Town Board of the Town, then only upon compliance with the written conditions established in the license.

C. General License Provisions

1. License Issuance Requirements for Selected Facilities, Uses, Activities, Businesses or Operations

(a) Any person who will or now causes, allows or permits the above described facilities, uses, activities, businesses or operations to occur on lands located in the Town where these facilities, uses, activities, businesses or operations are operated or controlled by that person shall, prior to commencement or construction of these facilities, uses, activities, businesses or operations in the Town, apply for, to obtain and to maintain the appropriate license from the Town Board of the Town.

(b) The terms "license" or "permit" may be used in this Town Ordinance and by the Town, its officers, its employees and its agents interchangeably.

(c) The person responsible for the operation and control of the facility, use, activity, business or operation that requires a license shall be the person required to apply for, to obtain and maintain the license. The Town Board of the Town shall be the sole determinant of the person required to apply for, to obtain and to maintain the license or approval.

(d) This ordinance and its license provisions shall be considered a "local approval" for purposes of Chapter 144, (1991-1992) Wis. Stats. The licenses under this ordinance shall be issued by the Town Board of the Town unless noted herein to the contrary.

(e) The following specific reasons may be considered, at minimum, by the Town Board of the Town in determining whether to initially issue or not issue a license:

- 1) A false statement was made by the applicant(s) in the application filed with the Town and/or a false statement was included in the material attached to the application by the applicant(s).
- 2) The facility, use, activity, business or operations as proposed and described by the applicant(s) in the application filed with the Town and/or as proposed in the material attached to the application will be detrimental to the public peace, public health, public safety and general welfare of the public in the Town.
- 3) The facility, use, activity, business or operation as proposed by the applicant(s) in the application filed with the Town and/or as proposed in the material attached to the application will likely cause a public nuisance in the Town and/or is contrary to County or Town zoning.

- 4) The facility, use, activity, business or operation as proposed and delivered by the applicant(s) in the application filed with the Town and/or as proposed in the material attached to the application will not likely conform to or meet the conditions of this ordinance or conform to or meet any specific state or federal law or any state or federal regulation.
- 5) The applicant(s), if a corporation, was not authorized to do business in the State of Wisconsin.
- 6) The applicant(s), as a natural person, was not of age.
- 7) The applicant(s), as a natural person, was not legally competent.
- 8) The applicant(s) did not or would not agree in writing to meet the specific written conditions established by the Town Board of the Town for issuance of a license.
- 9) The applicant(s) was not the person who would be owning, operating or controlling the facility, use, activity, business, practice or operation to be subject to the license.
- 10) The applicant(s) did not provide adequate financial security to assure compliance with the specific written conditions established by the Town Board of the Town or to assure proper financial, environmental and legal protection and security for the Town and its residents.

2. Joint Applications

(a) If the person who shall be responsible for the operating and the controlling of the above noted facilities, uses, activities, businesses or operations is not the same person or persons that owns the land in fee, then both persons shall be required to jointly apply for, to obtain and to maintain the license and to jointly re-apply for re-issuance. This license shall be known as a "Joint License". With any Joint License issued, if the Town Board revokes or fails to re-issue a Joint License, pursuant to this ordinance, the license, when revoked and/or not re-issued, shall be effective against both persons regardless of the reasons for revocation or for failure of the Town Board of the Town to provide re-issuance of the license.

3. Application/Fees

(a) The Town has established and approved all of the noted required licenses and has established the initial license application fee for each license as noted below. The application for a license shall be processed, unless as noted herein, by the Town within forty-five (45) days of receipt of a completed and correct application form. The Town Board shall be the sole determinant of the completeness and correctness of the application.

(b) The Town Board of the Town, upon completion of the application process, shall establish a date for public hearing on the license request, unless the hearing is mutually waived by the applicant(s) and by the Town Board of the Town. Notice of a hearing shall be by a Class 2 notice pursuant to §985.07(2), (1991-1992) Wis. Stats. The applicant(s) will pay the cost of publication which shall be paid at time of application for the license. The hearing will be held at the Town Hall or at any other location determined by the Town Board of the Town. The initial and annual license application fees for each license are as noted below, unless

reduced or increased, pursuant to subsection 10 of this section, by order of the Town Board of the Town:

- 1) Solid Waste Disposal Facility License/\$25,000.00
- 2) Solid Waste Storage Facility and/or Recyclable Material Facility License/\$1,000.00
- 3) Solid Waste Treatment Facility and Solid Waste Incinerator Facility License/\$25,000.00
- 4) Waste and Recyclable Material Collection Operation License/\$50.00
- 5) Waste and Recyclable Material Transportation Operation License/\$50.00
- 6) Waste Tire Storage and Treatment Facility License/\$5,000.00
- 7) Non-Hazardous Demolition/Construction Waste Disposal, Storage or Treatment Facility License/\$1,000.00
- 8) Non-Hazardous Municipal Sewage Disposal, Storage or Treatment Facility License/\$5,000.00
- 9) Non-Hazardous Sludge Disposal, Storage or Treatment Facility License/\$5,000.00
- 10) Non-Hazardous Ash Disposal, Storage, Treatment Facility License/\$5,000.00
- 11) Hazardous Waste Disposal, Storage or Treatment Facility License (Including Hazardous Waste Incineration)/\$25,000.00

(c) The public hearing will request, at minimum, information from the applicant(s) and from the general public regarding the following:

- 1) The need for the license by the applicant(s).
- 2) The probability of reasonable compliance by the applicant(s) with this ordinance, with any proposed license conditions required to the license or with state and federal law or state or federal regulations.
- 3) The conditions, if any, that should be established, if a license is to be issued to the applicant(s) by the Town Board of the Town.
- 4) Any appropriate county ordinance, state or federal laws or state or federal regulations that must be complied with by the applicant(s).

(d) The licenses shall be issued by the Town Board on an annual basis unless a special monthly or weekly license is requested by the applicant(s) and the license is authorized by the Town Board of the Town. The appropriate license shall be issued by the Town Clerk of the Town prior to any person constructing, maintaining, operating or controlling any waste facility or recyclable material facility or prior to the collecting, transporting, disposing, storing or treating of waste or recyclable material as noted herein or prior to the recycling of any waste or recyclable material in the Town. No license in this ordinance shall be issued by the Town Clerk, the Town Supervisors or the Town Chair of the Town without Town Board approval.

(e) The Town Board may, without a public hearing, authorize the Town Clerk to re-issue the licenses herein noted up to one (1) year if the licensee is in full compliance with the license and if the licensee has fully paid the license application fee and has complied fully with the other ordinance requirements and license conditions therein.

(f) The Town Board may, at its discretion, charge, as noted herein, additional fees, beyond the initial license application fee to the applicant(s), for processing the application, if the administrative costs, including any hearing and investigative costs projected by the Town Board of the Town, so warrant. These total license application fees for any one (1) license shall not exceed one hundred and fifty thousand dollars (\$150,000.00) per application.

(g) The Town Board of the Town shall use the initial license application fee amounts received and any additional license application fee amounts received, as established by the Town Board of the Town, to reimburse the Town for any probable or real municipal administrative and legal costs incurred by the Town in reviewing the application, conducting any necessary investigation and for processing the license, including the cost of a public hearing, if any, and the costs of any other public meetings.

(h) The Town Board of the Town shall have the sole right to determine the number of applications to be received and the number of licenses issued and re-issued for any particular facility, use, activity, business or operation in the Town. The factors to be considered in determining the number of applications to be received and the number of licenses to be issued or re-issued, annually or otherwise, shall not include any desire to limit economic competition on the part of the Town Board of the Town for certain facilities, uses, activities, businesses or operations in the Town.

(i) The license application fee payment required for each application for license shall be attached to the application by the applicant(s) or licensee. The payment may be made by the applicant or licensee by cash, certified check, cashiers check or any other legal tender of payment acceptable to the Town Board of the Town.

(j) The Town Board of the Town shall prepare and approve, within thirty (30) days after the effective date of this ordinance, an application form for the licenses required in this ordinance. The application form shall, at minimum, contain the following below noted questions, unless specifically waived by the Town Board of the Town. The applicant(s) or licensee shall completely, correctly and truthfully answer the questions asked by the Town in the application. Failure to completely, correctly and truthfully answer the questions as determined by the Town Board of the Town shall deem the application, when received and reviewed by the Town, as incomplete and unacceptable for further processing action by the Town Board of the Town.

(k) The application, at minimum, shall include:

- 1) The name of the applicant or applicants (if joint license).
- 2) The address of the applicant(s) and the address of any proposed facility, use, activity, business or operation.
- 3) The business and residential telephone number of the applicant(s), if any.
- 4) The type of license requested, the license application fee required, if any, and the bond required, if any.
- 5) The application date.
- 6) The general dates, if any, requested by the applicant(s) for hearing and for the issuance of the license. Any specific request for a waiver of hearing.
- 7) The age of any natural applicant(s), if under eighteen (18).
- 8) The agent of any applicant(s), if any.
- 9) The designated premises or area in the Town for the facility, use, activity, business or operation, including the legal description or real estate tax parcel number and the current zoning or land use ordinances applicable to the

- facility, use, activity, business or operation, if any. The premises or area shall be described by an ASCS aerial photo or similar aerial photo.
- 10) The proposed plan of operation for the facility, use, activity, business or operation, including plans for construction, operation, maintenance, closure and long term care of the facility, use, activity, business or operation. This should include a detailed statement by the applicant(s) on the need for the license and a statement describing any alternatives to the proposed facility, use, activity, business or operation. This statement shall include any precautions or actions to be taken to reduce or mitigate potential damage or injury to persons, property, plants and animals in the Town.
 - 11) The type and amount of equipment to be used in the facility, use, activity, business or operation.
 - 12) If a collector, transporter or facility, the proposed plan for public health and safety control, public nuisance control and environmental protection, including the anticipated health, safety and environmental impact upon persons, property, plants and animals in the Town.
 - 13) If a facility, the time line for construction, if any, the time line for operation and the time line for closure of the facility, use, activity, business or operation.
 - 14) The amount, type and source of waste or recyclable material or other material and the type of facility, use, activity, business or operation requested.
 - 15) The likely routes of travel to and from and the hours of travel in the Town for the facility, use, activity, business or operation.
 - 16) The past experience of the applicant(s) and past licenses held for the facility, use, activity, business or operation.
 - 17) Copies of any initial site reports, environmental reports, feasibility studies or reports or any plan of operation submitted or to be submitted to any state and federal agencies.
 - 18) If a facility, the names, addresses and telephone numbers of third parties likely to use the facility.
 - 19) If any facility, the likely hours and days of operation.
 - 20) If a disposal facility, the likely maximum depth below surface topography and the likely maximum height above surface from commencement of operation at closure.
 - 21) If a disposal facility, the likely active fill area to be requested for disposal.
 - 22) If a disposal facility, the auxiliary uses at or near the waste facility, if any.
 - 23) If a waste or recyclable material facility, the proposed plan, if any, to provide physical and personnel security at or near the premises.
 - 24) If a waste facility, the proposed plan, if any, for environmental testing and monitoring, including well testing.
 - 25) If a facility, the proposed need for additional and improved public services, including roads and roadways, sewers and water.
 - 26) If a facility, the proposed closure plans and use for the premises after closure.
 - 27) If a facility, the proposed expansion plans at or near the premises.
 - 28) If a facility, the projected need for the facility, business or activity in the Town, County and within one hundred (100) miles of the proposed premises.

- 29) If a facility, any prior discussions and responses from adjacent land owners or occupants.
- 30) If a collector, transporter or facility, the proposed plan, if any, to provide financial, environmental and legal protections for the Town, its officers, its employees and its agents, along with persons residing near the proposed premises.
- 31) If a collector, transporter or facility, use, activity, business or operation, the proposed plans for any emergency occurring as a result of the facility, use, activity, business or operation.
- 32) If a collector or transporter collects or transports hazardous waste that requires a license under this ordinance, if the person stores, treats or disposes hazardous waste at a facility that requires a license under this section or if the person owns, operates or controls a solid waste facility or hazardous waste facility that requires a license under this ordinance, then if the collector, transporter or facility is owned, operated or controlled by a corporation, copies of the financial statements and federal tax returns for the last five (5) years of the corporation, any parent corporation and subsidiary corporations, and if the collector, transporter or facility is owned, operated or controlled by an individual, copies of the financial statements and federal tax returns for the last five (5) years.
- 33) If a collector, transporter or facility, the proposed bond insurance coverage or other financial security, if any, to be provided by the applicant(s) or licensee to the Town, its officers, its employees and its agents, along with other persons in the Town.
- 34) If a collector or transporter, the type, amount and location of waste transported to any recyclable material facilities on an annual basis and the recyclable material facilities where waste and recyclable material will be processed.
- 35) If a collector or transporter, the type, amount and location of waste transported to disposal, storage or treatment waste facilities in the Town on an annual basis.
- 36) If a collector or transporter, the proposed plan, if any, to prevent discharge and littering in the Town.
- 37) If the applicant(s) believes any rezoning must occur or any conditional use permit must be issued, then the type of rezoning or conditional use permit that must be obtained.
- 38) Any criminal violations charged or convictions received by applicant(s) in the United States of America within the last three (3) previous years related to the facility, use, activity, business or operation.
- 39) Any civil suits filed in any United States Court against the applicant(s) or its parent or subsidiary corporations, if applicable, within the last three (3) years related to the facility, use, activity, business or operation.
- 40) If a collector, transporter or facility, any wastes or material exempt under this ordinance and the type, amount and source of the exempt waste.
- 41) Any three (3) business references.
- 42) Any three (3) financial references.

(l) The Town requires that the application for any license under this ordinance shall be in writing to the Town. The application shall be filed with the Town Clerk of the Town by the applicant(s), licensee or by the appropriate agents. The Town Clerk of the Town shall prepare and shall then forward, when approved by the Town Board of the Town, the appropriate written application form to the applicant(s). The application form for any licenses from the Town shall contain the appropriate requests for relevant information as required by this ordinance or as otherwise required by order of the Town Board of the Town. The Town Board of the Town shall approve the form and content of the application form prior to distribution. All license application fees are to be paid to the Town Clerk of the Town upon submittal of the completed and correct application form by the applicant(s) or licensee or by the appropriate agent.

(m) The application form, when completed and corrected by applicant(s) or licensee and prior to submittal to the Town Clerk, shall, by the applicant(s), be subscribed and properly sworn, before an authorized notary public, as to the accuracy, and truthfulness of the answers provided by the applicant(s) in the application. The person required to take the oath shall be the applicant(s) (if a natural person), a general partner (if a partnership) or a principal officer of the corporation (if a corporation).

(n) The Town requires that all license application fees are to be made payable by the applicant(s) to the Town Treasurer of the Town. The application for license, when submitted to the Town Clerk of the Town by the applicant(s), shall contain the appropriate license application fee amount attached. If the license is issued, a receipt for payment of the license application fee for the license shall be issued by the Town Clerk of the Town. If the license is not issued, then the license application fee amount, minus the proper Town administrative costs and publication costs, shall be returned with the written denial letter by the Town Clerk of the Town. No refunds, unless by order of the Town Board of the Town, shall be refunded to the applicant(s) or licensee by the Town Treasurer of the Town unless the license is denied by the Town Board of the Town. The Town Board shall be the sole determinant of the amount for any refund or partial refund is due.

(o) The Town requires that the Town Clerk of the Town, upon receipt of any application for any license, if he or she has reason to believe the applicant(s) is not legally eligible for the license, if he or she has reason to believe the applicant(s) is not fit for any reason to be issued or re-issued a license or if he or she has reason to believe the premises to be licensed or re-licensed are not suitable for the facilities, uses, activities, businesses or operations contemplated by the applicant(s), shall refer the matter immediately to the Town Chair of the Town for further investigation and inspection. If, as a result of the investigation, and prior to public hearing, the Town Chair believes the person shall be denied a license or the license should be delayed, he or she shall forward these recommendations to the Town Board of the Town. Any investigation report shall be in writing and shall be filed with the Town Clerk of the Town.

(p) The Town requires that any public hearing notice for the initial applications for the issuance of a license shall be published with a Class 2 Notice pursuant to §985.07(2), (1991-1992) Wis. Stats.

(q) Any applicant(s) or licensee for a license can request a public hearing by the Town Board of the Town prior to the final public decision of the Town Board regarding the issuance, re-issuance or denial of a license application. The request by the applicant(s) or licensee for public hearing shall be filed with the application with the Town Clerk of the Town. The Town Board of the Town shall be required to provide a public hearing if a public hearing is requested

by the applicant(s) or licensee in writing at the time of application, if the application is deemed complete and correct by the Town Board of the Town and if the applicant(s) or licensee provides the proper license application fee and publication fee payment amounts as required by this ordinance.

(r) To allow proper time for Town Board deliberation and action on re-application, all applications for re-issuance and renewal of any licenses will be filed by the applicant(s) or licensee with the Town Clerk of the Town within ninety (90) days of the expiration date but not less than forty-five (45) days before the expiration date of the previous license. This provision can be waived by the Town Board of the Town by majority vote of the Town Board.

(s) Unless the facilities, uses, activities, businesses, operations, land, premises or buildings have materially changed since initial issuance, the Town Board may waive the personal inspection provision upon re-issuance of any license.

(t) The Town requires that the Town Clerk of the Town shall keep a record of the applications received and licenses issued by him or her and the amount of the fees collected for each license.

(u) The applicant(s) or licensee, upon acceptance in writing of the written license, shall acknowledge that he, she or it has not been induced by any promise or statement whether verbal or written, made by any Town official, employee or agent concerning the license of any written conditions attached to and made part of the license. If any applicant(s), upon receipt of the license, has any questions or concerns regarding the license or any conditions established in the license, the applicant(s) is urged, in a timely manner, to contact the Town Clerk of the Town.

(v) If the Town Board of the Town refuses to issue or re-issue a license or if the applicant(s) refuses to accept the conditions for issuance of the license, the applicant(s) may not refile an application for at least three (3) months after receipt of a written notice of denial to issue or re-issue the license or for at least three (3) months from the date of receipt of the notice of the issuance of the license upon conditions. This provision may be waived by the Town Board of the Town upon a showing of "good cause" reason for re-filing by any applicant(s) or licensee.

(w) No license shall be issued or re-issued under this ordinance if the facility, use, activity, business or operation would involve a violation of any Town zoning laws, other Town Ordinances, any County zoning laws or any other County Ordinances.

(x) No license shall be issued or re-issued for any facility, use, activity, business or operation if the use, activity, business or operation would be a nuisance in fact or if the facility, use, activity, business or operation would violate any state or federal law or state or federal regulation.

(y) The Town Board of the Town may waive any one or all of the requirements noted in this subsection upon a show of "good cause" for waiver by the applicant or licensee, including annual license application fees.

(z) Unless otherwise noted by order of the Town Board of the Town, the Town Clerk of the Town shall be the officer of the Town responsible for administration of the Town licenses.

4. Specific Additional License Requirements

(a) The Town requires that the license must be dated and signed by the Town Clerk and by the Town Chair of the Town. The license shall contain the date of issuance and the

date of expiration. The license must be exhibited for public view in a conspicuous location by the licensee on the premises or in the vehicle, wherever the licensed facility, use, activity, business or operation will occur.

(b) Any license issued by the Town under this ordinance are to be deemed non-exclusive unless otherwise so stated by the Town Board of the Town. No special privileges, franchises or agreements are intended or are to be inferred by the issuance of any license by the Town other than those specifically prescribed privileges noted in the license. Any license issued by the Town shall not be issued for the purpose of any restraint of trade or commerce nor issued for the purpose of establishing any type or form of monopoly. No Town official, employee or agent shall refuse to issue or re-issue a license under this ordinance solely because of the belief of the Town official, employee or agent that there are sufficient licenses in the Town unless the State of Wisconsin has established a quota or fixed amount of licenses. In each case where a license is refused for issuance or re-issuance, the Town Board shall do so based upon rational reasons which shall be conveyed by the Town Clerk to the applicant(s) or licensee in writing. The following licenses shall require an annual performance review by the Town Board of the Town prior to re-issuance of a license:

- 1) Solid Waste and/or Recyclable Material Storage License
- 2) Solid Waste Treatment and/or Solid Waste Incineration Facility License
- 3) Waste and Recyclable Material Collection License
- 4) Solid Waste and Recyclable Material Transportation License
- 5) Solid Waste Disposal Facility License
- 6) Hazardous Waste Disposal, Storage or Treatment Facility License

5. Reasonable Compliance

(a) The Town Board of the Town shall not approve and issue any license or re-approve and re-issue any license unless the Town Board of the Town is fully satisfied that the applicant(s) or licensee has been and/or will remain in reasonable compliance with the provisions of this ordinance, with the license and with any written conditions established by the Town Board of the Town in the license.

6. Designated Locations

(a) The completed application and license, prior to issuance or re-issuance, shall contain and designate the person or persons issued or to be issued the license, including any persons issued joint licenses, the specific location in the Town wherein the facilities, uses, activities, businesses or operations shall occur and the specific license requested for issuance or issued.

7. Conditions on License

(a) The license shall contain any and all conditions as established by the Town Board of the Town for issuance and continuance of the license. No person shall be issued or re-issued

a license under this ordinance if the applicant or licensee:

- 1) Fails to agree in writing to the general conditions established by the Town Board of the Town in any proposed license or fails to comply with any written agreement or conditions related thereto in any issued license.
- 2) Fails to agree in writing to specific conditions established by the Town Board of the Town in any proposed license which relate to the applicant(s) providing appropriate and reasonable financial, environmental and legal protections and security to the Town, its officers, its employees and its agents, as determined by the Town Board of the Town or fails to comply with any written agreement or conditions related thereto in any issued license.
- 3) Fails to agree in writing to specific conditions established by the Town Board of the Town in any proposed license to require applicant(s) to correct any public hazards or public nuisances at the facility, use, activity, business or operation in a timely manner upon written notice by the Town Board of the Town or fails to comply with any written agreement or conditions related thereto in any issued license.
- 4) Fails to agree in writing to specific conditions established by the Town Board of the Town in any proposed license to require the applicant(s) to maintain a complaint system and investigative system to receive oral and written complaints and to investigate these complaints from residents of the Town regarding any facility, use, activity, business or operation or fails to comply with any written agreement or conditions related thereto in any issued license.
- 5) Fails to agree in writing to specific conditions established by the Town Board of the Town in any proposed license to have the applicant(s) provide reasonable physical access to any land, premise, building, facility or vehicle owned, operated or controlled by the applicant(s) and related to the facility, use, activity, business or operation in the Town for inspection purposes to the Town Board of the Town or to its designee or fails to comply with any written agreement or conditions related thereto in any issued license.
- 6) Fails to agree in writing to specific conditions established by the Town Board of the Town in any proposed license to have the applicant(s) provide, in a timely manner, reasonable financial records regarding any waste disposal, storage or treatment facility or recyclable material facility owned, operated or controlled by the applicant(s) in the Town or fails to comply with any written agreement or conditions related thereto in any issued license.
- 7) Fails to agree in writing to specific conditions established by the Town Board of the Town in any proposed license to have the applicant(s) provide, in a timely manner, reasonable records regarding source, amount and type of waste, recyclable material or other material involved with the facility, use, activity, business or operation in the Town or fails to comply with any written agreement or conditions related thereto in any issued license.
- 8) Fails to agree in writing to specific conditions established by the Town Board of the Town in any proposed license to have the applicant(s) provide, in a timely manner, the names and addresses of any collectors or transporters authorized to transport waste, recyclable material or other material to and

- from the facility in the Town or fails to comply with any written agreement or conditions related thereto in any issued license.
- 9) Fails to agree in writing to specific conditions established by the Town Board of the Town in any proposed license to have the applicant(s) only operate on certain hours and days for the facility, use, activity, business or operation in the Town or fails to comply with any written agreement or conditions related thereto in any issued license.
 - 10) Fails to agree in writing to specific conditions established by the Town Board of the Town in any proposed license to have the applicant(s) disclose immediately to the Town any intentional or unintentional discharges by the applicant(s) of solid waste, hazardous waste, ash, tires, sludge, sewage, demolition waste, construction waste or any other wastes or material at any unauthorized locations in the Town or fails to comply with any written agreement or conditions related thereto in any issued license.
 - 11) Fails to agree in writing to specific conditions established by the Town Board of the Town in any proposed license to have the applicant(s) immediately disclose to the Town any groundwater, surface water or air pollution occurring on land owned, operated or controlled by the applicant(s) or on any adjacent land owned by another person where pollution was or was not caused by applicant(s) in the Town or fails to comply with any written agreement or conditions related thereto in any issued license.
 - 12) Fails to agree in writing to specific conditions established by the Town Board of the Town in any proposed license to have the applicant(s) disclose to the Town future expansion plans, if any, for the facility, use, activity, business or operation in the Town or fails to comply with any written agreement or conditions related thereto in any issued license.
 - 13) Fails to agree in writing to specific conditions established by the Town Board of the Town in any proposed license to have the applicant(s) comply with a closure plan, long term care plan and the use of the land, premises, buildings or facility after closure or fails to comply with any written agreement or conditions related thereto in any issued license.

(b) In addition, no person shall be issued or re-issued a license under this ordinance unless the person agrees in writing to fully comply with all other written conditions that may be established by the Town Board of the Town in the license and to fully comply with this ordinance. The person must agree in writing, as a condition of licensure, to obey all reasonable written requests of the Town Board of the Town consistent with this ordinance that are related to the facility, use, activity, business or operation.

(c) Failure to fully comply with the written conditions in the license, failure to fully comply with the reasonable written requests of the Town Board of the Town noted above and failure to comply with this ordinance may allow the Town Board of the Town to suspend or revoke the license or may allow the Town Board of the Town to take or request whatever other appropriate and necessary legal actions may be available under this ordinance or that may be available under state and federal law and regulations.

(d) Written conditions or other provisions in the license may be amended to the license, deleted from the license or added to the license during the license term by the Town Board of the Town, only upon written petition by the Town Board of the Town, the licensee

or by any other person and then only after a public hearing established to address requested and proposed amendments, deletions or additions.

(e) Notice of the public hearing shall be based on the petition and shall be by a Class 2 public notice pursuant to §985.07(2), (1991-1992) Wis. Stats. The Town Board of the Town shall have the sole discretion to accept or not accept such petition, the sole discretion to act upon such petition and the sole discretion to accept or refuse any proposed amendments, deletions or additions to the license. The Town Board shall not unreasonably reject such petitions, deny any such amendments, deletions or additions that may be proposed.

(f) The Town Board of the Town may, upon submittal of the petition, require pre-payment to the Town from the petitioner for the any public hearing notice publication costs prior to publication of the notice and may require pre-payment for any other reasonable administrative costs likely to be incurred by the Town with payment for these costs due to the Town prior to publication of the notice.

(g) The Town requires that any person, once issued the license by the Town Clerk of the Town, upon the acceptance of the license by that person and upon the acceptance by that person of the conditions attached thereto, consents to the entry of the Town Board of the Town or its designee upon the licensed lands, premises, buildings and facilities at reasonable hours, with hours noted within this ordinance or with hours noted by the license, for regulatory inspection. The person issued or re-issued a license under this ordinance shall comply with the conditions of the license and this ordinance, with all applicable federal and state laws, with all applicable federal and state regulations and with any other applicable Town Ordinances. Failure to comply with these laws and regulations may be grounds by the Town Board of the Town for temporary suspensions or permanent revocations of any license issued.

8. Joint Applications for Certain Facilities, Uses, Activities, Businesses or Operations

(a) Any such person who may apply for any particular license under this ordinance may request, in the written application for licensure, that certain facilities, uses, activities, businesses or operations requiring other licenses under this ordinance be placed before the Town Board of the Town for consideration at the same time as a "joint application" for multiple license issuance. The Town Board of the Town has the sole discretion to accept, reject or accept on condition any joint applications for multiple license issuance.

9. Different Location/Transfer of License

(a) Any person issued a license under this ordinance may not, under the license, change the location of the facility, use, activity, business or operation outside or beyond the land location originally designated in the license. The person shall apply for and obtain a new license for such facility, use, activity, business or operation at the new land location. Any person issued a license under this ordinance may not transfer any such license to any other person, without written approval or written approval upon conditions established by the Town Board of the Town. The Town Board of the Town shall provide such a written approval or written approval on conditions only upon written petition of the licensee or any proposed new licensee and then only after a public hearing established to address the request and related to the proposed transfer of the license (including any conditions).

(b) Notice of the public hearing shall be through a Class 2 public notice pursuant to §985.07(2), (1991-1992) Wis. Stats. The Town Board of the Town shall have the sole discretion

to accept or not accept such petition, the sole discretion to act upon such petition and the sole discretion to accept or refuse any proposed transfer of a license. The Town Board shall not unreasonably deny approval for any such transfer.

(c) The Town Board may require pre-payment over and above the initial license application fee to the Town from the applicant or licensee for the public hearing notice publication costs prior to publication of the notice and for any other reasonable administrative costs likely to be incurred by the Town with payment due to the Town prior to publication of the notice.

10. License Fee and Bond/Other Requirements

(a) No person shall be issued or re-issued any license established by this ordinance by the Town until the appropriate license application fee has been paid to the Town Clerk of the Town and the appropriate bond, if any, has been received by the Town Clerk of the Town. The Town Board of the Town shall establish the minimum license application fees and performance bonds or other financial security acceptable to the Town Board of the Town on or before June 1 of each year. These minimum amounts for license and bond shall be provided to the applicant(s) at receipt of the application form or within thirty (30) days thereafter. The Town Board of the Town shall establish the type, source and bond amount required of the licensee to assure the Town that the applicant(s) or licensee will comply with this ordinance, the requested license and any potential or likely conditions to be attached to the license and to assure that the bond amount will serve, at least in part, to save harmless, indemnify or to provide proper reimbursement of any municipal administrative or legal costs and expenses incurred by the Town, its officers, its employees and its agents as a result of the action of the applicant(s) or licensee or as a result of the facility, use, activity, business or operation licensed.

(b) No person shall be issued or re-issued a license who has failed to properly, truthfully and fully complete and to submit to the Town Clerk of the Town the application form developed and provided by the Town, including payment to the Town of the appropriate license application fee, and who has failed to submit the other costs and fees and the appropriate bonds or other financial security required by and acceptable to the Town Board of the Town.

(c) No person shall be re-issued a license who has failed to timely pay the license application fee, any appropriate and necessary special Town assessments, any Town administrative special fees or any Town property taxes where these assessments, fees or taxes are directly related to the license or are directly related to the facility or the land wherein the facility is located. In addition, pursuant to §66.117, (1991-1992) Wis. Stats., the Town Board may refuse to issue any license under this ordinance if the applicant has not paid any over due forfeiture resulting from a violation by that person of any Town Ordinance.

7.5 General Ordinance Requirements

A. Roadway Use

(1) No person, except as noted in the exemption section, shall use and traverse on any Town road or roadway with a motor vehicle for purposes of waste or recyclable material collection or transportation in the Town unless that road or roadway, pursuant to Sec. 60.54, (1988-1989) Wis. Stats., is established and authorized by the Town Board of the Town as a designated waste or recyclable material road or roadway for travel by motor vehicle to and from any waste disposal, storage or

treatment facility or recyclable material facility in or outside the Town and/or unless that road or roadway is designated as a collection roadway for the collection of waste or recyclable material by a motor vehicle from any residents of the Town and, in either case, the person must have an appropriate waste or recyclable material collector or transporter license issued by the Town, unless waived by this ordinance.

(2) This provision shall not apply to residents in the Town who collect and transport their own waste or recyclable material on any road or roadway in the Town without receipt of consideration, fee or charge of any kind or amount to a waste disposal, storage or treatment facility or recyclable material facility in the Town.

B. Containment

(1) No person, except as noted in the exemption section, shall cause, allow or permit any person to use any Town road or roadway with a motor vehicle for purposes of any waste, or recyclable material collection or transportation in the Town, unless the motor vehicles and the vehicle containment devices on the motor vehicles are properly constructed and properly maintained by the person to prevent any portion of the waste or recyclable material from depositing, spilling, falling, escaping or discharging from the motor vehicle onto public or private lands in the Town.

(2) The Town Board of the Town, or its designee, shall approve, for every waste or recyclable material collector and transporter licensed by the Town, any such vehicle waste or recyclable material containment device to be used by any licensed collector or transporter prior to its use by any licensed person for the collection, removal and transportation of waste and recyclable material in the Town and prior to its use by any person in the transportation of waste or recyclable material in any motor vehicle on any Town road or roadway. No licensed collector or transporter shall cause, allow or permit any person to use any motor vehicles in the Town for the above stated purposes without proper approval as noted.

C. Waste Disposal, Storage, Treatment or Recycling List

(1) No person, except as noted in the exemption section, shall cause, allow or permit, for any consideration, fee or charge of any kind or amount, any disposal, storage, treatment or recycling of any waste or recyclable material by any other person at any waste disposal, storage or treatment facility or recyclable material facility in the Town unless that person causing, allowing or permitting such facility, use, activity, business or operation has provided to the Town Clerk of the Town a list of the names and addresses of the persons who have been specifically authorized by that person to transport to and from, dispose, store, treat or recycle the waste or recyclable material at the waste disposal, storage or treatment facility or recyclable material facility in the Town. This list with names and addresses shall be provided to the Town Clerk by March 1st of each year and once received by the Town Clerk shall not be treated as confidential information, shall be a public record and shall be subject to public view and disclosure.

D. Reporting Requirement

(1) No person, except as noted in the exemption section, shall, knowing of any of the below noted occurrences in the Town, cause, allow or permit any other person to fail to orally report these

occurrences related to uses or activities at the below noted facilities to the Town Clerk of the Town. The oral report shall be within twenty-four (24) hours of receipt of a notice by that person of the below noted occurrence:

- a) Any hazardous waste entering or exiting any licensed waste disposal, storage or treatment facility or recyclable material facility in the Town unless approved in writing by the Town Board of the Town.
- b) Any fire, explosion or other emergency hazardous condition at or near any licensed waste disposal, storage or treatment facility or recyclable material facility in the Town.
- c) Any groundwater pollution, surface waste pollution or air pollution occurring at or near any licensed waste disposal, storage or treatment facility or recyclable material facility in the Town.
- d) Any permanent, emergency or temporary closing of any licensed waste disposal, storage or treatment facility or recyclable material facility in the Town.

"Near", for purposes of this provision, shall mean an area within one (1) mile of the outer perimeter of the waste disposal, storage or treatment facility or recyclable material facility.

E. Facility Maintenance Requirements

(1) No person, except as noted in the exemption section, shall construct, own, operate, control, close or provide long term care of a licensed waste disposal, storage or treatment facility or recyclable material facility in the Town in such a manner to cause a public nuisance in the Town nor shall any person construct, own, operate, control, close or provide long term care of any licensed waste disposal, storage or treatment facility or recyclable material facility in such a manner to endanger public health and safety or to cause any damage or injury to persons or property in the Town or to damage the environment. To that end, the Town, in addition, requires specifically the following:

- a) No person shall own, operate or control a licensed waste disposal, storage or treatment facility or recyclable material facility in the Town without the maintenance of adequate personnel to aid daily operations and without the maintenance of sufficient physical security to reduce vandalism, environmental degradation or disturbance at the waste disposal, storage or treatment facility or recyclable material facility. This provision shall apply during the period the waste disposal, storage or treatment facility or recyclable material facility is operational, during the term the facility is receiving or exporting waste or recyclable material in the Town and then also for ten (10) years thereafter.
- b) No person shall own, operate or control a licensed waste disposal, storage or treatment facility or recyclable material facility in the Town without the maintenance of at least one (1) attendant at the waste disposal, storage or treatment facility or recyclable material facility during the daily operations and without the maintenance of at least one (1) attendant "on call" during the period when the waste disposal, storage or treatment facility or recyclable material facility is closed. This provision shall only apply during the period the waste disposal, storage or treatment facility or recyclable material facility is operational and during any term the facility is receiving or exporting waste or recyclable material in the Town.

- c) No person shall cause, allow or permit any open burning at any licensed waste disposal, storage or treatment facility or recyclable material facility in the Town, including authorizing any open burning in and within two hundred and fifty (250) feet of the licensed waste disposal, storage or treatment facility or recyclable material facility. This provision shall apply during the period the waste disposal, storage or treatment facility or recyclable material facility is operational and during any term the facility is receiving or exporting waste or recyclable material in the Town.
- d) No person shall own, operate or control a licensed waste disposal, storage or treatment facility or recyclable material facility in the Town without the timely reimbursement to the Town for appropriate and necessary public expenses and costs, including taxes, forfeitures and special assessments, incurred by or due the Town directly associated with the licensed waste disposal, storage or treatment facility or recyclable material facility in the Town. Without receipt of timely and proper reimbursement of the expenses and costs by the person, the Town may charge these appropriate and necessary public costs and expenses as a special assessments on any real property owned by the licensed person in the Town. This provision shall apply during the period the licensed waste disposal, storage or treatment facility or recyclable material facility is operational and during any term the facility is receiving or exporting waste or recyclable material in the Town and then also for ten (10) years thereafter.
- e) No person shall cause, allow or permit any person to dispose, store, treat or recycle hazardous waste at any licensed waste disposal, storage or treatment facility or recyclable material facility in the Town, except a hazardous waste facility licensed for the disposal, storage or treatment of particular hazardous wastes approved for disposal, storage or treatment by the Town Board of the Town. This provision shall apply during the period the licensed waste disposal, storage or treatment facility or recyclable material facility is operational, during the term the facility is receiving or exporting waste or recyclable material in the Town and then also for ten (10) years thereafter.
- f) No person shall cause, allow or permit any person to discharge or litter dust, debris, dirt, litter, waste or recyclable material from a licensed waste disposal, storage or treatment facility or recyclable material facility in the Town beyond the licensed waste disposal, storage or treatment facility or recyclable material facility in the Town. This provision shall apply during the period the licensed waste disposal, storage or treatment facility or recyclable material facility is operational and during any term the facility is receiving or exporting waste or recyclable material in the Town and then also for ten (10) years thereafter.
- g) No person shall own, operate or control a licensed solid waste disposal facility in the Town without requiring everyday, within a reasonable time after termination of the disposal of solid waste into any active fill area, that a suitable cover of clay and other suitable soil material be placed and deposited fully over the deposited solid waste or recyclable material. In any inclement weather, in compliance with any requirements of the Department of Natural Resources, this provision may be waived in writing by the Town Board of the Town or its designee. This provision shall apply during the period the licensed solid waste disposal facility is operational and during any term the facility is receiving or exporting solid waste for disposal in the Town and then also for ten (10) years thereafter. In addition, this provision may apply to demolition or construction waste if made applicable by Town Board order or resolution.

- h) No person shall own, operate or control a licensed waste disposal, storage or treatment facility or recyclable material facility in the Town without complying fully with any conditions and requirements established by the Town Board of the Town related to facility maintenance issues regarding landscaping, screening, fencing, top soil maintenance, soil erosion abatement, non-point source pollution abatement and odors and noise reduction protections established in the license conditions by the Town Board of the Town.
- i) No person shall own, operate or control a licensed waste disposal, storage or treatment facility or recyclable material facility in the Town without complying fully with conditions and requirements established by the Town Board of the Town related to preserving the value of the land and the future physical conditions and uses of the land after closure of the facility operations established in the license conditions by the Town Board of the Town. The Town Board may require, prior to issuance of the license, a full reclamation or restoration plan along with a bond to insure compliance with the plan before or after closure.
- j) No person shall own, operate or control a licensed waste disposal, storage or treatment facility or recyclable material facility in the Town without complying fully with conditions and requirements established by the Town Board of the Town related to compliance with any Town building code, the installation and maintenance of necessary safety equipment, and the enactment and enforcement of operational controls, the enactment and enforcement of environmental protection controls, including litter, run-off controls, drainage controls and discharge controls, the enactment and enforcement of operational public health and security controls and the enactment and maintenance and update of any emergency plan for any disaster at or near the facility.
- k) No person shall own, operate or control a licensed waste disposal, storage or treatment facility or recyclable material facility without complying fully with the time and dates for daily operation as established in the license conditions by the Town Board of the Town.

(2) No person shall cause, allow or permit any person to own, operate or control any licensed waste disposal, storage or treatment facility or recyclable material facility for the disposing, storing, treating or recycling of waste or recyclable material owned, operated or controlled by that person in the Town unless that person has been issued an appropriate waste or recyclable material facility license by the Town Board of the Town and unless that person owning, operating or controlling the licensed waste disposal, storage or treatment facility or recyclable material facility maintains a proper written manifest of the source, amount and type of waste or recyclable material disposed, stored, treated or recycled at the licensed waste disposal, storage or treatment facility or recyclable material facility and unless the person operating or maintaining the licensed waste disposal, storage or treatment facility or recyclable material facility maintains the proper names and addresses of the persons disposing, storing, treating or recycling the waste or the recyclable material at the licensed waste disposal, storage or treatment facility or recyclable material facility.

(3) The person owning, operating or controlling the licensed waste disposal, storage or treatment facility or recyclable material facility shall, on a quarterly basis, provide, at no cost to the Town, to the Town Clerk of the Town, within sixty (60) days after each January 1, April 1, July 1 and October 1, copies in writing of the above noted written manifests from the previous calendar year. The form for such manifest shall be approved by the Town Board of the Town prior to submittal.

(4) The above facility maintenance requirements shall apply to any person that owns, operates or controls a facility, use, activity, business or operation where the person must be licensed under this ordinance but where the person does not currently hold, for whatever reason, a proper license as required under this ordinance.

F. Insurance/Bond

(1) No person, except as noted in the exemption section, shall construct, own, operate, control, close or provide long term care of any licensed waste disposal, storage or treatment facility or recyclable material facility in the Town without depositing with the Town Clerk of the Town an insurance policy, bond, certificate of liability insurance or any other proof of financial security acceptable to the Town Board of the Town, including environment impairment insurance, providing financial liability coverage for all reasonable potential liability for injuries or damages, costs, expenses, judgments and fines for any occurrence related to the facility and related to the waste or recyclable material to be transported to and from, disposed, stored, treated or recycled in the Town. Any policy to be issued by an insurance company or bond company licensed to do business in the State of Wisconsin shall be with the minimum amount of insurance coverage, bond or proof of financial security to be five hundred thousand dollars (\$500,000.00) per occurrence unless the Town Board of the Town, after public hearing, increases or reduces this amount. This provision shall apply during the period the waste or recyclable material facility is operational and during any term the facility is receiving or exporting waste or recyclable material in the Town and then also for ten (10) years thereafter.

(2) The Town Board of the Town can waive, increase or decrease, this insurance, bond or proof of financial security amount above or below five hundred thousand dollars (\$500,000.00) only after a public hearing and then only with a written negotiated agreement with the applicant(s) assuring financial security protection to the Town and its residents or, when appropriate, with an arbitration award, pursuant to Chapter 144, (1991-1992 Wis. Stats.) issued by the Waste Facility Siting Board.

G. Discharge and Litter

(1) No person, except as noted in the exemption section, shall discharge, litter or deposit or cause, allow or permit any other person to discharge, litter or deposit any waste, recyclable material or special wastes (as defined by this ordinance) on any public land or private land owned, operated or controlled by that person in the Town or on lands owned, operated or controlled by third persons, except in proper locations and containers authorized for discharge or deposit by this ordinance, except in proper locations or containers authorized by license, by order or by written agreement of the Town Board of the Town or except in waste facilities or recyclable material facilities licensed by the Town Board of the Town.

(2) No person, except as noted in the exemption section, shall transport, in any manner, on any public sidewalks, public roads, public roadways, public streets, public alleys or other public lands in the Town any waste, including recyclable material or special wastes where the method or means of transportation is likely to lead to the intentional or unintentional discharging, emptying or blowing of the waste, recyclable material or special wastes from the vehicle or from other means of transportation onto public sidewalks, public roadways, public streets, public alleys or other public lands in the Town.

(3) No person, except as noted in the exemption section, who owns, operates or controls land in the Town shall fail to collect, remove and transport, in a timely and proper manner, from any residential, commercial, industrial or other establishments owned, operated or controlled by that person in the Town any discharged, disposed, stored or treated waste, including recyclable material or special

wastes not authorized for disposal, storage or treatment by this ordinance or any waste, recyclable material or special wastes not authorized for disposal, storage or treatment by order of the Town Board of the Town. The person shall be responsible to act in a timely manner to reasonably keep all lands owned, operated or controlled by that person in a clean, safe, neat and orderly condition and to avoid causing any private or public nuisance in the Town.

(4) No person, except as noted in the exemption section, shall discharge, litter or deposit without proper authorization by this ordinance or without authorization by license or written approval of the Town Board of the Town any waste, including recyclable material or special wastes in or along any public water in the Town, on or along the ice of any public waterway in the Town or on or along any other public land in the Town. "Near" for purposes of this provision shall be seventy-five (75) feet from the public water.

(5) The prohibitions noted above in the previous paragraphs of this subsection against discharging or depositing waste, including recyclable material or special wastes do not apply to any person who places or deposits any waste, recyclable material or special wastes in a proper waste container or receptacle as authorized by order of the Town Board of the Town for waste, recyclable material collection, removal and transportation along any public sidewalk, public road, public roadway, public street, public alley, public waterway or other public land in the Town. This provision does not also apply to any person who properly stores, disposes, treats, deposits, discharges or recycles any waste, recyclable material or special wastes in conformity with Chapters 30, 31, 144, 147, 159 or 161, (1991-1992) Wis. Stats., in conformity with any regulation, license, order or other approval by the Department of Natural Resources or any other state agency or by the Waste Facility Siting Board and in conformity with any license or written agreement issued or obtained by the Town Board of the Town pursuant to this ordinance.

(6) No person, except as noted in the exception section, shall cause, allow or permit any person to discharge, litter or deposit any wastes, including recyclable material or special wastes or except where authorized by the Town Board of the Town, upon any public sidewalk, public roadways, public streets, public alleys, public beach, public restway or other public lands in the Town.

(7) If these wastes noted in subsection (6) are not removed by the person that discharged or deposited the waste within twenty-four (24) hours of that person receiving written notice from the Town Clerk of the Town, then the Town will have the right to have the above items removed from the public sidewalk, public roadway, public street, public alley, public beach, public restway or other public land in the Town and shall have the right to charge the cost incurred for removal by the Town to that person. If the total amount is not paid within sixty (60) days of the person receiving a bill for the removal services from the Town, then the Town Board has the right to place a special assessment charge on the real property of the person in the Town, pursuant to Sec. 66.60, (1989-1990) Wis. Stats. The Town Chair shall be the person responsible to identify and to charge the person or persons that allegedly discharged or deposited the items. This provision does not apply to a public or private compost facility approved by the Town Board of the Town. This provision does not apply to wastes deposited, stored or treated on private lands as authorized by this ordinance. This provision shall not apply to "temporary storage" of special wastes as determined by the Town Board of the Town.

(8) No person, except as noted in the exemption section, shall cause, allow or permit any person to deposit or discharge any waste, including any toilet or human waste, from any motor boat or other vessel into the public waterways in the Town.

(9) No person, except as noted in this subsection or in the exemption section, shall cause, allow or permit any person to deposit or discharge or allow any such deposit or discharge of any waste, including recyclable material or special wastes on land owned, operated or controlled by that person

wherein such waste, including recyclable material or special wastes will naturally flow or will, by aid of an artificial structure, flow into the public waterways in the Town or onto the ice in the public waterways in the Town.

(10) No person, except as noted in the exemption section, shall cause, allow or permit any person to deposit or discharge any waste, including recyclable material or special wastes onto the public waterways in the Town or which may, due to the initial deposit or discharge, be washed onto the waters in the Town and which may then hinder, obstruct or destroy navigation by boats or other vessels in the public waterways in the Town.

(11) No person, except as noted in the exemption section, shall cause, allow or permit any person to maintain, operate or control any dilapidated structure or dilapidated building near the shores of public waterways in the Town where such structure or building, due to its condition and proximity to shore, may be then likely washed into the public waterways in the Town and which may then likely hinder, obstruct or destroy navigation by boats or other vessels in the waters in the Town. For purposes of this section, "near the shores" shall mean within seventy-five (75) feet from the shoreline of the waters in the Town.

(12) No person, except as noted in this subsection or in the exemption section, shall, without written approval of the Town Board of the Town, cause, allow or permit any person to construct, operate or control any drain pipe, culvert, sewer, ditch or any other artificial waterways in the Town to collect water, waste and material from surface water point sources, such as roads, structures or other public infrastructures and which then allows the discharge of this water into any public waterways in the Town. This provision shall have no application to any person who constructs, operates or controls the above noted with approval, permit or license of an appropriate federal or state agency, the County or other lawful authority or for any person in compliance with state and federal laws and state and federal regulations.

(13) No person, except as noted in this subsection and in the exemption section, shall cause, allow or permit any person to construct, operate or control any drain, pipe, culvert, sewer, ditch or other outlet to deposit or discharge onto a public road, alley, street, other public land or public waterways any infectious waste, hazardous waste, hazardous substance, toxic waste or noxious matter in the Town. This provision shall have no application to any person who constructs, operates or controls the above noted with approval, permit or license of an appropriate federal or state agency, the County or other lawful authority or for any person in compliance with state and federal laws and state and federal regulations.

(14) No person, except as noted in the exemption section, shall cause, allow or permit any person to deposit or discharge, by any means, untreated domestic sewage into surface water (as defined in Sec. 144.01(5), (1991-1992) Wis. Stats.) or into any drainage ditch governed by Chapter 88, (1991-1992) Wis. Stats., in the Town. This provision shall have no application to any person who constructs, operates or controls the above noted with approval, permit or license of an appropriate federal or state agency, the County or other lawful authority or for any person in compliance with state and federal laws and state and federal regulations.

(15) No person, except as noted in the exemption section, shall cause, allow or permit any person to discharge waste, including recyclable material or any special wastes, by any means whatsoever, from any waste disposal, storage or treatment facility or recyclable material facility, septic tank, dry well, holding tank or cesspool into any surface water (as defined in Sec. 144.01(5), (1991-1992) Wis. Stats.) or into any drainage ditch governed by Chapter 88, (1991-1992) Wis. Stats., in the Town. This provision shall have no application to any person who constructs, operates or controls the above noted with approval, permit or license of an appropriate federal or state agency, the County or other lawful authority or for any person in compliance with state and federal laws and state and federal regulations.

(16) No person, except as noted in the exemption section, shall cause, allow or permit any person to landspread any waste, including recyclable material or special wastes, including septage, sludge or ash, upon public or private lands in the Town without complying with all state laws and regulations and without complying with all applicable County or Town appropriate licenses or written agreements.

H. Scavenging Prohibited

(1) No person, except as noted in the exemption section, shall cause, allow or permit any person to collect, scavenge, remove and transport any waste, including recyclable material or special wastes in the Town where these wastes, including recyclable material or special wastes have been deposited in proper collection locations, pursuant to this ordinance, near or at the curbside, street, alley, road or roadway in the Town by the person who owns, operates or controls the land and where the collection site is located for the intent and purpose of collection, removal and transportation of the waste, including recyclable material or special wastes by specific licensed waste collectors or transporters or by other specific persons authorized in writing by the Town Board of the Town. All waste, including recyclable material or special wastes, for purposes of this ordinance, placed or stored by any person on the land of that person for later collection, removal or transportation of the waste, including recyclable material or special wastes shall be deemed to be the responsibility of the person owning, operating or controlling the land where the waste, including recyclable material or special wastes are located and these waste, including recyclable material or special wastes shall be deemed the property of that person until collection occurs by a licensed or authorized waste collector or transporter and until possession actually transfers to the licensed or authorized waste collector or transporter.

I. Collection Containers

(1) Unless by permission of the appropriate licensed waste or recyclable material collector or transporter or unless by written order of the Town Board of the Town, no hazardous wastes, special wastes or contaminated recyclable material shall be placed or deposited by any person in any solid waste containers or recyclable material containers or receptacles in the Town for the intent and purpose of waste or recyclable material collection, removal and transportation by the licensed collector or transporter.

(2) Unless by permission of the appropriate licensed waste or recyclable material collector or transporter or unless by written order of the Town Board of the Town, no person shall cause, allow or permit any person to place or deposit any waste, including recyclable material or special wastes in the waste or recyclable material containers or receptacles at any waste, including recyclable material or special wastes collection location in the Town unless the waste or recyclable material placed in the waste or recyclable material containers or receptacles by that person was waste, recyclable material or special wastes originated at or was generated by persons at the residential, commercial, industrial or any other type of establishment in the Town. Residential establishment for purposes of this provision shall include agricultural establishments.

J. Closed Facilities or Operations

(1) Unless with permission of the person owning, operating or controlling the land or facility or unless by order of the Town Board of the Town, no person shall cause, allow or permit any third person to have waste, including recyclable material or special wastes deposited, discharged, stored or treated by any person at or near any licensed waste disposal, storage or treatment facility or recyclable

material facility in the Town at anytime when these waste disposal, storage or treatment facilities or recyclable material facilities are temporarily or permanently closed for operations in the Town. "Near" for purposes of this provisions shall be within three hundred (300) feet of the transfer station, waste facility or recyclable material facility. Placement for longer than twenty-four (24) hours of the above noted waste, including recyclable material or special wastes shall be presumed to be a deposit, discharge, storage or treatment.

(2) No person shall cause, allow or permit any person to close or provide long term care for any closed waste disposal, storage or treatment facility or recyclable material facility without fully complying with all Town ordinances, all state and federal laws and all state and federal regulations. This shall include, but not be limited to, any orders, licenses, permits, reports, design standards, required management plans and practices, required plans for closure and required plans for long term care. For purposes of this provision, "closed" shall mean the permanent closure of a waste disposal storage or treatment facility or recyclable material facility with no intent to reopen the waste disposal, storage or treatment facility or recyclable material facility by the licensed operator at the current location.

K. Burning of Waste and Recyclable Material

(1) No person, except as noted in the exemption section, shall cause, allow or permit any person to burn any waste, including recyclable material or special wastes in any incinerator, furnace, stove, barrel or air curtain destructor that will endanger persons or property in the Town or will adversely effect the public health or safety of any persons in the Town.

(2) No person, except as noted in the exemption section, shall cause, allow or permit any person to burn any waste, including recyclable material or special wastes where the burning of such waste, recyclable material or special wastes would not be in full compliance with state and federal laws and state and federal regulations.

7.6 Exemptions

(A) Any person who owns, operates or controls the following facilities, uses, activities, businesses or operations shall be exempt from compliance with this ordinance and shall be exempt from obtaining and maintaining any Town license under this ordinance unless so specifically noted herein this ordinance in a specific section or specific provision of this ordinance:

- 1) Facilities, uses, activities, businesses or operations in the Town under the municipal ownership, municipal operation or direct municipal control of the Town, its Town Board, its officers, its employees or its designee. This exemption shall not include any facilities, uses, activities, businesses or operations owned, operated or controlled by any persons licensed by the Town.
- 2) Facilities, uses, activities, businesses or operations of an agricultural establishment where the person who owns, operates or controls the agricultural establishment disposes, stores or treats animal manure waste and/or owns, operates or controls an animal manure waste disposal, storage or treatment facility or operation in the Town and where the animal manure waste received, collected, transported or exported to or from the agricultural establishment is from animals owned, operated or controlled by that person. This exemption on animal manure waste disposal, storage or treatment shall include landspreading by the owners or occupants on public or private lands in the Town. This exemption shall not apply to any collectors or transporters

of animal manure waste who transport the animal manure waste, for consideration, to and from any exempt agricultural establishment, other agricultural establishment or any other facility in the Town.

- 3) Facilities, uses, activities, businesses or operations in the Town for waste, including recyclable material and special waste storage, except hazardous waste storage, where the person who owns, operates or controls the storage establishment stores the waste, including recyclable material or special wastes at the establishment less than four (4) consecutive weeks in any calendar year. This exemption shall not apply to any collectors or transporters of waste, including recyclable material or special wastes who transport the waste, recyclable material or special wastes, for consideration, to and from any exempt facility or other locations in the Town.
- 4) Facilities, uses, activities, businesses or operations in the Town for hazardous waste storage where the person who owns, operates or controls the storage establishment stores the hazardous waste at the establishment for less than four (4) consecutive weeks in any calendar year. Facilities, uses, activities, businesses or operations in the Town for household hazardous waste storage where the person stores this waste pursuant to state and federal laws and regulations. This exemption shall not apply to any collectors or transporters of hazardous waste who transport waste to and from any exempt facility or other location in the Town, with or without consideration.
- 5) Facilities, uses, activities, businesses or operations in the Town for specific or individual human waste disposal, storage or treatment facilities, namely sanitary privies, seepage beds, holding tanks, mound systems or septic tanks. This exemption shall not apply to persons who collect or transport human waste to and from these facilities, systems or other locations in the Town, for consideration, unless these persons are exempt under §146.20, (1991-1992) Wis. Stats.), as a result of the enactment and maintenance of a county ordinance. This exemption shall not apply to any municipal facility, municipal use, municipal activity, municipal business or municipal operation for human waste disposal, storage or treatment, including the transporting, collection and/or municipal landspreading of sewage, septage or sludge, owned, controlled or operated by any other municipality, other than the Town, without written approval of the Town.
- 6) Facilities, uses, activities, businesses or operations in the Town for a solid waste disposal facility or a hazardous waste facility made not applicable to this ordinance by reason of a negotiated agreement under Chapter 144, (1991-1992) Wis. Stats. This exemption shall not apply to collectors or transporters of solid waste who transport either of these wastes, for consideration, to and from the exempt facility or any other location in the Town.
- 7) Facilities, uses, activities, businesses or operations in the Town for a solid waste disposal facility or hazardous waste facility made not applicable to this ordinance by reason of an arbitration award issued by the waste Facility Siting Board under Chapter 144, (1991-1992) Wis. Stats. This exemption shall not apply to collectors or transporters of solid waste or hazardous waste who transport, for consideration, waste to and from the exempt facility or any other location in the Town.
- 8) Facilities, uses, activities, businesses or operations in the Town for nuclear waste disposal, storage or treatment. This exemption includes the collectors or transporters of nuclear waste who collect or transport, with or without consideration, to and from any exempt facility or any other location in the Town.
- 9) Facilities, uses, activities, businesses or operations in the Town for dairy product processing and fruit, grain or vegetable processing by-products or waste disposal, storage or treatment. This exemption shall include the processed waste or by-products that are to be stored or treated for future use by the owners of these wastes or by-products. This exemption shall include the

landspreading of these wastes. This exemption shall not apply to collectors or transporters of these wastes or by-products who collect or transport, for consideration, to and from any exempt facility or any other location in the Town.

- 10) Facilities, uses, activities, businesses or operations in the Town for solid waste composting by the Town. This exemption shall not apply to the collectors or transporters of the waste or recyclable material who transport, for consideration, to and from the exempt facility or any other location in the Town.
- 11) Facilities, uses, activities, businesses or operations in the Town permanently or previously closed for waste, including recyclable material or special waste disposal, storage or treatment prior to the effective date of this ordinance. This exemption shall include waste storage or treatment facilities only when the waste has been fully and properly removed from the Town or they have been properly disposed, stored or treated in the Town as required by the Department of Natural Resources.
- 12) Facilities, uses, activities, businesses or operations in the Town permanently or previously closed for waste tire disposal prior to the effective date of this ordinance.
- 13) Facilities, uses, activities, businesses or operations in the Town for a waste tire disposal, storage or treatment where the number of tires at the establishment remains less than the number of tires required for the establishment to be a licensed waste tire disposal, storage or treatment facility or any tire disposal, storage or treatment facility where one of the following factors are applicable:
 - a) The retail business premises where the waste tires are sold if no more than 500 waste tires are kept on the premises at one time.
 - b) The premises of a waste tire retreading business if no more than 3,000 waste tires are kept on the premises at one time.
 - c) A premises where waste tires are removed from motor vehicles in the ordinary course of business if no more than 500 waste tires are kept on the premises at one time.
 - d) A solid waste disposal facility where no more than 60,000 waste tires are stored above ground at one time if all tires received for storage are processed, buried or removed from the facility within one year after receipt.
 - e) A site where no more than 250 waste tires are stored for agricultural uses.
 - f) A site where a recovery activity, as defined in §144.798(1)(a), (1991-1992) Wis. Stats., is carried on if no more than a 6-month inventory of waste tires is kept on the site.
 - g) A site where waste tires are stored for use in constructing artificial reefs in waters of the state.
 - h) An artificial reef constructed of waste tires.
 - i) A solid waste disposal facility where waste tires are buried in compliance with rules promulgated by the Department of Natural Resources.

This exemption does include collectors or transporters of waste tires who collect or transport, with or without consideration, to and from any exempt facility or any other location in the Town.

- 14) Facilities, uses, activities, businesses or operations in the Town for scrap metal, junk vehicles or junk implements of husbandry. This exemption includes the collectors or transporters who collect or transport, with or without consideration, to and from any exempt facility or other location in the Town. This exemption includes material at automobile graveyards, material at

salvage yards and material at auto wrecking yards. This exemption does not include solid waste or hazardous waste facilities, including demolition and construction waste facilities, refuse facilities, garbage dumps, waste tire facilities and recyclable material facilities.

- 15) Facilities, uses, activities, businesses or operations in the Town approved to operate for a designated period of time by written order of the Town Board of the Town.

(B) The above noted exemptions for facilities, uses, activities, businesses or operations shall not apply to any person who causes, allows or permits any person to conduct or to create a public nuisance, in violation of Section 5(E) of this ordinance, in the Town at any facility or by any use, activity, business or operation owned, operated or controlled by that person in the Town.

7.7 Administrative Appeals

A. Chapter 68, Wis. Stats.

(1) The Town Board of the Town has, by adoption of this ordinance, elected to be governed by the Administrative Procedures Law established in Chapter 68, (1991-1992) Wis. Stats. In addition, the Town Board of the Town had established, by adoption of this ordinance, penalties and a citation system for enforcement of this ordinance.

B. Scope of Review of Town Determination

(1) Any person having a substantial interest which is adversely affected by an administrative determination under this ordinance of the Town Board of the Town, any board, commission, committee, agency, Town officer, Town employee or any agent acting on behalf of the Town, pursuant to §68.02, (1991-1992) Wis. Stats., may have such determination reviewed as provided in Chapter 68, (1991-1992) Wis. Stats., and this ordinance. The remedies under Chapter 68, (1991-1992) Wis. Stats., and this ordinance shall not be exclusive.

C. Availability of Other Methods

(1) Chapter 68, (1991-1992) Wis. Stats., and this ordinance does not preclude the Town and the person aggrieved from employing arbitration, mediation or other methods of resolving disputes and does not supersede contractual provisions for this purpose.

7.8 Construction/Penalties

A. Rules of Construction

(1) In the construction of this ordinance, the following rules shall be observed unless such construction would be inconsistent with the manifest of this ordinance:

- a) The term "Wisconsin Statutes" wherever used in this ordinance shall mean the Wisconsin Statutes for the year 1990 and shall include the 1990 session laws unless noted otherwise.
- b) Every word in this ordinance imparting the masculine gender may extend and be applied to females as well as males, and every word imparting the singular number

only may extend and be applied to several persons or things as well as to one person or thing; provided that these rules of construction shall not be applied to any provisions which shall contain any express language excluding such construction or when the subject matter or context of such provisions may be repugnant thereto.

- c) The word "person" extends and applies to natural persons, firms, corporations, associations, partnerships or other bodies politics and all entities of any kind capable of being sued unless plainly inapplicable.
- d) When a provision in this ordinance requires an act to be done which may as well be done by an agent as by the principal, such requirements shall be construed to include all such acts when done by an authorized agent.
- e) In interpreting any term in this ordinance when the term is not defined in the section in question or in the definition section, the ordinary meaning of the term will apply unless the context clearly indicates a different meaning is intended.

B. Conflict of Separability

(1) If provisions of the different sections of any ordinances conflicts with or intervene each other, the provisions of each section shall prevail as to all matters and questions arising out of the subject matter of such ordinances. If the provisions of any ordinance conflict with or intervene with this ordinance, the provisions of the individual ordinance shall prevail as to all matters and questions arising out of the subject matter of the ordinance.

(2) If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of the other sections, subsections, sentences, clauses or phrases or portion of each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses, phrases or portions may be declared invalid or unconstitutional.

C. Clerk to File Documents Incorporated by Reference

(1) Whenever in this ordinance any standard code, rule, regulation or other written or printed matter is adopted by reference, it shall be deem incorporated in the ordinance as if fully set forth herein and the Town Clerk of the Town shall file, deposit and keep in his or her office a copy of this ordinance and any standard, rule, regulation or other written or printed matter as adopted. Material so filed, deposited and kept shall be public records open for examination with proper care by any person during the Town Clerk's office hours, subject to such orders or regulations which the Town Clerk may prescribe for their preservation.

D. Penalty/Hearing Provisions

(1) Any person who shall violate any of the provisions of this ordinance shall, upon conviction of such violation, be subject to penalty, which shall be as follows unless otherwise noted below:

- a) Any person who shall violate any provision of this ordinance entitled "Town Environmental Ordinance" shall, upon conviction thereof, forfeit not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00), together with the costs of prosecution and in default of payment of such forfeiture and costs or

for the prosecution shall be imprisoned in the County jail until said forfeiture and costs are paid, but not exceeding six (6) months. Each day of violation shall constitute a separate offense.

- b) This ordinance shall not be construed to abrogate any minimum or maximum penalties prescribed by the laws of the State of Wisconsin.
- c) Any person who shall be required by this ordinance to file with the Town a bond in order to construct, own, operate, control, close or provide long term care of any facility, use, activity, business, operation or road in the Town may be required to forfeit part or all of the bond amount and have amounts charged against the bond to reimburse the Town for any necessary expenses or costs incurred by the Town to correct violations of this ordinance.

(2) All suspensions or revocations of any licenses will be only after a public hearing, unless emergency conditions require immediate and temporary suspension of the license by the Town Board of the Town. For purposes of this ordinance, "licenses" shall include "permits" and "licensees" shall include "permittees". Following any temporary suspension, written notice of same shall be attempted to be personally served on the licensee or the agent of the licensee. Such notice of temporary suspension shall include a statement that the party may have a public hearing regarding suspension or revocation before the Town Board not before two (2) days nor not after five (5) business days from receipt of the notice by delivering to the Town Clerk of the Town a written request for a hearing. No temporary suspension shall continue beyond six (6) days from date the Town Clerk receives a written request for a hearing.

(3) Prior to any action for a non-temporary suspension or permanent revocation, except in an emergency condition, the Town Board of the Town must, by the Town Clerk of the Town, receive a certified complaint concerning the licensee. The following persons may file a certified complaint with the Town Board of the Town:

- a) The Town Chair or other Town Supervisors
- b) The Town Clerk
- c) Any Town officer designated by the Town Chair or Town Board to file such complaints

(4) Any person, subject to charges for violation of this ordinance or any violation of a condition of any license, shall be provided a copy of the certified complaint and notice of hearing before the Town Board of the Town, except as may be required in Chapter 125, (1991-1992) Wis. Stats., related to revocation of intoxicating liquor and fermented malt beverage licenses. The hearing shall be required to be not less than ten (10) days nor more than thirty (30) days after receipt of notice, unless stipulated in writing by the Town Board of the Town and by the person subject to charges of violation or unless an emergency hearing is required due to a temporary suspension as noted herein.

(5) Any person subject to charges for violation of this ordinance or any violation of a condition of any license shall be entitled to a public hearing and to the following:

- a) Representation by legal counsel at the expense of the person subject to charges
- b) Right to present and cross examine witnesses
- c) Right to subpoena witnesses with the Town Chair of the Town issuing subpoenas to compel attendance of the witnesses

(6) The Town Board of the Town may, after the public hearing, for any person previously issued a license by the Town Board of the Town, act as follows:

- a) Revoke the license as a final decision
- b) Suspend the license for a date certain as a final decision
- c) Request additional information as an interim decision prior to taking future action
- d) Take no action on the license as a final decision

(7) The final decision of the Town Board of the Town to revoke or suspend a license, except as noted in Chapter 125, (1991-1992) Wis. Stats., including a temporary suspension, shall be subject to appeal pursuant to Chapter 68, (1991-1992) Wis. Stats.

(8) The Town Chair or the Town Clerk of the Town, by order of the Town Board of the Town, shall repossess any license revoked or suspended, including temporary suspension, by the Town Board of the Town.

(9) If no hearing is requested by the person subject to charge within the time herein noted, any appropriate license shall be revoked by the Town Board of the Town at its next meeting.

(10) The following specific reasons beyond those noted in each separate ordinance may be considered, at minimum, by the Town Board of the Town in determining whether to re-issue, revoke or suspend, including any temporary suspension, a previously issued license:

- a) A false statement was made by the licensee in the application filed with the Town and/or a false statement was included in the material attached to the application by the licensee.
- b) The current or former facilities, uses, activities, business or operations as operated or controlled by the licensee are or have been detrimental to the public peace, public health, public safety and general welfare of the public in the Town.
- c) The current or former facilities, uses, activities, businesses or operations as operated or controlled by the licensee have not or do not conform to or meet the conditions of this ordinance or do not conform to or meet specific state or federal laws or specific state or federal regulations.
- d) The current or former facilities, uses, activities, businesses or operations as operated or controlled by the licensee have or are causing a public nuisance in the Town and/or are operating contrary to County or Town zoning.
- e) The licensee, if a corporation, has not been or is not authorized to do business in the State of Wisconsin.
- f) The licensee, as a natural person, is not of age.
- g) The licensee, as a natural person, is not legally competent.
- h) The licensee has not or does not currently comply with the specific written conditions included in the issued or previously issued license.
- i) The licensee failed to operate or control the facilities, uses, activities, businesses or operations as set forth in the original application filed with the Town or in the material attached to the original application or plan by the licensee.
- j) The licensee failed as required to conduct the facility, use, activity, business or operation and instead allowed other persons not employees or agents of applicant(s) to own, operate or control the use, activity, business or operation.
- k) The licensee failed to maintain adequate financial security or protections as required by the license and the specific written conditions in the license.

(11) The Town Board of the Town shall, except in an emergency condition as determined by the Town Board of the Town, prior to revoking or suspending any license or prior to refusing to issue or re-issue a license, make on the record specific written findings as to the reason or reasons the Town Board of the Town did take such action. Any applicant(s) or licensee shall, as noted previously for a permanent revocation or non-temporary suspension of a license, be provided the opportunity for a public hearing as noted, an opportunity to cross examine witnesses, an opportunity to present relevant evidence and to require that witnesses to testify against the applicant(s) or licensee be under oath. The Town Board of the Town, in lieu of refusing to issue or re-issue a license, may delay final determination action pending further investigation by the Town upon its own motion for up to thirty (30) days beyond the original required final determination date.

(12) Unless otherwise noted by order of the Town Board of the Town, the Town Chair of the Town shall be the primary official of the Town responsible to investigate matters related to licenses.

(13) Unless otherwise noted by order of the Town Board of the Town, the Town Chair of the Town shall be the primary official of the Town responsible to implement the enforcement of the conditions established in licenses issued by the Town and to implement the enforcement of this ordinance of the Town against any licensee or other person violating this ordinance or conditions of any license.

(14) Any Town officer of the Town shall, in a timely fashion, inform the Town Board of the Town of any alleged or real violation of the conditions established in any licenses issued under this ordinance by the Town and any alleged or real violations of this ordinance.

(15) Any Town officer of the Town shall be responsible to inform the Town Board of the Town regarding his or her knowledge of the refusal of any person to obtain a license who should be required to hold a proper license under this ordinance from the Town.

E. Citations for Violators

(1) The Town, by adoption of this ordinance and pursuant to §66.119, (1991-1992) Wis. Stats., hereby elects to use the citation method for enforcement of the "Town Environmental Ordinance" included in this ordinance.

(2) The citation issued by the Town shall, at minimum, contain the following:

- a) The name and address of the alleged violator.
- b) The factual allegations describing the alleged violation.
- c) The time and place of the offense.
- d) The section of this ordinance violated.
- e) A designation of the offense in such as can readily be understood by a person making a reasonable effort to do so.
- f) The time at which the alleged violator may appear in court.
- g) A statement which in essence informs the alleged violator:
 - 1) That a cash deposit with the appropriate court costs and surcharges, based on the schedule established by this ordinance, may be made which shall be delivered or mailed to the County Clerk of the Court prior to the time of the scheduled court appearance.
 - 2) That if the appropriate cash deposit with the appropriate court costs and surcharges is paid, no appearance in court is necessary unless the alleged violator is subsequently summoned.

- 3) That if a cash deposit with the appropriate court costs and surcharges is paid and the alleged violator does not appear in court, the alleged violator will be deemed to have entered a plea of no contest, or if the court does not accept the plea of no contest, a summons will be issued commanding the alleged violator to appear in court to answer the complaint.
- 4) That if no cash deposit with the appropriate court costs and surcharges is made and the alleged violator does not appear in court at the time specified, an action may be commenced to collect the forfeiture, the penalty assessment, the jail assessment and other usual court costs.
- h) A direction that if the alleged violator elects to make a cash deposit with the appropriate court costs and surcharges, the statement which accompanies the citation shall be signed to indicate that the statement required under (7) above has been read. Such statement shall be sent or brought with the cash deposit.
- i) Such other information as the Town Board of the Town deems necessary.

(3) The following are the deposits:

- a) The offenses in this ordinance entitled "Town Environmental Ordinance" require the following deposits with the appropriate court costs and surcharges to be attached as required by the court and state bar:

ORDINANCE SECTION	OFFENSE	DEPOSIT
7.4(B)(1)(a)	Failure to obtain Town Waste or Recyclable Material Facility License	\$ 200.00
7.4(B)(1)(c)	Failure to comply with ordinance, license or conditions established in the license	\$ 200.00
7.4(B)(1)(d)	Failure to obtain negotiated siting agreement or arbitration award	\$ 500.00
7.4(B)(1)(f)	Improper burning of waste or recyclable material	\$ 200.00
7.4(B)(2)(a)	Failure to obtain Town Waste and Recyclable Material Collection License	\$ 200.00
7.4(B)(2)(c)	Failure to comply with ordinance, license or conditions established in license	\$ 200.00
7.4(B)(3)(a)	Failure to obtain waste and Recyclable Material Transportation License	\$ 200.00
7.4(B)(3)(c)	Failure to comply with ordinance, license or conditions established in license	\$ 200.00
7.4(C)(1)(a)	Failure to obtain required license or approval	\$ 200.00
7.4(C)(4)(a)	Failure to post license	\$ 50.00

ORDINANCE SECTION	OFFENSE	DEPOSIT
7.5(A)(1)	Improper use and traversing of certain roads or roadways	\$ 100.00
7.5(B)(1)	Improper operation or maintenance of motor vehicles and waste containment devices on vehicles	\$ 200.00
7.5(B)(2)	Operation or maintenance of motor vehicles and waste containment devices without Town Board or designee approval	\$ 200.00
7.5(C)(1)	Failure to provide certain lists of persons authorized for disposal, storage, treatment or recycling of waste or recyclable material at facilities	\$ 500.00
7.5(D)(1)	Failure to report certain occurrences	\$ 200.00
7.5(E)(1)	Failure to construct, own, operate, control, close or provide long term care of facilities in proper manner, including (a-k) provisions related to specific requirements	\$ 200.00
7.5(E)(2)	Failure to obtain waste or recyclable material facility license and maintain proper manifests	\$ 500.00
7.5(E)(3)	Failure to provide copies of manifests to Town Clerk	\$ 100.00
7.5(F)(1)	Failure to construct, own, operate, control, close or provide long term care of facilities without proper insurance bond	\$ 500.00
7.5(G)(1)	Improper discharge of waste, recyclable material or special wastes	\$ 200.00
7.5(G)(2)	Improper transport of waste, recyclable material or special wastes	\$ 200.00
7.5(G)(3)	Failure to collect, remove and transport waste, recyclable material or special wastes in a timely and proper manner	\$ 200.00
7.5(G)(4)	Improper discharge of waste, recyclable material or special wastes on or near public lands, ice or water	\$ 200.00
7.5(G)(6)	Discharge or littering of special wastes upon public beach, road, roadways or other public lands	\$ 200.00

ORDINANCE SECTION	OFFENSE	DEPOSIT
7.5(G)(8)	Improper discharge of any waste or recyclable material, including toilet or other human waste from motor boat or other vehicle into public waterways	\$ 200.00
7.5(G)(9)	Improper discharge of waste, recyclable material or special wastes into public water by improper non-point discharge on land	\$ 200.00
7.5(G)(10)	Improper discharge of waste, recyclable material or special wastes onto the public waterways which may obstruct or destroy navigation	\$ 200.00
7.5(G)(11)	Improper construction, maintenance or reconstruction of dilapidated buildings or structures near public waters	\$ 200.00
7.5(G)(12)	Improper construction, maintenance or reconstruction of drains, pipes, culverts, sewer, ditches or other artificial structures for discharge into public waters	\$ 200.00
7.5(G)(13)	Improper construction, maintenance or reconstruction of drains, pipes, culverts, sewers, ditches or other artificial outlet of discharge of special wastes, infectious waste, hazardous waste, toxic waste or noxious matter onto public lands	\$ 200.00
7.5(G)(14)	Improper sewage discharge	\$ 200.00
7.5(G)(15)	Improper waste, recyclable material or septage discharge	\$ 200.00
7.5(G)(16)	Improper landspreading of waste, recyclable material or special waste	\$ 200.00
7.5(H)(1)	Scavenging prohibited	\$ 100.00
7.5(I)(1)	Improper deposit or placement of certain waste for collection	\$ 50.00
7.5(I)(2)	Failure to prevent collection of foreign wastes	\$ 200.00
7.5(J)(1)	Improper deposit near any transfer station or waste facility	\$ 200.00
7.5(J)(2)	Improper closure and long term care of facilities	\$ 200.00
7.5(K)(1)	Improper burning in an incinerator, furnace, stove, barrel or air curtain destructor	\$ 200.00

ORDINANCE SECTION	OFFENSE	DEPOSIT

(4) Deposits shall be made in cash, money order or certified check to the County Clerk of Circuit Court who shall provide a receipt therefor.

(5) The Town Chair or Town Supervisor of the Town may issue citations for the Town with respect to this ordinance.

(6) No citation may be issued without the approval of at least two (2) of the above noted officers of the Town. The town officer that issues the citation shall be responsible to attach the appropriate court costs and surcharges to the deposit to the citation.

(7) Sec. 66.119(3), (1991-1992) Wis. Stats., relating to violator's options and procedures on default is hereby adopted by this ordinance and incorporated by reference.

F. Repeal of General Ordinances

(1) All previous ordinances specifically related to waste or recyclable material facilities, uses, activities, businesses or operations heretofore adopted by the Town Board of the Town are hereby repealed upon the adoption of this ordinance except the provisions noted in 7.2 related to public nuisances and the provisions noted in 7.3 related to roadways.

G. Effects of Repeals

- (1) The repeal or amendment of any section or provision of this ordinance shall not:
- a) By implication be deemed to revive any ordinance not in force or existing at the time at which such repeal or amendment takes effect.
 - b) Affect any vested right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed or amended, unless the privilege or repealing such obligation or privilege has been reserved by the Town.
 - c) Affect any offense committed or penalty or forfeiture incurred, previous to the time when this section or provision in this ordinance shall be repealed or amended, except that when any forfeiture or penalty shall have been mitigated by the provisions of this ordinance, such provisions shall apply to and control any judgment to be pronounced after such amended sections or provisions included in this ordinance takes effect for any offense committed before that time.
 - d) Affect any prosecution for any offense or the levy of any penalty or forfeiture pending at the time when this ordinance aforesaid shall be repealed or amended, but the right of action shall continue and the offender shall be subject to the penalty as provided in that ordinance and such prosecution shall proceed, in all respects, as if this ordinance has not been repealed, except that all such proceedings had after the time this ordinance shall take effect shall be conducted according to the provisions or sections included in this ordinance as repealed or amended.

H. Businesses Which Are Prohibited/Liberal Construction

(1) If any facility, use, activity, business or operation proposed to be operated in the Town is not specifically named in this ordinance, the lack of such mention shall not be deemed to prohibit the operation of such facility, use, activity, business or operation. If this ordinance requires a license for the particular facility, use, activity, business or operation, the facility, use, activity, business or operation may operate without a license until such time as this ordinance, by amendment, covers the facility, use, activity, business or operation.

(2) Descriptions of facilities, uses, activities, businesses or operations or any categories of facilities, uses, activities, businesses or operations in this ordinance shall be broadly interpreted in determining whether a particular facility, use, activity, business or operation is covered by this ordinance and the facility, use, activity, business or operation shall be liberally interpreted to establish that the facility, use, activity, business or operation under the scope and coverage of this ordinance.

I. Guarantee/Warranty

(1) Nothing in this ordinance shall be interpreted as guaranteeing or warranting that any method, construction, product, service, land, building, facility, premise, service, use, activity, business, operation or anything whatsoever is safe, free from defects or suited for the purpose for which it is intended.

(2) No issuance of a license, approval, inspection or other action by any Town officer, employee or agent shall constitute a warranty or guarantee that any method, construction, product, land, building, facility, premise, service, use, activity, business, operation or anything whatsoever is safe, free from defects or suited for the purpose for which it is intended.

J. Effective Date/Citation

(1) This ordinance shall take effect from and after passage and publication as provided in Sec. 66.035, (1991-1992) Wis. Stats. All references thereto shall be cited by section number and then chapter number, if any. All statutory and regulatory sections cited herein shall be 1991-1992.


This ordinance was enacted the 9th day of March, 1993.


Dennis Stillwell, Town Chair

Filed this 9th day of March, 1993.


Arlen Mortensen, Town Supervisor


Linda Barta, Town Clerk


Donald DeFiorian, Town Supervisor