

#12

ORDINANCE REGULATING WASTE DISPOSAL

An ordinance creating regulations on dumping and waste disposal within the Town of

The Town Board of the Town of Burnett do ordain as follows:

SECTION 1 - PURPOSE

The purpose of this ordinance is to regulate the dumping or disposal of waste, garbage, refuse, and sludge by individuals, corporation, and municipalities within the Town of Burnett hereinafter referred to as "Town". Because of the possible danger of the health, safety and welfare of the public, such dumping or disposal within the Town shall only be permitted under the terms and conditions set forth below.

SECTION 2 - DEFINITIONS

A. Dumping or Disposal. Dumping or disposal includes, but is not limited to, unloading, throwing away, discarding, emptying, abandoning, discharging, burning, or burying waste, garbage, refuse or sludge on, into or under any property or lands, whether publicly or privately owned, with the Town.

B. Waste. Waste is garbage, refuse and all other discarded or salvageable material, including waste materials resulting from industrial, commercial and agricultural operations and from domestic use and public service activities.

C. Garbage. Garbage is discarded material resulting from the handling, processing, storage, preparation, serving and consumption of food.

D. Refuse. Refuse is combustible and noncombustible discarded material including, but not limited to, trash, rubbish, paper, wood, metal, glass, plastic, rubber, cloth, ashes, litter and street rubbish, industrial waste, dead animals, mine tailings, gravel pit and quarry spoils, toxic and hazardous wastes, and material and debris resulting from construction or demolition.

E. Sludge. Sludge is sewage treatment residue in any form whatsoever, whether solid, semi-solid or liquid which has been processed or treated in any way, form or manner.

F. Municipality. Municipality is any city, village or town.

SECTION 3 - PERMIT REQUIRED

Except as expressly permitted in Section 4 below, no individual corporation, or municipality shall dump or dispose of waste, garbage, refuse or sludge within the Town unless a permit to engage in such dumping or disposal is first obtained from the Town under the conditions prescribed herein.

SECTION 4 - EXCEPTIONS

The following shall not be deemed to come within the scope or meaning of this ordinance:

A. Sites used for the dumping or disposal of waste, garbage, or refuse from a single family or household, a member of which is the owner, occupant or lessee of the property, provided however, that such waste, garbage or refuse is place in suitable containers or stored in such other way as to not cause a public or private nuisance.

B. The use of sanitary privies and what are commonly known as seepage beds or septic tanks, which conform to applicable ordinances of the Town, or the discharge of human waste products into the public sewage system located within the Town.

C. A farm on which only animal waste resulting from the operation of the farm are disposed of.

D. Any dumping operation under the direction and control of the Town.

SECTION 5 - GENERAL REGULATIONS

Persons or municipalities who are permitted to engage in dumping or disposal operations shall be subject to the following regulations:

A. The dumping or disposal operations must be conducted in such a way as to not constitute a public or private nuisance.

B. The dumping or disposal operations shall be permitted only in the specific area(s) designated on the dumping permit issued by the Town.

C. Persons or municipalities engaged in dumping or disposal operations must conduct the operations in such a way that dust, dirt, debris, or other materials or substances will not be carried by wind across the boundary of the parcel of land being used for dumping or disposal operations.

D. A suitable covering of gravel or dirt shall be placed over all of the area used for dumping or disposal operation within a reasonable time after the dumping or disposal occurs, not to exceed three days; such covering must be done in such a way as to give the area so covered a grading compatible with the surrounding and adjacent property in such a way as to not substantially depreciate property values within the immediate area.

SECTION 6 - APPLICATION

There shall be a public hearing on any application for a permit to engage in dumping or disposal operations. The applications shall be on file with the Town Clerk at least 30 days before the public hearing. The application shall contain the name and address of the applicant, an explanation of the nature and purpose of the dumping or disposal and a detailed description of the dumping or disposal plan.

SECTION 7 - PUBLIC HEARING

A public hearing will be required under the following terms:

A. Notice shall be given as a Class 3 notice as described in Wisconsin Statute 985.07.

B. The cost of publication of such notices shall be deposited by the applicant in advance.

C. A public hearing shall be held on the date specified in the notices or any adjourned date; however, such public hearing shall be

merely advisory in regard to affecting any action which may be taken by Town Board upon such application.

SECTION 8 - BOND AND REVOCATION OF PERMIT

The Town shall require the applicant to post a \$300.00 bond, the condition of which will be that this ordinance shall be observed and that the dumping or disposal plan will be carried out and any penalties imposed shall be paid; if there is a violation of the ordinance or if the dumping or disposal plan will be carried out and any penalties imposed shall be paid; if there is a violation of the ordinance or if the dumping or disposal plan is not carried out, the Town Board shall have the right to revoke the dumping or disposal permit and if necessary obtain a court order terminating such dumping or disposal operation; if after a reasonable demand, the owner of the land does not cover the dumping or disposal area in accordance with the dumping or disposal plan, the Town Board shall have the right to correct the violation and to charge the expense against the bond.

The applicant for a dumping or disposal permit in making the application grants to the Town the right to go on the land and carry out the dumping or disposal plan if the owner or occupant of the land fails to do so after reasonable notice is given.

SECTION 9 - ISSUANCE

The application for a permit shall be processed within 90 days of the receipt thereof, and shall be issued if the Town Board is satisfied that there has been and will be reasonable compliance with the conditions enumerated herein.

SECTION 10 - REVOCATION

The permit once issued may be revoked after public hearing upon a published Class 1 Notice by the Town at any time if any of the conditions necessary for the issuance thereof or any terms of the ordinance are violated.

SECTION 11 - STATE LAW ALSO APPLIES

Nothing contained herein shall be deemed to limit or restrict the application of any state law or administrative regulation of any state agency regulating the subject of this ordinance.

SECTION 12 - REFERENCES

References to the term "person", "anyone" or like references shall be deemed to refer to a person, a sole proprietorship, a partnership, a corporation and also a responsible member or a responsible officer or a responsible managing agent of any single proprietorship, partnership or corporation unless the context indicates otherwise.

SECTION 13 - SEVERABILITY AND CONFLICT

If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 14 - PENALTY

Any person violating this ordinance shall be fined not less than \$10.00 nor more than \$200.00 for each offense. Imprisonment in the County Jail can be ordered only for failure to pay the fine that may be imposed. If imprisonment is ordered for failure to pay the fine, it shall be limited to one day of confinement for each \$5.00 of fine or fraction thereof.

SECTION 15 - EFFECTIVE DATE

This ordinance shall take effect the day after proof of posting has been filed and recorded with the Town Clerk.

IN WITNESS WHEREOF, the undersigned Chairman and Clerk of the
Town Board have set their hands and seals this 1st day of March,
1983.

Adopted this 1st day of March 1983.

BY THE TOWN BOARD OF

Orville Mable
Chairman

Orville Leysmiller
Supervisor

Forster F. Beier
Supervisor

Filed this 1st day of March 1983 in the office
of the Town Clerk.

Harvey A. Braunschweig
Town Clerk