

Section 6.04 Solid Waste Disposal

6.04(A) Title/Purpose

The title of this Section is Solid Waste Disposal. The purpose of this Section is to regulate the disposal of waste, garbage, refuse and sludge by individuals, corporations and municipalities within the Town of Leeds. Because of the possible danger to the health, safety, and welfare of the public, such disposal within the Town shall be permitted only under the terms and conditions of this Section.

6.04(B) Definitions

(1) Disposal. 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 within the Town of Leeds.

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

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

(4) Refuse. Refuse is combustible and noncombustible discarded materials 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, and material and debris resulting from construction or demolition.

(5) Sludge. Sludge is sewage treatment residue in any form whatsoever, whether solid, semisolid, or liquid, that has been processed or treated in any way, form or manner.

(6) Municipality. Municipality is any city, village, town or county.

6.04(C) Permit Required

Except as expressly permitted in Section 6.04(D), no person, corporation, or municipality shall dispose of waste, garbage, refuse, or sludge within the Town of Leeds unless a permit to engage in such dumping or disposal is first obtained from the Town under the conditions prescribed herein.

6.04(D) Exceptions

The following are not within the scope or meaning of this Section:

(1) Sites used for the 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 placed in suitable containers or stored in such other way as not to cause a public or private nuisance.

(2) 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 any public sewerage system located within the Town.

(3) A farm on which only animal waste resulting from the operation of the farm is disposed of.

(4) Any waste disposal operation under the direction and control of the Town.

(5) Farms located in the Town of Leeds operating pursuant to a written NRCS Nutrient Management Plan.

6.04(E) General Regulations

Persons or municipalities permitted to engage in disposal operations in the Town are subject to the following regulations:

(1) The disposal operations must be conducted in such a way as not to constitute a public or private nuisance.

(2) The disposal operations are permitted only in the agriculturally or industrially zoned areas as set forth in the official zoning map of the Town.

(3) 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 or water across the boundary of the parcel of land being used for the operations.

(4) A covering, which meets standards established by the Wisconsin Department of Natural Resources, shall be placed over all of the area used for the disposal operation within a reasonable time, not to exceed ten (10) days, after the disposal occurs. The covering must be done so as to make the area covered compatible with the surrounding and adjacent property in such a way as not substantially to depreciate

property values within the immediate area unless property owners have been previously compensated for the loss.

6.04(F) Application

An application shall be filed with the Town Clerk at least thirty (30) days before a public hearing is held. The application and accompanying information shall be followed by a sworn statement that they are true and factual. The information to be provided shall include:

- (1) Name, address, and telephone number of the applicant.
- (2) Location, current owners, and legal description of the site of the proposed facility.
- (3) Names, addresses, and telephone numbers of any persons who will represent the applicant.
- (4) Copies of available site reports, feasibility reports, engineering plans, or other documents filed or to be filed with the Department of Natural Resources, or the U.S. EPA, that are related to the proposed facility.
- (5) A plan for construction, operation, maintenance, closure, and long-term care of the proposed facility that describes the size, capacity, and other features of the site and its proposed future.
- (6) A plan for financial, legal, and environmental protection of the Town government, its employees and agents, and for current and future residents living within one mile of the facility.
- (7) Proposed traffic patterns to and from the proposed facility and for roadway usage for access to the site.
- (8) Copies of current financial statements or other financial information.

6.04(G) Public Hearing

A public hearing will be held at which the Town Board will invite all interested parties from the Town and the applicant to provide information as to (1) the need for the permit, (2) positive and negative potential effects of the proposed facility on the Town and its residents, and (3) the probability of reasonable compliance by the applicant with the General Regulations of this Section. The hearing will be of an informational nature for the Town Board. The hearing will be held under the following conditions:

- (1) A Class 3 notice as prescribed by statute will be given.
- (2) The cost of publication of such notice will be deposited in advance by the applicant.
- (3) The hearing will be held on the date specified in the notice or on any adjourned date.

6.04(H) Application Fee and Costs

An application for a permit for a solid waste facility shall be filed with the Town Clerk in writing. The initial application fee as established by resolution in the Town Fee Schedule shall accompany the application, unless waived or reduced by the Town Board. In addition, the Town Board may charge the applicant an additional fee to reimburse the Town for appropriate and necessary costs and expenses incurred by the Town for attorneys' fees and experts' fees related to the applicant process. The total application fees, both initial and subsequent, shall not exceed \$20,000 for any application.

6.04(I) Bond and Revocation of Permit

(1) Bond Required. A permit under this Section shall not be effective unless there is on file with the Town Clerk a cash bond or a bond with a corporate surety duly licensed in the State of Wisconsin in the penal amount of \$100,000. The bond is to assure that the applicant will comply with all the provisions of this Section and will save harmless, indemnify, and defend the Town, its officers, its representatives, and its agents from any expenses or costs incurred through action of the applicant with regard to the facility.

(2) Violations. If this Section is violated or if the disposal plan is not carried out, the Town shall have the right to revoke the disposal permit after a public hearing and, if necessary, to obtain a court order terminating such operation. If the owner of the land does not cover the disposal area in accordance with the disposal plan, the Town Board shall have the right to correct the violation and to charge the expense against the bond.

(3) Right of Inspection. The applicant for a disposal permit, in making the application, grants to the Town the right to go on the land for necessary inspections at any time and to carry out the disposal plan if the owner or occupant of the land fails to do so after reasonable notice is given.

6.04(J) Issuance

The application for a permit shall be processed within ninety (90) days of the receipt of a completed application accompanied by full documentation and required bond. It shall be issued if the Town Board is satisfied that there has been and will be reasonable compliance with the conditions of this Section.

6.04(K) 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 upon which it was issued or any terms of this Section are violated.

6.04(L) 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 Section.

6.04(M) References

References to the term “person”, “anyone”, or like referenced shall be deemed to refer to a person, a sole proprietorship, a partnership, a limited liability company, a corporation, or other business entity, a municipal corporation, and also a responsible member or a responsible officer or a responsible managing agent of any single proprietorship, partnership, limited liability company, or corporation, or other business entity, unless the context clearly indicates otherwise.

6.04(N) Penalty

Any person violating this Section shall be fined as provided in Section 3.02 of this Code. Each day of violation shall constitute a separate offense under this Section.