

CHAPTER 28

WASTE DISPOSAL

28.01 PURPOSE

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

28.02 DEFINITIONS

(1) Property Owner. Property owner, for (he purposes of this section, is defined as being any person, partnership, Corporation or other type of organization owning, renting or otherwise using or controlling the use of lands within the boundaries of the Town of Freedom, Outagamie County, Wisconsin and upon whose land waste is dumped or disposed of requiring a permit under the terms of this ordinance.

(2) Transporter. A transporter is defined to be any person, partnership, corporation or other type organization who, by truck or other conveyance, hauls waste subject to the provisions of this ordinance within boundaries of the Town of Freedom, Outagamie County, Wisconsin.

(3) Waste. Waste as defined for the purposes of this ordinance shall mean garbage, refuse, sludge and other organic waste, but excluding from this definition animal manure, commonly used by farmers for fertilizer.

(4) 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, within the Town of Freedom. Dumping and disposal is not intended to include the filling of land areas with natural soil, sand, gravel or other clean dirt material.

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

(6) Refuse. Refuse is combustible and non-combustible 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 waste, and material and debris resulting from construction or demolition.

(7) Sludge. Sludge includes sewage sludge or bio solids defined in NR204.03(55) or any other material acquired or derived from a “publically owned treatment works” (POTW) or “privately owned domestic wastewater treatment works” as defined in NR204.03(44) and (45) of the Wisconsin Administrative Code.

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

28.03 LICENSE REQUIRED. (1) A license is required by any property owner who intends to dump or dispose of waste on lands in the Town of Freedom. The following shall not be deemed to come within the scope of this ordinance requiring a license:

(a) The dumping or disposal of waste, garbage or refuse from a single family or household, a member of which is the property owner provided that such waste, garbage or refuse is placed in suitable containers or stored in such other way as to not cause a public or private nuisance.

(b) Agricultural waste provided the same is disposed of in accordance with good and reasonable agricultural practices.

(c) Liquid animal waste stored in agricultural slurry systems or approved liquid manure pits.

(d) Septic or holding tank waste provided that the disposal of said waste is done pursuant to all applicable DNR regulations.

(2) A license shall be required by any transporter of waste materials in the Town of Freedom, Outagamie County, State of Wisconsin.

28.04 GENERAL REGULATION

(1) Application for License. The application for license shall be made to the Town Board for the Town of Freedom, Outagamie County, Wisconsin, in writing. The application shall contain the following information:

(a) The name and address of the applicant; if the applicant is a corporation, the name and address of the corporation's registered agent.

(b) The legal description of the location for waste disposal to be used in the Town of Freedom, Outagamie County, Wisconsin.

(c) The name of the municipality or person, firm or corporation with whom the applicant has a contract to dispose of garbage, rubbish and refuse and the name of the transporter.

(d) The length of time the applicant intends to conduct disposal operations on said site.

(e) The application for license shall have attached to it a license issued by the Department of Natural Resources for the State of Wisconsin or its successor if said license is required under Wisconsin Statutes.

(f) If the transporter license is necessary under this ordinance, said application for transporter's license shall include an application by the property owner for a license required under this chapter. A separate license must be obtained by each property owner upon whose land such disposal of waste shall take place.

(g) Type of waste.

(h) Method of application.

(i) A copy of any applications for permits or reports required by the DNR.

(j) Route of travel for transporter.

(k) The location and the distance of the nearest well and residence to the place where the waste will be disposed.

(2) Term of License. A license issued hereunder shall not be for a period of more than thirty (30) days.

(3) License Fee. The applicant shall accompany his application with a license fee of One Hundred (\$100.00) Dollars. If the application is denied, the license fee shall be returned to the applicant.

(4) Granting of License. The Town Board in granting the license shall specify in said license the following information:

(a) The hours in which the applicant may dump or dispose of waste.

(b) The type of waste covered by said license.

(c) The number of days in which the applicant may dump or dispose of waste on the specific property.

(d) That all Wisconsin and Department of Natural Resources regulations are incorporated in the license and violation of any of said state or department regulations constitutes a violation of the license warranting revocation.

(e) The method by which the waste is to be applied to the land.

(f) Route of travel to be used by transporter.

28.05 LIMITATION

The population of the Town of Freedom having increased substantially only waste generated within the Town shall be transported, dumped or disposed on lands within said Town.

28.10 PENALTY

(1) Fine. Any person, partnership, corporation or other entity convicted or a violation of this ordinance or part thereof shall be fined not less than \$50.00 nor more than \$500.00 together with costs of prosecution of each offense. Each calendar day of violation shall be determined to be a separate offense.

(2) Abatement. In addition to any other penalty, the violation of this ordinance shall constitute a public nuisance and the cost of abating the public nuisance shall be collected as a debt of the town. If notice to abate the nuisance has been given to the owner, such costs shall be assessed against the real estate as a special charge.