

TOWN OF DUNN

ORDINANCE NO. 14-3

OFFENSES AGAINST PUBLIC PROPERTY/WASTE DISPOSAL

Section 1: Dumping of Rubbish Regulated

- (a) DEFINITION - The word "rubbish as used in this section shall mean any garbage, ashes, or miscellaneous wastes or other substances other than agriculture or landscape related.
- (b) PROPERTY OWNERS NOT TO PERMIT DUMPING WITHOUT A PERMIT. No person, firm or corporation owning, controlling or occupying real estate within the Town of Dunn shall permit or allow the dumping of rubbish as defined in (a) above, upon said real estate without first having been granted a permit to do so by the Town Board.
- (c) DUMPING PROHIBITED UNLESS AUTHORIZED. No person, firm or corporation shall dump or deposit anywhere in the Town any rubbish as defined in (a) above, except in such places as may be authorized.
- (d) OWNER'S CONSENT REQUIRED. No person shall dump or deposit any rubbish as defined in (a) above, upon private property unless the written consent of the owner or his/her authorized agent shall first be filed with the Town Board.

Section 2: Littering Prohibited

No person shall throw or deposit any litter or other refuse on the streets, alleys, highways, public parks, or other public or private property within the town other than in proper receptacles.

Section 3: Placing Trash for Pickup Regulated

No person, firm or corporation shall place garbage cans, garbage bags, or other trash receptacles along any street, alley, highway, or other roadway within the town; provided that this subsection shall not apply to the placement of such receptacles within 24 hours of a regularly scheduled time for garbage removal. Every day during which such receptacles are permitted to remain shall constitute a separate offense.

Section 4: Use of Town Landfill Regulated

The town owned and operated landfill is for the use of residents only for disposal of refuse generated on real estate within the Town of Dunn.

- (a) Use of the town landfill requires a sticker with a

number issued by the town clerk.

- (b) Garbage enroute to the town landfill must be bagged or covered and tied down.
- (c) Disposal of tires at the town landfill will require a \$2.00 fee per tire.

Section 5: Disposal of Newsprint

- (a) Newsprint includes newspapers, advertising circulars printed on newsprint, and normally accompanying newspapers, but shall not include books, magazines and periodicals.
- (b) All newsprint shall be securely tied in both directions with heavy string or cord in bundles of 30 pounds or less, and shall not be placed in containers with other refuse or garbage. Such bundles shall, at the option of the householder, be placed at the roadside with other refuse on the regular refuse collection day to be collected by private refuse collector, or may be taken to the town landfill or other location for recycling and placed in the designated location for recyclable newsprint.

Section 6: Penalty

Any person violating the provisions of subsections 1 through 5 shall forfeit not less than \$10.00 nor more than \$50.00 for each offense.

ORDINANCE NO. 14-3a
TOWN OF DUNN

AN ORDINANCE TO REPEAL AND RECREATE SECTIONS 1 AND 6 OF ORDINANCE NO. 14-3
AND TO CREATE SECTIONS 7, 8, 9 AND 10 OF ORDINANCE NO. 14-3 OF THE
TOWN CODE OF ORDINANCES, RELATING TO
OFFENSES AGAINST PUBLIC PROPERTY/WASTE DISPOSAL

The Town Board of Supervisors of the Town of Dunn, Dane County, Wisconsin, do ordain as follows:

1. Section 1 of Ordinance No. 14-3, shall be repealed and recreated to provide as follows:

Section 1: Dumping of Rubbish Regulated

- (a) **PURPOSE.** The purpose of this ordinance is to regulate the dumping or deposit of rubbish, as defined in (b) of this section, and other waste products by persons, firms, corporations and other entities within the Town of Dunn. Because of the possible danger to the health, safety and welfare of the public, and because of the Town's long-time commitment to agriculture, such dumping or deposit within the Town shall be permitted only under the terms and conditions of this Ordinance.
- (b) **DEFINITION.** The word "rubbish" shall mean any garbage, ashes, or miscellaneous wastes or other substances other than agriculture or landscape related, but including petroleum - or other - contaminated soil.
- (c) **PERMIT AND OWNER'S CONSENT - PRIVATE PROPERTY.** No person, firm, corporation or other entity shall dump or deposit any rubbish, as defined in (b) above, upon private property or real estate in the Town of Dunn without first having filed the written consent of the owner or his/her authorized agent with the Town Board and without first having been granted a permit to do so by the Town Board under Section 6 of this Ordinance.

- (d) **PERMIT - PUBLIC PROPERTY.** No person, firm, corporation or other entity shall dump or deposit on public property in the Town any rubbish, as defined in (b) above, except in such places as may be authorized by the Town, or, if not authorized, without first having been granted a permit to do so by the Town Board under Section 6 of this Ordinance.

2. Section 6 of Ordinance No. 14-3 shall be repealed and recreated to provide as follows:

Section 6: Dumping/Depositing Application and Permit

- (a) **APPLICATION.** An application for a permit required under this Ordinance shall be filed with the Town Clerk. The application shall include a sworn statement that the application is true and factual. The application shall include the following information:
- (1) The name, address and telephone number of the applicant;
 - (2) The location, current owners and legal description of the site of the proposed dumping or depositing;
 - (3) The names and addresses of the owners of all property located within one-half mile of the site of the proposed dumping or depositing;
 - (4) Names, addresses and telephone numbers of any persons who will represent the applicant;
 - (5) 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 dumping or depositing;
 - (6) A plan for construction, operation, maintenance, closure and long-term care of the site proposed to receive the dumping or depositing. The plan must describe the size, capacity and other features of the site and its proposed future;

- (7) A plan for financial, legal, environmental, health and safety protection of the Town, its government, its employees and agents and its current and future residents;
 - (8) Copies of current financial statements or other financial information; and
 - (9) Any other information relevant to the proposed dumping or depositing of rubbish, as defined in Section 1(b) of this Ordinance.
- (b) **APPLICATION FEE.** The application for a dumping/depositing permit shall be accompanied by a fee of \$150. The Town Board also 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 application process.
- (c) **NOTICE AND PUBLIC HEARING.** Upon the filing of a completed application and application fee, the Town Board shall hold a public hearing on the application. Notice of the time, place and purpose of the public hearing shall be given by publication of a Class 2 notice under the Wisconsin Statutes in the official Town newspaper. Notice of the time, place and purpose of the hearing shall also be sent to the applicant, the owner and occupant of the site of the proposed dumping or depositing, and owners of property located within a half mile of the site of the proposed dumping or depositing.
- (d) **ISSUANCE OF DUMPING/DEPOSITING PERMIT.** The application for a dumping/depositing permit shall be processed within 90 days of the receipt of a completed application and application fee. The completed application shall be reviewed by the Town Board. The Town Board may, at its sole discretion, issue the permit if:
1. The Town Board is satisfied that there has been and will be reasonable compliance with the terms of this Ordinance;
 2. The Town Board determines that issuance of the permit promotes the health, safety and general welfare of the Town and its residents, including the owners or occupants of property adjacent to the proposed dumping/depositing site;

3. The person, firm, corporation or other entity has complied with or will comply with all applicable laws, regulations and ordinances regarding the dumping/depositing of rubbish; and
4. Any other conditions or requirements reasonably imposed by the Town Board.

(e) **INSPECTIONS PURSUANT TO APPLICATION AND PERMIT.** A dumping/depositing permit shall not be issued unless the owner or occupant of the property on which the rubbish will be dumped or deposited grants to the Town the right to go on the property to conduct inspections upon reasonable notice for purposes of determining compliance with the provisions of this Ordinance or the permit.

(f) **BOND.** A permit under this ordinance 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 an amount determined to be sufficient by the Town Board. The bond is to assure that the applicant will comply with all the provisions of this Ordinance 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 dumping/depositing.

(g) **REVOCAION OF PERMIT.** If this Ordinance is violated, if any of the conditions upon which the permit was issued are violated or if the related plans are not carried out, the Town shall have the right to revoke the dumping/depositing permit. If the violations are not corrected or if the related plans are not carried out, the Town Board shall have the right, at its sole discretion, to correct the violations or carry out the related plans and charge the expense against the bond.

3. Section 7 of Ordinance No. 14-3 shall be created to provide as follows:

Section 7: Permit for Disposal of Petroleum - or Other - Contaminated Soil

No permit which allows the disposal of petroleum - or other - contaminated soil will be issued under Section 6 of this ordinance unless:

- (a) All the requirements of Section 6 of this Ordinance have been met;
 - (b) All federal, state and local requirements, standards and prohibitions relating to the disposal of petroleum - or other - contaminated soil are met; and
 - (c) The disposal of petroleum - or other - contaminated soil is to take place on land not used to grow crops meant for human consumption, or, if such land is used to grow crops meant for human consumption, the levels of contaminants contained within the soil shall not preclude the safe human consumption of such crops or the safe human consumption of animals that have consumed such crops.
4. Section 8 of Ordinance No. 14-3 shall be created as follows:
- Section 8: State Law Applicable
- 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.
5. Section 9 of Ordinance No. 14-3 shall be created as follows:
- Section 9: 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 separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions.
6. Section 10 of Ordinance No. 14-3 shall be created as follows:
- Section 10: Penalty
- Any person, firm, corporation or other entity violating the provisions this ordinance shall forfeit not less than \$100 nor more than \$500 for each offense. Each day of violation constitutes a separate offense.
7. This ordinance shall be effective upon passage and publication pursuant to law.

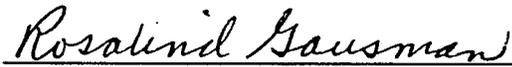
The foregoing ordinance was duly adopted by the Town Board of Supervisors of the Town of Dunn at a regular meeting held on July 20, 1999.

APPROVED:



Edmond P. Minihan, Town Chair

ATTEST:



Rosalind Gausman, Town Clerk/Treasurer

APPROVED: 07-20-1999

PUBLISHED: 08-06-1999

POSTED: _____