

# TITLE 8

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## Health and Sanitation

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# Title 8 ► Chapter 1

## Health and Sanitation

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### Sec. 8-1-1 Rules and Regulations.

The Town Board may make reasonable and general rules for the enforcement of the provisions of this Chapter and for the prevention of the creation of health nuisances and the protection of the public health and welfare and may, where appropriate, require the issuance of licenses and permits. All such regulations shall have the same effect as ordinances, and any person violating any of such regulations and any lawful order of the Town Board shall be subject to the general penalty provided for in this Code.

### Sec. 8-1-2 Public Safety and Health Hazards Regulations.

- (a) **Public Health and Safety Ordinance.** No person, company or corporation shall erect, contrive, cause, continue, maintain or permit to exist any public health or safety hazard within the Town of Stephenson, Marinette County, Wisconsin.

**Definitions.** The following definitions shall be applicable in this Section:

- (1) **Health and Safety Hazard.** A public health and safety hazard is an object, act, occupation, condition or use or property which shall continue for such length of time as to:
- Substantially annoy, injure or endanger the comfort, health, repose or safety of the public; or
  - In any way render the public insecure in life or in the use of property.

(2) **Public Hazards Affecting Health.** The following acts, omissions, places, conditions and objects are hereby specifically declared to be hazards, but such enumeration shall not be construed to exclude other health hazards coming within the definition of Subsection (b)(1):

- a. Accumulation of decayed animal or vegetable matter, trash, rubbish, or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed, other than a bona fide composting site.

(3) **Safety Hazards.**

- a. The following acts, omissions, places and conditions are hereby declared safety hazards. However, such enumeration shall not be construed to exclude other hazards affecting public safety coming within the provisions of Subsection (b)(1):

- 1. All buildings and structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use or occupancy.
- 2. All abandoned or non-operational refrigerators, freezers, and iceboxes from which the doors and other covers have not been removed or are not equipped with a device for opening the door from the inside.
- 3. Fire code or safety violations found when the required state fire inspections are performed.

- b. Time to repair or correct fire code or safety violations will be on an individual basis granted upon notice of violation.

(4) **Public Safety and Other Hazards.** The following acts, omissions, places and objects are hereby specifically declared to be public safety or health hazards offending the health, comfort, repose or safety of Town of Stephenson residents, but such enumeration shall not be construed to exclude other hazards within Subsection (b)(1):

- a. All property owners within the Town of Stephenson who allow their property to accumulate trash, litter or rubbish shall be in violation of this Subsection:
  - 1. Litter as used in this Subsection includes but is not limited to trash and/or wastepaper lying scattered about.
  - 2. Trash, as used in this Subsection, includes but is not limited to some thing or object worth little or nothing or is in a crumpled or broken inoperable condition.
  - 3. Rubbish, as used in this Subsection, includes but is not limited to waste materials, garbage and refuse of every character and kind collected and/or accumulated.

(c) **Abatement of Public Hazards.**

- (1) **Inspection of Premises.** Whenever a person residing within five hundred (500) feet or adjacent to a hazard makes a written complaint to the Town Chairperson or to a Town enforcement officer that a public health or safety hazard exists within the Town of Stephenson, the enforcement officer shall promptly and forthwith inspect or cause to be inspected the premises complained of and shall make a written report of his/her

findings to the Town Chairperson. Whenever practicable, the Town enforcement officer shall cause photographs to be made of the premises and shall file the same in the office of the Town Clerk.

**(2) Summary Abatement.**

- a. **Notice to Owner.** If the enforcement officer shall determine that a public health or safety hazard exists within the Town and that there is great and immediate danger to the public health, safety, peace, morals or decency upon a person, company, or corporation causing, permitting, or maintaining such a hazard, whether an owner or occupant of the premises where such hazard is caused, permitted, or maintained. If immediate personal service cannot be made, a citation shall be served to the owner of the premises, with the reason for the citation. If there is no response to the citation, the municipal court shall pass judgment as to eliminating the hazard.
- b. **The enforcement officer** shall inform the parties of the nuisance. After being informed by the enforcement officer that the parties or party involved, have 30 days to clear up the problem, and if it is not cleared up the officer shall serve a citation to the party to appear in municipal court for adjudication.  
Also, the Town Chair can cause action to be taken with provisions of Chapter 823, State Stats, to have it adjudicated in Circuit Court.
- c. **Other Methods Not Excluded.** Nothing in this Section shall be construed as prohibiting the abatement of the health or safety hazards by the Town of Stephenson or its officials in accordance with the laws of the State of Wisconsin.

**(d) Enforcement.**

- (1) **Penalty.** Any person who shall violate this Section shall, upon conviction thereof, be subject to forfeiture as prescribed in Section 1-1-6.
- (2) **Separate Violations.** Each day of violation of this Section shall constitute a separate offense.
- (3) **Citation Enforcement.** This Section may be enforced by citation. The Following bond schedule is hereby established for use of citations pursuant to this Section.

### **Sec. 8-1-3 Destruction of Noxious Weeds.**

- (a) Unless delegated to the county, the Town Clerk shall annually on or before May 15th publish as required by state law a notice that every person is required by law to destroy all noxious weeds on lands in the Town which he/she owns, occupies or controls. A joint notice with other towns or municipalities may be utilized.
- (b) If the owner or occupant shall neglect to destroy any weeds as required by such notice, then the Weed Commissioner of the Town shall give five (5) days' written notice by mail to the owner or occupant of any lands upon which the weeds shall be growing to the effect that the said Weed Commissioner after the expiration of the five (5) day period will proceed to destroy or cause to be destroyed all such weeds growing upon said lands and that the cost thereof will be assessed as a tax upon the lands upon which such weeds are located under the provisions of Sec. 66.0407, Wis. Stats. In case the owner or occupant shall further neglect to comply within such five (5) day notice, then the Weed Commissioner shall destroy such weeds or cause them to be destroyed in the manner deemed to be the most economical method and the expense thereof, including the cost of billing and other necessary administrative expenses, shall be charged against such lots and be collected as a special tax thereon.

### **Sec. 8-1-4 Reserved For Future Use**

## Sec. 8-1-5 Composting Regulations.

- (a) **Purpose and Intent.** The purpose of this Section is to promote the recycling of yard wastes and certain kitchen wastes through composting and to establish minimum standards for proper compost maintenance.
- (b) **Definitions.** "Composting" shall mean the organic waste produced from the growing, trimming, and removal of grass, branches [not exceeding one (1) inch in diameter] bushes, shrubs, plants, leaves and garden debris. Kitchen waste shall be any uncooked plant matter not contaminated by or containing meat, fish and/or dairy products.
- (c) **Maintenance.** All compost piles shall be maintained using approved composting procedures to comply with the following requirements:
  - (1) All compost piles shall be enclosed in a free standing compost bin. Each compost bin shall be no larger in volume than one hundred twenty-five (125) cubic feet, and shall be no taller than forty-two (42) inches.
  - (2) All compost bins shall be so maintained as to prevent the attraction or harborage of rodents and pests.
  - (3) All compost bins shall be so maintained as to prevent unpleasant odors.
  - (4) No compost bin shall be allowed to deteriorate to such condition as to be a blighting influence on the surrounding property or neighborhood or the Town in general.
  - (5)
    - a. All compost bins shall be located not less than three (3) feet from a property line or principal building or dwelling and three (3) feet from any detached accessory building.
    - b. A variance from these setback requirements may be applied for if the property owner(s) can show a hardship exists which prohibits compliance. In addition, any variance application must include a signed written approval of the variance request from the adjacent property owner(s). Variances can be granted by the Building Inspector on an annual basis upon the proper application being submitted by the property owner(s). Screening and/or fencing of compost bins may be required as a condition of a variance being granted.

- (6) No compost bin shall be located in any yard except a rear yard, as defined in the County Zoning Code. A compost bin may be located in a side yard as defined in the County Zoning Code subject to the annual variance procedure contained in Subsections (c)(5)b and must be screened from view to the street.
- (7) Those composting bins which existed prior to the adoption of this Section shall be given one **(1)** year to comply with the requirements set forth herein.
- (d) **Ingredients.**
  - (1) No compost bin shall contain any of the following:
    - a. Lakeweeds;
    - b. Cooked food scraps of any kind or type;
    - c. Fish, meat or other animal products;
    - d. Manures;
    - e. Large items that will impede the composting process.
  - (2) Permitted ingredients in a compost bin shall include the following:
    - a. Yard waste;
    - b. Coffee grounds and used tea leaves;
    - c. Uncooked plant matter not contaminated by or containing meat, fish, and/or dairy products;
    - d. Commercial compost additives.
- (e) **Owner Responsibility.** Every owner or operator shall be responsible for maintaining all property under his or her control in accordance with the requirements of this Section.
- (f) **Municipal Exception.** Any municipal composting site maintained by the Town shall be exempt from the provisions of this Section.

### **Sec. 8-1-6 Disturbance of Refuse Containers.**

- (a) No person shall open or disturb any refuse bag or container in a manner that would cause or contribute to litter.
- (b) No person shall scavenge or remove refuse, recyclables or other items placed for collection and/or disposal without the prior express authorization of the party placing such items for collection/disposal.

### **Sec. 8-1-7 Fencing of Anhydrous Ammonia Tanks.**

- (a) **Purpose.** The Town Board has determined that anhydrous ammonia storage tanks located within the Town pose a threat to public health and safety if access to such tanks is not restricted through appropriate fencing. Specifically, public health and safety may be at risk if tampering or vandalism to the tanks results in unauthorized release of the tanks'

dangerous contents into the atmosphere; furthermore, anhydrous ammonia is known to be a substance used in the illicit manufacture of prohibited controlled substances, and that persons engaged in such illegal activity may tamper with unsecured storage tanks. This ordinance is adopted pursuant to the Town's police powers, which are to be liberally construed in favor of the Town's authority to enact measures to protect public health and safety.

- (b) **Requirements.** Within sixty (60) days of the effective date of this ordinance, the owners of all parcels on which anhydrous ammonia storage tanks are located, either presently or proposed, shall erect adequate fencing enclosing such tanks. The fencing shall be of a design approved by the Town Board prior to construction. Such fencing shall be kept locked and be properly maintained.
- (c) **Penalty.** Persons found to be in violation of this ordinance shall be subject to the general penalty provisions of Section 1-1-6 of the Stephenson Code of Ordinances. Each day shall constitute a separate violation.

## **Sec. 8-1-8 Setbacks for Commercial Propane/LP Gas Storage Tanks.**

- (a) Pursuant to the intent and purposes authorized by Section 8-1-1, the Town Board has determined that regulating the placement of propane/LP gas storage tanks is necessary for the protection of the public health, safety and welfare and to maintaining sufficient access for emergency vehicles and personnel to side and rear areas of properties.
- (b) **Placement Regulations.**
  - (1) **Standards.** The placement of propane/LP gas storage tanks shall be in compliance with the requirements prescribed in this Section or in NFPA 58 [also COMM 40.3028, Wis. Adm. Code], whichever is more restrictive.
  - (2) **Property Line Setbacks.** Propane/LP gas storage tanks shall be located a minimum of thirty-five (35) feet from any rear or side property line or a principal structure. Such storage tanks shall be located in side or rear lot areas only. Property line setbacks shall pertain to all parcels regardless of use or zoning classification.
  - (3) **Highway/Street Setbacks.** Commercial/industrial propane/LP gas storage tanks shall be located a minimum of one hundred (100) feet from the center line of a Town road and one hundred thirty (130) feet from the center line of a county or state highway.
  - (4) **Public Safety Fencing.** Within one hundred twenty (120) days of the effective date of this Section, the owners of all commercial/industrial parcels on which propane/LP gas storage tanks are located, either presently or proposed, shall erect adequate fencing enclosing such tanks. The fencing shall be of a design approved by the Town Board prior to construction and shall be a minimum of eight (8) feet in height. Such fencing shall be kept locked and be properly maintained.
- (c) **Definitions.** For purposes of this Section, the following definitions shall be applicable:
  - (1) **Residential Use Propane/LP Gas Storage Tanks.** Residential use propane/LP gas storage tanks have a storage capacity of one thousand (1,000) gallons or less and are not used for commercial distribution purposes.

- (2) **Commercial/industrial Use Propane/Lp Gas Storage Tanks.** Propane/LP gas storage tanks use for commercial and/or industrial purpose have a storage capacity of over one thousand (1,000) gallons and are used, entirely or in part, commercial distribution purposes, either by pipeline or transportation by truck.

## Title 8 ► Chapter 2

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# Pollution Abatement

8-2-1	Cleanup of Spilled or Accidentally Discharged Wastes
8-2-2	Storage of Polluting Substances

### 8-2-1 Cleanup of Spilled or Accidentally Discharged Wastes.

- (a) **Cleanup Required.** All persons, firms, or corporations delivering, hauling, disposing, storing, discharging or otherwise handling potentially polluting substances, solid or liquid, such as, but not limited to, the following: fuel oil, gasoline, solvents, industrial liquids or fluids, milk, grease trap and septic tank wastes, sewage sludge, sanitary sewer wastes, storm sewer catch-basin wastes, oil or petroleum wastes, shall immediately clean up any such spilled material to prevent *its* becoming a hazard to health or safety or directly or indirectly causing pollution to the lakes and streams under the jurisdiction of the Town.
- (b) **Notification.** Spills or accidental release of hazardous materials or pollutants at a site or of a quantity or nature that cannot adequately be cleaned up by the responsible party or parties shall be immediately reported to the Fire Department so that assistance can be given by the proper agency.
- (c) **Financial Liability.** The party or parties responsible for the release, escape or discharge of wastes shall be held financially liable for the cost of any cleanup or attempted cleanup deemed necessary or desirable and undertaken by the Town, or its designated agent, in an effort to minimize the pollution effects of the discharged waste.
- (d) **Reimbursement for Hazardous Material Emergency Action.**
  - (1) Any person who possessed or controlled a hazardous substance that was discharged or who caused the discharge of a hazardous substance shall reimburse the Town of Stephenson for actual, reasonable and necessary expenses incurred by the Town of Stephenson for any emergency action taken under, and consistent with, Sec. 166.22(3), Wis. Stats., whether such action be taken by the Town of Stephenson or another entity on its behalf or direction.
  - (2) Reimbursement as provided under Subsection (d)(1), above, will be accomplished as provided by Sec. 166.22(5), Wis. Stats., by the Marinette County Board of Supervisors, or by local emergency government officials.
  - (3) Terms not defined above shall have the meaning referred to in Sec. 166.22(1), Wis. Stats.

## **Sec. 8-2-2 Storage of Polluting Substances.**

It shall be unlawful for any person, firm or corporation to store any potentially polluting substances unless such substances are stored in such manner as to securely prevent them from escaping onto the ground surface and/or into any street, sewer, ditch or drainageway, lake or stream within the jurisdiction of the Town of Stephenson.

## **Title 8 ■ Chapter 3**

# **Recycling**

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<b>8-3-7</b>	Separation of Recyclable Materials
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<b>8-3-9</b>	Management of Lead Acid Batteries, Major Appliances, Waste Oil and Yard Waste
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<b>8-3-13</b>	Miscellaneous Provisions
<b>8-3-14</b>	Enforcement

### **Sec. 8-3-1 Title and Purpose.**

This Chapter is entitled the "Town of Stephenson Recycling Ordinance." The purpose of this Chapter is to promote recycling, composting and resource recovery, and to establish and implement a recycling ordinance pursuant to Sec. 287.11, Wis. Stats., and Ch. NR 544, Wis. Adm. Code.

### **Sec. 8-3-2 Authority.**

The Town Board of the Town of Stephenson is a "responsible unit" as defined by Sec. 287.01, Wis. Stats. As such, the Town has the authority under Chapter 159 as well as pursuant to its Village powers under Sec. 60.10, Wis. Stats., to plan, develop, implement and operate an

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effective recycling program within the Town. This Chapter is adopted as authorized under Sec. 287.09(3)(b), Wis. Stats., for recycling responsible units.

*State Law Reference:* Sees. 287.09(3) and 287.11, Wis. Stats.

### Sec. 8-3-3 Rules of Construction.

In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any terms or requirements of this Chapter may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this Chapter is required by Wisconsin Statutes, or by a standard in Ch. NR 544, Wis. Adm. Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and Chapter NR 544 standards in effect on the date of the adoption of this Chapter, or in effect on the date of the most recent amendment to this Chapter.

### Sec. 8-3-4 Applicability.

The requirements of this Chapter apply to all persons within the Town of Stephenson, which is affiliated with the Northwoods Recycling Coalition (NRC)..

### Sec. 8-3-5 Administration.

The provisions of this Chapter shall be administered by chairpersons of the Northwoods Recycling Coalition or its designee.

### Sec. 8-3-6 Definitions.

(a) The following definitions shall be applicable in this Chapter:

- (1) **Bi-Metal Container.** A container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.
- (2) **Container Board.** Corrugated paperboard used in the manufacture of shipping containers and related projects.
- (3) **Contractor.** The person, corporation or partnership performing recyclable materials collection and processing under this Chapter.
- (4) **Foam Polystyrene Packing.** Packaging made primarily from foam polystyrene that satisfies one of the following criteria:
  - a. Is designed for serving food or beverages.

- b. Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.
  - c. Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.
- (5) **Garbage.** Discarded materials resulting from the handling, processing, preparation, storage, cooking, and consumption of food, and discarded animal feces.
  - (6) **Hazardous Substance.** Any substance or combination of substances 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 the environment. This term includes, but is not limited to, pesticides and substances which are toxic, corrosive, flammable, irritants, strong sensitizers or explosives as determined by the Department of Natural Resources of the State of Wisconsin.
  - (7) **HOPE.** High density polyethylene plastic containers marked by the SPI Code No.2.
  - (8) **LOPE.** Low density polyethylene plastic containers marked by the SPI Code No.4.
  - (9) **Magazines.** Magazines and other materials printed on similar paper.
  - (10) **Major Appliance.** A residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, oven, refrigerator, stove, furnace, boiler, dehumidifier, water heater and microwave oven from which the capacitor has been removed.
  - (11) **Medical Waste.** Infectious waste and those containers, packages, and materials that contain infectious waste or that are from a treatment area and are mixed with infectious waste.
  - (12) **Mixed or Other Plastic Resin Types.** Plastic containers marked by the SPI Code No.7.
  - (13) **Multiple-Family Dwelling.** A property containing five (5) or more residential units, including those which are occupied seasonally.
  - (14) **Newspaper.** A newspaper and other materials printed on newsprint.
  - (15) **Non-Residential Facilities and Properties.** Commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.
  - (16) **Office Paper.** High grade printing and writing papers from offices in non-residential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. This term does not include industrial process waste.
  - (17) **Person.** Includes any individual, corporation, partnership, association, local governmental unit, as defined in Sec. 66.299(1)(a), Wis. Stats., state agency or authority or federal agency.
  - (18) **PETE.** Polyethylene terephthalate plastic containers marked by the SPI Code No. 1.
  - (19) **Plastic Container.** An individual, separate, rigid plastic bottle, can, jar or carton, except for a blister pack, that is originally used to contain a product that is the subject of a retail sale.

- (20) **Postconsumer Waste.** Solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in Sec. 289.61(5), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in Sec. 289.74(7)(1)1., Wis. Stats.
- (21) **PP.** Polypropylene plastic containers marked by the SPI Code No.5.
- (22) **Producer.** The person whose ultimate use of a product results in solid waste being generated, whether recyclable or not.
- (23) **PS.** Polystyrene plastic containers marked by the SPI Code No.6.
- (24) **PVC.** Polyvinyl chloride plastic containers marked by the SPI Code No.3.
- (25) **Recyclable Materials.** Lead acid batteries; major appliances (including residential and commercial furnaces, boilers, dehumidifiers, water heaters and microwaves from which the capacitor has been removed); waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspapers; office paper; plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS (specifically #3, #4, #5, #6, #7 and foam polystyrene packaging), and mixed or other plastic resin types; steel containers; waste tires; and bi-metal containers.
- (26) **Solid Waste** has the meaning specified in Sec. 289.01 (15), Wis. Stats.
- (27) **Solid Waste Facility** has the meaning specified in Sec. 289.43(5), Wis. Stats.
- (28) **Solid Waste Treatment.** Any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste. "Treatment" included incineration.
- (29) **Waste Tire.** A tire that is no longer suitable for its original purpose because of wear, damage, or defect.
- (30) **Yard Waste.** Leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than six (6) inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

### Sec. 8-3-7 Separation of Recyclable Materials.

- (a) **Recyclables to Be Separated from Postconsumer Waste Designated.** Occupants of single family and two (2) to four (4) unit residences, multiple-family dwellings and non-residential facilities and properties shall separate the following materials from postconsumer waste:
- (1) Lead acid batteries.
  - (2) Major appliances.
  - (3) Waste oil.
  - (4) Yard waste.
  - (5) Aluminum containers.

- (6) Corrugated paper or other container board.
  - (7) Magazines or other materials printed on similar paper.
  - (8) Newspapers or other materials printed on newsprint; junk mail..
  - (9) Office paper.
  - (10) Steel containers.
  - (11) Waste tires.
  - (12) Rigid plastic containers made of PETE, HDPE, PYC, LDPE, PP, PS and other resins or multiple resins.
  - (13) Glass containers.
  - (14) Bi-metal containers.
  - (15) Foam polystyrene packaging.
- (b) **Separation Requirements Exempted.** The separation requirements of Subsection (a) above do not apply to any occupants of the Town regarding the following:
- (1) Occupants of single family and two- to four-unit residences, multiple-family dwellings and non-residential facilities and properties that send their postconsumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in Subsection (a) from solid waste in as pure a form as is technically feasible.
  - (2) Solid waste which is burned as a supplemental fuel at a facility if less than thirty percent (30%) of the heat input to the facility is derived from the solid waste burned as supplemental fuel.
  - (3) A recyclable material of these occupants specified in Subsection (a) above for which a variance has been granted to the Town by the Wisconsin Department of Natural Resources under Sec. 287.11(2m), Wis. Stats., or NR 544.114, Wis. Adm. Code, or their successor provisions.

### **Sec. 8-3-8 Care of Separated Recyclable Materials.**

To the greatest extent practicable, the recyclable materials separated in accordance with Section 8-3-7 shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other non-recyclable materials, including but not limited to household hazardous waste, medical waste and agricultural chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions.

### **Sec. 8-3-9 Management of Lead Acid Batteries, Major Appliances, Waste Oil and Yard Waste.**

Occupants of single family and two (2) to four (4) unit residences, multiple-family dwellings and non-residential facilities and properties shall manage lead acid batteries, major appliances, waste oil and yard waste as follows:

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- (a) Lead acid batteries may be brought (no cracked cases) to NRC drop off sites. Damaged batteries shall be returned to the vendor.
- (b) Major appliances shall be brought to drop off sites within the NRC.
- (c) Waste oil may be brought to NRC drop off sites in containers of no more than ten (10) quarts. Such containers shall not be left at the drop off site.
- (d) Yard waste may be brought to NRC compost sites. Yard waste shall be separated at the NRC compost site as directed by the attendant.

### **Sec. 8-3-10 Preparation and Collection of Recyclable Materials.**

Except as otherwise directed by the Town Board, occupants of single family and two (2) to four (4) unit residences shall not co-mingle the following recyclables with other refuse to be collected, and shall do the following for the preparation of the separated materials specified in Section 8-3-7(a); recyclables shall be brought to the Recycling Center for recycling:

- (a) Aluminum containers shall be rinsed clean and may be flattened. All aluminum foil containers shall be rinsed clean.
- (b) Bi-metal containers shall be rinsed clean and may be flattened.
- (c) Corrugated paper or other container board shall be flattened and bundled together.
- (d) Glass containers shall be sorted by color: clear, green and brown. Lids shall be removed and containers rinsed clean.
- (e) Magazines and other materials printed on similar paper shall be bundled and tied securely in stacks of six (6) to eight (8) inches.
- (f) Newspapers and other materials printed on newsprint shall be bundled and tied securely in stacks of six (6) to eight (8) inches. Newspapers and newsprint shall be free of staples.
- (g) Office paper shall be bundled and tied in stacks of six (6) to eight (8) inches.
- (h) Plastic containers shall be prepared for recycling as follows:
  - (1) Plastic containers made of PETE including soda pop bottles, including containers of like materials and identified as PETE, shall have caps removed and shall be rinsed clean.
  - (2) Plastic containers made of HDPE, including milk and juice containers, including containers of like materials and identified as HDPE #2, shall have caps removed and shall be rinsed clean.
  - (3) All other plastic containers made of PVC, LDPE, PP, PS and those made of mixed or other plastic resin types that are identified with recyclable symbols and numbered #3 through #7 shall have caps removed and rinsed clean.
- (i) Steel containers shall have labels removed and shall be rinsed clean, and shall be flattened, if possible.
- (j) Waste tires shall be returned to the original vendor or to an automotive garage.

## Sec. 8-3-11 Responsibilities of Owners or Designated Agents of Multiple-Family Dwellings.

- (a) Owners or designated agents of multiple-family dwellings shall do all of the following for recycling the materials specified in Section 8-3-7(a):
  - (1) Provide adequate, separate containers for the recyclable materials.
  - (2) Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
  - (3) Provide for the collection of the materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.
  - (4) Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.
- (b) The requirements specified in Subsection (a) do not apply to the owners of designated agents of multiple-family dwellings if the postconsumer waste generated within the dwelling is treated at a processing facility licensed by the Wisconsin Department of Natural Resources that recovers for recycling the materials specified in Section 8-3-7(a) from solid waste in as pure a form as is technically feasible.

## Sec. 8-3-12 Responsibilities of Owners or Designated Agents of Non-Residential Facilities and Properties.

- (a) **Requirements.** Owners or designated agents of non-residential facilities and properties shall do all of the following for recycling the materials specified in Section 8-3-7(a):
  - (1) Provide adequate, separate containers for the recyclable materials.
  - (2) Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.
  - (3) Provide for the collection of the materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility.
  - (4) Notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.
- (b) **Exemptions.** The requirements set forth above do not apply to the owners or designated agents of non-residential facilities and properties if the postconsumer waste generated within the facility or property is treated at a processing facility licensed by the Wisconsin Department of Natural Resources that recovers for recycling the materials specified in Section 8-3-7(a) from solid waste in as pure a form as is technically feasible.

- (c) **Prohibitions on Disposal of Recyclable Materials Separated for Recycling.** No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in Section 8-3-7(a) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

## Sec. 8-3-13 Miscellaneous Provisions.

- (a) **Hauler Licensing; Hauler Regulations.**
- (1) **Hauler Licensing.** No person or corporation shall engage in the business of hauling recyclables in the Town of Stephenson without being licensed by the Wisconsin Department of Natural Resources under NR 502.06, Wis. Adm. Code, and under any Town licensing requirement.
  - (2) **Hauler Restrictions.** Haulers may not dispose in a landfill or burn in a solid waste facility any recyclable materials generated in the Town of Stephenson that have been separated for recycling except as permitted by Wisconsin Department of Natural Resources rules and/or variances.
  - (3) **Right to Reject Materials.** The hauler or drop off site attendant has the right to reject or leave at the curb any recyclable material that is not prepared according to the specifications of this Chapter or in education material provided by the contractor to the service recipients. Materials may also be left if not separated from solid waste, placed in the proper container or are not separated from solid waste, placed in the proper container or are not designated recyclable materials for collection. The hauler also has the right to refuse to collect any solid waste if it contains recyclable containers and material. In such cases, the hauler or attendant shall notify the generator of the materials about the reasons for rejecting the items either in writing or verbally. The hauler shall also keep a list of such occurrences and provide it to the Town of Stephenson.
  - (4) **Reporting Requirements.** The recycling haulers and processors operating in the Town of Stephenson are required to maintain records and report in writing to the Town Clerk annually. Reports shall include the amount of solid waste and recyclables collected and transported from the Town of Stephenson; the amount of solid waste and recyclables processed and/or marketed by item type from the Town of Stephenson; and the final disposal location of solid waste and recyclable material. Proof of recycling compliance shall be provided to the Town. Failure to report shall be cause for the Town to revoke any license or sever any contract with the hauler/processor.
- (b) **Ownership.** Recyclable materials, upon collection by any permitted collector, shall become the property of the contractor. Recyclables brought to collection sites become the property of NRC.

- (c) **Exemptions.** The Town of Stephenson reserves the right to designate additional solid waste materials as recyclable or currently collected materials as no longer recyclable in accordance with state law and to either add or delete them from any collection services provided by the Town or its contractors. The Town shall provide written notice to its service recipients of this declaration.
- (d) **Collection Schedule.** The Town of Stephenson shall establish the time of collection of solid waste and recyclables and the Town Clerk shall provide written notice of the collection schedule at least once in the spring and fall of each year and at any time when the collection schedule is changed.
- (e) **Specified Containers.**
  - (1) Solid waste shall be placed for collection in accordance with private hauler requirements and contained in a manner to avoid litter.
  - (2) Solid waste brought to collection sites shall be placed in designated bins under the direction of the collection site attendant.
  - (3) Recyclables brought to collection sites shall be placed in designated bins under the direction of the collection site attendant.
  - (4) Recyclable collection shall be placed for collection in accordance with private hauler requirements and contained in a manner to avoid litter.
- (f) **Collection Placement.** All solid waste and recyclables shall be placed as herein required at the specified collection point no sooner than twenty-four (24) hours prior to the regularly scheduled collection time or be allowed to remain at the curb longer than twelve (12) hours thereafter.
- (g) **Antiscavenging or Unlawful Removal of Recyclables.** It shall be unlawful for any person, unless under contract with or licensed by the Town of Stephenson, to collect or remove any recyclable material that has been deposited or placed at the curb or in a container adjacent to a home or nonresidential building for the purposes of collection for recycling.
- (h) **Unlawful Dumping.** It shall be unlawful for any person to dispose of or dump garbage in any street or other public place or area within the Town of Stephenson, or in any receptacles or private property without the owner's consent unless it is placed in bags or containers in the manner and at the times specified by this Chapter.
- (i) **Improper Placement.** No person shall place for collection any garbage at the curb or street side not owned or occupied by such person.

### **Sec. 8-3-14 Enforcement.**

- (a) Any authorized officer, employee or representative of NRC, the Town Board or its contractors may inspect recyclable materials separated for recycling, postconsumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection

areas of multiple-family dwellings and non-residential facilities and properties, solid waste disposal facilities and solid waste treatment facilities, and any records relating to recycling activities, for the purpose of ascertaining compliance with the provisions of this Chapter. No person may refuse access to any authorized officer, employee or authorized representative of the Town Board or its contractor who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.

- (b) Any person who violates a provision of this Chapter may be issued a citation by the Town Board or its designee to collect forfeitures. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this Subsection.
- (c) Penalties for violating this Chapter may be assessed as provided in Section **1-1-6**.

## **Title 8 ► Chapter 4** \_\_\_\_\_

# **Refuse and Sludge Transportation, Storage and Disposal**

<b>8-4-1</b>	Purpose; Applicability; Definitions
<b>8-4-2</b>	Disposal Regulations for Solid Waste
<b>8-4-3</b>	Disposal, Treatment and Storage of Solid Waste
<b>8-4-4</b>	Disposal, Storage and Treatment of Hazardous Waste
<b>8-4-5</b>	Constructing, Maintaining and Operating a Solid Waste Facility
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<b>8-4-7</b>	License Application/Bond Hearing License Issuance for a Solid Waste Facility or Hazardous Waste Facility
<b>8-4-8</b>	License Revocation; Appeal of Revocation
<b>8-4-9</b>	General Regulations Regarding Solid Waste Facilities and Hazardous Waste Facilities
<b>8-4-10</b>	Regulations Governing Sludge Injection
<b>8-4-11</b>	Severability
<b>8-4-12</b>	Penalty

### **Sec. 8-4-1 Purpose; Applicability; Definitions.**

- (a) **Purpose.** This Chapter, and any amendments to this Chapter, shall be for the purpose of regulating the transportation, disposal, storage and treatment of refuse within the Town of Stephenson. The provisions of this Chapter shall apply to and govern refuse transportation, refuse disposal, refuse storage, and refuse and treatment by persons at any location in the Town of Stephenson. Any refuse transportation, refuse disposal, refuse storage and refuse or sludge treatment within the Town of Stephenson shall only be permitted under the terms, standards and conditions set forth in this Chapter. This Chapter is adopted under police powers conferred on the Town of Stephenson to protect the public health and safety, and shall be liberally construed in favor of such objectives and the Town of Stephenson.
- (b) **Exceptions.** The following shall not be deemed to come within the scope and meaning of this Chapter:
- (1) ***Activities Under Specific Control and Direction of the Town.*** This Chapter shall not apply to or govern refuse transportation to, refuse disposal, refuse storage or refuse

treatment that is under the specific control and direction of the Town Board of the Town of Stephenson.

- (2) **Agricultural Animal Waste Disposal.** This Chapter shall not apply to or govern animal waste transportation, animal waste disposal, animal waste storage or animal waste treatment resulting from an agricultural enterprise wherein the animal waste is transported to or disposed, stored or treated by persons at locations within the Town of Stephenson.
  - (3) **Pre-Existing Operations.** This Chapter shall not apply to or govern any refuse transportation to or refuse disposal, refuse storage and/or refuse treatment within the Town of Stephenson at existing solid waste or hazardous waste facilities that are or were operational on the date of original adoption of this Chapter. However, any expansion of these existing facilities shall be within the scope and meaning of this Chapter.
  - (4) **Septic Systems.** This Chapter shall not apply to or govern the use of sanitary privies, seepage beds or septic tanks which conform to any applicable regulations of the State of Wisconsin, Marinette County or the Town of Stephenson, nor shall it apply to or govern the disposal of human waste products into any public sewage system located in the Town of Stephenson. The injection of municipal sludge into the ground is also not covered by this Chapter.
  - (5) **Chapter 298, Wis. Stats., Exception.** This Chapter shall not apply to or govern any refuse transportation to, or refuse or sludge disposal, refuse storage or refuse treatment in the Town of Stephenson at any solid waste or hazardous waste facility or the expansion of any solid waste or hazardous waste facility where this Chapter is made not applicable pursuant to Ch. 298, Wis. Stats., or its succeeding chapters, or where this Chapter, or parts thereof, are specified as not applicable in a negotiated agreement or arbitration award pursuant to Ch. 298, Wis. Stats., or its succeeding chapters.
- (c) **Definitions.** The following definitions shall be applicable in this Chapter unless a different meaning appears from the content or context:
- (1) **Active Fill Area.** The cells designed and constructed at the site location that are to be used for disposal of solid waste.
  - (2) **Applicant.** A person applying for a license to construct, operate and maintain, or a person applying for reissuance of a license to construct, operate and/or maintain a solid waste, hazardous waste or sludge facility. The applicant at time of issuance of the license shall be the owner of the land wherein the solid waste or hazardous waste facility or is located.
  - (3) **Closure or Final Closure.** The date and time at which time no further solid or hazardous waste shall be transported to or disposed, stored or treated at the solid waste or hazardous waste facility.
  - (4) **Department of Natural Resources.** The Wisconsin Department of Natural Resources or its successor agency.

- (5) **Dispose, Disposing or Disposal.** The discharge, deposit, injection, dumping, placing, littering, discarding, burying, throwing, emitting, emptying or abandoning of any refuse into or on any private or public land or on any water or into any air within the Town of Stephenson. This term does not include the storage or treatment of refuse.
- (6) **Emergency or Emergencies.** An unforeseen circumstance that jeopardizes the public health, safety or property of the Town of Stephenson or its residents.
- (7) **Expansion.** An increase in additional disposal, treatment or storage capacity to an existing solid waste or hazardous waste facility where the additional capacity shall be available to or adjacent to the existing solid waste or hazardous waste facility for solid waste or hazardous waste disposal, storage or treatment by means of structural or physical expansion at or adjacent to the existing solid waste or hazardous waste facility.
- (8) **Garbage.** Discarded putrescible animal and vegetable refuse resulting from the handling, serving, preparation, processing, storage and consumption of food.
- (9) **Generate or Generated.** The act or the process of producing refuse at any residence or at any site located in the Town of Stephenson.
- (10) **Hazardous Waste.** Any refuse identified as hazardous waste by Ch. 298, Wis. Stats., its successor chapters or identified as hazardous waste by any regulations established by the Wisconsin Department of Natural Resources.
- (11) **Hazardous Waste Facility.** A facility in the Town of Stephenson for the treatment, storage or disposal of hazardous waste and includes the land where the facility is located.
- (12) **Incinerating, Incinerators or Incineration.** Any technique or process of controlled burning of refuse primarily to achieve volume reduction and/or to change waste characteristics occurring within the Town of Stephenson by an incinerator licensed by the Town of Stephenson.
- (13) **Injection.** The placing of sludge into the soil and covering the sludge in one operation. The sludge should leave the equipment's tank, pass through the injector and be deposited into the plow layer of the soil. The injector shall have the soil fall in behind the injector, thereby covering the sludge.
- (14) **Landspreading.** The disposal of solid waste in thin layers onto the land surface within the Town of Stephenson for agriculture, silviculture and/or solid waste disposal purposes.
- (15) **Leachate.** Water or other liquid which has been contaminated by dissolved or suspended materials due to contact with waste or gases therefrom.
- (16) **Long Term Care.** The routine care, maintenance and monitoring of the solid waste facility or of the hazardous waste facility after closure.
- (17) **Mining Refuse.** All waste soil, rock, mineral, liquid, vegetation and other material, except merchantable by-products, directly resulting from or displaced by the prospecting or mining and from the cleaning or preparation of minerals during

prospecting or mining operations, and shall include all waste materials deposited on or in the prospecting or mining site from other sources.

- (18) **Open Burning.** Combustion of refuse in the Town of Stephenson where the products or combustion are emitted directly to the ambient air without passing through a stack or chimney. "Open burning" does not include the combustion of refuse occurring at a properly operated air curtain destructor or an incinerator licensed by the Town of Stephenson, or as permitted by Town ordinances.
- (19) **Person.** Any natural individual, firm, sole proprietorship, trust, partnership, association, corporation or municipality, and also means any responsible member, responsible officer, responsible agent and responsible officer, responsible agent and responsible employee of the above noted.
- (20) **Polychlorinated Biphenyls (PCBs).** The class of organic compounds generally known as polychlorinated biphenyls and includes any of several compounds or mixtures of compounds produced by replacing two (2) or more hydrogen atoms on the biphenyl molecule with chlorine atoms.
- (21) **Principal Structure.** At locations in the Town of Stephenson containing a residential use, the principal structure shall be the primary residential building, facility or structure designed for and used for single family dwelling or designed and used as apartments, including any building, facility or structure which is accessory to or incidental to the primary residential building, facility or structure. At locations containing no residential use, the principal structure shall be the primary building, facility or structure designed for and used by the majority of the public for resort, employment, assemblage, lodging, trade, traffic or occupancy, including any building, facility or structure which is accessory to and incidental to the primary building, facility or structure.
- (22) **Processing.** Any technique used at a residence or at a site within the Town of Stephenson to facilitate further transfer, processing or utilizing of solid waste, including, but not limited to, techniques such as baling, shredding, pulverizing, composting or separating of solid waste.
- (23) **Recycling.** Solid waste which through transfer, transportation, processing or marketing will be converted into useable materials, products or energy.
- (24) **Refuse.** Combustible and noncombustible waste produced from industrial or community life, including solid waste, hazardous waste, sludge, garbage, ashes and rubbish.
- (25) **Remedial Action.** Those actions consistent with a permanent remedy taken by the Town of Stephenson instead of or in addition to removal actions in the event of a hazardous waste into the environment, to prevent or minimize the release of hazardous wastes so that the hazardous wastes do not migrate to cause substantial danger to present or future public health or welfare or to the environment. The term includes, but is not limited to, such actions at the location of the release of the hazardous waste

as storage, confinement, perimeter protection using dikes, trenches or ditches, clay cover, neutralization, cleanup of released hazardous wastes, recycling or reuse of hazardous wastes, diversion of hazardous waste, destruction of hazardous wastes, segregation of hazardous wastes, dredging or excavations, repair or replacement of leaking containers, collection of leachate and runoff, on-site treatment or incineration, provision of alternative water supplies to residents in the Town of Stephenson and any monitoring reasonably required to assure that such actions protects the public health and welfare and the environment. The term includes the permanent relocation of residents where the Town of Stephenson determines such relocation is more cost-effective than the environmentally preferable to the transportation, storage, treatment, destruction or secure disposition off-site of such waste unless the Wisconsin Department of Natural Resources determines in writing that such actions are:

- a. More cost effective than other remedial actions; and/or
  - b. Are necessary to protect the public health or welfare or the environment from a potential or present risk which may be created by further exposure to the continual presence of such hazardous waste.
- (26) **Removal Action.** The clean-up or removal of released hazardous substances from the environment, such actions as may be necessarily taken in the event of release of hazardous wastes into the environment, such actions as may be necessary to monitor, assess and evaluate the release or threat of release of hazardous wastes, the disposal of removed hazardous wastes, or the taking of such other actions as may be necessary to prevent, minimize or mitigate damage to the public health or welfare or to the environment in the Town of Stephenson, which may otherwise result from a release or threat of release of hazardous wastes. The term includes, in addition, without being limited to, security fencing or other measures to limit access to the solid waste facility or operations related thereto, provision of alternative water supplies to residents of the Town of Stephenson, temporary evacuation of residents of the Town and housing of threatened residents of the Town of Stephenson.
- (27) **Sludge.** The liquid end product of anaerobic digestion from the municipal wastewater treatment plant.
- (28) **Solid Waste.** Any waste identified as garbage, ash, litter, rubbish, sludge from a waste water treatment plant, sludge from a water supply treatment plant or sludge from an air pollution control facility and other discarded or salvageable materials, including solid, liquid, semi-solid or contained gaseous materials resulting from industrial, commercial, mining and agricultural operations and from community activities. Solid waste may include, but is not limited to, paper, wood, metal, glass, cloth and products thereof; litter and street rubbish; and lumber, concrete, dirt, stone, plastic, bricks, tar asphalt, plaster, masonry and other manmade structures. Solid waste does not include hazardous wastes, mining refuse, solids or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or

industrial discharges which Ch. 147, Wis. Stats., or its successor chapter or source, as defined under Sec. 140.52, Wis. Stats., or its successor provisions.

- (29) **Solid Waste Facility.** A facility in the Town of Stephenson for solid waste treatment, solid waste storage or solid waste disposal, and includes commercial, industrial, municipal, state and federal establishments or operations such as, without limitation because of enumeration, sanitary landfills, dumps, demolition facilities, land disposal sites, incinerators, transfer stations, storage facilities, collection and transportation services and processing, treatment and recovery facilities. This term includes the land where the facility is located. This term does not include a hazardous waste facility. This term does not include a facility for the processing of scrap iron, steel or nonferrous metal using large machines to produce a principal product of scrap metal for sale or use for remelting purposes. This term does not include a facility which uses large machines to sort, grade, compact or bale clean wastepaper, fibers or plastics, not mixed with other solid waste, for sale or use for recycling purposes. This term does not include an auto junk yard or scrap metal salvage yard. This term does not include a facility for the processing of minerals or mining refuse.
- (30) **Store, Storing or Storage.** The holding of refuse waste within the Town of Stephenson for a temporary period of time, which at the end of such time, the refuse is to be treated or disposed.
- (31) **Treat, Treating or Treatment.** Any technique or process occurring within the Town of Stephenson which is designed to change the physical, chemical or biological character or complexion of refuse. Treatment includes incineration of refuse.

## Sec. 8-4-2      **Disposal Regulations for Solid Waste.**

A person who is a resident residing within the Town of Stephenson, or a person who is occupying a residential, commercial or industrial site located within the Town of Stephenson shall remove from the residence or site for storage, disposal or treatment at a solid waste facility the garbage which is generated at the residence or site at least every two (2) weeks, unless the garbage is processed at the residence or at the site consistent with this Chapter or unless such garbage is placed in appropriate solid waste collection containers and stored in such other manner as to not create a private or public nuisance. A person shall remove from the residence or site for storage, disposal or treatment purposes to solid waste facility all other solid waste which is generated at the residence or site at least once per month, if the solid waste is stored inside a principal structure, and once every two (2) weeks if the solid waste is stored outside the principal structure.

## Sec. 8-4-3      **Disposal, Treatment and Storage of Solid Waste.**

- (a) No person shall dispose, store or treat within the Town of Stephenson any solid waste in any street, alley, public place, public water or private property, except as noted in Sec. 8-42 and except as follows:

- (1) A person may dispose, store or treat solid waste at a solid waste facility located within the Town of Stephenson if the solid waste facility at the time of the actual disposal, storage or treatment of the solid waste has a valid license issued by the Town Board of the Town of Stephenson, if the license and the conditions established in the license at that time authorize the solid waste treatment that will occur at the solid waste facility and if the license and the conditions established in the license at that time authorize the type, source and amount of solid waste that will be disposed, stored or treated at the solid waste facility. Additionally, any person disposing, storing or treating solid waste at the solid waste facility must fully comply with any applicable licenses, permits, conditions, regulations or requirements as may be established by federal laws and federal regulations, by state laws and state regulation, and by this Chapter or any other ordinance established by the Town of Stephenson.
- (2) A person, who is a resident residing within the Town of Stephenson, or a person who is occupying a residential, commercial or industrial site located within the Town of Stephenson may dispose and store solid waste which has been generated at the residence or at the site in authorized solid waste collection containers ("green dumpsters") not located at the residence or the site, but located within the Town of Stephenson, if the Town of Stephenson by ordinance: (i) authorizes the disposal and storage of solid waste in off-site solid waste collection containers, (ii) establishes the type, amount and source of solid waste authorized for disposal and storage in these off-site containers, (iii) establishes requirements to regulate and control the disposal, storage, collection and transportation of solid waste at these off-site solid waste containers, and (iv) approves the site locations for such off-site solid waste collection containers. A person allowed to dispose or store solid waste under this provision shall fully comply with any applicable licenses, permits, conditions, regulations or requirements as may be established by federal laws and federal regulations, by state laws and state regulations and by this Chapter, or by any other ordinance established by the Town of Stephenson.
- (3) A person who is a resident residing within the Town of Stephenson may dispose at the residence, or store in solid waste collection containers at the residence, garbage and other solid waste generated at the residence when in compliance with Sec. 8-4-2. A person allowed to dispose or store garbage and solid waste under this provision shall fully comply with any applicable licenses, permits, conditions, regulations or requirements as may be established by federal laws and federal regulations, by state laws and state regulations, and by this Chapter or any other ordinance established by the Town of Stephenson.
- (4) A person who is occupying a residential, commercial or industrial site located within the Town of Stephenson may dispose at the site or store in solid waste collection containers at the site, garbage and other solid waste generated at the site, when in compliance with Sec. 8-4-2. A person allowed to dispose or store garbage and other

Refuse and Sludge Transportation, Storage and Disposal **8-4-3**

solid waste under this provision shall fully comply with any licenses, permits, conditions, regulations or requirements as may be established by federal laws and federal regulations, by state laws and state regulations, and by this Chapter or any other ordinance established by the Town of Stephenson.

- (5) A person who is a resident residing within the Town of Stephenson or a person who is occupying a residential, commercial or industrial site located within the Town of Stephenson may dispose and store authorized recyclable solid waste which has been generated at the residence or at the site at authorized off-site recycling centers within the Town of Stephenson if the Town, by ordinance: (i) authorizes the disposal and storage of off-site recyclable solid waste; (ii) establishes the type, source and amount of recyclable solid wastes authorized for disposal and storage at the off-site recycling centers; (iii) establishes requirements to regulate and control the disposal, storage, collection and transportation of solid waste at these off-site recycling centers; and (iv) approves the site locations for such off-site authorized recycling centers. A person allowed to dispose of and store off-site recyclable solid waste under this provision shall fully comply with any applicable licenses, permits, conditions, regulations or requirements established by federal laws and regulations, by state laws and state regulations, and by this Chapter or any other ordinance established by the Town of Stephenson.
  - (6) A person who is a resident residing within the Town of Stephenson or a person who is occupying a residential, commercial or industrial site located within the Town of Stephenson may dispose and treat solid waste, including garbage, by landscaping or processing the solid waste at the residence or at the site if the landspreading or processing does not create a public or private nuisance and if the solid waste that is landscaped, incinerated or processed has been only generated at the residence or at the site. Landspreading activities exempt under state law or state regulations shall be exempt from this Chapter. A person allowed to landspread or process solid waste under this provision shall fully comply with any applicable licenses, permits, conditions, regulations or requirements as may be established by federal laws and federal regulations, by state laws and state regulations and by this ordinance or by any other ordinance established by the Town of Stephenson. This provision does not authorize open burning of solid waste. Open burning of solid waste shall be allowed only by a permit issued by the Town Board of the Town of Stephenson.
- (b) No person shall dispose, store or treat any solid waste within the Town of Stephenson, in any street, alley, public place, public water or private property except as provided in Sec. 8-4-2 and except as provided in the above noted Subsection (a), unless the person has received a valid license for a solid waste facility from the Town Board of the Town of Stephenson. The license must authorize solid waste disposal, solid waste storage or solid waste treatment operations at the solid waste facility. Upon issuance of a valid license by the Town Board of the Town of Stephenson, the person must fully comply with the license

and any conditions of the license as the Town Board of the Town of Stephenson may require. Additionally, any person disposing, storing or treating solid waste at the solid waste facility must fully comply with any other applicable licenses, permits, conditions, regulations or requirements as may be established by federal laws and federal regulations, by state laws and state regulations, and by this Chapter or any other ordinance established by the Town of Stephenson. (c) Any person disposing, storing, treating, discharging, spilling, emptying or emitting any solid waste in the Town of Stephenson, except as authorized by this Chapter, shall notify the Town Clerk of the Town of Stephenson in writing within twenty-four (24) hours of knowledge of such occurrence and shall detail in this notification of the Town Clerk of the Town of Stephenson the time, place and possible cause or causes of such occurrence, and the type, source and amount of solid waste involved in this occurrence. Upon knowledge of such occurrence, the person shall immediately take all actions appropriate and necessary to restore the environment to its prior condition, to minimize any harmful effects from such occurrence to the Town of Stephenson and to its residents and to comply with any orders or regulations by the Wisconsin Department of Natural Resources, the U.S. Environmental Protection Agency or any other applicable state or federal agency.

*Cross-Reference:* Section 5-2-10, Open Burning.

#### **Sec. 8-4-4 Disposal, Storage and Treatment of Hazardous Waste.**

- (a) No person shall dispose, store or treat any polychlorinated biphenyls (PCBs), dioxins or any radioactive materials within the Town of Stephenson in any street, alley, public place, public water or on any private property.
- (b) No person shall dispose, store or treat any other hazardous waste within the Town of Stephenson, in any street, alley, public place, public water or on private property, except as follows:
  - (l) A person, who is a resident residing within the Town of Stephenson or a person who is occupying a residential, commercial or industrial site located within the Town of Stephenson, may accumulate and store in above-ground containers or store in above-ground tanks at the residence or at the site, hazardous waste, if the hazardous waste has been generated at the residence or at the site and if the hazardous waste that has been generated does not exceed one hundred (100) kilograms in a calendar month, but then only under the following conditions:
    - a. The person allowed to accumulate or store hazardous waste under this Subsection shall fully comply with any applicable licenses, permits, conditions, regulations or requirements as may be established by federal laws and federal regulations, by state laws and state regulations, by this Chapter or by any other ordinance established by the Town of Stephenson.

- b. The person must remove the hazardous waste from the residence or site within ninety (90) days of generation and must transport the hazardous waste for disposal, storage or treatment to a hazardous waste facility licensed by the Wisconsin Department of Natural Resources or by the United States Environmental Protection Agency.
  - c. The person must store the hazardous waste in a storage area at the residence or at the site that must be entirely in an enclosed or roofed structure with access limited or restricted to the structure to the person or to personnel authorized by the person.
  - d. The person must store the hazardous waste in a storage area at the residence or at the site that must be confined to a floor area of one thousand five hundred (1,500) square feet or less.
  - e. The person must not accumulate and store the hazardous waste at the residence or at the site in an amount that will exceed one thousand (1,000) kilograms at any one time.
- (c) No person shall dispose, store or treat any hazardous waste within the Town of Stephenson, except as provided in Subsection (b), unless the person has received a valid license for a hazardous waste facility from the Town of Stephenson. The license must authorize disposal, storage or treatment of the hazardous waste noted in Subsection (a) shall be disposed, stored or treated at any hazardous waste facility in the Town of Stephenson. Upon issuance of the valid license issued by the Town Board of the Town of Stephenson, the person shall fully comply with the license and any conditions of the license as the Town Board of the Town of Stephenson may require. Additionally, any person disposing, storing or treating hazardous waste at the hazardous waste facility must fully comply with any applicable licenses, permits, conditions, regulations or requirements as may be established by federal laws and federal regulations, state laws and state regulations, by this Chapter or by any other ordinance established by the Town of Stephenson.
- (d) Any person disposing, storing, treating, open burning, discharging, spilling, dumping, emptying or emitting hazardous waste in the Town of Stephenson, except as authorized by this Chapter, shall notify the Town Clerk of the Town of Stephenson in writing within twenty-four (24) hours of knowledge of such occurrence and shall detail in this notification to the Town Clerk of the Town of Stephenson, the time, place and possible cause or causes of such occurrences. Upon knowledge of such occurrence, the person shall immediately take all actions appropriate and necessary including removal or remedial actions to restore the environment to its prior conditions, to minimize any harmful effects from such occurrences to the Town of Stephenson and its residents, and to comply with any orders or regulations by the Wisconsin Department of Natural Resources, the U.S. Environmental Protection Agency or any other applicable state or federal agency.

**Sec. 8-4-5            Constructing, Maintaining and Operating a Solid Waste Facility.**

No person or agents shall construct, maintain and operate a solid waste facility for disposal, storage or treatment of solid waste within the Town of Stephenson unless the person has received a valid license authorizing construction, maintenance and operation of a solid waste facility issued by the Town Board of the Town of Stephenson to the person as an applicant. Upon issuance of the valid license by the Town Board of the Town of Stephenson , the person constructing, maintaining and operating the solid waste facility shall fully comply with the license and any conditions of the license as the Town Board of the Town of Stephenson may require. In addition, the person shall fully comply with all applicable licenses, permits, conditions, regulations or requirements as may be established by federal laws and federal regulations, by state laws and state regulations and by this Chapter or any other ordinances established by the Town of Stephenson. A license shall be only granted to an applicant.

**Sec. 8-4-6            Constructing, Maintaining and Operating a Hazardous Waste Facility.**

No person or its agents shall construct, maintain and operate a hazardous waste facility for disposal, storage or treatment of hazardous waste facility for disposal, storage or treatment of hazardous waste within the Town of Stephenson limits unless the person has received a valid license authorizing the construction, maintenance and operation of the hazardous waste facility with the license to be issued by the Town Board of the Town of Stephenson to the person as an applicant. Upon issuance of the valid license by the Town Board of the Town of Stephenson, the person constructing, maintaining and operating the hazardous waste facility shall fully comply with the license and any conditions of the license as the Town Board of the Town of Stephenson may require. In addition, the person shall fully comply with all other applicable licenses, permits, conditions, regulations and requirements as may be established by federal laws and federal regulations, by state laws and state regulation and by this Chapter or any other ordinance established by the Town of Stephenson. A license shall be only granted to an applicant.

**Sec. 8-4-7            License Application/Bond/Hearing License Issuance for a Solid Waste Facility or Hazardous Waste Facility.**

- (a) Applications for license and for relicensure for a solid waste facility or for a hazardous waste facility under this Chapter shall be filed by the applicant or its agent with the Town Clerk of the Town of Stephenson in writing on a form provided by the Town Clerk of the Town of Stephenson. No initial application shall be filed by the applicant until the applicant has submitted and has had approved by the Wisconsin Department of Natural

Resources any feasibility report required pursuant to Ch. 298, Wis. Stats., or its successor chapters. The initial application fee shall be filed with the application form. The initial application fee for the application for licensure shall be in the amount of Five Thousand Dollars (\$5,000.00) unless waived or reduced by the Town Board of the Town of Stephenson. In addition, the Town Board of the Town of Stephenson. In addition, the Town Board of the Town of Stephenson may charge the applicants an additional application fee to fully or partially reimburse the Town of Stephenson for appropriate and necessary costs and expenses incurred by the Town of Stephenson in the application process, including, but not limited to, reasonable costs and reasonable expenses incurred by the Town of Stephenson for attorney's fees and expert's fees related to the application process. The total application fees to the applicant, including the initial application fee, shall not, however, exceed Twenty Thousand Dollars (\$20,000.00) for any application. The amount for the application fee shall be refundable in total or in part at the discretion of the Town Board of the Town of Stephenson. The applicant, if a license is issued or reissued by the Town Board of the Town of Stephenson, shall be only the person allowed to construct, operate and maintain the solid waste facility or the hazardous waste facility during the license period. The applicant may not apply for a license to only construct the solid waste facility or hazardous waste facility.

(b) The information in the initial application to be provided by the applicant to the Town of Stephenson is necessary in order to allow the Town Board of the Town of Stephenson to:

(i) establish the need and the intent for a requested license;

(ii) establish the potential short term and long term negative or positive environmental, economic, public health, public welfare and public safety impacts and effects for the Town of Stephenson and its residents in the construction, operation and maintenance of the proposed solid waste facility, the existing solid waste facility, the proposed hazardous waste facility or the existing hazardous waste facility; and

(iii) satisfy the Town Board of the Town of Stephenson that there will be or there has been reasonable compliance by the applicant with this Chapter, with any license granted to the applicant and with any conditions established in any license or proposed license. Such initial application to be filed with the Town of Stephenson shall contain the following minimum and appropriate information that may also be included in the application form by the Town Board of the Town of Stephenson. The Town Board of the Town of Stephenson, upon reapplication for relicensure, may require reasonable relevant information from the applicant as to current operational, maintenance, closure and long term concerns of the Town Board of the Town of Stephenson. The below noted information to be provided in the application to the Town of Stephenson shall be followed in a sworn statement, under oath or affirmation, by the applicant, stating that the information provided within the application is true and factual:

(l) Name address and telephone number of the applicant, the specific type of disposal, storage or treatment operations (proposed by the applicant) for the proposed solid waste facility or the proposed hazardous waste facility and the type of license applied for by the applicant.

- (2) Site location and legal description of the real property for the proposed solid waste facility or proposed hazardous waste facility, including the names of the current owners of the real property where the proposed solid waste facility or hazardous waste facility will be located.
- (3) Name, address and telephone number of any representatives, attorneys and engineers to be representing the applicant before the Town of Stephenson during the application process, if any.
- (4) Copies, if any, of any available initial site reports, feasibility reports, engineering plans, plans of operation or other documents filed or to be filed with the Wisconsin Department of Natural Resources and/or the U.S. Environmental Protection Agency that are related to the construction, operation, maintenance, closure and long-term care of the proposed solid waste facility, the existing solid waste facility, the proposed hazardous waste facility or the existing hazardous waste facility.
- (5) A detailed proposed plan for construction, operation, maintenance, closure and long-term care of the proposed solid waste facility or of the proposed hazardous waste facility. This plan shall include, at a minimum:
  - a. The projected type, source and amount of solid waste or of hazardous waste (amount projected in tonnage) to be disposed, stored or treated on a daily and yearly basis at the proposed solid waste facility or at the proposed hazardous waste facility.
  - b. The projected disposal, storage, or treatment term (in years) for the proposed solid waste facility or proposed hazardous waste facility, including any projected long term plans for the expansion of the proposed solid waste facility or for the expansion of the proposed hazardous waste facility.
  - c. The projected amount of solid waste, hazardous waste or leachate, if any, to be removed on a daily and yearly basis during the projected life of the proposed solid waste facility or proposed hazardous waste facility, and the projected amount of solid waste, hazardous waste, or leachate, if any, to be removed on a daily or yearly basis after closure of the proposed solid waste facility or proposed hazardous waste facility.
  - d. The names, addresses and telephone numbers of any transporters who will be initially authorized by the applicant to transport solid waste or hazardous waste to and from the proposed solid waste facility or to and from the proposed hazardous waste facility.
  - e. The proposed dates to initiate construction, initiate operation and initiate final closure of the proposed solid waste facility or of the proposed hazardous waste facility.
  - f. The proposed hours and dates for daily disposal operations, for daily storage operations or for daily treatment operations at the proposed solid waste facility or at the proposed hazardous waste facility and the proposed route(2) of travel to and from the solid waste facility or to and from the hazardous waste facility.

- g. If a disposal facility, the proposed maximum height of the solid waste facility or of the proposed hazardous waste facility (measured based on existing topography prior to construction).
- h. If a disposal facility, the proposed maximum depth of the solid waste facility or the hazardous waste facility (measured based on existing topography prior to construction).
- i. If a disposal facility, the proposed maximum active fill area for the proposed solid waste facility or for the proposed hazardous waste facility, including any additional active fill area proposed for later expansion.
- J. The proposed plans and methods for prevention, reduction and control of dust, debris, odors, noise, litter, noxious weeds, rodents, fire, explosion, gas discharge or other potential nuisances or hazards at the proposed solid waste facility or at the proposed hazardous waste facility.
- k. The planned auxiliary, if any, uses of the proposed solid waste facility or of the proposed hazardous waste facility during the projected term for the construction, operation, maintenance, closure and long term care of the proposed solid waste facility or of the proposed hazardous waste facility.
- l. The proposed emergency preparedness plans to be prepared, if any, for the proposed solid waste facility or for the proposed hazardous waste facility.
- m. The proposed recycling plans, if any, during disposal operations, storage operations, treatment operations, including any specific plans for recycling, source separation, incineration or baling operations at or near the proposed solid waste facility or at or near the proposed hazardous waste facility.
- n. The proposed plans, if any, to provide financial, public health, environmental and legal protection to current and future residents, their heirs or assigns, that reside within at least one (1) mile of the proposed solid waste facility or of the proposed hazardous waste facility, including any insurance coverage protection for these residents, their heirs or assigns.
- o. The proposed plans, if any, to provide financial, environmental and legal protection to the Town of Stephenson municipal government, including any insurance coverage protection to the Town of Stephenson municipal government, its officers, its employees and its agents.
- p. The proposed plans, if any, to provide physical and personnel security at the proposed solid waste facility or at the proposed hazardous waste facility.
- q. The proposed plans, if any, to provide any setbacks from adjacent lands, highways, waterways and public easements at the proposed solid waste facility or at the proposed hazardous waste facility.
- r. The proposed plans, if any, to provide environmental testing and environmental monitoring of groundwater, soils, leachate, gas and air at or near the proposed hazardous waste facility.

- s. The proposed traffic pattern plan, if any, to and from the proposed solid waste facility or to and from the proposed hazardous waste facility, and the proposed plans, if any, for specific roadway usage for access to and from the proposed solid waste facility or proposed hazardous waste facility during the construction, operation, maintenance, closure and long-term care of the proposed solid waste facility or of the proposed hazardous waste facility.
  - t. The projected need, if any, for additional public services at or near the proposed solid waste facility or at or near the proposed hazardous waste facility as a result of the construction, operation, maintenance, closure and long-term care of the proposed solid waste facility or proposed hazardous waste facility.
  - u. The projected need, if any, in the Town of Stephenson, the projected need, if any, in the County, and the projected need, if any, within a one hundred (1 **(0)**) mile radius of the proposed solid waste facility or of the proposed hazardous waste facility for the proposed solid waste facility or for the proposed hazardous waste facility with specific need considerations and projections based on the current and projected future economics of solid waste or hazardous waste disposal, storage, treatment, transportation and collection in the Town of Stephenson, in the County and in the State of Wisconsin.
- (6) The prior experiences, if any, by the applicant in the ownership, construction, maintenance, operation, closure and long term care of a solid waste facility or of a hazardous waste facility, citing specific dates of ownership, construction, maintenance, operation, closure and long-term care and citing the specific locations of these solid waste facilities or of these hazardous waste facilities.
  - (7) Copies of any current financial statements or of other relevant financial information describing the current financial condition of the applicant.
  - (8) A written authorization by the applicant, in a form satisfactory to the Town Board of the Town of Stephenson, authorizing the Town Board of the Town of Stephenson, its representatives and its agents to enter, upon reasonable notice to the applicant, the proposed solid waste facility, the existing solid waste facility, the proposed hazardous waste facility or the existing hazardous waste facility for the purpose of inspection of the premises and for any future inspection of any solid waste or hazardous waste that may be disposed, stored or treated at the proposed solid waste facility, at the existing solid waste facility, at the proposed hazardous waste facility or at the existing hazardous waste facility. This authorization for access to and inspections at the solid waste facility or the hazardous waste facility by the Town Board of the Town of Stephenson, its representatives and its agents shall apply from the date of application through construction, operation, maintenance, closure and long-term care of the solid waste facility or hazardous waste facility. This authorization during that time period shall also allow the Town Board of the Town of Stephenson, its representatives or its agents to receive solid waste, hazardous waste or soil samples for waste characteristics

testing of the solid waste or hazardous waste, to receive samples for the groundwater in any monitoring wells, to receive samples for the testing of leachate, if any, in the leachate storage facility and to receive dust samples for the testing of the air quality at the solid waste facility or at the hazardous waste facility.

- (9) A signed sworn statement by the applicant, in a form satisfactory to the Town Board of the Town of Stephenson, wherein the applicant agrees that the applicant will save harmless, indemnify and defend the Town of Stephenson, its officers, its representatives and its agents from any costs or expenses incurred by the Town of Stephenson, its officers, its representatives or its agent, or its assigns, to construct, operate, maintain, close and provide long term care for the solid waste facility or hazardous waste facility as required by federal laws and federal regulations, by state laws and state regulations, by this Chapter, by any issued license, and by any conditions contained within the license, including any reasonable costs or reasonable expenses the Town of Stephenson may incur in labor and equipment for correcting any conditions of the license or violations of this Chapter whenever the Town Board of the Town of Stephenson determines it is necessary and appropriate for the Town of Stephenson to correct any condition of the license or violations of this Chapter or to repair any damages occurring as a result of any violation of this Chapter, as a result of any violation of the conditions of the license, or as a result of negligence of the applicant, its representatives, its agents or its assigns, and wherein the applicant further agrees to save harmless, indemnify and defend the Town of Stephenson, its officers, its representatives or its agents from any claim for damages, fines or forfeitures brought by a third party against the Town of Stephenson, its officers, its representatives or its agents, where the claim is related to or is a result of the construction, operation, maintenance, closure and long-term care of the proposed solid waste facility or hazardous waste facility. By such sworn statement, the applicant further agrees to reimburse the Town of Stephenson for any actual expenses, costs and fees expended by the Town of Stephenson in enforcing this Chapter or enforcing any license or condition of any license issued under this Chapter against the applicant, its representatives, its agents or its assigns. (c) No license shall be issued, reissued nor shall remain effective unless there is on file from the applicant with the Town Treasurer of the Town of Stephenson a cash bond or a bond with a corporate surety, duly licensed in the State of Wisconsin, in penal amount of Two Hundred Thousand Dollars (\$200,000.00) to assure that:
- (1) The applicant, its representatives, its agents and its assigns will comply with all the terms, conditions, provisions, requirements and specifications contained in this Chapter.
  - (2) The applicant, its representatives, its agents and its assigns will faithfully construct, operate, maintain, close and provide long-term care at the proposed solid waste facility, at the existing solid waste facility, at the proposed hazardous waste facility

for which the license is issued in accordance with the provisions of this Chapter, in accordance with any license issued and in accordance with any conditions contained within the license.

- (3) The applicant will save harmless, indemnify and defend the Town of Stephenson, its officers, its representatives and its agents from any expenses or costs incurred through the failure of the applicant, its representatives, its agents or its assigns to construct, operate, maintain, close and provide long-term care at the proposed solid waste facility, at the existing solid waste facility, at the proposed hazardous waste facility as required by federal laws and federal regulations, by state laws and state regulations, by this Chapter, by any issued license, by conditions contained within the license, including any reasonable expenses and reasonable costs the Town of Stephenson may incur in labor and equipment for correcting any condition of the license or violation of this Chapter, whenever the Town Board of the Town of Stephenson determines it is necessary and appropriate for the Town of Stephenson to correct any condition of the license or violation of this Chapter or as a result of any violation of a condition of the license, to repair any damages occurring as a result of the violation of this Chapter or to repair any damages occurring as a result of the negligence or intentional tortious act of the applicant, its representatives, its agents or its assigns; and wherein the applicant further agrees to save harmless, indemnify and defend the Town of Stephenson, its officers, its representatives and its agents from any claim for damages, fines or forfeitures by a third party brought against the Town of Stephenson, its officers, its representatives or its agents where the claim is related to or is a result of the construction, operation, maintenance, closure and long-term care of the solid waste facility or the hazardous waste facility. By such sworn statement, the applicant further agrees to reimburse the Town of Stephenson for any actual expenses, costs and fees expended by the Town of Stephenson in enforcing this Chapter or enforcing any license issued or conditions of any license issued under this Chapter against the applicant, its representatives, its agents or its assigns.
- (d) Before the issue or reissuance of the license and before the acceptance of the bond by the Town Treasurer of the Town of Stephenson, the bond shall be approved by the Town Board of the Town of Stephenson. If a corporate bond is offered, it shall be deposited with the Town Treasurer of the Town of Stephenson, who shall give his/her official receipt thereof reciting that said cash has been deposited in compliance with and subject to provisions of this Chapter.
- (e) Failure by the applicant to maintain the approved bond in the amount noted, during the period of the license, shall automatically terminate the license. Upon the failure to maintain the approved bond in the amount noted by the applicant, the Town Board of the Town of Stephenson shall have the right to obtain a court order that will terminate any current and future disposal operations, storage operations or treatment operations at the solid waste facility or the hazardous waste facility. A court order will, in addition, require immediate final closure of the solid waste facility or of the hazardous waste facility.

- (f) Prior to any general public hearing on the application for license, the Town Board of the Town of Stephenson, upon receipt of the aforementioned application, shall examine the application and any other plans and pertinent information submitted by the applicant. The Town Board of the Town of Stephenson shall then commence investigation of the proposed solid waste facility, of the existing solid waste facility, of the proposed hazardous waste facility or of the existing hazardous waste facility. A copy of the application shall be forwarded by the Town Clerk of the Town of Stephenson to the County Clerk of the County of Marinette. The Town Board of the Town of Stephenson shall coordinate its investigation with the County of Marinette to determine whether the construction, operation or maintenance of the proposed solid waste facility or the proposed hazardous waste facility, and the granting of the license to the applicant by the Town Board of the Town of Stephenson would or would not violate any ordinance or regulation of the County of Marinette or the Town of Stephenson, would or would not in any way create a hazard or menace to the public health or safety of the residents of the County of Marinette or the Town of Stephenson or would or would not in any way create a nuisance to the residents of the County of Marinette or the Town of Stephenson.
- (g) The Town Board of the Town of Stephenson shall also determine whether or not the granting of a license in the location described in the application would be a violation of any zoning regulations of the County of Marinette or of the Town of Stephenson. The Town Board of the Town of Stephenson shall also determine what, if any, negative or positive effects or impacts the construction, operation and maintenance of such proposed solid waste facility or proposed hazardous waste facility may have upon the future character of the local neighborhood, upon the future traffic conditions, upon municipal services and costs, upon the future public utilities' needs and any other negative and positive effects and impacts pertinent to the short term and long-term health, environmental, financial, safety and welfare conditions of the Town of Stephenson and its residents.
- (h) Prior to issuance or denial of any license for a proposed solid waste facility or proposed hazardous waste facility, there shall be a general public hearing on the application for a license. The completed application with the appropriate bond shall be on file with the Town Clerk of the Town of Stephenson at least ninety (90) days prior to the general public hearing. Prior to the general public hearing, the Town Board of the Town of Stephenson may request the applicant to meet personally with the Town Board of the Town of Stephenson, its representatives or its agents to discuss the application, the bond or any other relevant concerns of the Town Board of the Town of Stephenson. No general public hearing shall be held until the Town Board of the Town of Stephenson deems the application for license complete, approves the bond, and receives the appropriate initial application fee from the applicant.
- (i) The general public hearing shall be conducted under the following terms:
- (1)** A notice shall be given as a Class 3 notice as described in Sec. 98.07, Wis. Stats., or its successor provision.

- (2) The cost of publication of any such notice shall be deposited and paid by the applicant in advance of publication to the Town Clerk of the Town of Stephenson.
- (3) A general public hearing shall be held on the date specified in the notice or any adjourned date; however, such general public hearing shall be merely advisory to the Town Board of the Town of Stephenson in regard to it affecting any action or determination which may later be taken by the Town Board of the Town of Stephenson upon any such application for license.
- (4) The applicant or its agent shall have the right to appear at the public hearing and to describe orally and with written documentation the proposed solid waste facility or proposed hazardous waste facility. The applicant and the Town of Stephenson may be represented by legal counsel and may present evidence with any witnesses subject to examination and cross-examination under oath. The public hearing by request of the applicant or by the Town Board of the Town of Stephenson may be recorded with any expense for the recording of the hearing to be paid by the applicant. The application for license shall be acted upon by the Town Board of the Town of Stephenson within sixty (60) days after the general public hearing, except as noted below:
  - (j) Prior to issuance or denial of the license, if the applicant files for any local approvals to construct, operate and maintain a solid waste facility or a hazardous waste facility or to expand an existing solid waste facility or hazardous waste facility under Sec. 298.441, Wis. Stats., and under Sec. 298.445, Wis. Stats., or their successor provisions, the Town Board of the Town of Stephenson shall specify all local approvals, including this Chapter. The Town Board of the Town of Stephenson may adopt a siting resolution and shall comply with its statutory responsibilities under the negotiation/arbitration process as established in Ch. 298, Wis. Stats., or its successor chapters. The sixty (60) day period for acting upon the application as noted above shall not be applicable under such circumstances and the Town Board of the Town of Stephenson need not act upon the application for licensure until a negotiated written agreement has been signed and approved as required by all necessary parties under Sec. 298.445, Wis. Stats., or its successor provisions or until an arbitration award by the Wisconsin Waste Facility Siting Board or its successor agency has been received in writing by the Town Board of the Town of Stephenson pursuant to Ch. 298, Wis. Stats., or its successor chapters.
  - (k) The Town Board of the Town of Stephenson shall evaluate the proposed solid waste facility, the existing solid waste facility, the proposed hazardous waste facility or the existing hazardous waste facility for the issuance, reissuance or denial of the license and for any conditions to be attached to the license based on information provided in the application, the receipt by the Town of Stephenson of additional written information requested of the applicant by the Town Board of the Town of Stephenson, the general public hearing testimony and other pertinent information received from the applicant, any county, state and federal agency or from any other interested persons. Additionally, specific considerations by the Town Board of the Town of Stephenson in its evaluation for licensure or relicensure, in its determination against licensure or relicensure and in its evaluation for placing any conditions to be attached to the license may include, but are not limited to, the following:

- (1) Any relevant written reports and recommendations received by the Town Board of the Town of Stephenson from the Wisconsin Department of Natural Resources, U.S. Environmental Protection Agency, or from any other municipal, county, state or federal agency.
- (2) Any relevant written reports and recommendations received by the Town Board of the Town of Stephenson from any attorneys or from any experts employed or retained by the Town of Stephenson.
- (3) Any relevant written reports and recommendations received by the Town Board of the Town of Stephenson from the applicant.
- (4) Any relevant written reports and recommendations received by the Town Board of the Town of Stephenson and the County of Marinette..
- (5) The potential short-term and long-term adverse or positive effects and impacts of the proposed solid waste facility or of the proposed hazardous waste facility based on the proposed location, including its effects or impacts on the following:
  - a. Existing roads, bridges, traffic flow, traffic patterns, exits, designated access routes (both primary and secondary).
  - b. Surface water quality and drainage.
  - c. Groundwater quality and public and private drinking water quality.
  - d. Air quality.
  - e. Adjacent wetlands, flood plains, forests, agricultural and unique lands.
  - f. Current and future land uses and current and future land values.
  - g. Soil erosion.
  - h. Town and county zoning and town and county planning.
    - i. Town appropriations and revenues.
    - j. Public safety of Town residents.
    - k. Public health of Town residents.
  - l. Existing topography and existing vegetation.
  - m. Existing wildlife habitat and existing domestic animals.
- (6) The potential for the applicant, based on the application submitted, to fully comply with the conditions and regulations enumerated in this Chapter and to fully comply with any conditions appropriate and necessary for inclusion in the license; and
- (7) The potential for the applicant, based on all other information received by the Town Board of the Town of Stephenson, to fully comply with the conditions and regulations enumerated in this Chapter and with any conditions appropriate and necessary for inclusion in the license.
- (8) The past license compliance of the operator at the existing solid waste facility or at the existing hazardous waste facility.

- (1) All licenses and the conditions written thereunder issued to the applicant shall be effective and issued for the period from July 1 to June 30 of each year. The applicant shall reapply to the Town Clerk of the Town of Stephenson for the annual license at least one hundred and twenty (120) days in advance of the June 30 deadline. The procedure established for reapplication and issuance shall be the same as the application process established for the initial license unless the Town Board of the Town of Stephenson, in writing, waives certain information required by this Chapter. Upon application for relicensure, the Town Board of the Town of Stephenson may also waive the requirements for public hearing and may waive or reduce the application fee.
- (m) The annual fee for such license shall be per Section 1-3-1. No such license shall be issued or reissued except on direction by the Town Board of the Town of Stephenson, and the license shall not be transferable. Any transfer of ownership, operation, maintenance or possession or control of the solid waste facility or hazardous waste facility by the applicant will automatically terminate the license. No license shall be issued or reissued by the Town of Stephenson until sufficient proof has been provided to the Town Board of the Town of Stephenson by the applicant that only the applicant will construct, operate and maintain the solid waste facility or the hazardous waste facility during the licensure period.
- (n) **If** the Town Board of the Town of Stephenson issues or reissues the license, the license and any written conditions attached to the license shall be forwarded by the Town Clerk of the Town of Stephenson to the applicant. The license shall not be deemed issued or reissued until the Town Clerk of the Town of Stephenson receives the license fee, receives the written acknowledgment of the receipt of the license by the applicant and receives written acknowledgment by the applicant agreeing to comply with this Chapter, the license received under this Chapter and any and all conditions attached to the license. Upon issuance or reissuance of the license, the Town Clerk of the Town of Stephenson, within three (3) days, shall record a copy of the license and any conditions of the license with the Register of Deeds for Marinette County. Failure by the applicant to submit written acknowledgment or agreement to fully comply with the license and the conditions of therein, within fifteen (15) days of receipt of the license, shall be deemed as withdrawal of an application by the applicant and reapplication by the applicant shall be necessary for compliance under this Chapter.

#### **Sec. 8-4-8 License Revocation; Appeal of Revocation.**

- (a) Any license issued or reissued to an applicant under provisions of this Chapter may be revoked by the Town Board of the Town of Stephenson for any civil or criminal violation by the applicant of federal laws or federal regulations related to the solid waste facility or hazardous waste facility, for any civil or criminal violation by the applicant of state laws

or state regulations related to the solid waste facility or hazardous waste facility, for violation by applicant of this Chapter or for violation by the applicant of any conditions attached to any issued or reissued license. The license may be revoked by the Town Board of the Town of Stephenson upon a published Class 1 notice as defined in Sec. 985.07, Wis. Stats., or its successor provisions. No hearing shall be required for termination of the license due to failure of the applicant to maintain the approved bond in the amount noted or due to transfer or assignment by the applicant of ownership, operation, maintenance, possession or control of the solid waste facility or hazardous waste facility. The Town Board of the Town of Stephenson may, if necessary, at any time seek a court order enjoining any person or applicant from continued or future construction, operation, maintenance, transportation to or from, storage, treatment or disposal at the solid waste facility or at the hazardous waste facility where the applicant has committed any violation of federal laws or federal regulations related to the solid waste facility or hazardous waste facility, has committed any violation of state law or state regulation related to the solid waste facility or hazardous waste facility, has committed any violation of this Chapter related to the solid waste facility or hazardous waste facility or has committed any violation of any condition of any issued license or has caused the establishment of a public nuisance at or near the solid waste facility or at or near the hazardous waste facility. (b) Any proper appeal by a person for a termination of the license under this Chapter or for a revocation by the Town Board of the Town of Stephenson of the issued license shall be reviewed as provided in Chapter 68, Wis. Stats., or its successor provisions.

## **Sec. 8-4-9            General Regulations Regarding Solid Waste Facilities and Hazardous Waste Facilities.**

The following general regulatory provisions shall be applicable to persons constructing, operating, maintaining, closing or providing long-term care at a solid waste facility or at a hazardous waste facility in the Town of Stephenson or any person transporting to and from a solid waste facility or to and from a hazardous waste facility within the Town of Stephenson:

### **(a) Transportation Requirement.**

- (1)** No person, including any person licensed by the Town of Stephenson to construct, operate or maintain a solid waste facility or a hazardous waste facility, shall use any proposed or existing solid waste facility or proposed or existing hazardous waste facility during construction, operation, maintenance, transportation to and from, closure and long-term care of the solid waste facility or the hazardous waste facility, unless that roadway is established and authorized by the Town Board of the Town of Stephenson as the designated roadway for travel to and from the solid waste facility or travel to and from the hazardous waste facility. The Town Board shall, upon written request of any person, establish the designated roadway for travel within thirty (30) days of the receipt of any request. Any person constructing, operating,

- maintaining, closing or providing long-term care at a solid waste facility or at a hazardous waste facility within the Town of Stephenson shall fully comply with all Town of Stephenson roadway regulations and roadway orders of the Town Board of the Town of Stephenson on Town roadways during the construction, operation, maintenance, closure and long-term care of the solid waste facility or of the hazardous waste facility.
- (2) Any person, including any person licensed by the Town of Stephenson to construct, operate or maintain a solid waste facility or a hazardous waste facility, in transporting solid waste or hazardous waste or any other materials to and from the solid waste facility or to and from the hazardous waste facility on any Town of Stephenson roadway during construction, operation, maintenance, closure and long-term care of the solid waste facility or hazardous waste facility shall use vehicles that are constructed in such a manner to prevent any portion of the solid waste or hazardous waste or any other materials from disposing, leaking, spilling, falling or escaping from any vehicle onto any public highway, street, avenue, boulevard, alley or other public or private property in the Town of Stephenson. Such vehicles being drawn or driven over the roadways in the Town of Stephenson shall not be loaded above a point that will result in a portion of the contents disposing, leaking, spilling, falling or escaping from any vehicle.
- (3) Any person, including any person licensed by the Town of Stephenson to construct, operate and maintain a solid waste facility or hazardous waste facility, in transporting solid waste, hazardous waste or any other materials to and from the solid waste facility or to and from the hazardous waste facility on any Town of Stephenson roadway during construction, operation, maintenance, closure and long-term care of the solid waste facility or hazardous waste facility shall only transport solid waste or hazardous waste to and from, or construct, operate, maintain, close and provide long-term care at the solid waste facility during the hours and days established and authorized by the Town Board of the Town of Stephenson.
- Any person licensed by the Town of Stephenson to construct, operate and maintain a solid waste facility or hazardous waste facility shall, prior to commencement of the daily disposal, storage or treatment operations at the solid waste facility or at the hazardous waste facility, prepare a list of authorized transporters who will be allowed to transport, by the person licensed for a solid waste facility or hazardous waste facility by the Town of Stephenson, any solid waste or hazardous waste or other materials to and from the solid waste facility or to and from the hazardous waste facility. The list shall, prior to commencement of daily disposal, storage or treatment operations, be filed with the Town Clerk of the Town of Stephenson. No transporter whose name, address and telephone number appears on the list or any updated list filed with the Town Clerk of the Town of Stephenson, shall be allowed by the person licensed by the Town of Stephenson to transport solid waste, hazardous waste or any other materials to and from the solid waste facility or to and from the hazardous waste facility.

**(b) Reporting Requirements.**

- (1) Any person licensed by the Town of Stephenson to construct, operate and maintain a solid waste facility or hazardous waste facility shall file an annual written report by April 1 with the Town Clerk of the Town of Stephenson with an attached sworn statement verifying the completeness of the enclosed report, detailing the following prior year's disposal, storage, and treatment activity at the solid waste facility or at the hazardous waste facility, namely:
  - a. The amount of solid waste or hazardous waste disposed, stored, or treated during that prior year.
  - b. The type or types of solid waste or hazardous waste disposed, stored or treated during that prior year.
  - c. The source or sources of solid waste or hazardous waste disposed, stored or treated during that prior year.
  - d. The names and addresses of all authorized transporters authorized to transport solid waste or hazardous waste to and from the solid waste facility or to and from the hazardous waste facility during that prior year and the names and addresses of all responsible parties authorized to manage and control the daily operations, storage operations or treatment operations during that prior year.
  - e. Copies received, by the person licensed during the prior year, of any groundwater, gas, leachate and air quality testing or monitoring data related to the solid waste facility or to the hazardous waste facility.
  - f. Copies received, by the person licensed during the prior year, of all correspondence, government reports, citizen complaints and inquiries and any administrative documents and court documents related to the solid waste facility or to the hazardous waste facility.
  - g. Copies forwarded, by the person licensed during the prior year, of all engineering reports, monitoring reports, administrative documents and court documents and court documents to the Wisconsin Department of Natural Resources, the U.S. Environmental Protection Agency and to any other state or federal agency related to the solid waste facility or to the hazardous waste facility.
- (2) Any person licensed by the Town of Stephenson to construct, operate and maintain a solid waste facility or hazardous waste facility shall require all persons transporting solid waste or hazardous waste to and from the solid waste facility or to and from the hazardous waste facility during disposal operations, storage operations or treatment operations to complete and sign a form at the time of entering the solid waste facility or hazardous waste facility, noting on the form the following:
  - a. The source of the waste.
  - b. The type of waste.

- c. The amount of waste.
  - d. The date of disposal, storage or treatment.
  - e. The name and address of the authorized transporter.
  - f. The signature of the authorized transporter or signature of the agent of the authorized transporter.
- (3) Such completed forms required under Subsection (b)(2) above shall be compiled daily by the person licensed to construct, operate and maintain the solid waste facility or hazardous waste facility. Also, on a monthly basis, a copy of such completed forms shall be sent to the Town Clerk of the Town of Stephenson by such person within ten (10) days of the preceding month. Copies of these daily disposal, storage or treatment forms shall be kept on the premises at all times during the daily disposal, storage or treatment operations.
- (4) Any person licensed by the Town of Stephenson to construct, operate and maintain a solid waste facility or a hazardous waste facility shall report, during construction, operation, maintenance, closure and long-term care of the solid waste facility or of the hazardous waste facility within twenty-four (24) hours, in writing to the Town Clerk of the Town of Stephenson, any oral or written information received by the person licensed, regarding the following occurrences related to the solid waste facility or the hazardous waste facility:
- a. Any occurrences causing physical injury at the solid waste facility or at the hazardous waste facility where medical treatment has been received by any person.
  - b. Any hazardous waste entering or exiting the solid waste facility and any hazardous waste disposed, stored or treated at the solid waste facility.
  - c. Any permanent, emergency or temporary closing of the solid waste facility or of the hazardous waste facility and any substantial repair or reconstruction at the solid waste facility or at the hazardous waste facility.
  - d. Any government ordered closing of the solid waste facility or of the hazardous waste facility.
  - e. Any transfer or assignment of ownership, possession, control or operation of the solid waste facility or of the hazardous waste facility.
  - f. Copies received by the person licensed of any groundwater test results from private wells of residents of the Town of Stephenson living near the solid waste facility or the hazardous waste facility demonstrating that these water samples from the private wells do not meet the Wisconsin Department of Natural Resources primary or secondary drinking water standards as established by state law and state regulations.
  - g. Any fire, explosion or other emergency public health or safety conditions at or near the solid waste facility or the hazardous waste facility that are related to the construction, operation, maintenance, closure or long-term care of the solid waste facility or the hazardous waste facility.

- h. Copies received by the person licensed of any written complaints or written inquiries by residents of the Town of Stephenson that are related to the construction, operation, maintenance, closure or long-term care of the solid waste facility or the hazardous waste facility.
- (c) **Operation Requirements.**
- (1) Any person licensed by the Town of Stephenson to construct, operate and maintain a solid waste facility or a hazardous waste facility shall construct, operate, maintain, close and provide long-term care of the solid waste facility or the hazardous waste facility in a nuisance-free status to avoid any public or private nuisance. Notwithstanding any provision of this Chapter, the Town of Stephenson may commence and maintain an action under statutory or common law nuisance against any person, including the person so licensed, related to the construction, operation, maintenance, closure or the providing of long-term care of the solid waste facility or of the hazardous waste facility. Should the Town of Stephenson succeed against such person in any action for private or public nuisance, the Town of Stephenson shall be entitled to judgment for damages and costs (including reasonable attorneys fees) and may obtain a judgment and an order against such person that the public nuisance be abated at or near the hazardous waste facility.
  - (2) Any person licensed by the Town of Stephenson to construct, operate and maintain a solid waste facility or hazardous waste facility shall police and, when appropriate, remove on a daily basis, during disposal operations, storage operations or treatment operations, any solid waste or hazardous waste disposed on the roadways or right-of-ways at least within one (1) mile of the entrance of the solid waste facility or the hazardous waste facility.
  - (3) Any person licensed by the Town of Stephenson to construct, operate and maintain a solid waste facility shall cover all solid waste disposed at the solid waste facility with sufficient and necessary cover materials to eliminate litter, discharge, objectionable odors and objectionable dust.
  - (4) Any person licensed by the Town of Stephenson to construct, operate and maintain a solid waste facility or hazardous waste facility shall erect and maintain temporary and permanent fences or take such other measures as may be appropriate and necessary to control the blowing of paper and to control the discharging of other materials from the solid waste facility or from the hazardous waste facility. Any person so licensed by the Town of Stephenson shall provide and maintain appropriate and necessary physical and personnel security protection including fences and lockable gates at the solid waste facility or at the hazardous waste facility. Any person so licensed by the Town of Stephenson shall lock all gates at the solid waste facility or at the hazardous waste facility except during disposal operations, storage operations or treatment operations or except during emergencies. Any person so licensed by the Town of Stephenson shall conduct the disposal operations, storage operations and treatment operations in such a manner that any dust, dirt, debris or other materials or

any other substance will not be carried by wind across the boundary of the solid waste facility or the hazardous waste facility onto adjoining properties. Any person so licensed by the Town of Stephenson shall provide the sufficient cover materials for the solid waste or hazardous waste at the end of each operational day, as well as when wind conditions warrant throughout the day, with these sufficient cover materials to prevent blowing papers and unsightly conditions at the solid waste facility or at the hazardous waste facility.

- (5) Any person licensed by the Town of Stephenson to construct, operate and maintain a solid waste facility or a hazardous waste facility shall have an attendant employee or attendant agent at the solid waste facility or at the hazardous waste facility whenever disposal operations, storage operations or treatment operations are occurring at the solid waste facility or at the hazardous waste facility and the person so licensed shall have an attendant agent "on call" to respond to emergencies whenever disposal operations, storage operations or treatment operations are not occurring at the solid waste facility or at the hazardous waste facility. The Town Clerk of the Town of Stephenson shall be provided, in writing by the person so licensed, the names, addresses and telephone numbers of all attendant employees or attendant agents who will be at the solid waste facility or at the hazardous waste facility during disposal operations, storage operations or treatment operations and who will be "on call" when disposal operations, storage operations or treatment operations are not occurring at the solid waste facility or hazardous waste facility.
- (6) Any person licensed by the Town of Stephenson to construct, operate and maintain a solid waste facility or a hazardous waste facility shall provide to the Town Clerk of the Town of Stephenson the names, addresses and telephone numbers of the responsible manager(s) who are responsible to manage, control and administer the solid waste facility or the hazardous waste facility, including the transportation to and from, the construction, operation, disposal, maintenance and closure of the solid waste facility or of the hazardous waste facility. These names, addresses and telephone numbers shall be provided to the Town Clerk of the Town of Stephenson prior to the commencement of disposal operations, storage operations or treatment operations of the solid waste facility or hazardous waste facility, and updated, at least, on an annual basis.
- (7) Any person licensed by the Town of Stephenson to construct, operate and maintain a solid waste facility or hazardous waste facility shall store all materials salvaged from the solid waste facility or hazardous waste facility in a building at the site location in such a manner as to prevent the harborage and to avoid public nuisance at the solid waste facility or at the hazardous waste facility. The person so licensed by the Town of Stephenson shall place all salvaged material within a building provided for such materials on a daily basis so that no material is left uncovered or uncontained during the night or on the weekends. The person so licensed by the

Town of Stephenson shall exterminate insects and rodents and shall destroy all noxious weeds at the solid waste facility or at the hazardous waste facility as directed by the Town Board of the Town of Stephenson.

- (8) Any person licensed by the Town of Stephenson to construct, operate and maintain a solid waste facility or hazardous waste facility shall maintain sufficient fire fighting equipment and other appropriate emergency equipment at all times at the solid waste facility or at the hazardous waste facility. Any person so licensed by the Town of Stephenson shall immediately maintain, repair or reconstruct the solid waste facility or the hazardous waste facility, including any active fill area, upon information received by any person, its officers, its employees or its agents that failure to repair or reconstruct the solid waste facility or the hazardous waste facility, including any active fill area, would or could present a danger to the public health, safety or welfare of any persons.
- (9) Any person licensed by the Town of Stephenson to construct, operate or maintain a solid waste facility or hazardous waste facility shall not locate, construct, operate and maintain the solid waste facility or hazardous waste facility where the disposal, storage or treatment of the solid waste or hazardous waste the solid waste facility or at the hazardous waste facility or where the seeping, disposing, spilling, draining, emptying, pumping or escaping of any solid waste or hazardous waste from the solid waste facility or from the hazardous waste facility would at any time constitute a private or public nuisance, would create a public health or safety hazard, would pollute the groundwater of adjacent properties, would pollute any surface water or would pollute the air.
- (10) Any person licensed by the Town of Stephenson to construct, operate and maintain a solid waste facility or a hazardous waste facility shall construct, operate and maintain at the solid waste facility or at the hazardous waste facility all private access roads. Those private access roads shall be maintained by the person so licensed to assure vehicle traffic in all types of weather conditions. The person so licensed by the Town of Stephenson shall also have available all necessary road maintenance equipment to assure that traffic movement shall be maintained on the access roads during periods of heavy rain or heavy snowfall. The person so licensed by the Town of Stephenson shall also take necessary precautions to eliminate excess dust at the solid waste facility or at the hazardous waste facility, including all private access roads to and at the solid waste facility or at the hazardous waste facility, including all private access roads to and at the solid waste facility or to and at the hazardous waste facility. The person so licensed by the Town of Stephenson shall monitor and test air quality at the solid waste facility or at the hazardous waste facility as necessary and appropriate or as required by the Wisconsin Department of Natural Resources.
- (11) No person, including a person licensed by the Town of Stephenson to construct, operate and maintain a solid waste facility or a hazardous waste facility, shall dispose, store, treat or handle, in any way, any solid waste or hazardous waste at the solid

- waste facility or at the hazardous waste facility that is not authorized for disposal, storage or treatment by the license issued by the Town of Stephenson or that creates a potential for a fire or for an explosion hazard or that creates the potential to liberate hazardous or poisonous gas from the solid waste facility or from the hazardous waste facility. Such person shall use structures, equipment and operational techniques and methods at the solid waste facility or at the hazardous waste facility that will substantially reduce or eliminate any potential fires or potential explosion hazards at the solid waste facility or at the hazardous waste facility and that will substantially reduce or eliminate any potential for the liberation of hazardous or poisonous gas from the solid waste facility or from the hazardous waste facility.
- (12) No person, including any person licensed by the Town of Stephenson to construct, operate and maintain a solid waste facility or a hazardous waste facility, shall knowingly dispose, store or treat, in any way, hazardous waste at any solid waste facility within the Town of Stephenson. Any person licensed by the Town of Stephenson to construct, operate and maintain a solid waste facility or a hazardous waste facility shall separate or isolate any particular solid waste or hazardous waste if any such solid waste or hazardous waste, which in combination with another solid waste or hazardous waste material, may cause a fire or explosion or may cause liberation of a hazardous or poisonous gas. Any person so licensed by the Town of Stephenson shall not store, dispose or treat, in any way, a solid waste or hazardous waste at the solid waste facility or at the hazardous waste facility that creates a substantial danger of leakage into the groundwater, the air or any surface water area or creates substantial danger of any damage to any person or property.
- (13) Any person licensed by the Town of Stephenson to construct, operate and maintain a solid waste facility or a hazardous waste facility shall not construct, operate or maintain any buildings or any equipment at the site location other than buildings and equipment appropriate and necessary for the construction, operation, maintenance, closure and long-term care of the solid waste facility or the hazardous waste facility. Any person so licensed by the Town of Stephenson shall not operate or maintain or allow any other person to operate or maintain any business, occupation, enterprise or operation at the site location except the specific disposal, specific storage or specific treatment operations authorized by the license issued by the Town of Stephenson.
- (14) Any person licensed by the Town of Stephenson to construct, operate and maintain a solid waste facility or a hazardous waste facility shall make all reasonable efforts to cover with **fill** material all holes or ponds within the solid waste facility or within the hazardous waste facility to the existing topography, except for the active fill area and except for any sedimentation basin designed and constructed to accept water from the solid waste facility or from the hazardous waste facility. No person so licensed by the Town of Stephenson shall discharge the water from the sedimentation basin into any surface water discharge area at or near the solid waste facility until the

surface water discharge area has been approved by the Wisconsin Department of Natural Resources.

- (15) Any person licensed by the Town of Stephenson to construct, operate and maintain a solid waste facility or a hazardous waste facility shall maintain and not remove or cause to have removed from the solid waste facility or from the hazardous waste facility, except at the active fill area, any topsoil. Any topsoil removed by the person so licensed from the active fill area shall not be removed at any time from the solid waste facility or from the hazardous waste facility.
- (16) Any person licensed by the Town of Stephenson to construct, operate and maintain a solid waste facility or a hazardous waste facility shall provide and maintain sufficient landscaping for the purpose of providing natural noise and natural aesthetic visual barriers at the solid waste facility or at the hazardous waste facility. In the event the natural noise and natural aesthetic visual barriers are lost or destroyed for any reason, the person so licensed shall, as soon as weather conditions permit, replace these natural barriers with new natural barriers that have been approved by the Town Board of the Town of Stephenson.
- (17) Any person licensed by the Town of Stephenson to construct, operate and maintain a solid waste facility or hazardous waste facility shall plant and replant as necessary and appropriate all berms, if any, at the solid waste facility or hazardous waste facility with grass or other vegetation to prevent or reduce erosion at or near the berms.
- (18) Any person licensed by the Town of Stephenson to construct, operate and maintain a solid waste facility or a hazardous waste facility shall allow the Town Board of the Town of Stephenson or its designated representative access to the site location for inspections at any reasonable time that access is requested. The person so licensed by the Town of Stephenson shall provide the Town Board of the Town of Stephenson or its designated representative, whenever an analysis of solid waste, hazardous waste, soils, leachate, groundwater, surface water, or dust is reasonably necessary to secure conformance with this Chapter or to detect violations of the Chapter, samples of the above-noted materials for such analysis.
- (19) No person, including any person licensed by the Town of Stephenson to construct, operate and maintain a solid waste facility or hazardous waste facility, shall dispose, store or treat any polychlorinated - biphenyls (PCBs), any dioxins or any radioactive material at a solid waste facility or at a hazardous waste facility, or at any other location within the Town of Stephenson.
- (20) Any person licensed by the Town of Stephenson to construct, operate and maintain a solid waste facility or a hazardous waste facility shall provide and maintain at least one (1) functional automatic security light, at its expense, within the solid waste facility or within the hazardous waste facility, for lighting during the evening hours and the security light shall be constructed and shall be operational prior to disposal operations, storage operations or treatment operations.

- (21) Any person licensed by the Town of Stephenson to construct, operate and maintain a solid waste facility or a hazardous waste facility shall install and maintain telephone and electrical services at the solid waste facility or at the hazardous waste facility. The telephone and electrical services shall be installed and shall be operational by the person so licensed prior to disposal operations, storage operations or treatment operations.
  - (22) Any person licensed by the Town of Stephenson to construct, operate, and maintain a solid waste facility shall, at its expense, install and maintain at or near the entrance to the solid waste facility a sign which shall contain a statement in large letters of at least twelve (12) inches in height that reads "NO HAZARDOUS AND OTHER UNAUTHORIZED SOLID WASTE IS ACCEPTED." The person so licensed shall keep the sign clean, visible and readable to those entering the solid waste facility. This sign shall be installed prior to commencement of disposal operations, storage operations or treatment operations.
  - (23) Any person licensed by the Town of Stephenson to construct, operate and maintain a solid waste facility or a hazardous waste facility shall not construct, install or maintain in the Town of Stephenson any signs that will notice to the public the existence of the solid waste facility or of the hazardous waste facility, or will describe the location of the solid waste facility or the hazardous waste facility, except those signs required by the Wisconsin Department of Natural Resources, and except those signs approved by the Town Board of the Town of Stephenson.
  - (24) Any person licensed by the Town of Stephenson to construct, operate and maintain a solid waste facility or hazardous waste facility shall not allow at any time open burning at the solid waste facility or at the hazardous waste facility unless with written approval of the Town Board of the Town of Stephenson.
- (d) **Financial Requirements.**
- (1) A person licensed by the Town of Stephenson to construct, operate and maintain a solid waste facility or a hazardous waste facility shall reimburse the Town of Stephenson for all additional reasonable costs incurred by the Town of Stephenson above and beyond the costs and services normally provided or incurred at no cost by the Town of Stephenson to residents of the Town of Stephenson in the responding to or acting upon specifically any fires, discharges, explosions, accidents, hazards, and other emergency needs at the solid waste facility or at the hazardous waste facility in the Town of Stephenson. The Town of Stephenson, after incurring these services and costs, shall determine the reasonable costs to be reimbursed by the person so licensed. These services and costs provided may include necessary and reasonable services and costs not requested by the person so licensed, its officers, its employees, its agents and its authorized transporters, but may be services incurred by the Town of Stephenson through its lawfully delegated power to protect public health, welfare and safety in the Town of Stephenson and to protect the natural resources of the Town of Stephenson.

- (2) The Town of Stephenson, as a condition of the license, during the license period, shall not be obligated, nor shall it have any duty or responsibility in any way to the so licensed person, its officers, its employees, its agents, its assigns or its authorized transporters to acquire or supply any additional or specialized machinery or equipment to be used for occurrences such as fires, accidents, explosions, discharges, or hazards, or to be used for the other emergency needs at or near the solid waste facility or at or near the hazardous waste facility, all which may occur due to transportation to and from, disposal, construction, maintenance, operation, closure and long-term care of the solid waste facility or of the hazardous waste facility.
- (3) The Town of Stephenson, as a condition of the license, shall not be obligated, nor shall it have any duty or responsibility in any way to the so licensed person, its officers, its employees, its agents, its assigns or its authorized transporters to employ or retain any additional or specialized personnel to be used for discharges or hazards or to be used for other emergency needs at or near the solid waste facility or at or near the hazardous waste facility, all which may occur due to transportation to and from, disposal, construction, operation, maintenance, closure and long-term care of the solid waste facility or of the hazardous waste facility.

### **Sec. 8-4-10 Regulations Governing Sludge Injection.**

All persons injecting sludge into lands in the Town of Stephenson shall abide by the regulations and requirements of NR204, Wis. Adm. Code, and its successor provisions, and any regulation as written in this Chapter. Persons injecting sludge shall:

- (a) Have a containment system to collect sludge and keep sludge from collecting on the ground when hoses are disconnected from equipment. Hoses cannot be drained onto the ground.
- (b) Have a written plan to follow in the event that there is an accidental release of sludge onto the roadway, ditch or a waterway. This plan shall be on file with the Town of Stephenson before injection begins.
- (c) Provide signs or warning devices when equipment or vehicles will be parked on or along a roadway.
- (d) Have on file with the Town of Stephenson copies of DNR approval letters/permits and a site map to show the location of the field(s) to be used before injection can
- (e) begin.

### **Sec. 8-4-11 Severability.**

If any section, subsection, sentence, clause, phrase or word of this Chapter is for any reason held invalid by a 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.

**Sec. 8-4-12 Penalty.**

Any person or firm violating this Chapter shall be subject to the penalties prescribed in Section 1-1-6 of this Code of Ordinances. **In** addition to any other penalty for violating this Chapter, the cost of abating a public nuisance by the Town of Stephenson shall be assessed as a special charge against the real estate in the Town of Stephenson of any person causing such nuisance. In addition to any other legal relief available to the Town of Stephenson for violating this Chapter, the Town Board of the Town of Stephenson may take appropriate legal action or proceedings to recover damages, to abate and remove any nuisance and to enjoin further violations of this Chapter.