

Chapter 42 SOLID WASTE

ARTICLE I. - IN GENERAL

ARTICLE II. - WASTE COLLECTION AND DISPOSAL

ARTICLE III. - RECYCLING

State Law reference— Municipal powers and duties for solid waste reduction, recovery, and recycling, Wis. Stats. § 287.09; municipal authority for removal of rubbish, Wis. Stats. § 66.0405; solid waste facilities generally, Wis. Stats. § 289.01 et seq.; hazardous waste management, Wis. Stats. § 291.001 et seq.

ARTICLE I. IN GENERAL

Secs. 42-2—42-18. Reserved.

Sec. 42-1. Definitions.

The definitions provided in Wis. Stats. §§ 287.01, 289.01 & 291.01 and as from time to time amended are hereby incorporated by reference into this Code as if fully set forth herein.

Secs. 42-2—42-18. Reserved.

ARTICLE II. WASTE COLLECTION AND DISPOSAL

Sec. 42-20. Penalty

Sec. 42-21. Waste disposal.

Sec. 42-22. Garbage collection.

Sec. 42-23. Dumping prohibited.

Secs. 42-24—42-49. Reserved.

Sec. 42-20. Penalty

Any person violating any provision of this article shall be subject to Section 1-17 of this Code.

(Ord. No. 8, § 7, 1-7-1987)

Sec. 42-21. Waste disposal.

It shall be unlawful to:

- (1) Place or permit to remain within the town any garbage or other materials subject to decay other than leaves or grass, except in an authorized legally covered container.

TOWN OF ONALASKA CODE OF ORDINANCES

- (2) Cause or permit to accumulate any dirt or trash of such a material that it can be blown away in the wind within the town, except in an authorized covered container.
- (3) Deposit or permit to fall upon any public street, road, water or grounds, or any other place, any garbage, refuse, rubbish, dead animal, dirt, junk, filth, offal, or any other substance which will tend to contaminate the area, or to create a noisome stench or nuisance, or to endanger public health or safety. However, this section does not prohibit the placing of such material in a container complying with the ordinance preparatory to having such material collected and disposed of as provided herein.
- (4) Dump or place garbage, refuse, or any other waste material upon any premises within the town without the consent of the owner of the property.
- (5) Dispose of garbage, refuse, ashes or other waste within the town, except through the garbage collection procedure of the town as set forth herein.

(Ord. No. 8, § 4, 1-7-1987)

Sec. 42-22. Garbage collection.

- (a) The town shall cause to be collected garbage, refuse, ashes, and other waste within the town on a regular basis from all residential premises; provided that materials are properly stored for collection in containers complying with this article.
- (b) Refuse and recycling containers. The Town owns the containers but the residents are responsible for refuse and recycling containers distributed by the Town. Any costs related to container damage outside of normal wear and tear will be charged back to the resident. All solid waste must be prepared for collection by being placed within carts distributed by the Town to residents for contractor pick up. Persons must make their own arrangements for carts in addition to the standard-issue number for use at their households or for properties not serviced by the Town's contractor.
- (c) Placing of refuse and recycling containers. The owners and occupants of every house, building, flat, apartment, tenement or business established for which approved containers for refuse and recycling are required shall on days of collection place such containers as follows: refuse and recycling containers shall be placed so as not to interfere with snow removal and driveway access. The carts must be set with the handle facing away from the street and at least three feet from any obstacle or other cart. On collection days, all refuse and recycling must be at the pickup point by 5:00 a.m. to ensure prompt pickup that day. The placing of carts at the pickup location on the night before the pickup is scheduled is considered acceptable practice. Empty refuse and recycling containers must be removed from the road right of way within 24 hours after the day of pickup.
- (d) Large items and noncollectable materials. Residents may contact the Town's contractor directly for removal of large items and noncollectable materials at an additional cost to the resident, or they may make other appropriate arrangements for disposal of such items consistent with all applicable laws. Noncollectable materials are listed in section 42-94.
- (e) Business refuse: Every business establishment must provide for the prompt removal and disposal of all refuse resulting from such business at its own expense. It shall be unlawful to dispose of business refuse through the weekly pickup provided by the town for residents.
- (f) Interference with refuse containers. No person other than the collector employed or contracted by the town, the owner, occupant or tenant of the premises, or his agent, shall deposit any article or thing in refuse containers, deface, displace, injure, destroy, uncover, or disturb the containers or their contents.
- (g) Disposal of yard waste, batteries, major appliances, oil, oil filters and oil absorbent materials, and electronic devices. No person may dispose of yard waste, lead acid batteries, major appliances, oil, oil filters and oil absorbent materials, or electronic devices through the weekly garbage collection provided by the town. All such items shall be properly disposed of at the facilities or in the manner

TOWN OF ONALASKA CODE OF ORDINANCES

provided by the town, or otherwise in compliance with all applicable federal, state, county, or town laws or regulations.

(Ord. No. 8, § 5, 1-7-1987; Ord. of 8-3-1988; Ord. of 1-6-1992, § II; Amended 12-14-17)

Sec. 42-23. Dumping prohibited.

(a) It is unlawful to:

- (1) Dispose of, dump or bury garbage, yard waste or refuse, upon any road right-of-way or upon any public or private lands in the town other than upon those lands duly designated and licensed as sites for the disposing, dumping, or burying of garbage, yard waste, or refuse.
- (2) Accept for dumping, burying, or disposing, or allow the dumping, burying, or disposing of garbage or refuse upon private land unless that land is duly designated and licensed as a site for the dumping, disposing, or burying of garbage and refuse.
- (3) Cause or permit garbage, yard waste, or refuse to be placed in such a place or manner that the garbage, yard waste, or refuse can be blown away by the wind, wasted away by water, or conveyed to another location by some other natural process.
- (4) Cause or permit garbage, yard waste, or refuse to fall from any vehicle onto the road or road right-of-way in the town.
- (5) Permit any drain, overflow of sewer from any building, shop, dwelling, pool, or other structure to empty or run into any open sewer, gutter, street, alley, or walk.
- (6) Place, spread, apply, or deposit, in or on any land, public or private, in the town, any sludge, liquid or solid, sewage treatment or raw septic tank or drywall materials without a permit. Permits may be issued by the town board upon written application at least 30 days prior to intended use.

(b) Any person violating this section shall be subject to Section 17-1 of this Code.

(Ord. No. 8, § 6, 1-7-1987; Ord. No. 2012-09-11-2, 9-11-2012)

Secs. 42-24—42-49. Reserved.

ARTICLE III. RECYCLING

DIVISION 1. - GENERALLY

DIVISION 2. - REGULATIONS

DIVISION 1. GENERALLY

Sec. 42-51. Purpose.

Sec. 42-52. Abrogation and greater restrictions.

Sec. 42-53. Interpretation.

Sec. 42-54. Administration.

Secs. 42-55—42-81. Reserved.

Sec. 42-51. Purpose.

The purpose of this article is to promote recycling, composting and resource recovery through the administration of an effective recycling program in the town and to allow the town to comply with Wis. Stats. ch. 287 (Wis. Stats. § 287.01 et seq.) and Wis. Admin. Code ch. NR 544 or their successor provisions.

(Ord. of 6-1-1994, § 1.02; Ord. of 1-4-1995, § 1.02)

Sec. 42-52. Abrogation and greater restrictions.

It is not intended by this article to repeal, abrogate, annul, impair, or interfere with any existing rules, regulations, ordinances, or permits previously adopted or issued pursuant to law. However, whenever this article imposes greater restrictions, the provisions of this article shall apply. Notwithstanding the above, this article supersedes and replaces the town recyclable material collection ordinance, adopted June 1, 1994.

(Ord. of 6-1-1994, § 1.04; Ord. of 1-4-1995, § 1.04)

Sec. 42-53. Interpretation.

In their interpretation and application, the provisions of this article 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 article may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this article is required by Wisconsin Statutes, or by a standard in Wis. Admin. Code ch. NR 544 or its successor chapter and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and Wis. Admin. Code ch. NR 544 standards or its successor chapter in effect on the date of the adoption of the ordinance from which this article is derived, or in effect on the date of the most recent text amendment to the ordinance from which this article is derived.

(Ord. of 6-1-1994, § 1.05; Ord. of 1-4-1995, § 1.05)

Sec. 42-54. Administration.

The provisions of this article shall be administered by the town board or its designee.

(Ord. of 6-1-1994, § 1.08; Ord. of 1-4-1995, § 1.08)

Secs. 42-55—42-81. Reserved.

DIVISION 2. REGULATIONS

Sec. 42-82. Separation of recyclable materials.

Sec. 42-83. Separation requirements exempted.

Sec. 42-84. Care of separated recyclable materials.

Sec. 42-85. Batteries, waste oil, yard waste, and major appliances.

Sec. 42-86. Preparation and collection of recyclable materials.

Sec. 42-87. Responsibilities of owners of multiple-family dwellings.

Sec. 42-88. Responsibilities of owners of nonresidential facilities and properties.

TOWN OF ONALASKA CODE OF ORDINANCES

Sec. 42-89. Prohibitions of disposal of recyclable materials.

Sec. 42-90. Enforcement; citations.

Sec. 42-91. Scavenging or unlawful removal of recyclable materials.

Sec. 42-92. Recyclable materials and solid waste from outside the town.

Sec. 42-93. No dumping of recyclable materials.

Sec. 42-94. Noncollectable materials.

Sec. 42-95. Ownership of recyclable material.

Sec. 42-82. Separation of recyclable materials.

- (a) Occupants of single-family and two- to four-unit residences, multiple-family dwellings and nonresidential facilities and properties shall separate the following materials from post-consumer waste:
- (1) Lead acid batteries.
 - (2) Major appliances.
 - (3) Waste oil.
 - (4) Yard waste.
 - (5) Aluminum containers.
 - (6) Bi-metal containers.
 - (7) Glass containers.
 - (8) Steel containers.
 - (9) Waste tires.
 - (10) Oil filters and oil absorbent materials.
 - (11) Electronic devices.
 - (12) Magazines.
 - (13) Newspaper.
 - (14) Office paper.
 - (15) Numbers 1 through 7 plastic containers.
 - (16) Cardboard.
 - (17) Foam polystyrene packaging.
- (b) The town board reserves the right to designate by order in writing, additional solid waste as recyclable materials to be separated by occupants or to be collected by the town or its contractor and to designate, after a variance has been obtained by the town board from the DNR under Wis. Admin. Code ch. NR 544.114 or its successor provision, currently separated and collected recyclable materials as no longer recyclable material to be separated or to be collected by the town or by its contractors in the town and to add or delete any of these materials or waste from any recyclable material collection services provided for or contracted by the town.

TOWN OF ONALASKA CODE OF ORDINANCES

- (c) The town board shall provide written notice to known occupants-affected by these changes and to any contractor of this written order. Upon any designation notice to known occupants forwarded by first class mail, the town or its contractor may reject any recyclable material waste or material determined to no longer be collected by the town or by its contractor. The town board shall determine the permissible method of disposal of material declared to be nonrecyclable.

(Ord. of 6-1-1994, § 1.11; Ord. of 1-4-1995, § 1.11; Amended 12-14-17)

Sec. 42-83. Separation requirements exempted.

The separation requirements of section 42-82 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 nonresidential facilities and properties that send their post-consumer waste to a processing facility licensed by the state department of natural resources that recovers the materials specified in section 42-82 from solid waste in as pure a form as is technically feasible.
- (2) Solid waste from these occupants which is burned as a supplemental fuel at a facility, if less than 30 percent 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 section 42-82(a) for which a variance has been granted to the town by the department of natural resources under Wis. Admin. Code ch. NR 544.114 or successor provisions.

(Ord. of 6-1-1994, § 1.12; Ord. of 1-4-1995, § 1.12)

Sec. 42-84. (Repealed and reserved 12-14-17)

Sec. 42-85. Batteries, waste oil, yard waste, major appliances, waste tires, oil filters and oil absorbent materials, and electronic devices.

- (a) Residents may contact the Town's contractor directly for removal of lead acid batteries, waste oil, major appliances, waste tires, oil filters and oil absorbent materials, and electronic devices with an additional cost to the resident being possible, or they may make other appropriate arrangements for disposal of such items consistent with all applicable laws.
- (b) Yard waste may be brought to an area so designated by the Town from the third week of March through the third week of November each year, weather permitting. However, private mulching and composting is also encouraged and recommended.

(Ord. of 1-4-1995, § 1.14; Amended 12-14-17)

Sec. 42-86. Preparation and collection of recyclable materials.

- (a) Except as otherwise directed by order of the town board, occupants of single-family and two- to four-unit residences shall do the following for the proper preparation and proper recyclable material

TOWN OF ONALASKA CODE OF ORDINANCES

collection of the separated materials specified in section 42-82(a)(5) through (8) and (12) through (17): to the greatest extent practicable, the materials shall be clean and kept free of contaminations 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. Materials shall be placed in containers provided by the Town.

- (b) The town or its contractor has the right to reject and leave at the curb or roadside, any recyclable material, waste or other materials placed by a person for recyclable material collection by the town or its contractor where these recyclable materials are not prepared according to the specifications of this article.
- (c) No person may place or deposit for recyclable material collection by the town or its contractor, unless the person is exempt under section 42-83 or, unless provided written permission by the town board, any recyclable materials where the recyclable materials have not been properly separated from the waste or other materials as required by order of the town board, as required by Wis. Admin. Code ch. NR 544 or its successor chapter, or is required by this article and where the recyclable materials have not been properly contained in the recycling carts as required by order of the town board or by this article.

(Ord. of 6-1-1994, § 1.15; Ord. of 1-4-1995, § 1.15; Amended 12-14-17)

Sec. 42-87. Responsibilities of owners of multiple-family dwellings.

- (a) Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in section 42-82(a)(5) through (8) and (12) through (17):
 - (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 recyclable material 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 this section do not apply to the owners or designated agents of multiple-family dwellings if the post consumer waste generated within the dwelling is treated as a processing facility licensed by the department of natural resources that recovers for recycling the material specified in section 42-82(a) from solid waste in as pure a form as is technically feasible.

(Ord. of 6-1-1994, § 1.17(B); Ord. of 1-4-1995, § 1.16(A), (B))

Sec. 42-88. Responsibilities of owners of nonresidential facilities and properties.

- (a) Owners or designated agents of nonresidential facilities and properties shall do all of the following to recycle materials specified in section 42-82(a)(5) through (8) and (12) through (17):
 - (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.

TOWN OF ONALASKA CODE OF ORDINANCES

- (3) Provide for the recyclable material 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) The requirements of this section do not apply to the owners or designated agents of nonresidential facilities and properties if the post consumer waste generated within the facility or property is treated at a processing facility licensed by the department of natural resources that recovers for recycling the materials specified in section 42-82(a) from solid waste in as pure a form as is technically feasible.

(Ord. of 6-1-1994, § 1.18(B); Ord. of 1-4-1995, § 1.17(B))

Sec. 42-89. Prohibitions of disposal of recyclable materials.

No persons may dispose of in a solid waste disposal facility or burn in solid waste treatment facility any of the recyclable materials specified in section 42-82(a) which have been separated in the town for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

(Ord. of 6-1-1994, § 1.19; Ord. of 1-4-1995, § 1.18; Amended 12-14-17)

Sec. 42-90. Enforcement; citations.

- (a) Inspection. For the purpose of ascertaining compliance with the provisions of Wis. Admin. Code ch. NR 544 or its successor chapter and compliance with this article, any authorized officer, employee or representative of the town may, pursuant to Wis. Admin. Code ch. NR 544 or its successor provisions, inspect recyclable material in the town separated for recycling, inspect post-consumer waste in the town intended for disposal, inspect any recyclable material collection locations and any other collection facilities, and collection vehicles in the town, including any collection areas for single-family, two to four residential dwelling units, multiple-family dwelling units and nonresidential facilities and properties that are controlled by any occupants, any contractor of the town any permittee collector, or any other person participating in any recycling activity in the town, any solid waste disposal facilities and solid waste treatment facilities and, in addition, inspect any records relating to recyclable material activities or any occupants, any contractor for the town, any permitted collectors or other persons in the town. These records shall be kept confidential by the town board when necessary to protect proprietary information.
- (b) Penalties. Violations of this article shall be enforced by citation pursuant to Section 1-17 of this Code.

Sec. 42-91. Scavenging or unlawful removal of recyclable materials.

No person, unless under contract with the town, unless under permit by the town board or unless provided written permission by the town board, may collect or remove any recyclable material that has been deposited or placed for recyclable material collection by any occupant of the town at the curb or roadside, or at any other location that the town approves by the town board for recyclable material collection. This provision shall not apply to any occupant who has placed recyclable material for recyclable material collection and then withdraws it from recyclable material collection prior to collection.

(Ord. of 1-4-1995, § 1.20)

Sec. 42-92. Recyclable materials and solid waste from outside the town.

No person, unless provided written permission by the town board, may deposit or place for recyclable material collection by the town or its contractor at any location in the town, any recyclable wastes or other materials, where these recyclable materials, wastes, or other materials have been generated from sources outside the town.

(Ord. of 1-4-1995, § 1.21)

Sec. 42-93. No dumping of recyclable materials.

- (a) No person, unless provided written permission by the town board, may litter, dispose, discharge, or dump any recyclable material in any road, highway, road right-of-way, waters, street, alley, or other public land or location, within the town; unless it is deposited or placed properly for collection in the proper carts in the proper manner, date, time, and location specified in this article or as authorized and specified by the town board.
- (b) No person shall litter, dispose, discharge, or dump any recyclable material upon private or public land.

(Ord. of 1-4-1995, § 1.22)

Sec. 42-94. Noncollectable materials.

No person, unless provided written permission by the town board, may deposit or place for any recyclable material collection by the town or its contractor, at any location in the town any of the following recyclable materials, wastes, residuals and other materials:

- (1) Hazardous wastes, including household hazardous wastes.
- (2) Toxic wastes.
- (3) Free liquid in any containers, including paints and solvents.
- (4) Pesticides.
- (5) Medical wastes.
- (6) Asbestos.
- (7) Sludge wastes.
- (8) Industrial or commercial wastes.
- (9) Waste from pollution control equipment.
- (10) Residue and debris from clean-up of a chemical discharge or chemical residue and debris from any facility or operation using chemicals in any commercial, agricultural or industrial processes.
- (11) Hazardous and toxic demolition and construction wastes and demolition and construction wastes containing asbestos.
- (12) Bio-medical wastes.
- (13) Septage (human or otherwise) wastes.
- (14) Animal fecal wastes.
- (15) Dead animals.

TOWN OF ONALASKA CODE OF ORDINANCES

- (16) Wood treated with chemical preservatives.
- (17) Explosive materials.
- (18) Contaminated recyclable materials as determined by the town board or its contractor.
- (20) White goods.

(Ord. of 1-4-1995, § 1.23)

Sec. 42-95. Ownership of recyclable material.

Any recyclable material, waste, or other material not rejected by the town, its employees, agents, or by any of its contractors in its recyclable material collection upon its placement by an occupant in the recyclable material carts, shall become the property of the town, unless the town has a contract to the contrary.

(Ord. of 1-4-1995, § 1.24)

ARTICLE IV. LOCAL APPROVAL FOR FACILITY SITING REQUIRED

Sec. 42-96. Local approval for facility siting required.

- (a) This ordinance provides for the regulation by permit of the construction, maintenance, operation, closure, and long-term care of certain waste treatment, disposal, and storage facilities or sites in the town.
- (b) Definitions. In this ordinance:
 - (1) "Hazardous waste" means any solid waste identified by the State of Wisconsin, Department of Natural Resources as hazardous under § 291.05 (1), (2), or (4), Wis. stats.
 - (2) "Hazardous waste facility" means a site or structure for the treatment, storage, or disposal of hazardous waste and includes all of the contiguous property under common ownership or control surrounding the site or structure.
 - (3) "Solid waste" means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, and other discarded or salvageable materials, including solid, liquid, semisolid, or contained gaseous materials resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solids or dissolved materials in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permits under chapter 283, Wis. stats., or source material as defined in § 254.31 (1), Wis. stats., special nuclear material as defined in § 254.31 (11), Wis. stats., or by-product material as defined in § 254.31 (1), Wis. stats.
 - (4) "Solid waste disposal" means the discharge, deposit, injection, dumping, or placing of any solid waste into or on any land or water. "Solid waste disposal" does not include the transportation, storage, or treatment of solid waste.

TOWN OF ONALASKA CODE OF ORDINANCES

- (5) "Solid waste facility" means a facility 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, land disposal sites, incinerators, transfer stations, storage facilities, collection and transportation services, and processing treatment and recovery facilities. "Solid waste facility" includes the land where the facility is located. "Solid waste facility" does not include any of the following:
- i. 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.
 - ii. A facility that 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.
 - iii. An auto junkyard or scrap metal salvage yard.
 - iv. Any facility exempt from town regulation by state law or regulation, including certain demolition facilities.
- (6) "Solid waste storage" means the holding of solid waste for a temporary period, at the end of which period the solid waste is to be treated or disposed.
- (7) "Solid waste treatment" means any method, technique, or process that is designated to change the physical, chemical, or biological character or composition of solid waste, including incineration.
- (c) Coverage.
- (1) No person may construct, operate, maintain, close, or provide long-term care of any solid waste facility or hazardous waste facility in the town without a permit issued by the town board under this ordinance.
 - (2) The permit under this ordinance shall be considered a local approval, as defined in § 289.33 (3) (d), Wis. stats., subject to the requirements of § 289.22, Wis. stats.
 - (3) The permit application fees shall be established annually by resolution of the town board. The permit shall be issued by the town board or its designees prior to any person commencing any form of construction, operation, maintenance, closure, or long-term care of any facility or site in the town that is subject to this ordinance.
- (d) Application and permit. The application for the town permit under this ordinance shall designate the legal premises to be used by the permitted person for the proposed use, site, or facility. The permit may not be amended if the person changes premises in the town. The permit is not transferable from one person to another. The application for the permit shall, at minimum, contain all of the following:
- (1) The name of the applicant and the name of any agent for the applicant.
 - (2) The address of the applicant.

TOWN OF ONALASKA CODE OF ORDINANCES

- (3) The address and legal description of the premises for the facility or site and the current owner of the premises.
 - (4) The age of the applicant, if a natural person not over the age of 18 years.
 - (5) The type and use of the facility or site to be constructed, operated, maintained, closed, or provided long-term care at the premises.
 - (6) The length of time in years for construction of the facility, if applicable.
 - (7) All local approvals, licenses, or permits necessary for the applicant to obtain for the facility prior to any construction, maintenance, operation, closure, or long-term care.
 - (8) All federal or state approvals, licenses, or permits necessary for the applicant to obtain for the facility prior to construction, maintenance, operation, closure, or long-term care.
 - (9) The proposed length in years of operational time for actual disposal, treatment, or storage operations at the facility.
 - (10) The current and proposed zoning and land use plan for the facility premises, if any.
 - (11) The projected amount, type, and source of solid waste or recyclable material to be disposed, stored, or treated at the facility on an annual basis.
 - (12) The projected type, source, and amount of hazardous or toxic waste to be stored, treated, or disposed at the facility on an annual basis.
 - (13) Copies of all feasibility reports and plan of operations submitted or to be submitted to the State of Wisconsin, Department of Natural Resources.
 - (14) The financial security projected to be provided by the applicant to insure compliance with the permits as issued and with any other approvals.
 - (15) Any public nuisance or threats to the public health or safety known by the applicant that are located at or near the proposed or current waste location.
 - (16) Any other information regarding the construction, operation, closure, or long-term care of the facility requested by the town in the application form.
- (e) Exemptions. All of the following facilities, sites, or uses in the town are exempt from this ordinance:
- (1) A facility or site under § 289.43 (5), Wis. stats., used for the collection of recyclable material or for the dumping for disposal of waste, including garbage or refuse, on the property where it is generated from a single family or household in the town, a member of which is the owner, occupant, or lessee of the property; provided that any such waste, garbage, refuse, or recyclable material to be disposed or collected in the town is placed in a suitable dumpster or container, or is stored in another way as not to cause a public or private nuisance.
 - (2) The use of sanitary privies and what are commonly known as seepage beds, holding tanks, or septic tanks that conform to applicable ordinances in the town.

TOWN OF ONALASKA CODE OF ORDINANCES

- (3) The discharge of human waste products into any public sewerage system located within the town, or of the landspreading of human waste products on lands in the town.
 - (4) A farm facility on which only animal waste, resulting from the operation of that farm, is disposed at the facility.
 - (5) Any dumping or disposal operation, any storage, treatment, dump, or disposal site, or any recyclable material facility directly under the direction and control of the town.
 - (6) Any existing waste facility or site operating upon the effective date of the ordinance with the current waste uses or activities at the facility or site that may or may not be subject to any preexisting town ordinance. Any new waste, storage, disposal, or treatment uses or activities after the effective date of this ordinance, or any expansion of the capacity of the facility or site after the effective date of this ordinance, shall be subject to this ordinance.
 - (7) Any demolition or other waste facility, including any landspreading of wood, ash, or sludge site exempt under § 289.43, Wis. stats.
 - (8) Any alcohol fuel production system exempt under § 289.44, Wis. stats.
 - (9) Any fruit and vegetable waste facility exempt under § 289.445, Wis. stats.
 - (10) Any recyclable material collection facility approved for collection or processing operations by La Crosse County, the town, or any responsible unit under § 287.09, Wis. stats.
 - (11) Any solid waste facility or hazardous waste facility or site that was permanently closed prior to the effective date of the ordinance.
 - (12) Any solid waste or recyclable material collection container or dumpster for solid waste and recyclable material disposal and collection used by the public that is provided by any federal, state, county, or town agency; provided however that any waste, garbage, refuse, or recyclable material to be disposed or collected in the town is placed in a suitable dumpster or container, or is stored in another way so as not to cause a public or private nuisance.
 - (13) Any solid waste collection container or dumpster for solid waste and recyclable material, disposed and collected by the public provided by any person in the town; provided however that any waste, garbage, refuse, or recyclable material to be disposed or collected in the town is placed in a suitable dumpster or container, or is stored in another way as not to cause public or private nuisance.
 - (14) Any open container or other system used to burn nontoxic or nonhazardous material in a lawful manner and so as not to cause a public nuisance in the town.
- (f) Specific ordinance and permit provisions.
- (1) No person may be issued or reissued a permit in the town under this ordinance until the appropriate application fee has been paid by the applicant to the town clerk.
 - (2) No person may be issued or reissued a permit under this ordinance who has failed to properly and fully complete and submit to the town clerk complete and truthful responses on the application form developed and provided by the town.

TOWN OF ONALASKA CODE OF ORDINANCES

- (3) No person may be issued or reissued a permit in the town under this ordinance, and any permit may be revoked or suspended after a public hearing by the town board, if the facility applicant or the permittee fails to do any of the following:
- i. Obtain and maintain for a proposed or existing facility or site all necessary approvals, licenses, or permits from the appropriate town, La Crosse County, state, and federal agencies.
 - ii. Comply with all conditions and restrictions attached by the town board to the permit issued under this ordinance by the town board.
 - iii. Timely prevent or timely limit specific public nuisances or potential threats to the public health and safety at or adjacent to the facility caused by the applicant or permittee at or near the existing site or facility upon notice of such public nuisance or threats by the town board.
- (4) The town board may, in order to prevent public nuisances, protect the public health, and protect the environment in the town, require specific conditions or restrictions to be attached to any permit issued by the town board under this ordinance. These conditions or restrictions, if applicable, shall be complied with during the construction, operation, maintenance, closure, and long-term care operations of the facility or site by the enjoin further violations. permittee or applicant.
- (g) Penalty provisions. Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than \$500 nor more than \$1,000, plus the application surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance. In addition, the town board may seek an injunctive relief from a court of record to prevent any unlawful activity.

State Law reference—local approval, Wis. Stats. § 289.22.