

SECTION I Purpose, Applicability, Exceptions and  
Definitions for Transportation, Disposal,  
Storage and Treatment of Solid Waste

A. Upon enactment this ordinance (Ordinance) shall regulate, apply to and govern all persons or locations engaged in or encompassing the transportation, disposal, storage and treatment of solid waste in the Town of Morrison (TOWN), including upon TOWN Roads. Such transportation, disposal, storage or treatment shall be permitted only under the terms and conditions set forth by this Ordinance.

B. The following shall not be deemed to come within the scope of this Ordinance:

1. Transportation, disposal, storage or treatment of animal waste resulting from an agricultural enterprise located within the TOWN.

2. Solid or hazardous waste facilities (collectively, Facilities) within the TOWN that are or were licensed by the Wisconsin Department of Natural Resources (DNR) and in operation on the date of adoption of this Ordinance or when this Ordinance is specified as not applicable under ch. 144, Wis. Stats., or a negotiated agreement or arbitration award thereunder. However, Expansion of these existing Facilities shall be within the scope of this Ordinance.

3. Sanitary privies, seepage beds, septic tanks or the disposal of human waste products into any public sewerage system located in the TOWN.

C. The following definitions set out in sections II through Section VI shall apply to this Ordinance unless a different meaning appears from the context:

1. Active fill area: means the cells designed and constructed at the Facility that are to be used for disposal of Solid Waste.

2. Applicant: means a person applying for a license under this Ordinance to construct, operate or maintain a Facility for the disposal, treatment or storage of Solid Waste or for the transportation of Solid Waste on any TOWN Road.

3. Closure or final closure: means the date on which time no further Solid Waste may be accepted at the Facility pursuant to any license issued under this Ordinance or any License, plan of operation or plan or order of closure of the DNR, whichever date is earlier.

4. DNR: means the Wisconsin Department of Natural Resources or its successor agency.

5. Dispose, Disposing or Disposal: means the discharge, deposit, injection, dumping, placing, littering, discarding, burying, throwing, emitting,

emptying or abandoning of any Solid Waste, into or on any private or public land or on or into any water or air within the TOWN. This term does not include the storage or treatment of Solid Waste.

6. Emergency or emergencies: means an unforeseen circumstance that jeopardizes the public health or safety or the property of the TOWN or its residents.

7. Expansion: means an increase in licensed capacity for disposal, treatment or storage of Solid Waste at an existing Facility, at or adjacent to the existing Facility.

8. Garbage: means discarded putrescible animal or vegetable refuse resulting from the handling, serving, preparing, processing, storing or consuming of food.

9. Generate, Generating or Generated: means the act or process that results in the formation of Solid Waste or by-products.

10. Hazardous Waste: means any solid waste, including petroleum products or substances, and which meets the definition of hazardous waste in Chapter 144, Wis. Stats., its successor chapters, the federal Resource Conservation and Recovery Act (RCRA0,

Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), Toxic Substance Control Act

(TSCA), Clean Air Act (CAA) or identified as hazardous waste by any regulations established by the DNR or the United States Environmental Protection Agency (USEPA).

11. Hazardous Waste facility: means a facility for the treatment, storage or disposal of Hazardous Waste and includes the land where the facility is located.

12. Incinerating, Incinerators or Incineration: means any technique or process of controlled burning of Solid Waste primarily to achieve volume reduction and/or to change waste characteristics or capture the heat content of the burnables but does not include open burning.

13. Landspreading: means the Disposal of solid waste in thin layers onto the land surface and/or the incorporation into the top several feet of the surface soil for agricultural, silvicultural and/or solid waste disposal purposes.

14. Leachate: means water or other liquid which has been contaminated by dissolved or suspended materials due to contact with Solid Waste or gases therefrom.

15. Long term care: means the routine care, maintenance and monitoring of a Facility after closure.

16. Mining solid waste: means all waste soil, rock, mineral, liquid, vegetation and other material,

except merchantable by-products, directly resulting from or displace by prospecting or mining or from the beneficiating, concentrating or refining of minerals and shall include all waste materials from other sources deposited on or in a prospecting or mining site.

17. Open burning: means combustion of Solid Waste where the products or combustion are emitted directly to the ambient air without passing through a stack or a chimney. Open burning does not include the combustion of solid waste occurring at a properly operated and licensed air curtain destructor or Incinerator.

18. Polychlorinated Biphenyls (PCBs): means the class of organic compounds generally known as polychlorinated biphenyls and includes any of several compounds produced by replacing two (2) or more hydrogen atoms on the biphenyl molecule with chlorine atoms.

19. Person: means any natural individual, firm,

sole proprietorship, trust, partnership, association, corporation or municipality, and also means any responsible member, officer, agent, and employee thereof.

20. Principal structure: means a residential use, 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.

21. Processing: means any technique used to facilitate or further transform, shape, compact or utilize Solid Waste to wit: techniques such as baling, shredding, pulverizing, composting or separating.

22. Recoverable Solid Waste: means Solid Waste

which through separation, processing or Incineration will be converted into useable materials, products or energy.

23. Remedial Action: means those actions consistent with a permanent remedy in the event of a release or threatened release of Solid Waste (Release) into the environment, to prevent, ameliorate or minimize the release so that the contaminants do no

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, storage or confinement by perimeter protection using dikes, trenches or ditches, placing of a clay cover, neutralization, removal of Releases wastes, recycling or reuse, diversion, destruction, segregation, dredging or excavation, repair or replacement of leaking containers, collection of leachate and run-off, on-site treatment or Incineration, the providing of alternative water supplies, and any monitoring of the groundwater, surface water or air reasonably required to assure that such actions protect the public health and welfare or the environment. The term also includes the permanent

relocation of residents where the TOWN determines such relocation is more cost-effective than and environmentally preferable to the transportation, storage, treatment, destruction or secure disposition off-site of Hazardous Wastes.

24. Removal Action: means the short term actions to mitigate, contain or remove Released substances for off-site treatment, storage or disposal and such other actions as may be necessary in the event of Release to monitor, assess and evaluate the

Release. The term also includes without being limited to: security fencing or other measures to limit access to a Facility or operations related thereto, the providing of temporary alternative water supplies to residents of the TOWN, temporary evacuation and housing of residents of the TOWN.

25. Sludge: means any solid, semisolid or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant or air pollution control facility or any other waste having similar physical characteristics.

26. Solid Waste: means any nonhazardous waste identified as garbage, ash, litter, rubbish, refuse or putrescible material 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 which are not hazardous Wastes. Solid waste does not include Hazardous Wastes, Mining Solid Waste, solids or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Chapter 147, Wis. Stats., or its successor chapter or source, special nuclear radioactive material or by-product material as defined under sec. 140.52, Wis. Stats., or its successor provisions.

27. Solid Waste Facility: means a facility in the TOWN for solid waste Treatment, Storage or 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 operations and processing, treatment and recovery facilities. This term does not include a Hazardous Waste Facility. This term does not include: 1) 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; 2) 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; or 3) an auto junk yard, scrap metal salvage yard or a facility for the processing of minerals or mining refuse.

28. Store, Storing or Storage: means the accumulating or holding of solid waste for a period exceeding ninety (90) days.

29. Treat, Treating or Treatment: means any technique or process which is designed to change the physical, chemical or biological character or complexion of Solid Waste. Treatment includes Incineration.

## SECTION II Disposal Regulations for Solid Waste

A person (Person), who is a resident residing within the TOWN, or a person who is occupying a residential, commercial or industrial site located within the TOWN, shall remove from the residence or site for Storage, Disposal or Treatment at a solid

waste facility that solid waste which is generated at the residence or site at least every two weeks, unless the solid waste is processed at the residence or site consistent with this Ordinance or unless such solid waste is placed in appropriate solid waste collection containers and accumulated in such manner as to not create a private or public nuisance. A Person shall remove from the residence or site for Storage, Disposal or Treatment to a Facility all other Solid Waste which is generated at the residence or site as follows: at least once per month if the solid waste is accumulated inside the principal structure; or once every two weeks if the solid waste is accumulated outside the principal structure.

### SECTION III Disposal, Treatment and Storage of Solid Waste

A. No Person shall Dispose, Store or Treat within the TOWN any Solid Waste, except as noted in Section II and as follows:

1. A Person may Dispose, Store or Treat Solid Waste at a Facility located within the Town, only if the Facility is validly licensed by the TOWN, for the Disposal, Storage or Treatment of the type of Solid Waste being transported to or generated at the

Facility.

2. A person who is a resident within the TOWN or a Person who is occupying a residential, commercial or industrial site located within the TOWN, may dispose and accumulate solid waste which has been generated at the residence or at the site in authorized solid waste collection containers not located at the residence or the site, but located within the TOWN, if the TOWN by ordinance: 1) authorizes disposal and storage of solid waste in off-site solid waste collection containers; 2) establishes the type, amount and source of solid waste authorized for disposal and storage in these off-site containers; 3) establishes requirements to regulate and control the disposal, storage, collection and transportation of solid waste at these off-site solid waste containers; and 4) approves the site locations for such off-site solid waste collection containers. A person who Disposes or Stores solid waste under this provision shall fully comply with any applicable licenses, permits, conditions, regulations or requirements as may be established by the TOWN through ordinance or permit condition and any other more stringent condition established by the owner or operator of the off-site collection containers.

3. A Person who resides within the TOWN may dispose at the residence or accumulated in solid waste collection containers at the residence, garbage and other solid waste generated at the residence when in compliance with section II. federal and state laws and regulations, by this Ordinance and by any other ordinance established by the TOWN. For the purposes of this subparagraph only disposal may consist of Open and Burning provided such burning does not create nuisance conditions or is contrary to county or state laws, ordinances or regulations.

4. A Person who is occupying a residential, commercial or industrial site located within the TOWN may dispose at the site or accumulate in solid waste collection containers at the site, garbage and other solid waste generated at the site, when in compliance with Section II.

5. A Person who is a resident within the TOWN or a person who is occupying a residential, commercial or industrial site located within the TOWN, may dispose and accumulate authorized recyclable solid waste, which has been generated at the residence or at the site, at authorized off-site recycling centers within

the TOWN if the TOWN by ordinance: 1) authorizes the disposal and accumulation of off-site recyclable solid waste; 2) establishes the type, source and amount of recyclable solid wastes authorized for disposal and accumulation at the off-site recycling centers; 3) establishes requirements to regulate and control the Disposal, accumulation, Storage, collection and transportation of solid waste at these off-site recycling centers; and 4) approves the site locations for such off-site authorized recycling centers.

6. A Person who resides within the TOWN or a person who is occupying a residential, commercial or industrial site located within the TOWN, may Dispose and Treat solid waste, including by landspreading, Incinerating or processing the Solid Waste at the residence or at the site if the landspreading, Incinerating or processing the Solid Waste at the residence or at the site if the landspreading, Incinerating or processing does not create a public or private nuisance and if the quantity of solid waste

that is landspread, Incinerated or processed was generated exclusively at the residence or at the site. Landspreading activities exempt under state law or regulations shall be exempt from this Ordinance.

B. No person shall Dispose, Store or Treat any Solid Waste within the TOWN, except as provided in Section II and except as provided in the above-noted subsection (A), unless the person has received and complies with a valid license for a Facility from the Town Board and the license specifically authorizes Disposal, Storage or Treatment Operations at the Facility. Each license issued pursuant to this Ordinance shall contain as a condition thereof that the license incorporates and the licensee shall fully comply with all federal and state licenses, permits, conditions thereof, regulations, and laws pertaining to the Facility. In the event of a conflict the most stringent condition of any federal, state or TOWN license, permit, regulation, law or ordinance shall apply.

C. Any person Disposing, Storing, Treating, any Solid Waste in the TOWN, except as authorized by this Ordinance, shall notify the TOWN Clerk in writing within twenty-four (24) hours of knowledge of such occurrence and shall detail in this notification 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 occurrences to the TOWN and its residents and to comply with any orders or regulations of the DNR, USEPA and any other state or federal agency having jurisdiction in the matter.

SECTION IV Disposal, Storage and Treatment of  
Hazardous Waste

A. No Person shall Dispose, Store or Treat any polychlorinated biphenyls (PCBs), any chlorinated dibenzo-dioxins and dibenzofurans (Dioxins) or any radioactive material within the TOWN.

B. No Person shall Dispose, Store or Treat any other Hazardous Waste within the TOWN, except as follows:

1. A person, who resides within the TOWN or a person who is occupying a residential, commercial or industrial site located within the TOWN, may accumulate 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:

a. the Person removes the hazardous waste from the residence or site within ninety (90) days of Generation and transports the Hazardous Waste for Disposal, Storage or Treatment to a Hazardous Waste Facility licensed by the DNR or by the USEPA; and

b. the Person holds the accumulated Hazardous Waste in an area at the residence or at the site that is entirely enclosed or roofed structure with limited or restricted

access; and

c. the Person holds the accumulated Hazardous Waste in an area that does not exceed one thousand five hundred (1,500) square feet.

C. No person may Dispose, Store or Treat any Hazardous Waste within the TOWN, except as provided in subsection (B), unless the person has received and is in compliance with a valid license for a hazardous waste facility from the TOWN. The license must specifically authorize the Disposal, Storage or Treatment of the Hazardous Waste at the Facility.

SECTION V Constructing, Maintaining and Operating A Solid Waste Facility

No Person, shall construct, maintain or operate a solid waste facility for disposal, storage or treatment of solid waste within the TOWN, unless the person has received a valid license from the Town Board specifically authorizing construction, maintenance and operation of a solid waste facility. Upon issuance of the license, the License shall fully comply with conditions therein.

SECTION VI Constructing, Maintaining and Operating A Hazardous Waste Facility

No person shall construct, maintain or operate the waste handling portion of a Hazardous Waste facility for Disposal, Storage or Treatment of Hazardous Waste within the TOWN limits, unless the person has received a license

from the Town Board authorizing the construction, maintenance or operation of the Hazardous Waste Facility. Upon issuance of the license, the Licensee shall fully comply with the conditions therein.

SECTION VII License Application/Bond/Hearing and License Issuance for a Solid Waste Facility or Hazardous Waste Facility

A. Applications for the licensing of a Facility under this ordinance shall be filed by the Applicant with the TOWN Clerk in writing on a form provided by the TOWN Clerk and accompanied by the initial application which shall be in the amount of Five Thousand Dollars (\$5,000), unless waived or reduced by the Town Board. No application shall be accepted by TOWN Clerk until the Applicant has submitted and has had approved by the DNR an initial site report and feasibility report required pursuant to Chapter 144, Wis. Stats., or its successor chapters. In addition, the Town Board may charge the applicant an additional application fee to fully or partially reimburse the TOWN for appropriate and necessary costs and expenses incurred by the TOWN in the processing of the application, including, but not limited to, costs and reasonable expenses incurred by the TOWN for attorneys' fees and experts' fees related to the application process. As a further condition of a License, including a license for transportation issued under Section IX A.1, the Town Board

may require that Applicant to show that all claims by owners of property for compensation due to the diminished value of property located within a one mile radius of the Facility caused by the presence, operation or closure requirements places on the Facility have been compromised or will be resolved by adjudication before the effective date of the License. The total application fees to the applicant, including the initial application fee, shall not, however, exceed Twenty Thousand Dollars (\$20,000) for any application. A license is not assignable. All information provided in the application shall be accompanied by a sworn statement, under oath or affirmation, by the applicant, stating that the information provided within the application was obtained under his supervision and direction, after diligent inquiry, and is true and factual to the best of his knowledge and belief.

B. No license shall be issued or be effective unless there is on file with the TOWN treasurer a cash bond or a bond with a corporate surety, duly licensed in the State of Wisconsin, in penal amount to be set by the Town Board not to exceed Five Million Dollars (\$5,000,000.00) to assure that:

1. The applicant and its representatives, and assigns will comply with all the terms, conditions, provisions, requirements, commitments,

indemnifications and specifications contained in this ordinance, any license issued thereunder or a sworn statement signed by the applicant pursuant to this Ordinance.

2. If a corporate bond is offered, it shall be executed by a company authorized to transact business in the State of Wisconsin. If a cash bond is offered, it shall be deposited with the TOWN Treasurer, who shall give an official receipt therefor reciting that said cash has been deposited in compliance with and subject to provisions of this Ordinance.

3. Failure by the applicant to maintain the approved bond, during the period of the license, shall automatically terminate the license. Upon the failure to maintain the approved bond by the applicant, the TOWN Board shall have the right to obtain a court order that will terminate any future Disposal, Storage or Treatment operation (collectively Operations) and that will require immediate final closure of the Facility.

Before acceptance of the bond, the bond shall be approved by the TOWN Board.

C. Prior to any general public hearing on the application for license, the TOWN Board shall examine the application and any other plans or pertinent information

submitted by the applicant. The TOWN Board shall then commence investigation of the proposed Facility.

The TOWN Board 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 TOWN or the COUNTY or create a hazard, nuisance or detriment to the public health or safety to the residents of the TOWN. The TOWN Board shall also determine what, if any, effects or impacts such proposed Facility may have for the future upon the character of the local neighborhood, traffic conditions, municipal services and costs, public utilities needs, and any other effects and impacts pertinent to the short term and long term health, environmental, financial, safety and welfare conditions of the TOWN and its residents.

Prior to issuance or denial of any license and at least ninety (90) days after the TOWN Board deems the application for license complete TOWN Board approves the financial surety and receives the initial application fee from the applicant, there shall be a general public hearing on the application for a license.

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. 985.07, 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.

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 in regard to any determination which may later be made upon any such application for license.

4. The applicant shall have the right to appear at the public hearing and to describe orally and with written documentation the proposed Facility. The applicant and the TOWN may be represented by legal counsel and may present evidence with any witnesses. The testimony of all witnesses is subject to examination and cross-examination under oath. The public hearing may upon request by the applicant or the TOWN Board be recorded, with any expense for the recording to be paid by the applicant.

D. The application for license shall be acted upon by the TOWN Board within Sixty (60) days after the general public hearing, except that if the Board adopts a siting resolution under sec. 144.445, Wis. Stats., (1985-86) or its successor provisions. The 60-day period for acting

upon the application as noted above shall not be applicable until a negotiated written agreement has been signed and approved by all necessary parties under

sec. 144.445, Wis. Stats. (1985-86), 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.

E. The TOWN Board shall evaluate the proposed license for the Facility and any conditions to be attached to the license based on information provided in the application, additional written information requested of the applicant by the TOWN Board, the evidence elicited at the general public hearing and other pertinent information received from the applicant, any county, state and federal agency or from any other interested persons. The TOWN Board shall specifically consider the following in its determination on licensure and any conditions which may be attached to the license:

1. Reports and recommendations received by the TOWN Board from other units or agencies of Federal or State government and any agent, counsel or expert employed or retained by the Town.

2. The potential short term and long term effects and impacts of the proposed Facility based on the proposed location, including its effects or

impact 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, and existing topography and vegetation;

f. current and future land uses and land values;

g. soil erosion;

h. Town and County zoning and Town and County planning;

i. Town appropriations and revenues;

j. public safety and health of the Town residents; and

k. Existing wildlife habitat and existing domestic animals.

3. The potential for the applicant, based on the application submitted, to fully comply with the conditions and regulations enumerated in this Ordinance and with all of the conditions included in the license.

F. 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 the next year. The Applicant shall reapply to the Town Clerk for the annual

license at least One Hundred and Twenty (120) days in advance of the June 30 deadline. The filing procedure and fees established for reapplication and reissuance shall be the same as the initial application process. Upon determination by the TOWN Board that the reapplication is

complete, the TOWN Board may waive the requirements for public hearing and waive or reduce the application fee.

The license shall not be transferable. Any transfer of ownership, operation, maintenance or possession or control of the Facility by the applicant shall automatically terminate the license. No license shall be issued or reissued by the TOWN until sufficient proof has been provided to the TOWN Board by the applicant that only the applicant will operate and maintain the Facility during the licensure period.

The license shall not be deemed reissued until the TOWN Clerk receives the relicensing fee, written acknowledgment of the receipt of the reissued license by the applicant and written acknowledgment by the applicant of the applicant's intent to comply with this Ordinance, the reissued license and each condition attached to the reissued license. Failure by the applicant to submit written acknowledgment or agreement to fully comply within fifteen (15) days of receipt, shall be deemed as withdrawal of reapplication by the applicant.

SECTION VIII Revocation of License and Appeal on  
Revocation of License

Any license issued to an applicant under provision of this Ordinance may be revoked by the TOWN Board for any violation of the Facility's license related to Operations, mishandling or willful or grossly negligent release of Solid Waste or violations of this Ordinance. Revocation will only be effective after a public hearing has been held by the TOWN Board 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, provide written acknowledgment of intent to comply with the License or the transfer or assignment by the applicant of ownership, operation, maintenance, possession or control of the Facility. The TOWN Board may, if necessary, seek to enforce this Ordinance or any License issued under it through court order enjoining any person or applicant from continued or future construction, operation, maintenance, transportation, Storage, Treatment or Disposal of Solid Waste at the Facility, including where the person or applicant has violated any condition of the License or this Ordinance or has caused or contributed to a public nuisance at or near the Facility.

Any proper appeal by a person for revocation by the TOWN Board of a License shall be reviewed as provided in

Chapter 68, Wis. Stats., or its successor provisions.

SECTION IX General Regulations Regarding Solid Waste  
and Hazardous Waste Facilities

The following general Ordinance provisions shall be applicable to persons constructing, operating, maintaining, closing or providing long term care at a Facility in the TOWN or any Person transporting Solid Waste to and from a Facility through the TOWN.

A. Transportation Requirements

1. No Person including any Person licensed by the TOWN (Licenses), shall use any TOWN roadway as a route of travel for construction, operation, maintenance, closure, or long term care of a Facility or the transportation of Solid Waste to or from a Facility or through the TOWN, unless that roadway is established and authorized by the TOWN Board as a designated roadway for travel for such purposes and unless the Person fully complies with all TOWN roadway regulations and orders and obtains a license therefor. The TOWN Board may condition the effective date of the license under this paragraph as specified in Section VII. A.

2. Any Person transporting Solid Waste or materials for the construction, operation, maintenance, closure and long term care of a Facility through the TOWN shall use vehicles that are constructed, operated and filled

in such a manner to prevent any portion of the Solid Waste or other materials from discharging, leaking, spilling, falling or escaping from the vehicle onto any public or private property in the TOWN, including but not limited to any road, street or alley.

3. Any Person transporting Solid Waste or the materials for constructing, operating, maintaining, closing or providing long term care at a Facility on

any TOWN roadways shall only transport such Solid Waste or materials during the hours and days established and authorized by the TOWN Board.

4. Every Licensee shall prepare a list of authorized transporters who will be allowed to transport Solid Waste or other materials to or from the Facility. The list which shall contain at least the names, addresses and telephone numbers of the authorized transporters and shall be filed with the TOWN Clerk prior to commencement of Operations. A Facility may only accept Solid Waste from a Person whose name, address and telephone number appears on the Facility's list of transporters.

B. Report Requirements

1. Each Licensee shall file an annual written report by April 1 with the TOWN Clerk with an attached

sworn statement verifying the completeness of the enclosed report, detailing the following: the prior year's disposal in cubic yards and tons; all storage and treatment activity at the Facility; the type or types of Solid Waste Disposed, Stored or Treated during that prior year; the source or sources of any Hazardous Waste delivered to, Disposed at, Stored, accumulated or Treated during that prior year; and the names and addresses of all responsible parties authorized to manage and control the daily Operations.

In addition the person shall provide any or all of the following if requested by the TOWN Board:

a. Copies received by the Licensee during the prior year of any groundwater, gas, leachate and air quality testing or monitoring data related to the Facility or properties in the vicinity of the Facility.

b. Copies received by the Licensee, during the prior year, of all correspondence, reports, citizen complaints and inquiries and any administrative documents and court documents related to the compliance with federal or state laws or regulations pertaining to storage, treatment, disposal or handling of Solid Waste and which pertain to the Facility.

2. Every Licensee shall require all persons transporting Solid Waste to or form the Facility during Operations to complete and sign a form at the time of entering the Facility, noting on the form the following:

1. The source of the waste.
2. The type of waste.
3. The amount of waste.
4. The date of disposal, storage or treatment.
5. The name and address of the authorized transporter.
6. The signature of the authorized transporter or the transporter's agent.

Copies of these forms shall be kept on the premises at all times during the Operations and shall be available to the TOWN Board upon request for review and copying.

3. Every Licensee shall report during construction, operation, maintenance, closure and long term care of the Facility within Twenty-Four (24) hours, in writing to the TOWN Clerk, any information received by the Licensee, regarding the following occurrences related to or at the Facility:

a. Any Hazardous Waste not covered by the terms of the License which enter or exit the Facility whether or not Disposed, Stored or Treated at the Facility.

b. Any permanent, emergency or temporary conditions which may or did require closing of the Facility, including for fire, explosion, other public reconstruction of the Facility.

c. Any notice or other document relating to a government ordered closing of the Facility.

d. Any transfer or assignment of ownership, possession, control or operation of the Facility.

C. Operation Requirements

1. Notwithstanding Licensure under this Ordinance, the TOWN may commence and maintain an action under statutory or common law nuisance against any person, including a Licensee, who creates or continues a nuisance at the Facility or in the transportation of Solid Wastes to or from a Facility or through the TOWN. This remedy shall be in addition to the revocation procedures available under Section VIII above.

2. Every Licensee shall daily inspect the Facility and roadways used to transport Solid Waste to or from the Facility and when appropriate, remove any Solid Waste disposed or discharged on the roadways or right-of-ways.

3. Every Licensee shall cover or spray all roads and haulways at the Facility with sufficient and necessary materials, including water, to eliminate blowing dust.

4. Every Licensee shall:

a. 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 the discharging of other materials from the Facility;

b. provide and maintain appropriate and necessary physical and personnel security

protections including fences and lockable gates;

c. lock any unlocked gates at the Facility except during authorized hours of Operations or except during emergencies;

d. conduct the Operations in such a manner that dust, dirt, debris or other materials will not be carried by wind across the boundary of the Facility onto adjoining properties; and

e. provide the sufficient cover materials for the Solid Waste at the end of each operational day and at such other times of an operational day when wind conditions warrant, to prevent blowing papers and unsightly conditions at the Facility.

5. Every Facility shall have an attendant at the Facility whenever Operations are occurring. An attendant shall be "on call" to respond to emergencies whenever Operations are not occurring at Facility. The Licensee shall provide to the TOWN Clerk in writing the names, addresses and telephone numbers of all attendants who will be at the Facility during Operations or who will be "on call".

6. Every Licensee shall provide to the TOWN Clerk a list of the names, addresses and telephone numbers of the individual who (are) responsible to manage, control and administer the Facility. The list shall be provided to the TOWN Clerk prior to the commencement of Operations and updated, at least, on an annual basis.

7. Any Licensee who stores materials at a Facility must store such materials in a building and

in such a manner as to prevent harborage of rats or other vermin and to avoid nuisance conditions at the Facility. The Licensee shall place all salvaged material into the building on a daily basis so that no material is left uncovered or contained during the night or weekends. The Licensee shall exterminate insects and rodents and shall destroy all noxious weeds at the Facility as directed by the TOWN Board.

8. Each Licensee shall maintain sufficient fire fighting equipment and other appropriate emergency equipment at all times at the Facility. Each Licensee shall immediately begin Remediation upon receiving information that failure to Remediate presents a danger or a reasonable threat of danger to the public health, safety or welfare of any person or property.

9. No Licensee may locate, construct, operate or maintain a Facility where any constituents or by-products of the Solid Waste would seep, spill, drain, empty, or escape from the Facility and/or pollute the groundwater, surface water or the ambient air.

10. Each Licensee shall construct, operate and maintain all private access roads and haulways as all-weather roads and shall maintain the roads and haulways in all types of weather conditions. Each Licensee shall monitor and test air quality at the

perimeters of the Facility as necessary and appropriate or as ordered by the TOWN Board to prevent dust, debris or other windblown substances from creating nuisance conditions on properties bordering the Facility.

11. No Person, including a Licensee, may operate or maintain a Facility so that it creates a potential for fire, explosion or the potential to liberate hazardous or poisonous gases from the Facility.

12. No person, including a Licensee, may knowingly Dispose, Store or Treat any Hazardous Waste at a solid waste facility. A Licensee shall separate or isolate from the general solid waste mass all Solid Waste, which in combination with another solid or Hazardous Waste, may cause a fire, explosion or liberation of a hazardous or poisonous gas.

13. No person may construct, operate or maintain any buildings or any equipment at a Facility other than buildings and equipment appropriate and necessary for the construction, operation, maintenance, closure and long term care of the Facility. A Facility may not be used for the storage of unrelated vehicles, equipment or materials. No person, including a Licensee, may construct, operate or maintain a Facility or allow any other person to operate or maintain any business, occupation, enterprise or

operation at the Facility except that the specific use be authorized by the License.

14. Each Licensee shall make all reasonable efforts to cover with clean earthen fill material all holes or ponds within the Facility to the existing topography, except for the active fill area and except for any sedimentation basin designed and constructed to accept surface drainage from the Facility. No Licensee may discharge the water or sediment from a sedimentation basin into any surface water until that surface water discharge has been approved by the DNR.

15. Each Licensee shall maintain and not remove or cause to have removed from the Facility, except at the active fill area, any topsoil. Topsoil removed by the Licensee from the active fill area shall not be removed from the Facility.

16. A Licensee shall provide and maintain sufficient landscaping for the purpose of providing natural noise and natural aesthetic visual barriers at the Facility. In the event the noise and aesthetic visual barriers are lost or destroyed for any reason, the Licensee shall, as soon as weather conditions permit, replace these natural barriers with new natural barriers that have been approved by the TOWN Board.

17. A Licensee shall plant and replant, as

necessary and appropriate, replant all berms, if any, at the Facility with grass or other appropriate vegetation to prevent or reduce erosion.

18. A Licensee shall allow the TOWN Board or its designated representative(s) access to the site for inspections at any reasonable time that access is requested. A Licensee shall provide the TOWN Board or its designated representative access to and the opportunity to review and copy any analysis of wastes, stored materials, soils, leachate, groundwater, surface water, or dust which was made pursuant to a requirement of this Ordinances, the Facility's federal, state or TOWN license or to investigate any complaint about nuisance conditions and to take samples of the above noted materials for analysis.

19. No person, including the Licensee may dispose, store or treat any polychlorinated biphenyls (PCBs), any dioxins or any radioactive material at a Facility or at any other location within the TOWN. This prohibition does not prevent the use of PCB containing materials, provided such use is in conformance with the Toxic Substances Control Act and its implementing regulations.

20. Each Licensee shall provide and maintain at least one (1) functional automatic security light and telephone and electrical services (Services), at its

expense, within the Facility for lighting during non-daylight hours. The security light and Services shall be installed and operational prior to commencement of any Operations.

21. Every Licensee shall, at its expense, install and maintain at or near the entrance to the 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 Licensee shall keep the sign clean, visible and readable to those entering the Facility. This sign shall be installed prior to commencement of Operations.

23. No Person, including a Licensee, may construct, install or maintain in the TOWN any signs that will identify the existence or location of the Facility, except those signs otherwise noted in this Ordinance, the TOWN's Zoning Ordinance, or required by the DNR and approved by the TOWN Board.

24. No Licensee may conduct or allow open burning at a Facility unless written approval of the TOWN Board has been granted.

D. Financial Requirements:

1. Each Licensee shall reimburse the TOWN for all additional reasonable costs which are not covered by application and renewal fees and which are incurred

by the TOWN in issuing the License or monitoring compliance therewith, including but not limited to the following: the cost of responding to or acting upon any fires, discharges, explosions, accidents, hazards, or other emergency needs at the Facility; and the costs of investigating complaints about the Operations. The TOWN, after incurring these costs, shall determine the reasonable costs to be reimbursed by the Licensee and the time within which such costs shall be reimbursed.

2. The TOWN during the license period, shall not be obligated, nor shall it have any duty or responsibility to the Licensee 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 Facility.

3. The TOWN shall not be obligated, nor shall it have any duty or responsibility to the Licensee 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 Facility.

#### SECTION X Severability

If any section, subsection, sentence, clause, phrase or word of this Ordinance 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.

#### SECTION XI Penalty

Any Person violating this Ordinance upon conviction shall be fined not less than Ten Dollars (\$10.00) nor more than Two Hundred Dollars (\$200.00) for each offense. Each violation of a provision of this Ordinance or a condition of a License is a separate offense. Each day of a violation of a provision or condition shall constitute a separate offense under this Ordinance. Imprisonment for any person in the County Jail can be ordered only for failure to pay the fine which may be imposed. If imprisonment is ordered for failure to pay the fine, it shall be limited to one day of confinement for each Five Dollars (\$5.00) of fine or fraction thereof. In addition to any other penalty for violating this Ordinance, the cost of abating a public nuisance by the TOWN shall be assessed as a special charge against the real estate in the TOWN of any person causing such nuisance. In addition to any other legal relief available to the TOWN shall be assessed as a special charge against the real estate in the TOWN of any person causing such nuisance. In addition to any other legal relief available to the TOWN for violation of this Ordinance, the TOWN Board may take

appropriate legal action or proceedings to recover damages, to abate and remove any nuisance and to enjoin further violations of this Ordinance.

SECTION XII Effective Date

In accordance with Sec. 66.035, Wis. Stats., this Ordinance shall be included as part of the TOWN General Code of Ordinances and shall become effective on the day of adoption by the TOWN Board.

SECTION XIII Authority

This Ordinance is enacted pursuant to Secs. 60.10(2), 60.22(s), 60.54, 60.555, 66.052, 66.122, 66.60, 66.96, Wis. Stats.

Adopted by the TOWN Board of the TOWN of Morrison, Brown County on August, 1992, and in witness whereof, the undersigned Chairperson of the TOWN and the TOWN Clerk set their hands and seals this 14<sup>th</sup> day of July, 1992.

Chairperson Herald Treichel  
Clerk Janice Christensen