

Chapter 180
SOLID WASTE

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[HISTORY: Adopted by the Town Board of the Town of Pleasant Springs as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Littering—See Ch. 129.

Nuisances —See Ch. J52

ARTICLE I
Recycling

[Adopted 11-7-1989 by Ord.No.89-1 as§ 5.02 of the 1989 Code; amended in its entirety 12-20-1994 by Ord.No.94-4]

§ 180-1. Purpose.[Amended 11-4-2003]

It is the intent and purpose of this article to fully comply with any and all provisions of Ch. 287, Wis. Stats., Chapter NR 544, Wis. Adm. Code, and any and all other regulations of the Department of Natural Resources, the Department of Commerce, or other Wisconsin state

agencies and statutes with respect to waste disposal, recycling, and administration of programs in connection therewith.

§ 180-2. Mandatory compliance; requirements.

It shall be mandatory for any person or resident within the Town of Pleasant Springs to comply with all rules, regulations, resolutions, and ordinances of the Town with respect to waste disposal, recycling, and related matters. The following requirements shall specifically apply, as well as other rules, regulations, and requirements that may be subsequently implemented by the Town of Pleasant Springs by regulation, resolution, or ordinance in a program of maintaining compliance with state rules and regulations:

- A. All separated recyclable materials must be kept clean and free of contamination.
- B. Occupants of single-family and two- to four-unit residences, multiple-family dwellings, and nonresidential facilities and properties shall separate the following recyclable materials from garbage:
 - (1) Lead acid batteries.
 - (2) Major appliances. A major appliance is defined as a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, furnace, boiler, dehumidifier, water heater or stove.
 - (3) Waste oil.
 - (4) Yard waste.
 - (5) Aluminum containers (aluminum cans shall be rinsed clean).
 - (6) Bimetal containers (tin cans shall be rinsed clean, with lids taken off and flattened).
 - (7) Steel containers.
 - (8) Glass containers (glass shall be separated as white, green, or brown and shall be rinsed clean and all labels shall be taken off).
 - (9) Newspapers (newspapers shall be tied in bundles and contain no magazines or catalogs).
 - (10) Corrugated paper and cardboard (all corrugated cardboard must be separated for recycling).
 - (11) Magazines.
 - (12) Office paper.
 - (13) Foam polystyrene packaging (effective January 1, 1996).
 - (14) Waste tires.

- (15) Plastics (plastic milk jugs, pop jugs, detergent jugs, and other such plastic shall be rinsed clean and flattened).
- (a) PETE No. 1.
 - (b) HOPE No.2 (shall be recycled effective January 1, 1995).
 - (c) PVC No.3 (effective January 1, 1996).
 - (d) LOPE No.4 (effective January 1, 1996).
 - (e) PP No.5 (effective January 1, 1996).
 - (f) PS No. 6 (and mixed or other resin types shall be recycled effective January 1, 1996).
- C. The Town of Pleasant Springs has implemented a curbside recycling program previously by resolution, and all persons and residents shall be required to comply with the provisions of the Town's curbside recycling program providing for curbside pickup of waste and recyclables as such may be implemented and promulgated by further resolution of the Town of Pleasant Springs. All persons shall comply with any and all rules or regulations of the program required by Wisconsin Statutes, Administrative Code, or the Town of Pleasant Springs.
- D. The Town of Pleasant Springs does hereby implement a public information and education program to address recycling of materials as specified in § 287.07, Wis. Stats., and to address waste reduction and reuse efforts at single-family and two- to four-unit residences, multiple-family dwellings, and nonresidential facilities and properties. The Town does hereby promulgate a program and is establishing policies and procedures for program startup, continuing program information and consumer and youth education, including the use of written materials, notices, and continuing information in the Town's newsletter.
- E. Owners and managers of multifamily dwellings located within the Town of Pleasant Springs are required to provide adequate, separate containers for the disposal of recyclable materials and are required to notify tenants at the time of moving in, and also on a semiannual basis thereafter, of county and municipal requirements, including those as set forth in this article.
- F. Owners and operators of commercial, retail, industrial, and governmental facilities are required to provide adequate, separate containers for the disposal of recyclable materials. Owners and operators of such facilities are further required to regularly notify all users, employees, agents, and customers of the existence of adequate, separate containers for the disposal of recyclable materials and the requirements for the use thereof, and owners and operators are also required to convey information regarding current county and municipal recycling requirements.
- G. The Town of Pleasant Springs shall provide continuing information and education on waste reduction, reuse and recycling to residents of single-family and two- to four-unit residences, users, consumers, owners or managers of multiple-family residences and owners or managers of nonresidential facilities and properties.

H. The Town has provided for the management of residential and commercial furnaces, boilers, dehumidifiers and water heaters, as previously set forth in this article. The disposal of microwaves from which the capacitor has been removed shall be allowed as consistent with Wisconsin Statutes and Administrative Code.

§ 180-3. Definitions.

Definitions of words as used in this article shall be consistent with definitions promulgated by the Department of Natural Resources and Wisconsin Statutes and Administrative Code.

§ 180-4. Violations and penalties. [Amended 11-4-2003]

Any person, firm, or corporation that violates any of the provisions of this article shall, upon conviction thereof, be subject to the penalties provided in Chapter 1, General Provisions, § 1-1. In addition to the foregoing, the Town of Pleasant Springs shall have the right to bring any appropriate legal action to enjoin any violation as a nuisance and shall be authorized to bring any appropriate legal action to enjoin, curtail, and terminate such violation. The legal costs of such enforcement action shall be recovered by the Town against the offender or offenders to the extent permitted by law.

§ 180-5. Inspections; additional remedies.

In addition to the foregoing, the Town of Pleasant Springs and its officers and agents shall have the authority to inspect waste disposal receptacles, collections, bags, and any other containers used by residents and parties disposing of waste material within the Town of Pleasant Springs. This inspection authority shall be available without notice, and the party or resident shall permit inspection of waste materials intended for disposal by the Town of Pleasant Springs and its agents. In addition to the foregoing penalties and remedies, the Town of Pleasant Springs shall be authorized to pursue penalties consistent with §§ 287.95 and 287.97, Wis. Stats. • and issue citations for violations as appropriate.

ARTICLE II

Waste Disposal Site Planning and Design

[Adopted 10-21-1991 by Ord. No. 91-4 (§ 12.01 of the 1989 Code)]

§ 180-6. Purpose.

In order to protect the public health, safety and welfare of the residents and property owners of the Town of Pleasant Springs and to protect the environment and the natural resources of the Township for present and future generations, the Town of Pleasant Springs does hereby require registration and obtaining of a permit from the Town for any person, corporation, or other entity that may engage in waste disposal site planning and design activities, as such are defined in this article.

§ 180-7. Registration and permit required; definitions.

No person, corporation, or other entity, or agent or employee thereof, may engage in acts of waste disposal site planning and design activities as defined herein unless such person, corporation or other entity shall have first registered with the Town Clerk and obtained the appropriate permit. Waste disposal site planning and design activities include, but are not limited to, any and all acts of planning, design, surveying, engineering, measuring, soil testing, boring, construction, excavation, site inspection, and any and all related activities which are for the purpose of planning, considering, designing, or constructing any waste disposal site, facility, hazardous waste facility, dump, landfill site, or a similar operation, whether such is intended for permanent deposit of waste or temporary storage. The foregoing definitions shall be liberally construed in favor of the Township so as to make this article broadly applicable.

§ 180-8. Application form; fee.

In order to obtain a permit from the Town and appropriately register, the applicant shall obtain from the Town Clerk an application form. The application form shall be properly prepared and submitted with any required fees.

- A. The application form shall require, at a minimum, the following items of information and any other information that is deemed relevant to the application by the Town Clerk or Town Board:
- (1) The name, address, and a brief resume of the applicant, including professional licenses or credentials held, employment history, and relevant qualifications.
 - (2) A list of employees, clients, supervisors, associates, and affiliates of the applicant in regard to or related to acts of waste disposal site planning and design activities within the Town of Pleasant Springs.
 - (3) A disclosure of disciplinary actions, suspensions, or litigation involving the applicant within the last two years.
 - (4) The precise locations at which the applicant anticipates working within the six months following date of application.
 - (5) A brief statement of the type of activities which the applicant intends to engage in.
 - (6) Such other information as is deemed relevant and required on the application form.
- B. The application shall be accompanied by the deposit of the annual fee as set by the Town Board. If the application for a permit is denied for any reason, the fee shall be refunded. [Amended 11-4-2003]

§ 180-9. Public bearing; issuance or denial or permit.

Following the receipt of an application properly completed with the required fee deposit, the Town Clerk shall schedule a public hearing on the application, which shall be held within 30 days of the receipt of the application and which may be held in conjunction with a regular

Town Board meeting. Within 30 days of the date of the public hearing, the Town Board shall make a decision on the issuance or denial of a permit for the applicant. A permit shall be denied if the Town Board determines that such action is necessary for the protection of the public health, safety and welfare or if any of the following grounds for denial exist:

- A. The application is incomplete or the required fee has not been submitted.
- B. It is apparent that the application contains false, misleading or incomplete information.
- C. The applicant has a history of incompetence or negligence or has demonstrated a lack of trustworthiness in the performance of similar activities in the past.
- D. The applicant does not have the necessary professional licenses, authority, or competence for the activities proposed.
- E. The applicant has had professional licenses suspended, revoked, or limited or has been the subject of disciplinary action by a regulatory agency within the past two years.
- F. The applicant has engaged in activities covered by this article without having first obtained the required permit or the applicant has failed to follow the reporting requirements or other requirements of this article in regard to past activities.

§ 180-10. Required reports.

Following the issuance of a permit, which permit shall be issued on an annual basis, each permit holder shall be required to report to the Town of Pleasant Springs activities of waste disposal site planning and design as defined herein. The reports shall be made on a form provided by the Town Clerk and shall be completed and submitted for each quarter of each calendar year. The calendar quarters end March 31, June 30, September 30, and December 31 of each calendar year, and the reports of activities shall be submitted within 30 days following the conclusion of each calendar quarter. If an applicant engages in no activities within a calendar quarter, a report must still be made, but the report form may simply indicate that the applicant engaged in no activities.

§ 180-11. Violations and penalties.

- A. If it appears that a permit holder has violated any of the provisions of this article, has failed to file in a timely fashion the required reports, or has been professionally disciplined or had a license suspended or revoked, then the permit holder's permit shall be immediately revoked by the Town Board. Such permit holder may reapply for a permit at any time thereafter, but not more than once every 30 days.
- B. If information becomes available indicating that a permit holder's application contained false, misleading or incomplete information or a permit holder had engaged in regulated activities without first obtaining a permit, then such shall constitute grounds for immediate revocation of a permit.
- C. Any person, corporation, or other entity who or which shall engage in any of the regulated activities of waste disposal site planning and design, as defined herein, without

a valid and current permit from the Town shall, upon conviction, be subject to the penalties provided in Chapter I, General Provisions, § 1-1. Any associate, client, employer, or other party directing, ordering, requesting, hiring or assisting the offending party shall be deemed a party to the violation and shall be subject to the forgoing penalties along with and in addition to the offending party. ¹[Amended 11-4-2003]

ARTICLE III

Trucking and Hauling of Waste

[Adopted 10-21-1991 by Ord. No. 91-4 (§ 12.02 of the 1989 Code)]

§ 180-12. Purpose.

In order to protect the public health, safety and welfare of the residents and property owners of the Town of Pleasant Springs and to protect the environment and the natural resources of the Township for present and future generations, the Town of Pleasant Springs does hereby require registration and obtaining of a permit from the Town for any person, corporation, or other entity that may engage in trucking or hauling of waste to a destination located in the Town of Pleasant Springs, as such is defined in this article.

§ 180-13. Registration and permit required; definitions.

No person, corporation, or other entity, or agent or employee thereof, may engage in acts of trucking or hauling of waste to a destination located in the Town of Pleasant Springs, as defined herein, unless such person, corporation or other entity shall have first registered with the Town Clerk and obtained the appropriate permit. Trucking and hauling of waste includes, but is not limited to, any and all activities of trucking, hauling, driving, transporting, or shipping, by any mode of conveyance, any quantity in excess of five tons in one week of waste, garbage, trash, rubbish or other refuse to any destination, whether temporary or pennant, which is located within the Town of Pleasant Springs. Any person, corporation, or other entity who or which shall hire, direct, order, request, assist or contract for such activities shall also be required to obtain a permit as set forth herein. The foregoing definitions shall be liberally construed in favor of the Township so as to make this article broadly applicable.

§ 180-14. Application form; fee.

In order to obtain a permit from the Town and appropriately register, the applicant shall obtain from the Town Clerk an application form. The application form shall be properly prepared and submitted with any required fees.

- A. The application form shall require, at a minimum, the following items of information and any other information that is deemed relevant to the application by the Town Clerk or Town Board:

1. Editor's Note: Original § 12.01(7), Appeals and variances, which immediately followed this section, was deleted

11-4-2003.

- (1) The name, address, and a brief resume of the applicant, including professional licenses or credentials held, employment history, and relevant qualifications.
 - (2) A list of employees, clients, supervisors, associates, and affiliates of the applicant in regard to or related to acts of trucking and hauling of waste to a destination within the Town of Pleasant Springs.
 - (3) A disclosure of license revocations or suspensions, or litigation involving the applicant, within the last two years.
 - (4) The precise trucking and hauling routes which the applicant anticipates following within the six months following date of application.
 - (5) A brief statement of the type of activities which the applicant intends to engage in, including any and all destinations within the Town of Pleasant Springs.
 - (6) Such other information as is deemed relevant and required on the application form.
- B. The application shall be accompanied by the deposit of the annual fee as set by the Town Board per applicant. If the application for a permit is denied for any reason, the fee shall be refunded. In addition, each applicant shall be required to pay a quarterly fee as set by the Town Board for each separate truck, trailer or other mode of conveyance used by the applicant, or the applicant's employees, associates or agents, for trucking or hauling of waste to a destination located in the Town of Pleasant Springs. [Amended 11-4-2003]

§ 180-15. Public hearing; issuance or denial of permit.

Following the receipt of an application properly completed with the required fee deposit, the Town Clerk shall schedule a public hearing on the application, which shall be held within 30 days of the receipt of the application and which may be held in conjunction with a regular Town Board meeting. Within 30 days of the date of the public hearing, the Town Board shall make a decision on the issuance or denial of a permit for the applicant.

- A. A permit shall be denied if the Town Board determines that such action is necessary for the protection of the public health, safety and welfare or if any of the following grounds for denial exist:
- (1) The application is incomplete or the required fees have not been submitted.
 - (2) It is apparent that the application contains false, misleading or incomplete information.
 - (3) The applicant has a history of incompetence or negligence or has demonstrated a lack of trustworthiness in the performance of similar activities in the past.
 - (4) The applicant does not have the necessary licenses, authority, or competence for the activities proposed.
 - (5) The applicant has had licenses suspended, revoked, or limited or has been the subject of disciplinary action by a regulatory agency within the past two years.

- (6) The applicant has engaged in activities covered by this article without having first obtained the required permit or the applicant has failed to follow the reporting requirements or other requirements of this article in regard to past activities.
- B. As an additional requirement for the issuance of a permit, the applicant shall demonstrate financial responsibility, in the form of adequate insurance coverage, bond or other security, to adequately satisfy any and all claims for damages, including but not limited to those arising from collisions, accidents, explosions, littering, waste left, dropped or deposited on a highway or public or private property, etc. An applicant shall further agree, as a condition of permit issuance, to be liable for any costs of cleanup on or along the public highways, highway damage, or other expenses incurred by the Town of Pleasant Springs as a result of the applicant's activities.

§ 180-16. Required reports and inspections.

- A. Following the issuance of a permit, which permit shall be issued on an annual basis, each permit holder shall be required to report to the Town of Pleasant Springs activities of trucking and hauling of waste to a destination located in the Town of Pleasant Springs, as defined herein. The reports shall be made on a form provided by the Town Clerk and shall be completed and submitted for each quarter of each calendar year. The calendar quarters end March 31, June 30, September 30, and December 31 of each calendar year, and the reports of activities shall be submitted within 30 days following the conclusion of each calendar quarter. If an applicant engages in no activities within a calendar quarter a report must still be made, but the report form may simply indicate that the applicant engaged in no activities.
- B. In addition, each truck, trailer, or other mode of conveyance used by the applicant must be inspected by an inspector approved by the Town and a satisfactory inspection report submitted to the Town each calendar quarter (together with the required report).

§ 180-17. Violations and penalties.

- A. If it appears that a permit holder has violated any of the provisions of this article, has failed to file in timely fashion the required reports or has been disciplined or had a license suspended or revoked, then the permit holder's permit shall be immediately revoked by the Town Board. Such permit holder may reapply for a permit at any time thereafter, but not more than once every 30 days.
- B. If information becomes available indicating that the permit holder's application contained false, misleading or incomplete information or a permit holder had engaged in regulated activities without first obtaining a permit, then such shall constitute grounds for immediate revocation of a permit.
- C. Any person, corporation, or other entity who or which shall engage in any of the regulated activities of trucking or hauling of waste to a destination located in the Town of Pleasant Springs, as defined herein, without a valid and current permit from the Town

shall, upon conviction, be subject to the penalties provided in Chapter 1, General Provisions, § 1-1. Any associate, client, employer, or other party directing, ordering, requesting, hiring or assisting the offending party shall be deemed a party to the violation and shall be subject to the foregoing penalties along with and in addition to the offending party.¹ [Amended 11-4-2003]

ARTICLE IV

Waste Disposal Facilities

[Adopted 10-21-1991 by Ord.No.91-4 (§ 12.03 of the 1989 Code)]

§ 180-18. Purpose.

In order to protect the public health, safety and welfare of the residents and property owners of the Town of Pleasant Springs and to protect the environment and the natural resources of the Township for present and future generations the Town of Pleasant Springs does hereby prohibit as a public nuisance an excessive or dangerous sized waste disposal facility or hazardous waste facility, dump, or landfill operation, as such is defined in this article.

§ 180-19. Prohibition and definition.

No person, corporation or other entity shall erect, contrive, cause, continue, maintain, or permit to exist any excessive or dangerous sized waste disposal facility, hazardous waste facility, dump, landfill site, or similar operation within the Town of Pleasant Springs, and such is defined as follows: any facility, operation, or use of property within which more than 40 tons in one month or 500 tons in one year of waste, garbage, trash, rubbish, or other refuse is stored, deposited, buried, or kept in any manner.

§ 180-20. Notice and abatement of nuisance.

If a public nuisance as defined in this article appears to exist, the Town Constable, or other officer or agent acting at the direction of the Town Board, shall serve notice on the person, corporation, or entity causing or maintaining the nuisance to cease and desist from the activity causing or constituting the nuisance and remove the same within 10 days following the service of the notice. If such nuisance is not terminated, halted and removed within 10 days, then the Town shall cause the nuisance to be abated by appropriate legal action, which may include an action to obtain an injunction or other appropriate abatement order from a court of competent jurisdiction or an action to recover damages and the costs of abatement, including reasonable attorneys' fees, costs and disbursements. Nothing in this article shall be construed as prohibiting the abatement of a public nuisance as defined herein by the Town or its officials in accordance with the laws of the State of Wisconsin.

2. Editor's Note: Original § 12.02(7), Appeals and variances, which immediately follow this section, was deleted 11-4-2001.