

## CHAPTER 2

### REGULATION OF DUMPING AND WASTE DISPOSAL

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3-2-1: **PURPOSE:** The purpose of this ordinance is to regulate the dumping or disposal of waste, garbage, refuse, and sludge by individuals, corporations, and municipalities within the Town of Lake Mills. Because of the possible danger of the health, safety, and welfare of the public, such dumping or disposal within the Town of Lake Mills, shall only be permitted under the terms and conditions set forth below.

#### 3-2-2: DEFINITIONS:

- 1) Dumping or disposal. Dumping or disposal included, but is not limited to unloading, throwing away, discarding, emptying, abandoning, discharging, burning, or burying waste, garbage, refuse, or sludge on, into, or under any property or lands, whether publicly or privately owned, within the Town of Lake Mills.
- 2) Waste. Waste is garbage, refuse, and all other discarded or salvageable material, including waste materials resulting from industrial, commercial, and agricultural operations and from domestic use and public service activities.
- 3) Garbage. Garbage is discarded material resulting from the handling, processing, storage, preparation, serving, and consumption of food.
- 4) Refuse. Refuse is combustible and noncombustible discarded material including, but not limited to, trash, rubbish, paper, wood, metal, glass, plastic, rubber, cloth, ashes, litter, and street rubbish, industrial waste, dead animals, mine tailings, gravel pit, and quarry spoils, toxic and hazardous wastes, and material and debris resulting from construction or demolition.
- 5) Sludge. Sludge is sewage treatment residue in any form whatsoever, whether solid, semisolid or liquid which has been processed or treated in any way, form, or manner.

- 6) Municipality. Municipality is any city, village, or town.
- 7) Medical wastes- shall include but is not limited to needles, syringes, sharps, bio-medical wastes, toxic wastes and hazardous wastes.

3-2-3: PERMIT REQUIRED: Except as expressly permitted in Section 3-2-4 below, no individual, corporation, or municipality shall dump or dispose of waste or sludge within the Town of Lake Mills unless a permit to engage in such dumping or disposal is first obtained from the Town of Lake Mills.

3-2-4: EXCEPTIONS: The following shall not be deemed to come within the scope or meaning of this ordinance:

- 1) Sites used for the dumping or disposal of waste, garbage, or refuse from a single family or household, a member of which is the owner, occupant, or lessees of the property, provided however that such waste, garbage, or refuse is placed in suitable containers or stored in such other way as to not cause a public or private nuisance.
- 2) The use of sanitary privies and what are commonly known as seepage beds or septic tanks, which conform to applicable ordinances of the Town of Lake Mills and Jefferson County, or the discharge of human waste products into the public sewage system located within the Town of Lake Mills.
- 3) A farm on which only animal waste resulting from the operation of the farm are disposed of. Said animal waste may contain material used for bedding, such as shredded paper, sawdust, woodchips, corn stalks, leaves, grass clippings, corn cobs, and straw, so long as said bedding additives are biodegradable. Farmers may store said bedding on their land during periods when they cannot spread manure on their property, but said storage shall not be for a period of time greater than 6 months. The foregoing amendment is made with the intent to allow farmers to use such items as shredded paper, sawdust, wood chips, corn stalks, leaves, grass clippings, corn cobs, and straw for bedding without requiring them to have a permit under this ordinance.
- 4) Any dumping operation under direction and control of the Town of Lake Mills.

3-2-5: GENERAL REGULATIONS:

- A) Individuals shall be prohibited from disposing of Medical Wastes by placing it in with the general refuse and/or recyclable waste. All such waste shall be disposed of in a manner as dictated by either the Town Board or the contracted waste removal provider.
- B) Persons or municipalities who are permitted to engage in dumping or disposal operations shall be subject to the following regulations.
  - 1) The dumping or disposal operations must be conducted in such a way as to not constitute a public or private nuisance.
  - 2) The dumping or disposal operations shall be permitted after compliance with State Sanitary Laws, the Jefferson County Zoning Laws, and the Department of Natural Resources.
  - 3) Persons or municipalities engaged in dumping or disposal operations must conduct the operation in such a way that dust, dirt, debris, or other materials of substances will not

be carried by wind across the boundary of the parcel or land being use for dumping or disposal operations.

- 4) A suitable covering of gravel or dirt shall be placed over all of the area used for dumping or disposal operations within a reasonable time after the dumping or disposal occurs, not to exceed ten (10) days; such covering must be done in such a way as to give the area so covered a grading compatible with the surrounding and adjacent property in such a way as to not substantially depreciate property values within the immediate area.

3-2-6: APPLICATION: There shall be a public hearing on any application for a permit to engage in dumping or disposal operations. The application shall be on file with the Town Clerk at least thirty (30) days before the public hearing. The application shall contain the name and address of the applicant, an explanation of the nature and purpose of the dumping or disposal and a detailed description of the dumping or disposal plan. Approval by the Jefferson County Zoning Department must also be obtained.

3-2-7: PUBLIC HEARING: A public hearing will be required under the following terms:

- 1) Notice shall be given as a Class 3 notice as described in Wisconsin State Statutes 985.07.
- 2) The cost of publication of such notices shall be deposited by the applicant in advance. Permit application fee indicated on the Town of Lake Mills Fee Schedule.
- 3) A public hearing shall be held on the date specified in the notices or any adjourned date; however, such public hearing shall be merely advisory in regard to affecting any action which may be taken by the Town Board upon such application.

3-2-8: BOND AND REVOCATION OF PERMIT: The Town Board reserves the right to requires the application to post a bond, the condition of which will be that this ordinance shall be observed and that the dumping or disposal plan will be carried out and any penalties imposed shall be paid, if there is a violation of the ordinance or if the dumping or disposal plan is not carried out, the Town Board shall have the right to revoke the dumping or disposal permit and if necessary obtain a court order terminating such dumping or disposal operation; if after a reasonable demand, the owner of the land does not cover the dumping or disposal area in accordance with the dumping or disposal plan, he Town Board shall have the right to correct the violation and to charge the expense against the bond.

3-2-9: ISSUANCE: The application for a permit shall be processed within ninety (90) days of the receipt thereof, and shall be issued if the Town Board sis satisfied that there has been and will be reasonable compliance with the conditions enumerated herein.

3-2-10: REVOATION: The permit once issued may be revoked after public hearing upon a published Class 1 Notice by the Town of Lake Mills at any time if any of the conditions necessary for the issuance thereof or any terms of the ordinance are violated.

3-2-11: STATE LAW ALSO APPLIES: Nothing contained herein shall be deemed to limit or restrict the application of any State Law or Administrative regulation of any State Agency regulating the subject of this ordinance.

3-2-12: REFERENCES: References to the term “person”, “anyone”, or like references shall be deemed to refer to a person, a sole proprietorship, a partnership, a corporation, and also a responsible member or a responsible officer, or a responsible managing agent of any single proprietorship, partnership, or corporation unless the context clearly indicates otherwise.

3-2-13: SEVERABILITY- If any section, subsection, sentence, clause, phrase, or work of the ordinance is for any reason held invalid or unconstitutional by any 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.

3-2-14: PENALTY: Any person violating this ordinance shall be fined not less than ten (\$10) dollars nor more than two hundred (\$200) dollars for each offense. Imprisonment in the County Jail can be ordered only for failure to pay the fine that 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 (\$5) dollars of fine or fraction thereof.

Amended December 10, 2002

Amended July 12, 2022

**PASSED AND ADOPTED** by the Town Board of the Town of Lake Mills, Jefferson County, Wisconsin on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

Attest: \_\_\_\_\_

Robin Untz, Town Clerk

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Thomas Buechel, Chairperson

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David Schroeder, Supervisor I

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James Heinz, Supervisor II