

**TOWN OF LAND O' LAKES, VILAS COUNTY, WI**

**ORDINANCE NO. 2011-01**

**HAZARDOUS WASTE ORDINANCE**

**SECTION I – TITLE/PURPOSE**

The title of this ordinance is the Town of Land O' Lakes Waste Treatment, Disposal, and Storage Ordinance. The purpose of this ordinance is for the Town of Land O' Lakes to regulate by permit and penalty, the construction, maintenance, operation, closure, and long-term care of certain waste treatment, disposal, and storage facilities or sites in the Town of Land O' Lakes.

**SECTION II – AUTHORITY**

The Town Board of the Town of Land O' Lakes has the specific authority under s. 289.22, Wis. stats., and the general authority under its village powers to adopt this ordinance.

**SECTION III – ADOPTION OF ORDINANCE**

The Town Board of the Town of Land O' Lakes, by this ordinance, adopted on proper notice with a quorum and by a roll call vote by a majority of the Town Board present and voting, provides the authority for the Town of Land O' Lakes to regulate and permit the construction, maintenance, operation, closure, and long-term care of certain waste treatment, disposal, and storage facilities or sites in the Town of Land O' Lakes.

**SECTION IV – DEFINITIONS**

In this ordinance, the following definitions shall apply:

- A. "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 ch. 283, Wis. stats., or source material, as defined in s. 254.31 (1), Wis. stats., special nuclear material as defined in s. 254.31 (11), Wis. stats., or by-product material, as defined in s. 254.31 (1), Wis. stats.
- B. "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 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 re-melting purposes. Solid waste facility does not include 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. Solid waste facility does not include an auto junkyard or scrap metal salvage yard. Solid waste facility does not include any facility exempt from Town regulation by State law or regulation, including certain demolition facilities.
- C. "Solid waste disposal" means the discharge, deposit, injection, dumping, or placing of any solid waste into or on any land or water. This term does not include the transportation, storage, or treatment of solid waste.
- D. "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.

- E. "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.
- F. "Hazardous waste" means any solid waste identified by the state Department of Natural Resources as hazardous under s. 291.05 (1), (2), or (4), Wis. stats.
- G. "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.
- H. "Town" means the Town of Land O' Lakes, Vilas County, Wisconsin.
- I. "Town Board" means the board of supervisors for the Town of Land O' Lakes, Vilas County, Wisconsin and includes designees of the board authorized to act for the board.
- J. "Town Clerk" means the clerk of the Town of Land O' Lakes, Vilas County, Wisconsin.
- K. "Wis. stats." means the Wisconsin Statutes, including successor provisions to cited statutes.

#### **SECTION V – COVERAGE**

- A. 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.
- B. The permit under this ordinance shall be considered a local approval, as defined in s. 289.33 (3)(d), Wis. stats., subject to the requirements of s. 289.22, Wis. stats.
- C. The permit application fees may be modified 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. Non-refundable permit fee is \$3,000.00.

#### **SECTION VI – APPLICATION/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 the premises in the Town. The permit is not transferable from one person to another. The application for the permit shall, at minimum, contain the following:

1. The name of the applicant and the name of the agent for the applicant, if any.
2. The address of the applicant.
3. The address and legal description of the premise 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, and 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, and 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 Department of Natural Resources.
14. The financial security projected to be provided by 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 applicant 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.

#### **SECTION VII – EXEMPTIONS**

All of the following facilities, sites, or uses in the Town are exempt from this ordinance:

1. A facility or site under s. 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 county.
3. The discharge of human waste products into any public sewerage system located within 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 land-spreading of wood, ash, or sludge site exempt under s. 289.43, Wis. stats.
8. Any alcohol fuel production system exempt under s. 289.44, Wis. stats.

9. Any fruit and vegetable waste facility exempt under s. 289.445, Wis. stats.
10. Any recyclable material collection facility approved for collection or processing operations by the County of Vilas, the Town, or any responsible unit under s. 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 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, 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 non-toxic or non-hazardous material in a lawful manner and as not to cause trouble, annoyance and inconvenience in the Town.
15. Exemptions are not transferable to new owner.

#### **SECTION VIII – SPECIFIC ORDINANCE/PERMIT PROVISIONS**

1. No person shall 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 shall be issued or reissued a permit under this ordinance who has failed to properly and fully comply and submit to the Town Clerk complete and truthful response on the application form developed and provided by the Town.
3. No person shall 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:
  - a. Obtain and maintain for a proposed or existing facility or site all necessary approvals, licenses, or permits from the Town, County of Vilas, state, and federal agencies.
  - b. Comply with all conditions and restrictions attached by the Town Board to the permit issued under this ordinance by the Town Board.
  - c. 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, to protect the public health, and to protect the environment in the Town, and to prevent trouble, annoyance and inconvenience to others, 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 permittee or applicant.

**SECTION IX – PENALTY PROVISIONS**

Violation of this ordinance shall result in a penalty of three times the permit fee, which is now in existence and as may be amended from time to time in the future, plus any applicable assessments, costs, fees and penalty enhances now in force in the Vilas County Circuit Court, or as enforced in the future.

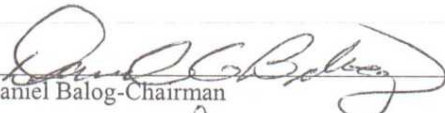
**SECTION X – SEVERABILITY**


If any provision of this ordinance of its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision of application, and to this end, the provisions of this ordinance are severable.

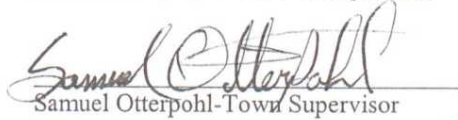
**SECTION XI – EFFECTIVE DATE**


This Ordinance is effective on publication. The Town Clerk shall properly post or publish this ordinance as required under s. 60.80, Wis. stats.

Adopted this 14th day December 2011.

  
Daniel Balog-Chairman

  
Michael Stopczynski-Town Supervisor

  
Samuel Otterpohl-Town Supervisor

  
Attest: Flossie Knoth  
Town Clerk