

TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

CHAPTER 16 - WASTE DISPOSAL

16.01 MANDATORY RECYCLING

(1) PURPOSE

The purpose of this ordinance is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in s. 159.11, Stats., and ch. NR 544.

(2) AUTHORITY AND SCOPE

(a) This ordinance is adopted as authorized under s. 159.09(3)(b), Stats.; ch. NR 544; and the town of Cottage Grove responsible unit authorizing resolution, dated 20 June 1994.

(b) This ordinance is not intended to repeal, abrogate, annul, impair or interfere with any existing rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, whenever this ordinance imposes greater restrictions, the provisions of this ordinance shall apply.

(c) The provisions of this ordinance shall be considered the minimum requirements; and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin statutes. Where any terms or requirements of this ordinance may be inconsistent or conflicting with the statutory text, the more restrictive requirements or interpretation shall apply. Where a provision of this ordinance is required by statute, or by a standard in ch. NR 544, and where the ordinance provision is unclear; the provision shall be interpreted in favor of the statutes and the ch. NR 544 standards in effect on the date of the adoption of this ordinance; or in effect on the date of the most recent amendment to the affected provision of the ordinance.

(d) The requirements of this ordinance apply to all persons within the town of Cottage Grove, Dane county, Wisconsin; regardless of whether or not they are residents of the town.

(3) ADMINISTRATION

The provisions of this ordinance, as well as the town's recycling and solid waste disposal program as a whole, shall be administered by the town clerk; as designated in the responsible unit authorizing resolution referred to in (2)(a).

(4) DEFINITIONS

(a) "Bi-metal container" means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.

(b) "Container board" means corrugated paperboard used in the manufacture of shipping containers and related products.

(c) "Foam polystyrene packaging" means packaging made primarily from foam polystyrene that satisfies one of the following criteria:

CHAPTER 16 - WASTE DISPOSAL

TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

1. Is designed for serving food or beverages.
 2. Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.
 3. Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.
- (d) "HDPE" means high density polyethylene, labeled by the SPIT code #2.
- (e) "LDPE" means low density polyethylene, labeled by the SPIT code #4.
- (f) "Magazines" means magazines and other materials printed on similar paper.
- (g) "Major appliance" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, furnace, boiler, dehumidifier, water heater or stove.
- (h) "Multiple-family dwelling" means a property containing 5 or more residential units; including those which are occupied seasonally.
- (i) "Newspaper" means a newspaper and other materials printed on newsprint.
- (j) "Non-residential facilities and properties" means commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple-family dwellings.
- (k) "Office paper" means high grade printing and writing papers from offices in non-residential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. This term does not include industrial process waste.
- (l) "Other resins or multiple resins" means plastic resins, labeled by the SPIT code #7.
- (m) "Person" has the meaning specified in s. 144.01(9m), Stats.; and includes any local governmental unit, as defined in s. 66.299(1)(a), Stats.
- (n) "PETE" means polyethylene terephthalate, labeled by the SPIT code #1.
- (o) "Plastic container" means an individual, separate, rigid plastic bottle, can, jar or carton, except for a blister pack; that is originally used to contain a product that is the subject of a retail sale.
- (p) "Post-consumer waste" means solid waste other than solid waste generated in the production of goods; hazardous waste, as defined in s. 144.61(5), Stats.; waste from construction and demolition of structures; scrap automobiles; or high-volume industrial waste, as defined in s. 144.44(7)(a)1, Stats.
- (q) "PP" means polypropylene, labeled by the SPI code #5.

CHAPTER 16 - WASTE DISPOSAL

TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

- (r) "S" means polystyrene, labeled by the SPI code #6.
- (s) "PVC" means polyvinyl chloride, labeled by the SPI code #3.
- (t) "Recyclable materials" includes lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspaper; office paper; rigid plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins; steel containers; waste tires; and bi-metal containers.
- (u) "Solid waste" has the meaning specified in s. 144.01(15), Stats.; and includes the materials as defined in (t) and (y).
- (v) "Solid waste facility" has the meaning specified in s. 144.43(5), Stats.
- (w) "Solid waste treatment" means any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste; including incineration.
- (x) "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
- (y) "Yard waste" means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than 6 inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

(5) SEPARATION OF RECYCLABLE MATERIALS

Occupants of single family and 2-4 unit residences, multiple-family dwellings and non-residential facilities and properties, shall separate the following materials from post-consumer waste

- (a) Lead acid batteries
- (b) Major appliances
- (c) Waste oil
- (d) Yard waste
- (e) Aluminum containers
- (f) Bi-metal containers
- (g) Corrugated paper or other container board
- (h) Foam polystyrene packaging
- (i) Glass containers
- (j) Magazines
- (k) Newspaper
- (l) Office paper
- (m) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins
- (n) Steel containers
- (o) Waste tires

CHAPTER 16 - WASTE DISPOSAL

TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

(6) SEPARATION REQUIREMENTS EXEMPTED

The separation requirements of (5), do not apply to the following:

- (a) Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties that send their post-consumer waste to a processing facility licensed by the Wisconsin department of natural resources (DNR) that recovers the materials specified in (5), from solid waste in as pure a form as is technically feasible.
- (b) Solid waste which is burned as a supplemental fuel at a facility if less than 30% of the heat input to the facility is derived from the solid waste burned as supplemental fuel.
- (c) A recyclable material specified in (5)(a-o), for which a variance has been granted by the DNR under s. 159.11(2m), Stats., or s. NR 544.14.

(7) CARE OF SEPARATED RECYCLABLE MATERIALS

- (a) To the greatest extent practicable, the recyclable materials separated in accordance with (5), shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other non-recyclable materials, including but not limited to household hazardous waste, medical waste, and agricultural chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions.
- (b) A listing of local recycling drop-off centers that will accept special wastes and automotive products has been compiled by the Dane county department of public works and is hereby incorporated, as a non-mandatory reference, into this ordinance as Appendix 16-A (available in the clerk's office).

(8) MANAGEMENT OF LEAD ACID BATTERIES, MAJOR APPLIANCES, WASTE OIL AND YARD WASTE

Occupants of single family and 2-4 unit residences, multiple-family dwellings and non-residential facilities and properties shall manage lead acid batteries, major appliances, waste oil, and yard waste as follows:

- (a) **Lead acid batteries** shall NOT be disposed of as solid waste. Old batteries should be left with the vendor where new batteries are purchased; or taken to an authorized battery recycling facility.
- (b) **Major appliances** shall NOT be disposed of as solid waste. Arrangements can be made with the town's contract hauler to have these items picked-up on a fee-per-call basis; or may be taken to a recycling center that is authorized to process such items.
- (c) **Waste oil** shall NOT be disposed of as solid waste, and shall NOT be dumped down drains, in fields, etc. Waste oil can be taken to the county drop-off center at the Rodefild Landfill on USH 12/18; or may be taken to various vendors throughout the county that are authorized to collect and properly dispose of such materials.

CHAPTER 16 - WASTE DISPOSAL

TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

(d) **Yard waste** shall NOT be disposed of as solid waste. Town residents are encouraged to compost or burn their own yard waste; provided an Open Burning Permit is obtained as specified under s. TCG 11.02. However, brush and other clean woody vegetative material no greater than 6 inches in diameter may be taken to any designated yard waste drop-off center for disposal or recycling as wood chips, which have a subsequent re-use as a means of erosion control or as a decorative ground-cover.

(9) PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS

Except as otherwise directed by the town clerk, occupants of single family and 2 to 4 unit residences shall do the following for the preparation and collection of the separated materials specified in (5)(e-o):

(a) **Aluminum containers** shall be disposed of in the recycle bin provided.

(b) **Bi-metal containers** shall be disposed of in the recycle bin provided.

(c) **Corrugated paper or other container board** shall be flattened and securely tied in bundles less than 12 inches thick; or placed in suitable containers facilitating handling and collection. Corrugated paper or other container board shall NOT be intermixed, bundled together, or mixed with other recyclable materials.

(d) **Foam polystyrene packaging** shall be disposed of as solid waste until recycle markets are developed and/or legislation is passed which prohibits such disposal.

(e) **Glass containers** shall be disposed of in the recycle bin provided.

(f) **Magazines** shall be disposed of in brown paper grocery bags; or securely tied in bundles less than 8 inches thick. Magazines shall NOT be intermixed, bundled together, or mixed with other recyclable materials.

(g) **Newspaper** shall be disposed of in brown paper grocery bags; or securely tied in bundles less than 12 inches thick; or placed in suitable containers facilitating handling and collection. Newspaper shall NOT be intermixed, bundled together, or mixed with other recyclable materials.

(h) **Office paper** shall be disposed of in clear plastic trash bags, or brown paper grocery bags, as a recyclable material; and shall NOT be intermixed, bundled together, or mixed with other recyclable materials.

(i) **Rigid plastic containers** shall be prepared and collected as follows:

1. Plastic containers made of PETE, shall be disposed of in the recycle bin provided.
2. Plastic containers made of HDPE, shall be disposed of in the recycle bin provided.
3. Plastic containers made of PVC, shall be disposed of as solid waste until recycle markets are developed and/or legislation is passed which prohibits such disposal.

CHAPTER 16 - WASTE DISPOSAL

TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

4. Plastic containers made of LDPE, shall be disposed of as solid waste until recycle markets are developed and/or legislation is passed which prohibits such disposal.
5. Plastic containers made of PP, shall be disposed of as solid waste until recycle markets are developed and/or legislation is passed which prohibits such disposal.
6. Plastic containers made of PS, shall be disposed of as solid waste until recycle markets are developed and/or legislation is passed which prohibits such disposal.
7. Plastic containers made of other resins or multiple resins, shall be disposed of as solid waste until recycle markets are developed and/or legislation is passed which prohibits such disposal.

(j) **Steel containers** shall be disposed of in the recycle bin provided.

(k) **Waste tires** shall NOT be disposed of as solid waste. Old tires should be left with vendor where new tires are purchased; or taken to an authorized tire recycling facility.

(10) RESPONSIBILITIES OF OWNERS, OR DESIGNATED AGENTS, OF MULTIPLE-FAMILY DWELLINGS

(a) Owners, or designated agents, of multiple-family dwellings shall do all of the following to recycle the materials specified in (5)(e-o):

1. Provide adequate, separate containers for the recyclable materials.
2. Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
3. Provide for the collection of the materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.
4. Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.

(b) The requirements specified in (a) do not apply to the owners, or designated agents, of multiple-family dwellings if the post-consumer waste generated within the dwelling is treated at a processing facility licensed by the DNR that recovers for recycling the materials specified in (5)(e-o), from solid waste in as pure a form as is technically feasible.

(11) RESPONSIBILITIES OF OWNERS, OR DESIGNATED AGENTS, OF NON-RESIDENTIAL FACILITIES AND PROPERTIES

(a) Owners, or designated agents, of non-residential facilities and properties shall do all of the following to recycle the materials specified in (5)(e-o):

1. Provide adequate, separate containers for the recyclable materials.
2. Notify in writing, at least semi-annually; all users, tenants and occupants of the properties about the established recycling program.

CHAPTER 16 - WASTE DISPOSAL

TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

3. Provide for the collection of the materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility.
4. Notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.

(b) The requirements specified in (a) do not apply to the owners, or designated agents, of non-residential facilities and properties, if the post-consumer waste generated within the facility or property is treated at a processing facility licensed by the DNR; that recovers for recycling the materials specified in (5)(e-o), from solid waste in as pure a form as is technically feasible.

(12) PROHIBITIONS ON DISPOSAL OF RECYCLABLE MATERIALS SEPARATED FOR RECYCLING

(a) No person may dispose of or burn any of the materials specified in (5)(e-o), which have been separated for recycling; except waste tires may be burned with energy recovery in a licensed solid waste facility.

(b) No person may collect or remove any of the materials specified in (5)(e-o), which have been placed for curbside collection, or deposited at any other location designated by the town board as a recyclable material collection point, unless provided written authorization by the town board. This provision shall not apply to any occupant who has placed any of the materials specified in (5)(e-o) for curbside collection and then withdraws it prior to collection.

(c) No person may dispose of or place for curbside collection, any recyclable materials or solid waste that have been generated from sources outside of the town. This provision shall not apply to any container, or collection point designated by the town board for use by the general public.

(13) ENFORCEMENT

(a) For the purpose of ensuring compliance with the provisions of this ordinance, any authorized officer, employee or representative of the town of Cottage Grove may inspect recyclable materials separated for recycling, post-consumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and non-residential facilities and properties, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information.

(b) No person may refuse access to any authorized officer, employee or authorized representative of the town of Cottage Grove who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.

(14) PENALTY FOR VIOLATION

CHAPTER 16 - WASTE DISPOSAL

TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

In addition to, and separate from, any possible liability which results from a failure to comply with any applicable statute or DNR regulation; violations of this ordinance shall be punishable as class C forfeitures, under s. TCG 25.04.

(15) EFFECTIVE DATE

- (a) The original ordinance was adopted on 7 Jan 1991.
- (b) This section shall take effect upon passage and publication.

16.02 SOLID WASTE DISPOSAL

(1) DEFINITIONS

- (a) "Person" has the meaning specified in s. 289.01(27), Stats.
- (b) "Solid waste" has the meaning specified in s. 289.01(33), Stats.; and includes "recyclable materials" and "yard waste", as defined in s. TCG 16.01(4)(t,y).
- (c) "Solid waste facility" has the meaning specified in s. 144.43(5), Stats.

(2) REGULATION OF SOLID WASTE DISPOSAL

- (a) No person owning, controlling, or occupying any lands within the town limits may permit, or allow the disposal of solid waste upon said lands; without having been granted a license from the Wisconsin department of natural resources (DNR), having obtained a conditional use permit (CUP) approval from the town board, and having been granted a permit by the town board as specified in TCG 16.04
- (b) No person may litter, dump, dispose of, or store solid waste upon any lands, public or private, within the town limits, outside of a solid waste facility which has been licensed by the DNR, granted approval for Conditional Use Permit (CUP) by the town board, and permitted by the town board as specified in TCG 16.04.
- (c) No person may allow the accumulation of rocks, trees, brush, stumps, waste building materials, or other debris from land development, building construction, roadway construction, or installation of underground utilities; upon any lands within the town limits for a period of more than 15 days, unless the accumulation is directly related to a construction activity previously permitted for the site, or area, by the town building inspector, or the town board.
- (d) No person may dispose of, or place for curbside collection within the town limits; any solid waste or recyclable materials that have been generated from sources outside of the town. This provision shall not apply to any container, or collection point designated by the town board for use by the general public.
- (e) No Person shall operate, park or store a motor vehicle so as to cause vehicle fluids or lubricants to become deposited upon public property or upon any private property not owned by said person or upon the surface of any body of water within the Town.

CHAPTER 16 - WASTE DISPOSAL

TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

(f) No person shall discharge chemically treated swimming pool discharge onto public property or adjoining private properties. For the purposes of this section, swimming pool water shall be considered chemically treated for three days following the addition of any chemicals to the water.

(g) No person, firm or corporation shall place garbage cans, garbage bags, or other trash receptacles along any Town road; provided that this subsection shall not apply to the placement of such receptacles within 36 hours of any regularly scheduled time for garbage removal. Every day during which such receptacles are permitted to remain shall constitute a separate offense.

(3) PENALTY FOR VIOLATION

In addition to, and separate from, any possible liability which results from a failure to obtain a DNR license, or to comply with any condition of said license; violations of this ordinance shall be punishable as class C forfeitures, under s. TCG 25.04.

(4) EFFECTIVE DATE

(a) The original ordinance was adopted on 19 Jul 1993 and amended on December 15, 2008 and February 1, 2010.

(b) This section shall take effect upon passage and publication.

16.03 USE OF TOWN DUMP

(1) COLLECTION SERVICES

(a) The town and village of Cottage Grove operated a solid waste disposal facility, commonly referred to as the town dump, which has been closed and covered in accordance with the requirements of the Wisconsin department of natural resources (DNR).

(b) No person may dispose of any solid waste, as defined in s. 144.01(15), Stats.; including "recyclable materials" and "yard waste", as defined in s. TCG 16.01(4)(t,y), on the site of the former town dump in any area or at any time.

(2) PENALTY FOR VIOLATION

Violations of this ordinance shall be punishable as class B forfeitures, under s. TCG 25.04.

(3) EFFECTIVE DATE

(a) The original ordinance was adopted on 1 Jun 1970.

(b) This section shall take effect upon passage and publication.

16.04 REGULATION OF WASTE TREATMENT, DISPOSAL AND STORAGE SITES

(1) PURPOSE

CHAPTER 16 - WASTE DISPOSAL

TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

The purpose of this ordinance is for the town 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.

(2) AUTHORITY

The Town Board of the Town of Cottage Grove, Dane County, Wisconsin, has the specific authority under s. 289.22, Wis. stats., and general authority under its village powers under s. 60.22, Wis. stats., to adopt this ordinance.

(3) ADOPTION OF ORDINANCE

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the regulation by permit of the construction, maintenance, operation, closure, and long-term care of certain waste treatment, disposal, and storage facilities or sites in the town.

(4) DEFINITIONS

(a) "Hazardous waste" means any solid waste identified by the State of Wisconsin, Department of Natural Resources as hazardous under s. 291.05 (1), (2), or (4), Wis. stats.

(b) "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.

(c) "Solid waste" means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, and other discarded or salvageable materials, including solid, liquid, semisolid, or contained gaseous materials resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solids or dissolved materials in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permits under chapter 283, Wis. stats., or source material as defined in 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.

(d) "Solid waste disposal" means the discharge, deposit, injection, dumping, or placing of any solid waste into or on any land or water. "Solid waste disposal" does not include the transportation, storage, or treatment of solid waste.

(e) "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

CHAPTER 16 - WASTE DISPOSAL

TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

any of the following:

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 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.
3. An auto junkyard or scrap metal salvage yard.
4. Any facility exempt from town regulation by state law or regulation, including certain demolition facilities.

(f) "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.

(g) "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.

(h) "Town" means the Town of Cottage Grove, Dane, County, Wisconsin.

(i) "Town board" means the board of supervisors for the Town of Cottage Grove, Dane County, Wisconsin, and includes designees of the board authorized to act for the board.

(j) "Town clerk" means the clerk of the Town of Cottage Grove, Dane County, Wisconsin.

(k) "Wis. stats." means the Wisconsin Statutes, including successor provisions to cited statutes.

(5) SUBDIVISION AND NUMBERING OF THIS ORDINANCE

This ordinance is divided into sections designated by numbers. Sections may be divided into subsections designated by lower case letters. Subsections may be divided into paragraphs designated by numbers. Reference to a "section," "subsection," or "paragraph" includes all divisions of the referenced section, subsection, or paragraph.

(6) 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 shall be established annually by resolution of the town board. The permit shall be issued by the town board or its designees prior to any person commencing any form of construction, operation, maintenance, closure, or long-term care of any

CHAPTER 16 - WASTE DISPOSAL

TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

facility or site in the town that is subject to this ordinance.

(7) APPLICATION EVALUATION FEES

The Town will bill the applicant for any and all special meetings called for the purpose of evaluating the application, at the current per diem rate for all board or committee members who attend the meeting(s). In addition, as permitted under s. 66.0628, Wis. Stats., the Town shall bill the applicant for any engineering, legal, or other professional services contracted by the Town for the purpose of evaluating the application.

(8) 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 premises in the town. The permit is not transferable from one person to another. The application for the permit shall, at minimum, contain all of the following:

- (a) The name of the applicant and the name of any agent for the applicant.
- (b) The address of the applicant.
- (c) The address and legal description of the premises for the facility or site and the current owner of the premises.
- (d) The age of the applicant, if a natural person not over the age of 18 years.
- (e) The type and use of the facility or site to be constructed, operated, maintained, closed, or provided long-term care at the premises.
- (f) The length of time in years for construction of the facility, if applicable.
- (g) All local approvals, licenses, or permits necessary for the applicant to obtain for the facility prior to any construction, maintenance, operation, closure, or long-term care.
- (h) All federal or state approvals, licenses, or permits necessary for the applicant to obtain for the facility prior to construction, maintenance, operation, closure, or long-term care.
- (i) The proposed length in years of operational time for actual disposal, treatment, or storage operations at the facility.
- (j) The current and proposed zoning and land use plan for the facility premises, if any.
- (k) 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.
- (l) The projected type, source, and amount of hazardous or toxic waste to be stored, treated, or disposed at the facility on an annual basis.

CHAPTER 16 - WASTE DISPOSAL

TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

- (m) Copies of all feasibility reports and plan of operations submitted or to be submitted to the State of Wisconsin, Department of Natural Resources.
- (n) The financial security projected to be provided by the applicant to insure compliance with the permits as issued and with any other approvals.
- (o) Any public nuisance or threats to the public health or safety known by the applicant that are located at or near the proposed or current waste location.
- (p) Any other information regarding the construction, operation, closure, or long-term care of the facility requested by the town in the application form.

(9) EXEMPTIONS

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

- (a) 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.
- (b) The use of sanitary privies and what are commonly known as seepage beds, holding tanks, or septic tanks that conform to applicable ordinances in the town.
- (c) The discharge of human waste products into any public sewerage system located within the town, or of the landspreading of human waste products on lands in the town.
- (d) A farm facility on which only animal waste, resulting from the operation of that farm, is disposed at the facility.
- (e) 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.
- (f) 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.
- (g) Any demolition or other waste facility, including any landspreading of wood, ash, or sludge site exempt under s. 289.43, Wis. stats.
- (h) Any alcohol fuel production system exempt under s. 289.44, Wis. Stats.
- (i) Any fruit and vegetable waste facility exempt under s. 289.445, Wis. stats.

CHAPTER 16 - WASTE DISPOSAL

TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

(j) Any recyclable material collection facility approved for collection or processing operations by Dane County, the town, or any responsible unit under s. 287.09, Wis. stats.

(k) Any solid waste facility or hazardous waste facility or site that was permanently closed prior to the effective date of the ordinance.

(l) Any solid waste or recyclable material collection container or dumpster for solid waste and recyclable material disposal and collection used by the public that is provided by any federal, state, county, or town agency; provided however that any waste, garbage, refuse, or recyclable material to be disposed or collected in the town is placed in a suitable dumpster or container, or is stored in another way so as not to cause a public or private nuisance.

(m) Any solid waste collection container or dumpster for solid waste and recyclable material, disposed and collected by the public provided by any person in the town; provided however that any waste, garbage, refuse, or recyclable material to be disposed or collected in the town is placed in a suitable dumpster or container, or is stored in another way as not to cause public or private nuisance.

(n) Any open container or other system used to burn nontoxic or nonhazardous material in a lawful manner and so as not to cause a public nuisance in the town.

(10) SPECIFIC ORDINANCE AND PERMIT PROVISIONS

(a) No person may be issued or reissued a permit in the town under this ordinance until the appropriate application fee has been paid by the applicant to the town clerk.

(b) No person may be issued or reissued a permit under this ordinance who has failed to properly and fully complete and submit to the town clerk complete and truthful responses on the application form developed and provided by the town.

(c) No person may be issued or reissued a permit in the town under this ordinance, and any permit may be revoked or suspended after a public hearing by the town board, if the facility applicant or the permittee fails to do any of the following:

1. Obtain and maintain for a proposed or existing facility or site all necessary approvals, licenses, or permits from the appropriate town, Dane County, state, and federal agencies.
2. Comply with all conditions and restrictions attached by the town board to the permit issued under this ordinance by the town board.
3. 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.

(d) The town board may, in order to prevent public nuisances, protect the public health, and protect the environment in the town, require specific conditions or restrictions to be attached to any permit issued by the town board under this ordinance. These conditions or restrictions, if applicable, shall be complied with during the construction, operation, maintenance, closure, and long-term care operations of the facility or site by the permittee or applicant.

CHAPTER 16 - WASTE DISPOSAL

TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

(11) PENALTY PROVISIONS

In addition to, and separate from, any of the procedures set forth above and any liability resulting from a failure to comply with any applicable state statute or administrative rule, violations of this ordinance shall be punishable as class D forfeitures, under s. TCG 25.04. Each day a violation exists or continues constitutes a separate offense under this ordinance. In addition, the town board may seek injunctive relief from a court of record to enjoin further violations.

(12) SEVERABILITY

If any provision of this ordinance or 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 or application, and to this end the provisions of this ordinance are severable.

(13) EFFECTIVE DATE

(a) The original ordinance was adopted on February 15, 2010

(b) This section shall take effect upon passage and publication as required under s. 60.80, Wis. stats.