

# TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

## CHAPTER 16 - WASTE DISPOSAL

### 16.01 DEFINITIONS

Except as otherwise provided in this Chapter:

- (1) "Bi-metal Container" means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.
- (2) "Container Board" means corrugated paperboard used in the manufacture of shipping containers and related products.
- (3) "Foam Polystyrene Packaging" means packaging made primarily from foam polystyrene that satisfies one of the following criteria:
  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.
- (4) "Glass Container" means a glass bottle, jar or other packaging container used to contain a product that is the subject of a retail sale and does not include ceramic cups, dishes, oven ware, plate glass, safety and window glass, heat resistant glass such as Pyrex, lead based glass such as crystal, or TV tubes.
- (5) "Hazardous Waste" means any Solid Waste identified by the State of Wisconsin, Department of Natural Resources as hazardous under § 291.05 (1), (2), or (4), Wis. Stats.
- (6) "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.
- (7) "HDPE" means high density polyethylene, labeled by the SPIT code #2.
- (8) "LDPE" means low density polyethylene, labeled by the SPIT code #4.
- (9) "Magazines" means magazines and other materials printed on similar paper.
- (10) "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.
- (11) "Multiple-family Dwelling" means a property containing five or more residential units; including those which are occupied seasonally.
- (12) "Newspaper" means a newspaper and other materials printed on newsprint.
- (13) "Non-residential Facilities and Properties" means commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple-family dwellings.
- (14) "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.

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- (15) "Other Resins or Multiple Resins" means plastic resins, labeled by the SPIT code #7.
- (16) "Person" has the meaning specified in § 289.01(27), Wis. Stats.; and includes any local governmental unit, as defined in § 66.0131(1)(a), Stats.
- (17) "PETE" means polyethylene terephthalate, labeled by the SPIT code #1.
- (18) "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.
- (19) "Post-consumer Waste" means Solid Waste other than Solid Waste generated in the production of goods; hazardous waste, as defined in § 289.01(12), Wis. Stats.; waste from construction and demolition of structures; scrap automobiles; or high-volume industrial waste, as defined in § 289.01(17), Wis. Stats.
- (20) "PP" means polypropylene, labeled by the SPI code #5.
- (21) "S" means polystyrene, labeled by the SPI code #6.
- (22) "PVC" means polyvinyl chloride, labeled by the SPI code #3.
- (23) "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.
- (24) "Solid Waste" has the meaning specified in § 289.01(33), Wis. Stats.; and includes the materials as defined in (22) and (29).
- (25) "Solid Waste Disposal" has the meaning specified in § 289.01(34), Wis. Stats.
- (26) "Solid Waste Facility" has the meaning specified in § 289.01(35), Wis., Stats.
- (27) "Solid Waste Storage" has the meaning specified in § 289.01(38), Wis. Stats.
- (28) "Solid Waste Treatment" has the meaning specified in § 289.01(39), Wis. Stats.
- (29) "Waste Tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
- (30) "Yard Waste" means leaves, grass clippings, yard and non-woody garden debris and brush, including clean woody vegetative material no greater than six four inches in diameter. This term does not include tree branches, brush, stumps, roots, sod or shrubs with intact root balls.

### 16.02 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 §§ 287.09(2) and 287.11, Wis. Stats., and Wis. Admin. Code NR 544.

#### (2) AUTHORITY AND SCOPE

(a) This ordinance is adopted as authorized under § 287.09(3), Wis. Stats.; Wis. Admin. Code NR 544; and the Town of Cottage Grove responsible unit authorizing resolution, dated June 20, 1994.

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(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 Wis. Admin. Code NR 544, and where the ordinance provision is unclear; the provision shall be interpreted in favor of the statutes and the Wis. Admin. Code 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; 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 16.02(2)(a).

### (4) 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

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### (5) SEPARATION REQUIREMENTS EXEMPTED

The separation requirements of (4), do not apply to the following:

- (a) Occupants of single family and two to four-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 (4), 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 16.02(4)(a)-(4)(o), for which a variance has been granted by the DNR under § 287.11(2m), Wis. Stats., or Wis. Admin. Code NR 544.14.

### (6) CARE OF SEPARATED RECYCLABLE MATERIALS

- (a) To the greatest extent practicable, the recyclable materials separated in accordance with (4), 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) Contact the Town Clerk or see the Town's web site for a list of local drop off centers that will accept special wastes and automotive products.

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

Occupants of single family and two-four-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. Each single family or two-four-unit residence may dispose of up to two lead acid batteries in one week, and a total of eight lead acid batteries in one year, provided they remain in an unbroken case, by placing said lead-acid batteries at the specified location, as confirmed by the recycling service provider, on the recycling week assigned to that residence.
- (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. Each single family or two-four-unit residence may dispose of waste oil by placing said waste oil, in one-gallon sealed containers, at the specified location, as confirmed by the recycling service provider, on the recycling week assigned to that residence.
- (d) Yard Waste shall NOT be disposed of as Solid Waste. Town residents are encouraged to com-post or burn their own Yard Waste; provided an Open Burning Permit is obtained as specified under s. TCG § 11.02. However, grass clippings, leaves and non-woody vegetative material no greater than four inches in diameter may be taken to the Town's yard waste drop off site as established by s. TCG § 16.06.

### (8) PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS

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Except as otherwise directed by the Town Clerk, occupants of single family and two to four-unit residences shall do the following for the preparation and collection of the separated materials specified in 16.02(4)(e)-(4)(o):

- (a) Aluminum containers shall be rinsed to remove any remaining residue, and shall be disposed of in the recycle bin provided.
  - (b) Bi-metal containers shall be rinsed to remove any remaining residue, and shall be disposed of in the recycle bin provided.
  - (c) Corrugated paper or other container board shall be disposed of in the recycle bin provided.
  - (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 rinsed to remove any remaining residue, and shall be disposed of in the recycle bin provided.
  - (f) Magazines shall be disposed of the recycle bin provided, no bundling.
  - (g) Newspaper shall be disposed of in the recycle bin provided, no bundling.
  - (h) Office paper shall be disposed of in the recycle bin provided, no bundling.
  - (i) Rigid plastic containers shall be prepared and collected as follows:
    - 1. Containers made of PETE, shall be rinsed to remove any remaining residue, and shall be disposed of in the recycle bin provided.
    - 2. Plastic containers made of HDPE, shall be rinsed to remove any remaining residue, and 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.
    - 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 rinsed to remove any remaining residue, and shall be disposed of in the recycle bin provided.
  - (k) Waste tires shall NOT be disposed of as Solid Waste. Each single family or two-four-unit residence may dispose of up to eight waste tires (with a limit of two in any one week) by placing said tires at the specified location, as confirmed by the recycling service provider, on the recycling week assigned to that residence.
- (9) RESPONSIBILITIES OF OWNERS, OR DESIGNATED AGENTS, OF MULTIPLE-

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### FAMILY DWELLINGS

(a) Owners, or designated agents, of Multiple-family Dwellings shall do all of the following to recycle the materials specified in 16.02(4)(e)-(4)(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 16.02(4)(e)-(4)(o), from Solid Waste in as pure a form as is technically feasible.

### (10) 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 16.02(4)(e)-(4)(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.
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 16.02(4)(e)-(4)(o), from solid waste in as pure a form as is technically feasible.

### (11) PROHIBITIONS ON DISPOSAL OF RECYCLABLE MATERIALS SEPARATED FOR RECYCLING

(a) No person may dispose of or burn any of the materials specified in 16.02(4)(e)-(4)(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 16.02(4)(e)-(4)(o), which

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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 16.02(4)(e)-(4)(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.

### (12) ENFORCEMENT

(a) For the purpose of ensuring compliance with the provisions of this ordinance, any authorized officer, employee or representative of the Town 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 who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.

### (13) PENALTY FOR VIOLATION

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 follows:

(a) Any person who violates sub. (11) may be required to forfeit \$50 for a first violation, \$200 for a second violation, and not more than \$2,000 for a third or subsequent violation.

(b) Any person who violates a provision of this ordinance, except sub. (11), may be required to forfeit not less than \$10 or more than \$1,000 for each violation.

### (14) EFFECTIVE DATE

(a) The original ordinance was adopted on January 7, 1991.

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

## 16.03 SOLID WASTE DISPOSAL

### (1) REGULATION OF SOLID WASTE DISPOSAL

(a) No person owning, controlling, or occupying any lands within the Town may permit, or allow the disposal of Solid Waste upon said lands; without having been granted a license from the 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 s. TCG § 16.05

(b) No person may litter, dump, dispose of, or store Solid Waste upon any lands, public or private, within the Town, outside of a Solid Waste Facility which has been licensed by the DNR, granted approval for CUP by the Town Board, and permitted by the Town Board as specified in s. TCG § 16.05.

(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

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installation of underground utilities; upon any lands within the Town 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; 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.

(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.

### (2) 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.

### (3) EFFECTIVE DATE

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

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

## 16.04 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 DNR.

(b) No person may dispose of any Solid Waste, 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 June 1, 1970.

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

## 16.05 REGULATION OF WASTE TREATMENT, DISPOSAL AND STORAGE SITES



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### (1) PURPOSE

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 has the specific authority under § 289.22, Wis. Stats., and general authority under its Village powers under § 60.22, Wis. Stats., to adopt this ordinance.

### (3) 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 § 289.33(3)(d), Wis. Stats., subject to the requirements of § 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 facility or site in the town that is subject to this ordinance.

### (4) 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 Town Board or committee members who attend the meeting(s). In addition, as permitted under § 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.

### (5) 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

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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.
- (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 ensure 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.

### (6) EXEMPTIONS

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

- (a) A facility or site under § 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 § 289.43, Wis. Stats.
- (h) Any alcohol fuel production system exempt under § 289.44, Wis. Stats.

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- (i) Any fruit and vegetable waste facility exempt under § 289.445, Wis. Stats.
- (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.

### (7) 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.

### (8) PENALTY PROVISIONS

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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.

### (9) 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.

### (10) 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 § 60.80, Wis. Stats.

## **16.06 TOWN YARD WASTE DROP OFF SITE.**

### (1) ESTABLISHMENT.

The Town yard waste drop off site shall be established and located within the designated area of the Town Public Works Department facility located at 4062 County Road N, Cottage Grove, Wisconsin. The Town yard waste drop off site may be terminated or relocated by future order of the Town Board.

### (2) USE.

The Town yard waste drop off site may be used by Town residents during hours specified by the Town Board for deposit of unbagged grass clippings, leaves and non-woody vegetative material no greater than 4 inches in diameter. All persons entering upon the Town yard waste drop off site and/or depositing any material therein shall comply with all regulations thereof. All materials shall be deposited within the designated container for such material.

### (3) FEES.

All individuals utilizing the Town yard waste drop off site shall be subject to all applicable fees set forth in the Town Fee Schedule.

### (4) UNLAWFUL DEPOSIT.

No person shall place any garbage, refuse, demolition material, tree branches, brush, roots, stumps or sod, or any other material not designated for acceptance within the Town yard waste drop off site. No person who is not a resident of the Town of Cottage Grove shall deposit any material within the Town yard waste drop off site unless previously approved by the Town Clerk or Highway Superintendent.

### (5) ANTI-SCAVENGING AND UNLAWFUL REMOVAL OF RECYCLABLES.

It shall be unlawful for any person, unless under contract with or licensed by the Town, to collect or remove any material that has been deposited at the Town yard waste drop off site.

### (6) ENFORCEMENT.

Any person violating any provision of this section shall be subject to the penalties as a Class D

## **TOWN OF COTTAGE GROVE - CODE OF ORDINANCES**

forfeiture as set forth in section 25.04.

(7) EFFECTIVE DATE.

This ordinance shall take effect upon passage and publication as provided by law.