

*File
Signed & Noted.*

TOWN OF ROCK
ORDINANCE NO. 811

AN ORDINANCE TO REGULATE THE TRANSPORTATION AND DUMPING OF GARBAGE, RUBBISH, SLUDGE, OFFAL, SEWAGE OR OTHER REFUSE.

WHEREAS, Garbage, rubbish, sludge, offal, sewage and other refuse has been transported on highways within and dumped on lands within the Town of Rock, Rock County, Wisconsin, and may in the future be transported through or dumped on lands within said township, and

WHEREAS, The misapplication or uncontrolled transportation or dumping of garbage, rubbish, sludge, offal, sewage or other refuse can interfere with the enjoyment of and reduce the value of private property; create safety or health hazards to the residents of the township; interfere with the comfort and well-being of the public; and constitute a public nuisance; and

WHEREAS, Adequate protection of the public health, safety and welfare requires that the transportation and dumping of garbage, rubbish, sludge, offal, sewage or other refuse be regulated; now, therefore,

THE TOWN BOARD OF THE TOWN OF ROCK, ROCK COUNTY, STATE OF WISCONSIN, ORDAINS AS FOLLOWS:

ORDINANCE NO. 811 OF THE CODE OF ORDINANCES OF THE TOWN OF ROCK, ROCK COUNTY, STATE OF WISCONSIN, IS HEREBY CREATED TO READ AS FOLLOWS:

AN ORDINANCE TO CONTROL THE TRANSPORTATION AND DUMPING OF GARBAGE, RUBBISH, SLUDGE, OFFAL, SEWAGE OR OTHER REFUSE WITHIN THE TOWN OF ROCK.

SECTION ONE, PERMIT REQUIRED

No person, firm or corporation, including municipal corporation, shall transport any garbage, rubbish, sludge, offal, sewage or other refuse into or within the Town of Rock for the purpose of dumping or otherwise disposing of the same until such person, firm, corporation or municipality has first secured a permit to do so from the Town Board.

No person, firm, corporation or municipality shall place or dump or allow to be placed or dumped any garbage, rubbish, sludge, offal, sewage or other refuse on land owned by them, and lying within the Town of Rock, without first securing a permit to do so

from the Town Board.

SECTION TWO, APPLICATION FOR PERMIT

Application for a permit to transport or dump garbage, rubbish, sludge, offal, sewage or other refuse within the Town of Rock, as required in the Section immediately above, shall be made to the Town Board of the Town of Rock. Such application shall be in triplicate and must contain the following information:

1. A description of the material to be transported or dumped.
2. The date or dates on which the material will be transported or dumped.
3. The quantity of material to be transported or dumped.
4. The description of the roads over which it will be transported and/or the lands on which it will be dumped.
5. If the permit is for dumping or placing the material on lands within the Township, the quantity which has already been placed on said lands in the previous twelve-month period and the dates on which the material was placed on said lands must be indicated.
6. If the permit is for dumping or placing the material on lands within the Township, the manner in which the material will be applied or placed on said lands must be indicated.
7. If the permit is for dumping or placing the material on lands within the Township, the names and addresses of the owners of all properties lying within 200 feet of the land on which the material is to be dumped or placed.

SECTION THREE, REGULATION OF TRANSPORTATION AND DUMPING

No garbage, rubbish, sludge, offal, sewage or other refuse may be transported within the town for the purpose of dumping or dumped on lands within the town except in accordance with a permit granted by the Town Board. The Town Board shall issue said permit in accordance with the following regulations:

1. No permit shall be granted for the dumping of sludge or treated sewage until after the applicant has obtained a site approval permit from the State of Wisconsin, Department of Natural Resources pursuant to Sec. 147.02 Wis. Stats. (1979-80).

2. No permit shall be granted for the placing or dumping of sludge, offal or sewage if the quantity to be dumped on the land in question shall be greater than one "acre/inch" for a twelve-month period or the needs of the crop growing or to be grown on the land during the twelve-month period, whichever is less.
3. No permit shall be granted for the dumping of untreated sewage.
4. No permit shall be granted for the dumping of sludge or treated sewage in excess of ~~250~~ ^{10,000} gallons per acre over a 24-hour period.
5. No permit shall be granted for the dumping of sludge or treated sewage on land where sludge or sewage has been dumped in the six-month period immediately preceding said dumping, however, nothing herein contained shall prevent a permit from being granted permitting the reapplication of sludge or treated sewage on the land covered by the permit within 6 months of the initial application of sludge or treated sewage to the land pursuant to such permit provided such reapplication does not exceed the needs of the crop growing or to be grown.
6. No permit shall be granted for the dumping of sludge or treated sewage on soil that is not approved by the State of Wisconsin, Department of Natural Resources and the Rock County Sanitarian as being a type of soil that will readily assimilate the sludge or treated sewage.
7. No permit shall be granted for the dumping of sludge or treated sewage during rainy weather or where the soil to which the sewage or sludge is to be applied is water-logged or frozen.
8. No permit for dumping sludge or treated sewage shall be granted where the lands to which it is to be applied are drainage ways, undrained areas or ponded areas.
9. No permit for the dumping of sludge or treated sewage shall be granted without restricting said dumping by prohibiting any dumping within one thousand (1,000) feet from any building occupied or used by humans and within five hundred (500) feet from any roads or highways within the township.
10. No garbage, rubbish, sludge, offal, sewage or other refuse shall be transported within the township unless in vehicles so designed as to prevent the dropping of any of said materials on the highways or roadways within the township. Any material controlled by this ordinance which is dropped on a highway must be removed within four hours of the time

that notice is given to the person, firm, corporation or municipality holding the permit for transportation or dumping. The Town Board may not issue a permit for dumping or transportation under this ordinance to any person, firm, corporation or municipality who has not complied with the removal order set forth herein.

- 11. No person, firm, corporation or municipality shall dump any garbage, rubbish or other refuse within the Town of Rock except in municipally owned or operated disposal grounds which use the sanitary land fill method or incineration, conducted in a sanitary manner satisfactory to the State Board of Health and Department of Natural Resources and on a site approved by the Town Board and the Department of Natural Resources.

SECTION FOUR, NOTICE AND PUBLIC HEARING

Before issuing a permit hereunder, the Town Board shall hold a public hearing. Notice of such public hearing specifying the time, place, and matters to come before the Town Board shall be given, as a Class 2 notice as referred to in Chapter 985 of the Wisconsin Statutes. In addition, if the hearing is in connection with an application for a permit for the dumping of sludge, offal or treated sewage on land within the Town of Rock, the Town Clerk shall notify in writing all property owners within 200 feet of the land in question of the hearing at least five (5) days prior thereto.

SECTION FIVE, PERMIT FEE

The applicant, upon filing of his application with the Town Board, shall pay a fee to the Town Treasurer in accordance with the following schedule:

- 1. Permit Fee-----\$100.00 or actual cost of public notice and other associated fees, whichever is greater.

SECTION SIX, PENALTIES

Any person, firm, corporation or municipality who shall violate any provision of this ordinance shall be fined by a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) or by imprisonment in the County Jail for not more than six months or by both such fine and imprisonment. This penalty section does not prevent the Town of Rock from seeking injunctive relief at any time.

SECTION SEVEN, EXCEPTIONS

This ordinance shall not apply to transportation or dumping of animal manure produced by livestock owned by landowner or farm operator in connection with a farming or agricultural operation, or garbage or rubbish dumped in municipally owned or operated disposal grounds.

SECTION EIGHT, VALIDITY

If any provision of this ordinance, or subdivision thereunder, shall be declared to be unlawful or unconstitutional at any time; it shall be deemed separable from the balance of the ordinance and shall not affect the lawfulness or constitutionality of the remaining sections or sub-paragraphs.

SECTION NINE, WHEN EFFECTIVE

This ordinance shall take effect and be enforced from and after its passage and ~~publication~~ posting.

Dated at Afton, Wisconsin, this 8 day of Sept, 1981.

TOWN BOARD OF THE TOWN OF ROCK

BY: John H. Lee
Town Chairman

Richard M. O'Leary
Town Supervisor

Larren K. Scott
Town Supervisor

Attest:

Virginia Shelly
Town Clerk

CERTIFICATE

I hereby certify that the above ordinance was adopted by the Town Board of the Town of Rock on the 8th day of September, 1981, and that on the 21st day of September, 1981, copies of the above ordinance were posted by me in three (3) public places located in the Town of Rock.

Virginia Skelly
Virginia Skelly, Town Clerk
Town of Rock
Rock County, Wisconsin

Subscribed and sworn to before me
this 21st day of September, 1981.

Rudolph Werner
Notary Public
Rock County, Wisconsin
My commission is permanent.