

TOWN OF CLINTON

**CHAPTER 3 OF THE MUNICIPAL CODE
OF THE TOWN OF CLINTON**

GARBAGE AND SLUDGE

SECTION 1: PURPOSE

The purpose of this chapter is to prevent the uncontrolled transportation and application or dumping of garbage, sludge, septage or other refuse which can interfere with the enjoyment of and reduce the value of private property, create safety or health hazards to the residents of the Town, interfere with the comfort and well-being of the people, constitute a public nuisance, and cause damage to the Town=s roadways.

SECTION 2: DEFINITIONS

a. Application or dumping. Application or dumping includes, but is not limited to, unloading, throwing away, discarding, emptying, abandoning, discharging, or burying garbage, sludge, sewage or other refuse on, into or under any property or lands, whether publicly or privately owned, within the Town of Clinton.

b. Garbage. Garbage is discarded material resulting from the handling, processing, storage, preparation, serving and consumption of food.

c. Sludge. Sludge is sewage treatment residue in any form whatsoever, whether solid, semi-solid or liquid, which has been processed or treated in any way, form or manner.

d. Septage. Septage is the wastewater or contents of septic or holding tanks, dosing chambers, grease interceptors, seepage beds, seepage pits, seepage trenches, privies or portable restrooms as those terms are defined in Chapter NR 113 of the Wisconsin Administrative Code or its successors.

e. Refuse. Refuse is combustible and noncombustible discarded material including, but not limited to, trash, rubbish, paper, wood, metal, glass, plastic, rubber, cloth, ashes, litter and street rubbish, industrial waste, dead animals, mine tailings, gravel pit and quarry spoils, toxic and hazardous wastes, material and debris resulting from construction or demolition, and by-products of food production.

f. Municipality. Municipality is any city, village, town or sanitary district.

SECTION 3. PERMIT REQUIRED

No person, firm, corporation or municipality shall transport any garbage, sludge, septage, or other refuse into or within the Town of Clinton for the purpose of dumping or applying to land 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 apply or dump or allow to be applied or dumped any garbage, sludge, septage or other refuse on land lying within the Town of Clinton without first securing a permit to do so from the Town Board.

No permit shall be granted for application or dumping to occur more than one year after the date such permit is issued.

SECTION 4. APPLICATION FOR PERMIT

Application for a permit to transport, apply or dump garbage, sludge, septage or other refuse within the Town of Clinton, as required in Section 3 above, shall be made to the Town Board of the Town of Clinton. Such application shall contain the following information:

1. A description of the material to be transported, applied or dumped.
2. The quantity of material to be transported, applied or dumped.
3. A description of the lands on which it will be applied or dumped.

SECTION 5: 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 the matter to come before the Town Board shall be given as a class 2 notice pursuant to Ch. 985 of the Wisconsin Statutes. In addition, if the hearing is in connection with the application for a permit for the application or dumping of sludge or treated septage on land within the Town of Clinton, the Town Clerk shall give notice of the hearing in writing to all property owners within 500 feet of the land in question at least five days prior to the hearing. Such notice may be given by first class mail, and shall be deemed given when placed in the mail.

SECTION 6: REQUIREMENTS FOR ISSUANCE OF PERMIT

The Town Board may issue a permit under this chapter upon the following conditions:

1. The Town Board is satisfied that the legitimate concerns of owners and occupants of land near the place where material is to be dumped or applied have been adequately addressed.
2. The materials proposed to be dumped or applied will be dumped or applied only in agricultural or general rural zoning districts (A-1, Ru-2 or Ru-3) of the Town as those districts are created under Chapter 4 of the Municipal Code of the Town of Clinton.

3. The applicant has obtained all necessary permits from the Wisconsin Department of Natural Resources including, but not limited to, those required under Chapter NR 113 of the Wisconsin Administrative Code or its successors.

4. The applicant has satisfied the Town Board that the fee imposed for the proposed application or dumping will adequately compensate the Town for any anticipated damage to Town roads resulting from the hauling of garbage, sludge, septage or other refuse.

5. No application or dumping of garbage, sludge, septage or other refuse shall occur within 500 feet of a residence.

6. The applicant demonstrates that any vehicles used for transportation of garbage, sludge, septage or other refuse are so designed as to prevent the dropping of any of said materials on the highways or roadways within the Town.

7. The applicant has not shown a pattern of failure to abide by the terms of this chapter.

SECTION 7: TRANSPORTATION OF SLUDGE OR SEPTAGE

In addition to obtaining a permit under this chapter, any person applying sludge or septage shall notify the Town Clerk or the Town Chair in writing of the date and time of such dumping or application at least seven days before the date of such dumping or application. Such notice shall be personally delivered or, in the alternative, may be delivered by certified mail, return receipt requested, in which case notice shall be effective on receipt.

Any garbage, sludge, septage or other refuse dropped on a highway must be removed within four hours of the time that notice is given to the owner or operator of a vehicle from which such material was dropped.

SECTION 8: PERMIT FEE

Any applicant granted a permit under this chapter shall pay a fee to be determined by resolution of the Town Board. Such fee shall be sufficient to compensate the Town for its expenses incurred in administering this chapter and for any reasonably anticipated road damage resulting from the hauling of garbage, sludge, septage and other refuse. The Town Board may impose a lesser fee for applicants hauling less than 100,000 gallons of sludge or septage in a calendar year.

SECTION 9: 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 \$50.00 nor more than \$5000.00 for each day that the violation continues, or by imprisonment in the County Jail for not more than six months, or by both such fine and imprisonment. The Town may also seek injunctive relief to prevent the continuation of any such violation.

SECTION 10: EXCEPTIONS

The following activities are exempt from the application of this chapter:

1. The dumping or disposal of garbage or refuse from a single family or household, a member of which is the owner, occupant or lessee of the property, provided that such garbage or refuse is handled in a manner consistent with the provisions of Chapter 1 of the Municipal Code of the Town of Clinton.

2. The use of sanitary privies and what are commonly known as seepage beds or septic tanks which are otherwise in compliance with the Municipal Code of the Town of Clinton and state and federal laws and regulations.

3. The hauling of and distribution of animal waste on a farm from which such waste was generated.

4. The application of septage on a parcel from which such septage was generated, provided that no such application shall occur within 500 feet of any residence not located on that parcel.

SECTION 11: ENFORCEMENT

In the event the building inspector of the Town of Clinton finds that this ordinance has been violated in any way, he or she shall have the authority to suspend any permit granted hereunder pending review by the Clinton Town Board at its next regular meeting.

SECTION 12: REVOCAATION

Any permit issued hereunder may be revoked after public hearing held upon the publication of a class 1 notice by the Clinton Town Board. Such revocation may occur if any of the conditions necessary for the issuance of the permit or any terms of this ordinance are violated by the person, firm, corporation or municipality holding the permit.

SECTION 13: STATE LAW

Nothing contained herein shall be deemed to limit or restrict the application of any state law or administrative regulation of any state agency regulating the subject of this ordinance.

SECTION 14: SEVERABILITY ON CONFLICT

If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 15: EFFECTIVE DATE

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