

## CHAPTER 20 SOLID WASTE/RECYCLING<sup>1</sup>

### ARTICLE I. IN GENERAL

Secs. 20-1—20-17. Reserved.

### ARTICLE II. COLLECTION AND DISPOSAL

#### DIVISION 1. GENERALLY

#### Sec. 20-18. Purpose.

- (a) *Applicability.* This article and any amendments to the ordinance from which this article is derived shall be for the purpose of regulating the transportation, disposal, storage and treatment of refuse by persons within the village. Upon enactment of the ordinance from which this article is derived and any amendments to the ordinance, the provisions of this article shall apply to and govern refuse transportation, refuse disposal, refuse storage and refuse treatment by persons at all locations in the village and any refuse transportation, refuse disposal, refuse storage and refuse treatment within the village shall be permitted only under the terms and conditions set forth by this article and any amendments to the ordinance from which this article is derived.
- (b) *Exceptions to scope.* The following shall not be deemed to come within the scope and meaning of this article:
- (1) This article shall not apply to or govern refuse transportation to or refuse disposal, refuse storage or refuse treatment at any locations in the village where the refuse transportation, refuse disposal, refuse storage or refuse treatment is under the specific control and specific direction of the village board.
  - (2) This article shall not apply to or govern animal waste transportation, animal waste disposal, animal waste storage or animal waste treatment by persons resulting from an agricultural enterprise wherein the animal waste is transported to or disposed, stored or treated by a person at locations within the village.
  - (3) This article shall not apply to or govern any refuse transportation to or refuse disposal, refuse storage or refuse treatment within the village at existing solid waste facilities or existing hazardous waste facilities that are or were operational on the date of adoption of the ordinance from which this article is derived. However, any expansion of these existing solid waste facilities or hazardous waste facilities shall be within the scope and meaning of this article.
  - (4) This article shall not apply to or govern the use of sanitary privies, seepage beds or septic tanks which conform to any applicable ordinance in the village nor shall it apply to or govern the disposal of human

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<sup>1</sup>State law reference(s)—Solid waste transportation, Wis. Stats. § 60.54; offensive industry, Wis. Stats. § 66.0415; solid waste reduction, recovery and recycling, Wis. Stats. ch. 287; solid waste facilities, Wis. Stats. ch. 289; hazardous waste management, Wis. Stats. ch. 291.

waste products into any public sewage system located in the village. The injection and landspreading of municipal sludge into the ground is also not covered by this article.

- (5) This article shall not apply to or govern any refuse transportation to, or refuse disposal, refuse storage or refuse treatment in the village at any solid waste facility or hazardous waste facility, or the expansion of any existing solid waste facility or the expansion of any existing hazardous waste facility where this article is made not applicable pursuant to Wis. Stats. chs. 287, 289, 291, or where this article or sections of this article are specified as not applicable in a negotiated agreement or arbitration award pursuant to Wis. Stats. ch. 289.

(Ord. No. 25, § 1(a), (b), 3-12-1990; Ord. No. 52, § 1, 7-9-1998; Ord. No. 12-168, 9-25-2012)

## Sec. 20-19. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Agricultural establishment means an establishment engaged in the rearing and slaughtering of animals and the processing of animal products or orchard or field crops.

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*Active fill area* means the cells designed and constructed at the site location that are to be used for disposal of solid waste.

*Applicant* means a person applying for a license to construct, operate and maintain, or a person applying for reissuance of a license to construct, operate and maintain a solid waste facility or a hazardous waste facility. The applicant at time of issuance of the license shall be the owner of the land wherein the solid waste facility or hazardous waste facility is located.

Bulky waste means an item whose large size precludes or complicates their handling by normal collection, processing, or disposal methods. In general, bulky wastes are those wastes too large to be placed in a polycart.

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*Closure or final closure* means the date and time at which time no further solid waste or hazardous waste shall be transported to or disposed, stored or treated at the solid waste facility or the hazardous waste facility.

Compost material means and includes the following:

(1) Grass clippings and lawn wastes and shall include the foliage removed by normal lawn mowing operations and other vegetative material produced by the normal lawn and garden operations including weeds and other herbaceous plant material but shall exclude stone, concrete, metals or other manmade materials as well as plant materials described as brush under existing ordinances or wood, that is boards, lumber or fragments of same.

(2) All material in this classification shall be ready to compost. Leaves are acceptable material within the scope of this definition. Clippings from shrubs consisting of the current year's growth are acceptable as lawn waste; however, trimming of one year old growth (previous growing season) or older shall be considered brush and handled as such.

Curb means the back edge or curb and gutter along a paved street or where one would be if the street was paved and had curb and gutter.

*Department of natural resources* means the Wisconsin Department of Natural Resources or its successor agency.

*Dispose, disposing or disposal* means the discharge, deposit, injection, dumping, placing, littering, discarding, burying, throwing, emitting, emptying or abandoning of any refuse, into or on any private or public land or on any water or into any air within the village. This term does not include the storage or treatment of refuse.

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*Emergency* means an unforeseen circumstance that jeopardizes the public health, public safety or property of the village or its residents.

*Expansion* means an increase in additional disposal, treatment or storage capacity to an existing solid waste facility or existing hazardous waste facility where the additional capacity shall be available to or adjacent to the existing solid waste facility or to the existing hazardous waste facility for solid waste or hazardous waste disposal, storage or treatment by means of structural or physical expansion at or adjacent to the existing solid waste facility or to the existing hazardous waste facility.

*Garbage* means and includes refuse accumulation of animals, fruit or vegetable matter, liquid, or otherwise that attends the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit or vegetables originally used for foodstuffs. means discarded putrescible animal and vegetable refuse resulting from the handling, serving, preparation, processing, storage and consumption of food.

*Generate* means the act or the process of producing refuse at any residence or at any site located with the village.

*Hazardous waste* means any refuse identified as hazardous waste by Wis. Stats. ch. 291, its successor chapters or identified as hazardous waste by any regulations established by the state department of natural resources.

*Hazardous waste facility* means a facility in the village for the treatment, storage or disposal of hazardous waste and includes the land where the facility is located.

*Incinerating, incinerators or incineration* means any technique or process of controlled burning of refuse primarily to achieve volume reduction and/or to change waste characteristics occurring within the village by an incinerator licensed by the village.

*Injection* means the disposal of municipal sludge by discharge below the soil surface and into the top several feet of the soil for agricultural, silvicultural and/or disposal purposes within the village.

*Landspreading* means the disposal of solid waste in thin layers onto the land surface within the village for agricultural, silvicultural and/or solid waste disposal purposes.

*Leachate* means water or other liquid which has been contaminated by dissolved or suspended materials due to contact with waste or gases therefrom.

*Longterm care* means the routine care, maintenance and monitoring of the solid waste facility or of the hazardous waste facility after closure.

*Mining refuse* means all waste soil, rock, mineral, liquid, vegetation and other material, except merchantable byproducts, directly resulting from or displaced by the prospecting or mining and from the cleaning or preparation of minerals during prospecting or mining operations, and shall include all waste materials deposited on or in the prospecting or mining site from other sources.

*Open burning* means combustion of refuse in the village where the products or combustion are emitted directly to the ambient air without passing through a stack or a chimney. The term "open burning" does not include the combustion of refuse occurring at a properly operated air curtain destructor or an incinerator licensed by the village.

*Polycart* means a container issued by the village or its designated vendor for the storage and collection of solid waste and/or recyclables.

*Polychlorinated biphenyls (PCBs)* means the class of organic compounds generally known as polychlorinated biphenyls and includes any of several compounds or mixtures of compounds produced by replacing two or more hydrogen atoms on the biphenyl molecule with chlorine atoms.

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*Principal structure* means locations in the village containing a residential use, the principal structure shall be the primary residential building, facility or structure designed for and used for single-family dwelling or designed and used as apartments, including any building, facility or structure which is accessory to or incidental to the primary residential building, facility or structure. At locations containing no residential use, the principal structure shall be the primary building, facility or structure designed for and used by the majority of the public for resort, employment, assemblage, lodging, trade, traffic or occupancy, including any building, facility or structure which is accessory to and incidental to the primary building, facility or structure.

*Processing* means any technique used at a residence or at a site within the village to facilitate further transfer, processing or utilizing of solid waste, including, but not limited to, techniques such as baling, shredding, pulverizing, composting or separating of solid waste.

*Recyclable solid waste* means solid waste which through transfer, transportation, processing or marketing will be converted into useable materials, products or energy.

*Refuse* means combustible and noncombustible waste produced from industrial or community life, including solid waste, hazardous waste, sludge, garbage, ashes and rubbish.

*Remedial action* means those actions consistent with a permanent remedy taken by the village instead of or in addition to removal actions in the event of a release or threatened release in the village of hazardous waste into the environment, to prevent or minimize the release of hazardous wastes so that the hazardous wastes do not migrate to cause substantial danger to present or future public health or welfare or to the environment. The term includes, but is not limited to, such actions at the location of the release of the hazardous waste as storage, confinement, perimeter protection using dikes, trenches or ditches, clay cover, neutralization, cleanup of released hazardous wastes, recycling or reuse of hazardous wastes, diversion of hazardous waste, destruction of hazardous wastes, segregation of hazardous wastes, dredging or excavations, repair or replacement of leaking containers, collection of leachate and runoff, on-site treatment or incineration, provision of alternative water supplies to residents in the village and any monitoring reasonably required to ensure that such actions protect the public health and welfare and the environment. The term "remedial action" includes the permanent relocation of residents, where the village determines such relocation is more cost effective than the environmentally preferable choice of the transportation, storage, treatment, destruction or secure disposition off site of such waste, unless the state department of natural resources determines in writing that such actions are more cost effective than other remedial actions or are necessary to protect the public health or welfare or the environment from a potential or present risk which may be created by further exposure to the continual presence of such hazardous waste.

*Removal action* means the cleanup or removal of released hazardous substances from the environment, such actions as may be necessarily taken in the event of release of hazardous wastes into the environment, such actions as may be necessary to monitor, assess and evaluate the release or threat of release of hazardous wastes, the disposal of removed hazardous wastes, or the taking of such other actions as may be necessary to prevent, minimize or mitigate damage to the public health or welfare or to the environment in the village, which may otherwise result from a release or threat of release of hazardous wastes. The term "removal action" includes, in addition, without being limited to, security fencing or other measures to limit access to the solid waste facility or operations related thereto, provision of alternative water supplies to residents of the village, temporary evacuation of residents of the village and housing of threatened residents of the village.

*Sludge* means any solid, semisolid or liquid waste generated from a municipal, commercial or industrial wastewater treatment plant, water supply treatment plant or air pollution control facility, or any other such waste having similar characteristics and effects.

*Solid waste* means any waste identified as garbage, ash, litter, rubbish, sludge from a wastewater treatment plant, sludge from a water supply treatment plant or sludge from an 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. The term "solid waste"

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may include, but is not limited to, paper, wood, metal, glass, cloth and products thereof; litter and street rubbish; and lumber, concrete, dirt, stone, plastic, bricks, tar, asphalt, plaster, masonry and other debris resulting from the construction or demolition of structures, buildings, roads and other manmade structures. The term "solid waste" does not include hazardous wastes, mining refuse, solids or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Wis. Stats. ch. 283, as defined under Wis. Stats. § 254.31.

*Solid waste facility* means a facility in the village 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, demolition facilities, land disposal sites, incinerators, transfer stations, storage facilities, collection and transportation services and processing, treatment and recovery facilities. This term includes the land where the facility is located. This term does not include:

- (a) A hazardous waste facility.
- (b) 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.
- (c) A facility which 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.
- (d) An auto junk yard or scrap metal salvage yard.
- (e) A facility for the processing of minerals or mining refuse.

*Store, storing or storage* means the holding of refuse waste, within the village for a temporary period of time, which at the end of such time, the refuse is to be treated or disposed.

*Treat, treating or treatment* means any technique or process occurring within the village which is designed to change the physical, chemical or biological character or complexion of refuse. The term "treatment" includes incineration of refuse.

(Ord. No. 25, § 1(c), 3-12-1990; Ord. No. 52, 7-9-1998)

#### **Sec. 20-20. Disposal regulations for solid waste.**

A person who is a resident residing within the village, or a person who is occupying a residential, commercial or industrial site located within the village shall remove from the residence or site for storage, disposal or treatment at a solid waste facility the garbage which is generated at the residence or site at least every two weeks, unless the garbage is processed at the residence or at the site consistent with this article or unless such garbage is placed in appropriate solid waste collection containers and stored in such other manner as to not create a private or public nuisance. A person shall remove from the residence or site for storage, disposal or treatment purposes to a solid waste facility all other solid waste which is generated at the residence or site at least once per month, if the solid waste is stored inside a principal structure, and once every two weeks if the solid waste is stored outside the principal structure.

(Ord. No. 25, § 2, 3-12-1990)

#### **Sec. 20-21. Disposal, treatment and storage of solid waste.**

- (a) No person shall dispose, store or treat within the village any solid waste in any street, alley, public place, public water or private property, except as noted in section 20-20 and except as follows:
  - (1) A person may dispose, store or treat solid waste at a solid waste facility located within the village if the solid waste facility at the time of the actual disposal, storage or treatment of the solid waste has a valid

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license issued by the village board, if the license and the conditions established in the license at that time authorize the manner of solid waste disposal, solid waste storage or solid waste treatment that will occur at the solid waste facility and if the license and the conditions established in the license at that time authorize the type, source and amount of solid waste that will be disposed, stored or treated at the solid waste facility. Additionally, any person disposing, storing or treating solid waste at the solid waste facility must fully comply with any applicable licenses, permits, conditions, regulations or requirements as may be established by federal laws and federal regulations, by state laws and state regulations and by this article or any other ordinance established by the village.

- (2) A person who is a resident residing within the village, or a person who is occupying a residential, commercial or industrial site located within the village may dispose and store solid waste which has been generated at the residence or at the site in authorized solid waste collection containers, ~~or green boxes, not located at the residence or the site, but located within the village, if the village by ordinance:~~
  - a. ~~Authorizes disposal and storage of solid waste in off-site solid waste collection containers;~~
  - b. ~~Establishes the type, amount and source of solid waste authorized for disposal and storage in these off-site containers;~~
  - c. ~~Establishes requirements to regulate and control the disposal, storage, collection and transportation of solid waste at these off-site solid waste containers; and~~
  - d. ~~Approves the site locations for such off-site solid waste collection containers. A person allowed to dispose or store solid waste under this provision shall fully comply with any applicable licenses, permits, conditions, regulations or requirements as may be established by federal laws and federal regulations, by state laws and state regulations and by this article or by any other ordinance established by the village.~~
- (3) A person who is a resident residing within the village ~~or a person who is occupying a commercial or industrial site located within the village~~ may dispose at the ~~residence site~~ or store in solid waste collection containers at the ~~residence site~~, garbage and other solid waste generated at the ~~residence site~~ when in compliance with section 20-20. A person allowed to dispose or store garbage and solid waste under this provision shall fully comply with any applicable licenses, permits, conditions, regulations or requirements as may be established by federal laws and federal regulations, by state laws and state regulations and by this article or any other ordinance established by the village.
- (4) ~~A person who is occupying a residential, commercial or industrial site located within the village may dispose at the site or store in solid waste collection containers at the site, garbage and other solid waste generated at the site, when in compliance with section 20-20. A person allowed to dispose or store garbage and other solid waste under this provision shall fully comply with any licenses, permits, conditions, regulations or requirements as may be established by federal laws and federal regulations, by state laws and state regulations and by this article or any other ordinance established by the village.~~
- (5) A person who is a resident residing within the village or a person who is occupying a residential, commercial or industrial site located within the village may dispose and store authorized recyclable solid waste which has been generated at the residence ~~or at the site at authorized off-site recycling centers within the village, if the village by ordinance:~~
  - a. ~~Authorizes the disposal and storage of off-site recyclable solid waste;~~
  - b. ~~Establishes the type, source and amount of recyclable solid wastes authorized for disposal and storage at the off-site recycling centers;~~
  - c. ~~Establishes requirements to regulate and control the disposal, storage, collection and transportation of solid waste at these off-site recycling centers; and~~

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~~d. Approves the site locations for such off-site authorized recycling centers. A person allowed to dispose and store off-site recyclable solid waste under this provision shall fully comply with any applicable licenses, permits, conditions, regulations or requirements established by federal laws and regulations, by state laws and state regulations and by this article or by any other ordinance established by the village.~~

(6) A person who is a resident residing within the village or a person who is occupying a residential, commercial or industrial site located within the village may dispose and treat solid waste, including garbage, by landspreading, incinerating or processing the solid waste at the residence or at the site if the landspreading, incinerating or processing does not create a public or private nuisance and if the solid waste that is landspread, incinerated or processed has been only generated at the residence or at the site. Landspreading activities exempt under state law or state regulations shall be exempt from this article. A person allowed to landspread, incinerate or process solid waste under this provision shall fully comply with any applicable licenses, permits, conditions, regulations or requirements as may be established by federal laws and federal regulations, by state laws and state regulations and by this article or by any other ordinance established by the village. This provision does not authorize open burning of solid waste. Open burning of solid waste shall be allowed only by a permit issued by the village board.

(b) No person shall dispose, store or treat any solid waste within the village, in any street, alley, public place, public water or private property except as provided in section 2-20 and except as provided in subsection (a) of this section, unless the person has received a valid license for a solid waste facility from the village board. The license must authorize solid waste disposal, solid waste storage or solid waste treatment operations at the solid waste facility. Upon issuance of a valid license by the village board, the person must fully comply with the license and any conditions of the license as the village board may require. Additionally, any person disposing, storing or treating solid waste at the solid waste facility must fully comply with any other applicable licenses, permits, conditions, regulations or requirements as may be established by federal laws and federal regulations, by state laws and state regulations and by this article or any other ordinance established by the village.

(c) Any person disposing, storing, treating, open burning, discharging, spilling, emptying or emitting any solid waste in the village, except as authorized by this article, shall notify the village clerk in writing within 24 hours of knowledge of such occurrence and shall detail in this notification of the village clerk the time, place and possible cause of such occurrence, and the type, source and amount of solid waste involved in this occurrence. Upon knowledge of such occurrence, the person shall immediately take all actions appropriate and necessary to restore the environment to its prior condition, to minimize any harmful effects from such occurrence to the village and to its residents and to comply with any orders or regulations by the state department of natural resources, the United State Environmental Protection Agency or any other applicable state or federal agency.

~~(d) Bulky waste collection will be collected by the Village's private waste contractor with the purchase of the bulky waste sticker-. Collection crews will not collect bulky waste until it is placed at the curb of a public street. Bulky wastes shall be placed in neat, orderly fashion behind the curb with the pre-purchased bulky waste sticker purchased from the Village.~~

(Ord. No. 25, § 3, 3-12-1990)

#### **Sec. 20-22. Garbage accumulation; when a nuisance.**

The accumulation or deposit of garbage, trash or putrefying animal or vegetable matter in or upon any lot or land or any public or private place within the village which causes the air or environment to become noxious or offensive or to be in such a condition as to promote the breeding of flies, mosquitoes or other insects, or to

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provide a habitat or breeding place for rodents or other animals, or which otherwise becomes injurious to the public health is prohibited and declared to constitute a nuisance.

**Sec. 20-23. Disposal, storage and treatment of hazardous waste.**

- (a) No person shall dispose, store or treat any polychlorinated biphenyls (PCBs), and dioxins or any radioactive materials within the village in any street, alley, public place, public water or on any private property.
- (b) No person shall dispose, store or treat any other hazardous waste within the village, in any street, alley, public place, public water or on private property, except as follows: A person, who is a resident residing within the village or a person who is occupying a residential, commercial or industrial site located within the village, may accumulate and store in aboveground containers or store in aboveground tanks at the residence or at the site, hazardous waste, if the hazardous waste has been generated at the residence or at the site and if the hazardous waste that has been generated does not exceed 100 kilograms in a calendar month, but then only under the following conditions:
  - (1) The person allowed to accumulate or store hazardous waste under this provision shall fully comply with any applicable licenses, permits, conditions, regulations or requirements as may be established by federal laws and federal regulations, by state laws and state regulations, by this article or by any other ordinance established by the village.
  - (2) The person must remove the hazardous waste from the residence or site within 90 days of generation and must transport the hazardous waste for disposal, storage or treatment to a hazardous waste facility licensed by the state department of natural resources or by the United States Environmental Protection Agency.
  - (3) The person must store the hazardous waste in a storage area at the residence or at the site that must be entirely in an enclosed or roofed structure with access limited or restricted to the structure to the person or to personnel authorized by the person.
  - (4) The person must store the hazardous waste in a storage area at the residence or at the site that must be confined to a floor area of 1,500 square feet or less.
  - (5) The person must not accumulate and store the hazardous waste at the residence or at the site in an amount that will exceed 1,000 kilograms at any one time.
- (c) No person shall dispose, store or treat any hazardous waste within the village, except as provided in subsection (b) of this section, unless the person has received a valid license for a hazardous waste facility from the village. The license must authorize disposal, storage or treatment of the hazardous waste at the hazardous waste facility. No hazardous waste noted in subsection (a) of this section shall be disposed, stored or treated at any hazardous waste facility in the village. Upon issuance of the valid license issued by the village board of the village, the person shall fully comply with the license and any conditions of the license as the village board of the village may require. Additionally, any person disposing, storing or treating hazardous waste at the hazardous waste facility must fully comply with any applicable licenses, permits, conditions, regulations or requirements as may be established by federal laws and federal regulations, state laws and state regulations, by this article or by any other ordinance established by the village.
- (d) Any person disposing, storing, treating, open burning, discharging, spilling, dumping, emptying or emitting hazardous waste in the village, except as authorized by this article, shall notify the village clerk of the village in writing within 24 hours of knowledge of such occurrence and shall detail in this notification, to the village clerk of the village, the time, place and possible cause or causes of such occurrences. Upon knowledge of such occurrence, the person shall immediately take all actions appropriate and necessary including removal or remedial actions to restore the environment to its prior conditions, to minimize any harmful effects from such occurrences to the village and its residents, and to comply with any orders or regulations by the state

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department of natural resources, the United States Environmental Protection Agency or any other applicable state or federal agency.

(Ord. No. 25, § 4, 3-12-1990)

**Sec. 20-234. Constructing, maintaining and operating—Solid waste facility.**

No person or its agents shall construct, maintain and operate a solid waste facility for disposal, storage or treatment of solid waste within the village unless the person has received a valid license authorizing construction, maintenance and operation of a solid waste facility issued by the village board of the village to the person as an applicant. Upon issuance of the valid license by the village board, the person constructing, maintaining and operating the solid waste facility shall fully comply with the license and any conditions of the license as the village board may require. In addition, the person shall fully comply with all applicable licenses, permits, conditions, regulations or requirements as may be established by federal laws and federal regulations, by state laws and state regulations and by this article or any other ordinances established by the village. A license shall be only granted to an applicant.

(Ord. No. 25, § 5, 3-12-1990)

**Sec. 20-245. Same—Hazardous waste facility.**

No person or his agents shall construct, maintain and operate a hazardous waste facility for disposal, storage or treatment of hazardous waste within the village limits unless the person has received a valid license authorizing the construction, maintenance and operation of the hazardous waste facility with the license to be issued by the village board to the person as an applicant. Upon issuance of the valid license by the village board, the person constructing, maintaining and operating the hazardous waste facility shall fully comply with the license and any conditions of the license as the village board may require. In addition, the person shall fully comply with all other applicable licenses, permits, conditions, regulations and requirements as may be established by federal laws and federal regulations, by state laws and state regulations and by this article or any other ordinance established by the village. A license shall be only granted to an applicant.

(Ord. No. 25, § 6, 3-12-1990)

**~~Sec. 20-25. Penalty.~~**

~~Any person violating this article upon conviction shall be punished according to the general penalties described in section 1-7. Imprisonment for any person in the county jail can be ordered only for failure to pay the fine which may be imposed. If imprisonment is ordered for failure to pay the fine, it shall be limited to one day of confinement for each \$5.00 of fine or fraction thereof. In addition to any other penalty for violating this article, the cost of abating a public nuisance by the village shall be assessed as a special charge against the real estate in the village of any person causing such nuisance. In addition to any other legal relief available to the village for violating this article, the village board may take appropriate legal action or proceedings to recover damages, to abate and remove any nuisance and to enjoin further violations of this article.~~

~~(Ord. No. 25, § 11, 3-12-1990)~~

State law reference(s)—Collection as a special charge, Wis. Stats. § 66.0627(4).

**Secs. 20-26-5—20-53. Reserved.**

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*DIVISION 2. LICENSE APPLICATION, BOND, HEARING AND LICENSE ISSUANCE*

**Sec. 20-54. Procedure.**

- (a) Applications for license and for renewal of license for a solid waste facility or for a hazardous waste facility under this division shall be filed by the applicant or his agent with the village clerk in writing on a form provided by the village clerk. No initial application shall be filed by the applicant until the applicant has submitted and has had approved by the state department of natural resources any feasibility report required pursuant to Wis. Stats. ch. 289. The initial application fee shall be filed with the application form. The initial application fee for the application for licensure shall be established by the village board, from time to time, unless waived or reduced by the village board, and made available for public examination in the office of the village clerk. In addition, the village board may charge the applicant an additional application fee to fully or partially reimburse the village for appropriate and necessary costs and expenses incurred by the village in the application process, including, but not limited to, reasonable costs and reasonable expenses incurred by the village for attorneys' fees and experts' fees related to the application process. The amount for the application fee shall be refundable in total or in part at the discretion of the village board. The applicant, if a license is issued or reissued by the village board, shall be only the person allowed to construct, operate and maintain the solid waste facility or the hazardous waste facility during the license period. The applicant may not apply for a license to only construct the solid waste facility or hazardous waste facility.
- (b) The information in the initial application to be provided by the applicant to the village is necessary in order to allow the village board to:
- (1) Establish the need and the intent for a requested license;
  - (2) Establish the potential short-term and long-term negative or positive environmental, economic, public health, public welfare and public safety impacts and effects for the village and its residents in the construction, operation and maintenance of the proposed solid waste facility, the existing solid waste facility, the proposed hazardous waste facility or the existing hazardous waste facility; and
  - (3) Satisfy the village board that there will be or there has been reasonable compliance by the applicant with this article, with any license granted to the applicant and with any conditions established in any license or proposed license. Such initial application to be filed with the village shall contain the following minimum and appropriate information that may also be included in the application form by the village board. The village board, upon reapplication for renewal of license, may require reasonable relevant information from the applicant as to current operational, maintenance, closure and longterm concerns of the village board. The below noted information to be provided in the application to the village shall be followed by a sworn statement, under oath or affirmation, by the applicant, stating that the information provided within the application is true and factual:
    - a. Name, address and telephone number of the applicant, the specific type of disposal, storage or treatment operations proposed by the applicant for the proposed solid waste facility or the proposed hazardous waste facility and the type of license applied for by the applicant;
    - b. Site location and legal description of the real property for the proposed solid waste facility or proposed hazardous waste facility, including the names of the current owners of the real property where the proposed solid waste facility or hazardous waste facility will be located;

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- c. Name, address and telephone number of any representatives, attorneys and engineers to be representing the applicant before the village during the application process, if any;
  - d. Copies, if any, of any available initial site reports, feasibility reports, engineering plans, plans of operation or other documents filed or to be filed with the state department of natural resources and/or the United States Environmental Protection Agency that are related to the construction, operation, maintenance, closure and longterm care of the proposed solid waste facility, the existing solid waste facility, the proposed hazardous waste facility or the existing hazardous waste facility; and
  - e. A detailed proposed plan for construction, operation, maintenance, closure and longterm care of the proposed solid waste facility or of the proposed hazardous waste facility. This plan shall include, at minimum:
    - 1. The projected type, source and amount of solid waste or of hazardous waste, amount projected in tonnage, to be disposed, stored or treated on a daily and yearly basis at the proposed solid waste facility or at the proposed hazardous waste facility;
    - 2. The projected disposal, storage or treatment term in years, for the proposed solid waste facility or proposed hazardous waste facility, including any projected long term plans for the expansion of the proposed solid waste facility or for the expansion of the proposed hazardous waste facility;
    - 3. The projected amount of solid waste, hazardous waste or leachate, if any, to be removed on a daily and yearly basis during the projected life of the proposed solid waste facility or proposed hazardous waste facility, and the projected amount of solid waste, hazardous waste, or leachate, if any, to be removed on a daily or yearly basis after closure of the proposed solid waste facility or proposed hazardous waste facility;
    - 4. The names, addresses and telephone numbers of any transporters who will be initially authorized by the applicant to transport solid waste or hazardous waste to and from the proposed solid waste facility or to and from the proposed hazardous waste facility;
    - 5. The proposed dates to initiate construction, initiate operation and initiate final closure of the proposed solid waste facility or of the proposed hazardous waste facility;
    - 6. The proposed hours and dates for daily disposal operations, for daily storage operations or for daily treatment operations at the proposed solid waste facility or at the proposed hazardous waste facility and the proposed routes of travel to and from the solid waste facility or to and from the hazardous waste facility;
    - 7. If a disposal facility, the proposed maximum height of the solid waste facility or of the proposed hazardous waste facility, measured based on existing topography prior to construction;
    - 8. If a disposal facility, the proposed maximum depth of the solid waste facility or the hazardous waste facility; measured based on existing topography prior to construction;
    - 9. If a disposal facility, the proposed maximum active fill area for the proposed solid waste facility or for the proposed hazardous waste facility, including any additional active fill area proposed for later expansion;
    - 10. The proposed plans and methods for prevention, reduction and control of dust, debris, odors, noise, litter, noxious weeds, rodents, fire, explosion, gas discharge or other potential nuisances or hazards at the proposed solid waste facility or at the proposed hazardous waste facility;

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11. The planned auxiliary, if any, uses of the proposed solid waste facility or of the proposed hazardous waste facility during the projected term for the construction, operation, maintenance, closure and longterm care of the proposed solid waste facility or of the proposed hazardous waste facility;
  12. The proposed emergency preparedness plans to be prepared, if any, for the proposed solid waste facility or for the proposed hazardous waste facility;
  13. The proposed recycling plans, if any, during disposal operations, storage operations, treatment operations, including any specific plans for recycling, source separation, incineration or baling operations at or near the proposed solid waste facility or at or near the proposed hazardous waste facility;
  14. The proposed plans, if any, to provide financial, public health, environmental and legal protection to current and future residents, their heirs or assigns, that reside within at least one mile of the proposed solid waste facility or of the proposed hazardous waste facility, including any insurance coverage protection for these residents, their heirs or assigns;
  15. The proposed plans, if any, to provide financial, environmental and legal protections to the village government, including any insurance coverage protection to the village government, its officers, its employees and its agents;
  16. The proposed plans, if any, to provide physical and personnel security at the proposed solid waste facility or at the proposed hazardous waste facility;
  17. The proposed plans, if any, to provide any setbacks from adjacent lands, highways, waterways and public easements at the proposed solid waste facility or at the proposed hazardous waste facility;
  18. The proposed plans, if any, to provide environmental testing and environmental monitoring of groundwater, soils, leachate, gas and air at or near the proposed solid waste facility or at or near the proposed hazardous waste facility;
  19. The proposed traffic pattern plan, if any, to and from the proposed solid waste facility or to and from the proposed hazardous waste facility, and the proposed plans, if any, for specific roadway usage for access to and from the proposed solid waste facility or proposed hazardous waste facility during the construction, operation, maintenance, closure and longterm care of the proposed solid waste facility or of the proposed hazardous waste facility;
  20. The projected need, if any, for additional public services at or near the proposed solid waste facility or at or near the proposed hazardous waste facility as a result of the construction, operation, maintenance, closure and longterm care of the proposed solid waste facility or proposed hazardous waste facility; and
  21. The projected need, if any, in the village, the projected need, if any, in the county, and the projected need, if any, within a 100 mile radius of the proposed solid waste facility or of the proposed hazardous waste facility for the proposed solid waste facility or for the proposed hazardous waste facility with specific need considerations and projections based on the current and projected future economics of solid waste or hazardous waste disposal, storage, treatment, transportation and collection in the village, in the county and in the state.
- f. The prior experiences, if any, by the applicant in the ownership, construction, maintenance, operation, closure and longterm care of a solid waste facility or of a hazardous waste facility, citing specific dates of ownership, construction, maintenance, operation, closure and longterm

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care and citing the specific locations of these solid waste facilities or of these hazardous waste facilities;

- g. Copies of any current financial statements or of other relevant financial information describing the current financial condition of the applicant;
  - h. A written authorization by the applicant, in form satisfactory to the village board, authorizing the village board, its representatives and its agents to enter, upon reasonable notice to the applicant, the proposed solid waste facility, the existing solid waste facility, the proposed hazardous waste facility or the existing hazardous waste facility for the purpose of inspection of the premises and for any future inspection of any solid waste or hazardous waste that may be disposed, stored or treated at the proposed solid waste facility, at the existing solid waste facility, at the proposed hazardous waste facility or at the existing hazardous waste facility. This authorization for access to and inspections at the solid waste facility or the hazardous waste facility by the village board, its representative and its agents shall apply from the date of application through construction, operation, maintenance, closure and longterm care of the solid waste facility or hazardous waste facility. This authorization during that time period shall also allow the village board, its representative or its agents to receive solid waste, hazardous waste or soil samples for waste characteristics testing of the solid waste or hazardous waste, to receive samples for the groundwater in any monitoring wells, to receive samples for the testing of leachate, if any, in the leachate storage facility and to receive dust samples for the testing of the air quality at the solid waste facility or at the hazardous waste facility;
  - i. A signed sworn statement by the applicant, in a form satisfactory to the village board, wherein the applicant agrees that the applicant will save harmless, indemnify and defend the village, its officers, its representatives and its agents from any costs or expenses incurred by the village, its officers, its representatives or its agents, through the failure of the applicant, its representatives, its agents, or its assigns, to construct, operate, maintain, close and provide longterm care for the solid waste facility or hazardous waste facility as required by federal laws and federal regulations, by state laws and state regulations, by this article, by any issued license, and by any conditions contained within the license, including any reasonable costs or reasonable expenses the village may incur in labor and equipment for correcting any conditions of the license or violations of this article whenever the village board determines it is necessary and appropriate for the village to correct any condition of the license or violations of this article or to repair any damages occurring as a result of any violation of this article, as a result of any violation of the conditions of the license, or as a result of the negligence of the applicant, its representatives, its agents or its assigns, and wherein the applicant further agrees to save harmless, indemnify and defend the village, its officers, its representatives or its agents from any claim for damages, fines or forfeitures brought by a third party against the village, its officers, its representatives or its agents, where the claim is related to or is a result of the construction, operation, maintenance, closure and longterm care of the proposed solid waste facility or hazardous waste facility. By such sworn statement, the applicant further agrees to reimburse the village for any actual expenses, costs and fees expended by the village in enforcing this ordinance or in enforcing any license or condition of any license issued under this article against the applicant, its representatives, its agents, or its assigns.
- (c) No license shall be issued, reissued nor shall remain effective unless there is on file from the applicant with the village treasurer of the village a cash bond or a bond with a corporate surety, duly licensed in the state, in penal amount of \$200,000.00 to ensure that:
- (1) The applicant, its representatives, its agents and its assigns will comply with all the terms, conditions, provisions, requirements and specifications contained in this article.

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- (2) The applicant, its representatives, its agents and its assigns will faithfully construct, operate, maintain, close and provide longterm care at the proposed solid waste facility, at the existing solid waste facility, at the proposed hazardous waste facility or at the existing hazardous waste facility for which the license is issued in accordance with the provisions of this article, in accordance with any license issued and in accordance with any conditions contained within the license.
- (3) The applicant will save harmless, indemnify and defend the village, its officers, its representative and its agents from any expenses or costs incurred through the failure of the applicant, its representatives, its agents or its assigns to construct, operate, maintain, close and provide longterm care at the proposed solid waste facility, at the existing solid waste facility, at the proposed hazardous waste facility as required by federal laws and federal regulation, by state laws and state regulations, by this article, by any issued license, by conditions contained within the license, including any reasonable expenses and reasonable costs the village may incur in labor and equipment for correcting any condition of the license or violation of this article, whenever the village board determines it is necessary and appropriate for the village to correct any condition of the license or violation of this article or as a result of any violation of a condition of the license, to repair any damages occurring as a result of the violation of this article or to repair any damages occurring as a result of the negligence or intentional tortuous act of the applicant, its representatives, its agents or its assigns; and wherein the applicant further agrees to save harmless, indemnify and defend the village, its officers, its representatives and its agents from any claim for damages, fines or forfeitures by a third party brought against the village, its officers, its representative or its agents where the claim is related to or is a result of the construction, operation, maintenance, closure and longterm care of the solid waste facility or the hazardous waste facility. By such sworn statement, the applicant further agrees to reimburse the village for any actual expenses, costs and fees expended by the village in enforcing this article or enforcing any license issued or conditions of any license issued under this article against the applicant, its representative, its agents or its assigns.
- (4) Before the issue or reissuance of the license and before the acceptance of the bond by the village treasurer, the bond shall be approved by the village board. If a corporate bond is offered, it shall be executed by a company authorized to transact business in the state. If a cash bond is offered, it shall be deposited with the village treasurer, who shall give his official receipt thereof reciting that said cash has been deposited in compliance with and subject to provisions of this article.
- (5) Failure by the applicant to maintain the approved bond in the amount noted, during the period of the license, shall automatically terminate the license. Upon the failure to maintain the approved bond in the amount noted by the applicant, the village board shall have the right to obtain a court order that will terminate any current and future disposal operations, storage operations or treatment operations at the solid waste facility or the hazardous waste facility. Court order will, in addition, require immediate final closure of the solid waste facility or of the hazardous waste facility.
- (d) Prior to any general public hearing on the application for license, the village board, upon receipt of the aforementioned application, shall examine the application and any other plans or pertinent information submitted by the applicant. The village board shall then commence investigation of the proposed solid waste facility, of the existing solid waste facility, of the proposed hazardous waste facility or of the existing hazardous waste facility. A copy of the application shall be forwarded by the village clerk to the county clerk. The village board shall coordinate its investigation with the county to determine whether the construction, operation or maintenance of the proposed solid waste facility or the proposed hazardous waste facility, and the granting of the license to the applicant by the village board would or would not violate any ordinance or regulation of the county or the village, would or would not in any way create a hazard or menace to the public health or safety of the residents of the county or the village or would or would not in any way create a nuisance to the residents of the county or the village. The village board shall also determine whether or not the granting of a license in the location described in the application would be a violation of any zoning regulations of the county or of the village. The village board shall also determine what, if any, negative or

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positive effects or impacts the construction, operation and maintenance of such proposed solid waste facility or proposed hazardous waste facility may have upon the future character of the local neighborhood, upon the future traffic conditions, upon municipal services and costs, upon the future public utilities' needs and any other negative and positive effects and impacts pertinent to the short-term and long-term health, environmental, financial, safety and welfare conditions of the village and its residents.

- (e) Prior to issuance or denial of any license for a proposed solid waste facility or proposed hazardous waste facility, there shall be a general public hearing on the application for a license. The completed application with the appropriate bond shall be on file with the village clerk at least 90 days prior to the general public hearing. Prior to the general public hearing, the village board may request the applicant to meet personally with the village board, its representatives or its agents to discuss the application, the bond or any other relevant concerns of the village board. No general public hearing shall be held until the village board deems the application for license complete, approves the bond, and receives the appropriate initial application fee from the applicant. The general public hearing shall be conducted under the following terms:
- (1) A notice shall be given as a class 3 notice as described in Wis. Stats. § 985.07, or its successor provision.
  - (2) The cost of publication of any such notice shall be deposited and paid by the applicant in advance of publication to the village clerk.
  - (3) A general public hearing shall be held on the date specified in the notice or any adjourned date; however, such general public hearing shall be merely advisory to the village board in regard to it affecting any action or determination which may later be taken by the village board upon any such application for license.
  - (4) The applicant or its agent shall have the right to appear at the public hearing and to describe orally and with written documentation the proposed solid waste facility or proposed hazardous waste facility. The applicant and the village may be represented by legal counsel and may present evidence with any witnesses subject to examination and cross-examination under oath. The public hearing by request of the applicant or by the village board may be recorded with any expense for the recording of the hearing to be paid by the applicant.
- (f) The application for license shall be acted upon by the village board within 60 days after the general public hearing, except as noted in subsections (f)(1) through (f)(3) of this section:
- (1) Prior to issuance or denial of the license, if the applicant files for any local approvals to construct, operate and maintain a solid waste facility or a hazardous waste facility or to expand an existing solid waste facility or hazardous waste facility under Wis. Stats. §§ 289.22 and 289.33 the village board shall specify all local approvals.
  - (2) The village board may then adopt a sitting resolution and shall comply with its statutory responsibilities under the negotiation/arbitration process as established in Wis. Stats. § 289.33.
  - (3) The 60-day period for acting upon the application as noted above shall not be applicable under such circumstances and the village board need not act upon the application for licensure until a negotiated written agreement has been signed and approved as required by all necessary parties under Wis. Stats. § 289.33 or until an arbitration award by the Wisconsin Waste Facility Sitting Board or its successor agency has been received in writing by the village board pursuant to Wis. Stats. ch. 289.
- (g) The village board shall evaluate the proposed solid waste facility, the existing solid waste facility, the proposed hazardous waste facility or the existing hazardous waste facility for the issuance, reissuance or denial of the license and for any conditions to be attached to the license based on information provided in the application, the receipt by the village of additional written information requested of the applicant by the village board, the general public hearing testimony and other pertinent information received from the applicant, any county, state and federal agency or from any other interested persons. Additionally, specific considerations by the village board in its evaluation for licensure or license renewal, in its determination

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against licensure or license renewal and in its evaluation for placing any conditions to be attached to the license may include, but are not limited to, the following:

- (1) Any relevant written reports and recommendations received by the village board from the state department of natural resources, from the United States Environmental Protection Agency, or from any other municipal, county, state or federal agency.
  - (2) Any relevant written reports and recommendations received by the village board from any attorneys or from any experts employed or retained by the village.
  - (3) Any relevant written reports and recommendations received by the village board from the applicant.
  - (4) Any relevant written reports and recommendations received by the village board from residents of the village and the county.
  - (5) The potential short-term and long-term adverse or positive effects and impacts of the proposed solid waste facility or of the proposed hazardous waste facility based on the proposed location, including its effects or impacts on the following:
    - a. Existing roads, bridges, traffic flow, traffic patterns, exists, designated access routes, both primary and secondary.
    - b. Surface water quality and drainage.
    - c. Groundwater quality and public and private drinking water quality.
    - d. Air quality.
    - e. Adjacent wetlands, floodplains, forests, agricultural and unique lands.
    - f. Current and future land uses and current and future land values.
    - g. Soil erosion.
    - h. Village and county zoning and village and county planning.
    - i. Village appropriations and revenues.
    - j. Public safety of the village residents.
    - k. Public health of the village residents.
    - l. Existing topography and existing vegetation.
    - m. Existing wildlife habitat and existing domestic animals.
  - (6) The potential for the applicant, based on the application submitted, to fully comply with the conditions and regulations enumerated in this article and to fully comply with any conditions appropriate and necessary for inclusion in the license.
  - (7) The potential for the applicant, based on all other information received by the village board, to fully comply with the conditions and regulations enumerated in this article and to comply with any conditions appropriate and necessary for inclusion in the license.
  - (8) The past license compliance of the operator at the existing solid waste facility or at the existing hazardous waste facility.
- (h) All licenses and the conditions written thereunder issued to the applicant shall be effective and issued for the period from July 1 to June 30 of each year. The applicant shall reapply to the village clerk for the annual license at least 120 days in advance of the June 30 deadline. The procedure established for reapplication and issuance shall be the same as the application process established for the initial license unless the village board, in writing, waives certain information required by this article. Upon application for license renewal,

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the village board may also waive the requirements for public hearing and may waive or reduce the application fee.

- (i) The annual fee for such license shall be as established by the village board from time to time. No such license shall be issued or reissued except on direction by the village board, and the license shall not be transferable. Any transfer of ownership, operation, maintenance or possession or control of the solid waste facility or hazardous waste facility by the applicant will automatically terminate the license. No license shall be issued or reissued by the village until sufficient proof has been provided to the village board by the applicant that only the applicant will construct, operate and maintain the solid waste facility or the hazardous waste facility during the licensure period.
- (j) If the village board issues or reissues the license, the license and any written conditions attached to the license shall be forwarded by the village clerk to the applicant. The license shall not be deemed issued or reissued until the village clerk receives the license fee, receives the written acknowledgment of the receipt of the license by the applicant and receives written acknowledgment by the applicant agreeing to comply with the ordinance from which this article is derived, the license received under this article and any and all conditions attached to the license. Upon issuance or reissuance of the license, the village clerk, within three days, shall record a copy of the license and any conditions of the license with the registrar of deeds for the county. Failure by the applicant to submit written acknowledgment or agreement to fully comply with the license and the conditions of therein, within 15 days of receipt of the license, shall be deemed as withdrawal of application by the applicant and reapplication by the applicant will be necessary for compliance under this article.

(Ord. No. 25, § 7, 3-12-1990)

State law reference(s)—Local approval, Wis. Stats. § 289.22; negotiation and arbitration, Wis. Stats. § 289.33.

#### **Sec. 20-55. Revocation.**

- (a) Any license issued or reissued to an applicant under provisions of the ordinance from which this division is derived may be revoked by the village board for any civil or criminal violation by applicant of federal laws or federal regulations related to the solid waste facility or hazardous waste facility, for any civil or criminal violation by the applicant of state laws or state regulations related to the solid waste facility or hazardous waste facility, for violation by the applicant of this article or for violation by the applicant of any conditions attached to any issued or reissued license. The license may be revoked by the village board only after a public hearing has been held by the village board upon a published class 1 notice as defined in Wis. Stats. § 985.07, or its successor provisions. No hearing shall be required for termination of the license due to failure of the applicant to maintain the approved bond in the amount noted or due to transfer or assignment by the applicant of ownership, operation, maintenance, possession or control of the solid waste facility or hazardous waste facility. The village board may, if necessary, at any time seek a court order enjoining any person or applicant from continued or future construction, operation, maintenance, transportation to or from, storage, treatment or disposal at the solid waste facility or at the hazardous waste facility where the applicant has committed any violation of federal laws or federal regulations related to the solid waste facility or hazardous waste facility, has committed any violation of state laws or state regulations related to the solid waste facility or hazardous waste facility, has committed any violation of this article related to the solid waste facility or hazardous waste facility or has committed any violation of any condition of any issued license or has caused the establishment of a public nuisance at or near the solid waste facility or at or near the hazardous waste facility.
- (b) Any proper appeal by a person for a termination of the license under this article or for a revocation by the village board of the issued license shall be reviewed as provided in Wis. Stats. ch. 68 or its successor provisions.

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(Supp. No. 2, Update 1)

*DIVISION 3. GENERAL REGULATIONS REGARDING FACILITIES*

**Sec. 20-84. Solid waste facilities and hazardous waste facilities.**

- (a) The following general provisions shall be applicable to persons constructing, operating, maintaining, closing or providing longterm care at a solid waste facility or at a hazardous waste facility in the village or any person transporting to and from a solid waste facility or to and from a hazardous waste facility within the village:
- (1) *Transportation requirement.* No person, including any person licensed by the village to construct, operate or maintain a solid waste facility or a hazardous waste facility, shall use any village roadway as a route of travel to and from any proposed or existing solid waste facility or proposed or existing hazardous waste facility during construction, operation, maintenance, transportation to and from, closure and longterm care of the solid waste facility or the hazardous waste facility, unless that roadway is established and authorized by the village board as the designated roadway for travel to and from the solid waste facility or travel to and from the hazardous waste facility. The village board shall, upon written request of any person, establish the designated roadway for travel within 30 days of the receipt of any request. Any person constructing, operation, maintaining, closing or providing longterm care at a solid waste facility or at a hazardous waste facility within the village shall fully comply with all village roadway regulations and roadway orders of the village board on the village roadways during the construction, operation, maintenance, closure and longterm care of the solid waste facility or of the hazardous waste facility.
- a. Any person, including any person licensed by the village to construct, operate or maintain a solid waste facility or a hazardous waste facility, in transporting solid waste or hazardous waste or any other materials to and from the solid waste facility or to and from the hazardous waste facility on any village roadway during construction, operation, maintenance, closure and longterm care of the solid waste facility or hazardous waste facility shall use vehicles that are constructed in such a manner to prevent any portion of the solid waste or hazardous waste or any other materials from disposing, leaking, spilling, falling or escaping from any vehicle onto any public highway, street, avenue, boulevard, alley or other public or private property in the village. Such vehicles being drawn or driven over the roadways in the village shall not be loaded above a point that will result in a portion of the contents disposing, leaking, spilling, falling or escaping from any vehicle.
- b. Any person, including any person licensed by the village to construct, operate and maintain a solid waste facility or hazardous waste facility, in transporting solid waste, hazardous waste or any other materials to and from the solid waste facility or to and from the hazardous waste facility on any village roadway during construction, operation, maintenance, closure and longterm care of the solid waste facility or hazardous waste facility shall only transport solid waste or hazardous waste to and from, or construct, operate, maintain, close and provide longterm care at the solid waste facility or at the hazardous waste facility during the hours and days established and authorized by the village board.
- c. Any person licensed by the village to construct, operate and maintain a solid waste facility or hazardous waste facility shall, prior to commencement of the daily disposal, storage or treatment operations at the solid waste facility or at the hazardous waste facility, prepare a list of authorized transporters who will be allowed to transport, by the person licensed for a solid waste facility or hazardous waste facility by the village, any solid waste or hazardous waste or other materials to and from the solid waste facility or to and from the hazardous waste facility. The list shall contain the names, addresses and telephone numbers of the authorized transporters. This

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list shall, prior to commencement of daily disposal, storage or treatment operations, be filed with the village clerk. No transporter, other than an authorized transporter whose name, address and telephone number appears on the list or any updated list filed with the village clerk, shall be allowed by the person licensed by the village to transport solid waste, hazardous waste or any other materials to and from the solid waste facility or to and from the hazardous waste facility.

(2) *Report requirements.*

- a. Any person licensed by the village to construct, operate and maintain a solid waste facility or hazardous waste facility shall file an annual written report by April 1 with the village clerk with an attached sworn statement verifying the completeness of the enclosed report, detailing the following prior year disposal, storage and treatment activity at the solid waste facility or at the hazardous waste facility, namely:
  1. The amount of solid waste or of hazardous waste disposed, stored or treated during that prior year.
  2. The type of solid waste or hazardous waste disposed, stored or treated during that prior year.
  3. The source of solid waste or hazardous waste disposed, stored or treated during that prior year.
  4. The names and addresses of all authorized transporters authorized to transport solid waste or hazardous waste to and from the solid waste facility or to and from the hazardous waste facility during that prior year and the names and addresses of all responsible parties authorized to manage and control the daily operations, storage operations or treatment operations during that prior year.
  5. Copies received, by the person licensed during the prior year, of any groundwater, gas, leachate and air quality testing or monitoring data related to the solid waste facility or to the hazardous waste facility.
  6. Copies received, by the person licensed during the prior year, of all correspondence, government reports, citizen complaints and inquiries and any administrative documents and court documents related to the solid waste facility or to the hazardous waste facility.
  7. Copies forwarded, by the person licensed during the prior year, of all engineering reports, monitoring reports, administrative documents and court documents to the state department of natural resources, the United States Environmental Protection Agency and to any other state or federal agency related to the solid waste facility or to the hazardous waste facility.
- b. Any person licensed by the village to construct, operate and maintain a solid waste facility or hazardous waste facility shall require all persons transporting solid waste or hazardous waste to and from the solid waste facility or to and from the hazardous waste facility during disposal operations, storage operations or treatment operations to complete and sign a form at the time of entering the solid waste facility or hazardous waste facility, noting on the form the following:
  1. The source of the waste.
  2. The type of waste.
  3. The amount of waste.
  4. The date of disposal, storage or treatment.
  5. The name and address of the authorized transporter.

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6. The signature of the authorized transporter or signature of the agent of the authorized transporter.
  - c. Such completed forms shall be compiled daily by the person licensed to construct, operate and maintain the solid waste facility or hazardous waste facility. Also, on a monthly basis, a copy of such completed forms shall be sent to the village clerk by such person within ten days of the preceding month. Copies of these daily disposal, storage or treatment forms shall be kept on the premises at all times during the daily disposal, storage or treatment operations.
  - d. Any person licensed by the village to construct, operate and maintain a solid waste facility or a hazardous waste facility shall report, during construction, operation, maintenance, closure and longterm care of the solid waste facility or of the hazardous waste facility within 24 hours, in writing to the village clerk, any oral or written information received by the person licensed, regarding the following occurrences related to the solid waste facility or the hazardous waste facility:
    1. Any occurrences causing physical injury at the solid waste facility or at the hazardous waste facility where medical treatment has been received by any person.
    2. Any hazardous waste entering or exiting the solid waste facility and any hazardous waste disposed, stored or treated at the solid waste facility.
    3. Any permanent, emergency or temporary closing of the solid waste facility or of the hazardous waste facility and any substantial repair or reconstruction at the solid waste facility or at the hazardous waste facility.
    4. Any government ordered closing of the solid waste facility or of the hazardous waste facility.
    5. Any transfer or assignment of ownership, possession, control or operation of the solid waste facility or of the hazardous waste facility.
    6. Copies received by the person licensed of any groundwater test results from private wells of residents of the village living near the solid waste facility or the hazardous waste facility demonstrating that these water samples from the private walls do not meet the state department of natural resources primary or secondary drinking water standards as established by state law and state regulations.
    7. Any fire, explosion or other emergency public health or safety conditions at or near the solid waste facility or the hazardous waste facility that are related to the construction, operation, maintenance, closure or longterm care of the solid waste facility or the hazardous waste facility.
    8. Copies received by the person licensed of any written complaints or written inquiries by residents of the village that are related to the construction, operation, maintenance, closure or longterm care of the solid waste facility or the hazardous waste facility.

(3) *Operation requirements.*

- a. Any person licensed by the village to construct, operate and maintain a solid waste facility or a hazardous waste facility shall construct, operate, maintain, close and provide longterm care of the solid waste facility or the hazardous waste facility in a nuisance free status to avoid any public or private nuisance. Notwithstanding any provision of this article, the village may commence and maintain an action under statutory or common law nuisance against any person, including the person so licensed, related to the construction, operation, maintenance, closure or the providing of longterm care of the solid waste facility or of the hazardous waste facility. Should the village succeed against such person in any action for private or public nuisance, the village shall be

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entitled to judgment for damages and costs, including reasonable attorneys' fees, and may obtain a judgment and an order against such person that the public nuisance be abated at or near the solid waste facility or at or near the hazardous waste facility.

- b. Any person licensed by the village to construct, operate and maintain a solid waste facility or hazardous waste facility shall police and, when appropriate, remove on a daily basis, during disposal operations, storage operations or treatment operations, any solid waste or hazardous waste disposed on the roadways or rights-of-way at least within one mile of the entrance of the solid waste facility or the hazardous waste facility.
- c. Any person licensed by the village to construct, operate and maintain a solid waste facility shall cover all solid waste disposed at the solid waste facility with sufficient and necessary cover materials to eliminate litter, discharge, objectionable odors and objectionable dust.
- d. Any person licensed by the village to construct, operate and maintain a solid waste facility or hazardous waste facility shall erect and maintain temporary and permanent fences or take such other measures as may be appropriate and necessary to control the blowing of paper and to control the discharging of other materials from the solid waste facility or from the hazardous waste facility. Any person so licensed by the village shall provide and maintain appropriate and necessary physical and personnel security protections including fences and lockable gates at the solid waste facility or at the hazardous waste facility. Any person so licensed by the village shall lock all gates at the solid waste facility or at the hazardous waste facility except during disposal operations, storage operations or treatment operations or except during emergencies. Any person so licensed by the village shall conduct the disposal operations, storage operations and treatment operations in such a manner that any dust, dirt, debris or other materials or any other substance will not be carried by wind across the boundary of the solid waste facility or the hazardous waste facility onto adjoining properties. Any person so licensed by the village shall provide the sufficient cover materials for the solid waste or hazardous waste at the end of each operational day, as well as when wind conditions warrant throughout the day, with these sufficient cover materials to prevent blowing papers and unsightly conditions at the solid waste facility or at the hazardous waste facility.
- e. Any person licensed by the village to construct, operate and maintain a solid waste facility or a hazardous waste facility shall have an attendant employee or attendant agent at the solid waste facility or at the hazardous waste facility whenever disposal operations, storage operations or treatment operations are occurring at the solid waste facility or at the hazardous waste facility and the person so licensed shall have an attendant agent on call to respond to emergencies whenever disposal operations, storage operations or treatment operations are not occurring at the solid waste facility or at the hazardous waste facility. The village clerk shall be provided, in writing by the person so licensed, the names, addresses and telephone numbers of all attendant employees or attendant agents who will be at the solid waste facility or at the hazardous waste facility during disposal operations, storage operations or treatment operations and who will be on call when disposal operations, storage operations or treatment operations are not occurring at the solid waste facility or hazardous waste facility.
- f. Any person licensed by the village to construct, operate and maintain a solid waste facility or a hazardous waste facility shall provide to the village clerk the names, addresses and telephone numbers of the responsible managers who are responsible to manage, control and administer the solid waste facility or the hazardous waste facility, including the transportation to and from, the construction, operation, disposal, maintenance and closure of the solid waste facility or of the hazardous waste facility. These names, addresses and telephone numbers shall be provided to the village clerk prior to the commencement of disposal operations, storage operations or

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treatment operations of the solid waste facility or hazardous waste facility, and updated, at least, on an annual basis.

- g. Any person licensed by the village to construct, operate and maintain a solid waste facility or hazardous waste facility shall store all materials salvaged from the solid waste facility or hazardous waste facility in a building at the site location in such a manner as to prevent rat harborage and to avoid public nuisance at the solid waste facility or at the hazardous waste facility. The person so licensed by the village shall place all salvaged material within a building provided for such materials on a daily basis so that no material is left uncovered or uncontained during the night or on the weekends. The person so licensed by the village shall exterminate insects and rodents and shall destroy all noxious weeds at the solid waste facility or at the hazardous waste facility as directed by the village board.
- h. Any person licensed by the village to construct, operate and maintain a solid waste facility or hazardous waste facility shall maintain sufficient fire fighting equipment and other appropriate emergency equipment at all times at the solid waste facility or at the hazardous waste facility. Any person so licensed by the village shall immediately maintain, repair or reconstruct the solid waste facility or the hazardous waste facility, including any active fill area, upon information received by any person, its officers, its employees or its agents that failure to repair or reconstruct the solid waste facility or the hazardous waste facility, including any active fill area, would or could present a danger to the public health, safety or welfare of any persons.
- i. Any person licensed by the village to construct, operate or maintain a solid waste facility or hazardous waste facility shall not locate, construct, operate and maintain the solid waste facility or hazardous waste facility where the disposal, storage or treatment of the solid waste or hazardous waste the solid waste facility or at the hazardous waste facility or where the seeping, disposing, spilling, draining, emptying, pumping or escaping of any solid waste or hazardous waste from the solid waste facility or from the hazardous waste facility would at any time constitute a private or public nuisance, would create a public health or safety hazard, would pollute the groundwater of adjacent properties, would pollute any surface water or would pollute the air.
- j. Any person licensed by the village to construct, operate and maintain a solid waste facility or a hazardous waste facility shall construct, operate and maintain at the solid waste facility or at the hazardous waste facility all private access roads. Those private access roads shall be maintained by the person so licensed to ensure vehicle traffic in all types of weather conditions. The person so licensed by the village shall also have available all necessary road maintenance equipment to ensure that traffic movement shall be maintained on the access roads during periods of heavy rain or heavy snowfall. The person so licensed by the village shall also take necessary precautions to eliminate excess dust at the solid waste facility or at the hazardous waste facility, including all private access roads to and at the solid waste facility or to and at the hazardous waste facility. The person so licensed by the village shall monitor and test air quality at the solid waste facility or at the hazardous waste facility as necessary and appropriate or as required by the state department of natural resources.
- k. No person, including a person licensed by the village to construct, operate and maintain a solid waste facility or a hazardous waste facility, shall dispose, store, treat or handle, in any way, any solid waste or hazardous waste at the solid waste facility or at the hazardous waste facility that is not authorized for disposal, storage or treatment by the license issued by the village or that creates a potential for a fire or for an explosion hazard or that creates the potential to liberate hazardous or poisonous gas from the solid waste facility or from the hazardous waste facility. Such person shall use structures, equipment and operational techniques and methods at the solid waste facility or at the hazardous waste facility that will substantially reduce or eliminate

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any potential fires or potential explosion hazards at the solid waste facility or at the hazardous waste facility and that will substantially reduce or eliminate any potential for the liberation of hazardous or poisonous gas from the solid waste facility or from the hazardous waste facility.

- l. No person, including any person licensed by the village to construct, operate and maintain a solid waste license or a hazardous waste facility, shall knowingly dispose, store or treat, in any way, hazardous waste at any solid waste facility within the village. Any person licensed by the village to construct, operate and maintain a solid waste facility or a hazardous waste facility shall separate or isolate any particular solid waste or hazardous waste if any such solid waste or hazardous waste, which in combination with another solid waste or hazardous waste material, may cause a fire or explosion or may cause liberation of a hazardous or poisonous gas. Any person so licensed by the village shall not store, dispose or treat, in any way, a solid waste or hazardous waste at the solid waste facility or at the hazardous waste facility that creates a substantial danger of leakage into the groundwater, the air or any surface water area or creates substantial danger of any damage to any person or property.
- m. Any person licensed by the village to construct, operate and maintain a solid waste facility or a hazardous waste facility shall not construct, operate or maintain any buildings or any equipment at the site location other than buildings and equipment appropriate and necessary for the construction, operation, maintenance, closure and longterm care of the solid waste facility or the hazardous waste facility. Any person so licensed by the village shall not operate or maintain or allow any other person to operate or maintain any business, occupation, enterprise or operation at the site location except the specific disposal, specific storage or specific treatment operations authorized by the license issued by the village.
- n. Any person licensed by the village to construct, operate and maintain a solid waste facility or a hazardous waste facility shall make all reasonable efforts to cover with fill material all holes or ponds within the solid waste facility or within the hazardous waste facility to the existing topography, except for the active fill area and except for any sedimentation basin designed and constructed to accept water from the solid waste facility or from the hazardous waste facility. No person so licensed by the village shall discharge the water from the sedimentation basin into any surface water discharge area at or near the solid waste facility or at or near the hazardous waste facility until the surface water discharge area has been approved by the state department of natural resources.
- o. Any person licensed by the village to construct, operate and maintain a solid waste facility or a hazardous waste facility shall maintain and not remove or cause to have removed from the solid waste facility or from the hazardous waste facility, except at the active fill area, any topsoil. Any topsoil removed by the person so licensed from the active fill area shall not be removed at any time from the solid waste facility or from the hazardous waste facility.
- p. Any person licensed by the village to construct, operate and maintain a solid waste facility or a hazardous waste facility shall provide and maintain sufficient landscaping for the purpose of providing natural noise and natural aesthetic visual barriers at the solid waste facility or at the hazardous waste facility. In the event the natural noise and natural aesthetic visual barriers are lost or destroyed for any reason, the person so licensed shall, as soon as weather conditions permit, replace these natural barriers with new natural barriers that have been approved by the village board.
- q. Any person licensed by the village to construct, operate and maintain a solid waste facility or hazardous waste facility shall plant and replant as necessary and appropriate all berms, if any, at the solid waste facility or hazardous waste facility with grass or other vegetation to prevent or reduce erosion at or near the berms.

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- r. Any person licensed by the village to construct, operate and maintain a solid waste facility or a hazardous waste facility shall allow the village board or its designated representative access to the site location for inspections at any reasonable time that access is requested. The person so licensed by the village shall provide the village board or its designated representative, whenever an analysis of solid waste, hazardous waste, soils, leachate, groundwater, surface water, or dust is reasonably necessary to secure conformance with this article or to detect violations of the ordinance, samples of the above noted materials for such analysis.
  - s. No person, including any person licensed by the village to construct, operate and maintain a solid waste facility or hazardous waste facility, shall dispose, store or treat any polychlorinated biphenyls (PCBs), any dioxins or any radioactive material at a solid waste facility or at a hazardous waste facility, or at any other location within the village.
  - t. Any person licensed by the village to construct, operate and maintain a solid waste facility or a hazardous waste facility shall provide and maintain at least one functional automatic security light, at its expense, within the solid waste facility or within the hazardous waste facility, for lighting during the evening hours and the security light shall be constructed and shall be operational prior to disposal operations, storage operations or treatment operations.
  - u. Any person licensed by the village to construct, operate and maintain a solid waste facility or a hazardous waste facility shall install and maintain telephone and electrical services at the solid waste facility or at the hazardous waste facility. The telephone and electrical services shall be installed and shall be operational by the person so licensed prior to disposal operations, storage operations or treatment operations.
  - v. Any person licensed by the village to construct, operate and maintain a solid waste facility shall, at its expense, install and maintain at or near the entrance to the solid waste facility a sign which shall contain a statement in large letters of at least 12 inches in height that reads "NO HAZARDOUS AND OTHER UNAUTHORIZED SOLID WASTE IS ACCEPTED." The person so licensed shall keep the sign clean, visible and readable to those entering the solid waste facility. This sign shall be installed prior to commencement of disposal operations, storage operations or treatment operations.
  - w. Any person licensed by the village to construct, operate and maintain a solid waste facility or a hazardous waste facility shall not construct, install or maintain in the village any signs that will notice to the public the existence of the solid waste facility or of the hazardous waste facility, or will describe the location of the solid waste facility or the hazardous waste facility, except those signs otherwise noted in this ordinance, and except those signs required by the state department of natural resources, and except those signs approved by the village board.
  - x. Any person licensed by the village to construct, operate and maintain a solid waste facility or hazardous waste facility shall not allow at any time open burning at the solid waste facility or at the hazardous waste facility unless with written approval of the village board.
- (4) *Financial requirements.*
- a. A person licensed by the village to construct, operate and maintain a solid waste facility or a hazardous waste facility shall reimburse the village for all additional reasonable costs incurred by the village above and beyond the costs and services normally provided or incurred at no cost by the village to residents of the village in the responding to or acting upon specifically any fires, discharges, explosions, accidents, hazards, and other emergency needs at the solid waste facility or at the hazardous waste facility in the village. The village, after incurring these services and costs, shall determine the reasonable costs to be reimbursed by the person so licensed. These services and costs provided may include necessary and reasonable services and costs not requested by the person so licensed, its officers, its employees, its agents and its authorized

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transporters, but may be services incurred by the village through its lawfully delegated power to protect public health, welfare and safety in the village and to protect the natural resources of the village.

- b. The village, as a condition of the license, during the license period, shall not be obligated, nor shall it have any duty or responsibility in any way to the so licensed person, its officers, its employees, its agents, its assigns or its authorized transporters to acquire or supply any additional or specialized machinery or equipment to be used for occurrences such as fires, accidents, explosions discharges, or hazards, or to be used for the other emergency needs at or near the solid waste facility or at or near the hazardous waste facility, all which may occur due to transportation to and from, disposal, construction, maintenance, operation, closure and longterm care of the solid waste facility or of the hazardous waste facility.
- c. The village, as a condition of the license, shall not be obligated, nor shall it have any duty or responsibility in any way to the so licensed person, its officers, its employees, its agents, its assigns or its authorized transporters to employ or retain any additional or specialized personnel to be used for discharges or hazards or to be used for other emergency needs at or near the solid waste facility or at or near the hazardous waste facility, all which may occur due to transportation to and from, disposal, construction, operation, maintenance, closure and longterm care of the solid waste facility or of the hazardous waste facility.

(Ord. No. 25, § 9, 3-12-1990)

**Secs. 20-85—20-111. Reserved.**

*DIVISION 4. REGULATION OF SLUDGE LANDSPREADING AND INJECTION<sup>2</sup>*

**Sec. 20-112. Purpose.**

The purpose of this division is to regulate the landspreading and injection of sludge for agriculture purposes into the agriculture lands in the village.

(Ord. No. 64, § 1, 2-29-2000; Ord. No. 12-168, 9-25-2012)

**Sec. 20-113. Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Injection* means the placing of sludge into the soil and covering the sludge in one operation. The sludge should leave the equipment's tank, pass through the injector and be deposited into the plow layer of the soil. The injector must have the soil fall in behind the injector, thereby covering the sludge.

*Sludge* means the liquid end product of anaerobic digestion from the municipal wastewater treatment plant.

(Ord. No. 64, § 2, 2-29-2000)

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<sup>2</sup>State law reference(s)—Disposal of sludge from treatment work, Wis. Stats. § 283.31.

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**Sec. 20-114. Regulations governing sludge landspreading and injection.**

All persons landspreading or injecting sludge into the lands of the village must abide by the Wis. Admin. Code § NR 204 and any regulation as written in this article. Persons must:

- (a) Have a containment system to collect sludge and keep sludge from collecting on the ground when hoses are disconnected from equipment. Hoses cannot be drained onto the ground.
- (b) Have a written plan to follow in the event that there is an accidental release of sludge onto the roadway, ditch or a waterway. This plan must be on file with the village before injection begins.
- (c) Provide signs or warning devices when equipment or vehicles will be parked on or along a roadway.
- (d) Have on file with the village, copies of the DNR approval letter and a site map to show the location of the fields to be used before injection can begin.
- (e) Landspreading. All sludge must be tilled or worked into the land within 24 hours of application of sludge.

(Ord. No. 64, § 3, 2-29-2000; Ord. No. 12-168, 9-25-2012)

**Secs. 20-115—20-141. Reserved.**

**ARTICLE III. RECYCLING<sup>3</sup>**

**Sec. 20-142. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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

*Container board* means corrugated paperboard used in the manufacture of shipping containers and related products.

*Foam polystyrene packaging* means packaging made primarily from foam polystyrene that satisfies one of the following criteria:

- (a) Is designed for serving food or beverages.
- (b) Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.
- (c) Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.

*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.

*HDPE* means high-density polyethylene, labeled by the SPI-resin Code #2.

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<sup>3</sup>State law reference(s)—Solid waste reduction, recovery and recycling, Wis. Stats. ch. 287.

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*Junk mail* means typical mail received at a residence or multifamily dwelling.

*LDPE* means low-density polyethylene, labeled by the [SPI-resin Code #4](#).

*Magazines* means magazines and other materials printed on similar paper.

*Major appliance* means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator or stove.

*Multiple-family dwelling* means a property containing five or more residential units, including those which are seasonally occupied ~~and provide a recyclable container that does not overflow between collections-~~

*Newspaper* means a newspaper and other materials printed on newsprint.

*Nonresidential facilities and properties* means commercial, retail, industrial, institutional and governmental facilities and properties. [Nonresidential facilities and properties includes any location at which goods or services are provided or manufactured, including locations under construction, demolition, or remodeling, or used for special events such as fairs, festivals, sport venues, conferences, and exhibits.](#) This term does not include multiple family dwellings.

*Office paper* means [a variety of high-grade printing and writing papers from offices in nonresidential 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, [newspaper or packaging.](#)

*Other resins or multiple resins* means plastic resins labeled by the [SPI-resin Code #7](#).

*Person* includes any individual, corporation, [limited liability company](#), partnership, association, local governmental unit, as defined in Wis. Stats. § 66.0131(1)(a), state agency or [authority or](#) federal agency.

*PETE or PET* means polyethylene terephthalate, labeled by the [SPI-resin Code #1](#).

*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.

*Postconsumer waste* means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in Wis. Stats. § 291.01(7), waste from construction and demolition of structures, scrap automobiles or high-volume industrial waste, as defined in Wis. Stats. § 289.01(17).

*PP* means polypropylene, labeled by the [SPI-resin Code #5](#).

*PS* means polystyrene, labeled by the [SPI-resin Code #6](#).

*PVC* means polyvinyl chloride, labeled by the [SPI-resin Code #3](#).

*Recyclable materials* includes lead acid batteries; major appliances, ~~including residential and commercial furnaces, boilers, dehumidifiers and water heaters, and microwaves from which the capacitor has been removed;~~ 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, ~~specifically #3, #4, #5, #6, #7 and foam polystyrene packaging,~~ and other resins or multiple resins; steel containers; waste tires; and bi-metal containers.

*Solid waste* has the meaning specified in Wis. Stats. § 289.01(33).

*Solid waste facility* has the meaning specified in Wis. Stats. § 289.01(35).

*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. ~~"The term "solid waste treatment"~~ Treatment includes incineration.

[SPI](#) means [Society of Plastics Industries](#).

*Waste tire* means a tire that is no longer suitable for its original purpose because of wear, damage or defect.

*Yard waste* means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than six inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

(Ord. No. 31, § 8, 8-11-1994)

### Sec. 20-143. Separation of recyclable materials.

Occupants of single-family and two- to four-unit residences, multiple-family dwellings and nonresidential facilities and properties shall separate the following materials from postconsumer 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, ~~specifically but not inclusive, #3, #4, #5, #6, and #7 plastics.~~
- (n) Steel containers.
- ~~(o) Waste tires.~~
- ~~(p) Junk mail.~~

(Ord. No. 31, § 9, 8-11-1994)

### Sec. 20-144. Co-mingling of recyclable materials

Occupants of single-family and two to four-unit residences, multiple-family dwellings and nonresidential facilities and properties shall co-mingle the following recyclable materials for collection in curbside polycart:

- (a) Aluminum containers.
- (b) Bi-metal containers.
- (c) Steel containers.

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[\(d\) Corrugated paper and other container board.](#)

[\(e\) Glass Containers](#)

[\(f\) Magazines, newspapers, office paper. Junk mail.](#)

[\(g\) Rigid plastic containers.](#)

#### **Sec. 20-1445. Separation requirements exempted.**

The separation requirements of section 20-143 do not apply to the following:

- (a) Occupants of single-family and two- to four-unit residences, multiple-family dwellings and nonresidential facilities and properties that send their postconsumer waste to a processing facility licensed by the state department of natural resources that recovers the materials specified in section 20-143 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 of less than 30 percent of the heat input to the facility is derived from the solid waste burned as supplemental fuel.
- (c) A recyclable material specified in section 20-143 for which a variance has been granted by the state department of natural resources under Wis. Stats. § 287.11(2m), or Wis. Admin. Code § NR 544.14.

(Ord. No. 31, § 10, 8-11-1994)

#### **Sec. 20-1456. Care of separated recyclable materials.**

To the greatest extent practicable, the recyclable materials separated in accordance with section 20-143 shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other nonrecyclable 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.

(Ord. No. 31, § 11, 8-11-1994)

#### **Sec. 20-1467. Management of lead acid batteries, major appliances, waste oil, and yard waste.**

Occupants of single-family and two- to four-unit residences, multiple-family dwellings and nonresidential facilities and properties shall manage lead acid batteries, major appliances, waste oil, and yard waste as follows:

- (a) Major appliances, including residential and commercial furnaces, boilers, dehumidifiers and water heaters and microwaves, from which the capacitor has been removed, ~~shall be disposed of by contacting the refuse contractor currently under contract with the village~~ by obtaining a bulky waste sticker from the village and be scheduled to have these items picked up by the Village's contracted waste hauler.
- (b) Waste oil shall be disposed of by ~~contacting the village~~ bringing lidded containers to Village Hall.
- (c) Yard waste shall be disposed of by ~~contacting the village~~ determining the best use of curbside brush collection, bi-annual compostable bag collection, or using the village managed yard waste site.

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~~(d) Lead acid batteries shall be disposed of by contacting resources within the community that are not provided by the Village.~~

(Ord. No. 31, § 12, 8-11-1994)

**Sec. 20-1478. Preparation and collection of recyclable materials.**

Except as otherwise directed by the village board, occupants of single-family and two- to four-unit residences, multiple-family dwellings and nonresidential facilities and properties shall do the following ~~for the preparation and collection of the separated materials specified in section 20-143:~~

- (a) Aluminum containers, bi-metal containers, glass containers, rigid plastic containers with ~~an SPI Code of #1, #2, #3, #4, #5, #6 or #7~~ multiple resins, ~~foam polystyrene packaging~~ and steel containers shall be placed in the appropriate container as designated by the current refuse service contractor for the village.
- (b) Corrugated paper or other container board shall be placed in an appropriate container as designated by the current refuse service contractor for the village.
- (c) Newspapers, ~~magazines, office paper, and junk mail~~ shall be placed in an appropriate container as designated by the current refuse service contractor for the village.
- ~~(d) Magazines shall be placed in an appropriate container as designated by the current refuse service contractor for the village.~~
- ~~(e) Junk mail shall be placed in an appropriate container as designated by the current refuse service contractor for the village.~~
- ~~(d)~~ Other recyclables may be added to this division as markets become available.

(Ord. No. 31, § 13, 8-11-1994)

**Sec. 20-1489. Responsibilities of owners or designated agents—Multiple-family dwellings.**

- (a) Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials as specified in section 20-143:
  - (1) Provide adequate, separate containers for the recyclable materials. The number of recycling containers shall equal or be greater than the number of trash containers and at least one of the following shall be met:
    - (a) The minimum total volume of recycling container space is equal to 20 gallons per week per dwelling unit.
    - (b) The ratio of trash container volume to recycling container volume is at most 2:1.
    - (c) An alternative method that does not result in the overflow of a recycling container during the time period between collection of materials and delivery to a recycling facility.
  - (2) Notify tenants in writing at the time of renting or leasing the dwelling and at least semiannually 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.

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(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, and locations and hours of operation and a contact person or company, including a name and address and telephone number of drop-off collection sites to recycle materials not collected on-site.

(b) The requirements specified in subsection (a) of this section do not apply to the owners or designated agents of multiple-family dwellings if the postconsumer waste generated within the dwelling is treated at a processing facility licensed by the state department of natural resources that recovers for recycling the materials specified in section 20-143 from solid waste in as pure a form as is technically feasible.

(Ord. No. 31, § 14, 8-11-1994)

### **Sec. 20-14950. Same—Nonresidential facilities and properties.**

(a) Owners or designated agents of nonresidential facilities and properties shall do all of the following to recycle the materials specified in section 20-143:

(1) Provide adequate, separate containers for the recyclable materials. The total volume of recycling containers shall be sufficient to avoid overflow during the time period between collection of materials and delivery to a recycling facility.

(2) Notify in writing, at least semiannually, 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 wastes 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, and how to prepare materials in order to meet the processing requirements, collection methods or sites, and locations and hours of operation, and a contact person or company, including a name, address and telephone number of drop-off collection sites to recycle materials not collected on-site.

~~(b) The requirements specified in subsection (a) of this section do not apply to the owners or designated agents of nonresidential facilities and properties if the postconsumer waste generated within the facility or property is treated at a processing facility licensed by the state department of natural resources that recovers for recycling the materials specified in section 20-143 from solid waste in as pure a form as is technically feasible.~~

~~(b) The requirements specified in 1) do not apply to the owners or designated agents of non-residential facilities and properties if the postconsumer waste generated within the facility or property is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in s. 1.11 (5) through (15) from solid waste in as pure a form as is technically feasible.~~

(Ord. No. 31, § 15, 8-11-1994)

### **Sec. 20-15051. Prohibitions on disposal of recyclable materials separated for recycling.**

~~No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in section 20-143 which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.~~

No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials that have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility

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(Ord. No. 31, § 16, 8-11-1994)

**Sec. 20-~~154~~52. Continuing education.**

The village, through its current refuse contractor, shall provide continuing education to all residents within the boundaries of the village as to waste reduction, reuse and recycling. The village will make every reasonable effort to include residents of single-family and two- to four-unit residences, youths, consumers, owners or managers of multiple-family residences and owners or managers of nonresidential facilities and properties.

(Ord. No. 31, § 17, 8-11-1994)

**Sec. 20-~~152~~53. Enforcement.**

- (a) For the purpose of ascertaining compliance with the provisions of this article, any authorized officer, employee, contracted refuse contractor or representative of the village may inspect recyclable materials separated for recycling, postconsumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and nonresidential facilities and properties, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to any authorized officer, employee or authorized representative of the village, who has proper legal documents and presents appropriate credentials, for the purposes of inspection. No person may obstruct, hamper, or interfere with such an inspection.
- (b) Any person who violates a provision of this article may be issued a citation by the village to collect forfeitures. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this subsection.
- (c) Any person who violates a provision of this article shall be punished according to the general penalties described in section 1-7.

(Ord. No. 31, § 18, 8-11-1994)

**Secs. 20-~~153~~54—20-159. Reserved.**

**ARTICLE IV. YARD WASTE SITE**

**Sec. 20-160. Purpose.**

To establish, regulate, and enforce a yard waste site for residents of the village of Harrison.

(Ord. No. V21-16, 9-28-2021)

**Sec. 20-161. Definitions.**

*Yard waste* means, for the purposes of this section, leaves, grass clippings, yard and non-woody garden debris and brush, tree branches, brush, sod, shrubs, and clean woody vegetative material. This term does not include stumps, roots, or trees or shrubs with intact root balls.

(Ord. No. V21-16, 9-28-2021)

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**Sec. 20-162. Regulations.**

Yard waste shall not be disposed of as solid waste. Village residents are encouraged to compost or ~~drop off their own yard waste~~ use curbside collections offered periodically by the Village. ~~However, Y~~ard waste not disposed of curbside or by composting may ~~must~~ be taken to the village's yard waste drop off site, as established by this ordinance.

(Ord. No. V21-16, 9-28-2021)

**Sec. 20-163. Village yard waste drop off site.**

- (a) *Establishment.* The village yard waste drop off site shall be established and located within the designated area of the village owned property on Peters Road at the intersection of Merbach Road ~~and behind the municipal building at W5298 Hwy 114~~. The village yard waste drop off site may be terminated or relocated by future order of the village board.
- (b) *Use.* The village yard waste drop off site may be used by village residents during hours specified by the village board, which may be amended from time to time as determined by the village board, for deposit of unbagged yard waste. All persons entering upon the village yard waste drop off site and/or depositing any material therein shall comply with all regulations thereof. All persons depositing yard waste or collecting compost material shall have a Harrison Yard Waste Sticker. All materials shall be deposited within the designated area for such material.
- (c) *Fees.* All persons utilizing the village yard waste drop off site shall obtain a Harrison Yard Waste Sticker subject to all applicable fees set forth in the Village Fee Schedule, reference this code section, which may be amended from time to time as determined by the village board. Such yard waste sticker shall be purchased on a ~~yearly~~ annual/biannual basis.
- (d) *Unlawful deposit.* No person shall place any garbage, refuse, demolition material, roots, stumps, or any other material not designated for acceptance within the village yard waste drop off site. No person who is not a resident of the village of Harrison shall deposit any material within the village yard waste drop off site unless previously approved by the village public works department.
- (e) *Anti-scavenging and unlawful removal of recyclables.* It shall be unlawful for any person, unless under contract with or licensed by the village, to collect or remove any material that has been deposited at the village yard waste drop off site, except compost material may be removed provided the person has purchased a yard waste sticker.
- (f) *Enforcement and penalty.* The county sheriff department, village code enforcement officer, or their designee are authorized to enforce the provisions of this ordinance by issuance of a citation or penalty. Any person, firm, or corporation found violating this ordinance shall be punished as set forth in the Fee and Penalty Schedule, reference this code section, plus the costs of clean-up and prosecution. Each day a violation continues shall constitute a separate violation.

(Ord. No. V21-16, 9-28-2021)

**Secs. 20-164—20-170. Reserved.**

## **ARTICLE V. LITTERING**

### **Sec. 20-171. Purpose.**

This article is adopted for the purpose of promoting and preserving the health and sanitation in the village through the regulation of the storage, collection, transportation and disposition of garbage, rubbish, brush and ashes in the village.

(Ord. No. V21-17, 9-28-2021)

### **Sec. 20-172. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Garbage* has the meaning as defined in section 20-19.

*Refuse* has the meaning as defined in section 20-19.

*Rubbish* has the meaning as defined in section 20-19.

*Waste* has the meaning of "solid waste" as defined in in section 20-19.

(Ord. No. V21-17, 9-28-2021)

### **Sec. 20-173. Littering.**

The village adopts by reference Wis. Stats. § 287.81, Littering, in its entirety, including any and all penalties and fines and statutory and administrative code references.

(Ord. No. V21-17, 9-28-2021)

### **Sec. 20-174. Keeping public property clean and free from garbage, waste, refuse, and debris.**

It shall be unlawful for any person, firm, or corporation to place, throw, leave or permit to remain any rubbish, paper, dirt, waste, yard waste, leaves, grass clippings, tires, electronics, lawn furniture, debris or garbage upon any street, gutter, sidewalk, alley, ditch, public right-of-way, park, or other public ground.

(Ord. No. V21-17, 9-28-2021)

### **Sec. 20-175. Keeping private property clean and free from garbage, waste, refuse and debris.**

It shall be unlawful for any person, firm, or corporation to place, throw, leave, or permit to remain any rubbish, paper, dirt, waste, yard waste, tires, electronics, lawn furniture in disrepair, debris, or garbage upon any real property within the village.

- (a) It shall be unlawful for any person to deposit, cause or permit to be deposited, placed, or parked any vegetation, grass, leaves, foliage, earth, sand, gravel, water, snow, ice, debris, waste material, foreign

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substance, construction materials, equipment or object upon any street, sidewalk, or public property without authorization of the public works department, or upon any private property without the consent of the owner or lessee of the property. Any person who deposits, causes, or permits to be deposited, placed, or parked any such materials, equipment or objects upon any street, sidewalk or property shall be responsible to properly mark or barricade the area so as to prevent a safety hazard.

- (b) Any such rubbish, paper, unused soil stockpiles, waste, yard waste, tires, electronics, lawn furniture in disrepair, debris, or garbage must be removed from the property within 14 days of written notice.
- (c) It is unlawful for any person to dump garbage, waste, refuse, recyclables, demolition materials, or bulky materials onto any other person's property or into any other person's refuse or recyclable container, unless acting with proper permission or authority. This subsection does not apply to garbage receptacles held out for public use.
- (d) It is unlawful for any person to rummage or scavenge through any public garbage container or any other person's garbage or recyclable container, unless acting with proper permission or authority.

(Ord. No. V21-17, 9-28-2021)

#### **Sec. 20-176. Dumping refuse prohibited.**

No person shall dump garbage, waste, rubbish, or other debris anywhere except an authorized landfill garbage disposal site.

(Ord. No. V21-17, 9-28-2021)

#### **Sec. 20-177. Enforcement and penalty.**

The county sheriff department, village code enforcement officer, or their designee are authorized to enforce the provisions of this section by issuance of a citation or penalty. Any person, firm, or corporation found violating this ordinance shall be punished as set forth in the Fee and Penalty Schedule, reference this code section, or Wis. Stats. § 287.81, plus the cost of clean-up and prosecution. Penalties may also be authorized pursuant to the "State of Wisconsin Revised Uniform Deposit and Bail Schedule for Conservation, Environmental Protection, ATV/UTV, Boat, OHM, and Snowmobile Violations" as amended and adopted by the Wisconsin Judicial Conference pursuant to §§ 23.66(4), 345.26(2)(A), and 969.065, Wis. Stats. Each day a violation continues shall constitute a separate violation.

(Ord. No. V21-17, 9-28-2021)