



**2/25/2025 Monthly Board Meeting
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MEETING MINUTES

Town of Peshtigo Monthly Board Meeting Tuesday, January 21, 2025 at 6 p.m.

- 1) Call to order: **Chairperson Friday called the meeting to order at 6:00pm.**
- 2) Pledge of allegiance
- 3) Roll call: **4 present at start of meeting. Supervisor Bergeson joined at 6:27pm.**
Chairperson Friday, Supervisor Coble, Supervisor Wortner, Supervisor Joy.
- 4) Verification of proper notice: **Chairperson Friday verified.**
- 5) Approve agenda: **Joy motion to approve/Second by Wortner. Motion carried with 4 yes.**
- 6) Public comment, limited to 15 minutes (*in-person attendees only, limited to 3 minutes per person with no time donations from others, agenda items only*), please be prepared to come forward to the table, speak clearly into the microphone, start by stating name/address & agenda item(s) to be addressed:
 - a. **Adam Steeber spoke on public comment, policy review committee, and ordinance changes.**
 - b. **Candi Buchenauer spoke on handicap accessibility and elections.**
- 7) Announcements
 - a. **Spring Primary is 2/18/2025**
 - b. **Discounted fire # signs available through 04/01/2025 for \$25, includes post.**
 - c. **No DNR update this month.**
 - d. **Tyco and EPA Superfund updated loaded to the website, under water tab.**
- 8) Minute approval – 12/17/2024 Regular Board Meeting: **Approved via unanimous consent.**
- 9) Reports
 - a. Fire Department: **Chief Folgert gave report.**
 - i. Fire Department State of WI Service Award Program: Municipal contribution approval of \$10,589.94 to be paid by 02/15/2025 (*Chief Folgert budgeted \$11,200*): **Coble motion to approve/Second by Joy. Motion carried with 4 yes votes.**
 - b. Constable: **Chairperson Friday gave report.**
 - c. Building Inspector: **Chairperson Friday gave report. 114 permits issued in 2024.**
 - d. Marinette County Board: **No representative present.**
- 10) Treasurer Report/Investment Report/Budget YTD vs Actual/Budget Amendments: **Approved via unanimous consent.**
 - a. Approve vouchers & payment of bills: **Joy motion to approve/Second by Coble. Motion carried with 4 yes votes.**
 - b. Certificate of Deposit/Fund transfer: **Treasurer Maney updated that Town money is in a money market, while she reviews other options such as CD rates, LGIP, etc.**
- 11) Board of Review training: **Either Chairperson Friday or Supervisor Bergeson will attend.**
- 12) Board of Appeals membership appointments/reappointments, term 2/1/2025 to 1/31/2028: **Chairperson Friday nominated to reappoint Wayne Kamka and Alan Archambault for their same positions, thru 1/31/2028. Joy motion to approve/Second by Wortner. Motion carried with 4 yes votes.**
- 13) Plan Commission/Comprehensive Plan update:

a. Chairperson/Vice-Chairperson appointment: **Chairperson Friday motion to appoint herself as Plan Commission Chair & Wortner as Plan Commission Vice Chair/Second by Wortner. Motion carried with 4 yes votes.**

14) Ad hoc committee updates:

a. Capital Improvement Plan – Chairperson Joy, Vice Chairperson Friday: **Supervisor Joy updated on today's meeting. Foth is working with Delmore on a road improvement plan. Blacktopping 1 mile of road is currently in the ballpark of \$180k/mile.**

b. CDBG-CV – Chairperson Friday, Treasurer Maney

i. HVAC update: **Amendment #5 will be signed soon. Construction to be complete by 04/30/2025, with project completion date of 06/30/2025.**

ii. MSA billing update: **Town has been refunded overpayment.**

iii. MSA professional services agreement for grant administration services extension request: **Joy motion to have Atty. Spangenberg look over original MSA contract to ensure contract was fulfilled. If so, take it in house to complete/Second by Coble. Motion carried with 4 yes.**

c. Ordinance/Policy Review – Chairperson Friday, Vice Chairperson Wortner: **No update.**

Supervisor Bergeson joined the meeting 6:27pm.

15) Standing Committee Updates:

a. Buildings & Grounds – Chairperson Coble, Vice Chairperson Bergeson: **Vehicle hit concrete posts outside the fire department last week. Repair estimates arriving soon, will forward to insurance.**

i. Town Hall office/community room/voting room reconfiguration: **Office can proceed with getting estimates on repair/remodel work.**

b. Recycling Center – Chairperson Bergeson, Vice Chairperson Coble: **Bergeson updated that tv and aluminum can pick up has been scheduled.**

c. Roads & Ditches – Chairperson Wortner, Vice Chairperson Joy: **Wortner & Keith drove Town roads finding blacktop and culvert repairs to schedule for spring/summer. Many rights-of-way/ditches are being trimmed back currently. Bucket truck will be going out to trim soon.**

16) Motion & roll call vote to go into CLOSED SESSION pursuant to Wis. Stat. §19.85(1)(g) for the purpose of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is involved (Tyco Litigation). **Joy motion to enter closed session at 6:35pm/Second by Wortner. Roll call vote of 5 yes to enter closed.**

a. Motion & roll call vote to return to Open Session: **Wortner motion to return to open session at 7:13pm/Second by Bergeson. Roll call vote of 5 yes to return to open session.**

17) Action arising from Closed Session: **No action taken.**

18) Upcoming Meetings – Regular Board Meeting Tuesday, February 25, 2025

19) Motion to Adjourn: **Coble motion to adjourn at 7:14pm/Second by Bergeson. Motion carried with 5 yes.**

Kayla Okins, Clerk, 01/23/2025

**Town of Peshtigo Fire Department Report to the Town Board
February 25, 2025**

Calls since the January 21st, 2024 Monthly Town Board meeting:

1/30/25	N2881 Shore Drive, Grass Fire
2/3/25	W1436 State Hwy 64, Arcing Powerlines
2/4/25	N3883 County T, Control Burn (Cancelled)
2/5/25	US Hwy 41 at County T, Multi-Vehicle Crash
2/7/25	W730 Edwards Ave., Carbon Monoxide Incident
2/9/25	County B at Rader Rd., Vehicle Crash Alert – Cancelled Enroute
2/14/25	N2891 Schacht Rd, Smell of Propane
2/16/25	N3708 Schacht Rd, Injured Person with Legs Caught in Snowmobile Tracks
2/18/25	US Hwy 41 at County T, Vehicle Crash
2/20/25	W1280 County B, EMS Assist
2/24/25	N3407 Schacht Road, EMS Assist (#4)
2/25/25	N3407 Schacht Road, EMS Assist (#5)

Apparatus and Equipment Status:

- All apparatus and equipment are in normal operating condition.
- Pierce Manufacturing is expected to release our new engine approval package on April 16th. Pre-construction conference at Pierce the following day to review the package and address any changes. We are targeting final approval by May 1st to avoid any additional cost increases.

Training:

- 13 firefighters participated in an air bag lifting training drill on Monday, February 10th.
- Firefighter **Nick Baldwin** has completed Certified Firefighter Level 1 and Hazardous Materials Technician training at Fox Valley Technical College.
- Firefighter **Chad Jacobson** completed DNR Wildland Fire training in Antigo on Saturday, Feb. 22nd.

Fire Prevention, Education and Community Involvement:

- Our 2024 annual report is now available on the town website under the fire department tab. A few copies are also available for viewing at the town hall.
- Free smoke alarm installation is available to town residents upon request. Contact the Clerk's office if interested.

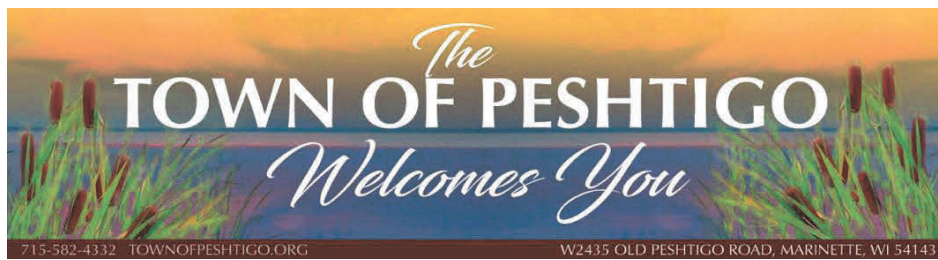
Fund Raising & Donations:

- The date for the Lenten Fish Fry fundraiser at the Moose Lodge has been changed to Wednesday, March 26th.

Other:

- DSPS has notified us that they will be conducting a 2% Dues Audit of our Department on March 12th.
- Our roster stands at 23 volunteer firefighters. We are currently accepting applications.

Mike Folgert
Fire Chief

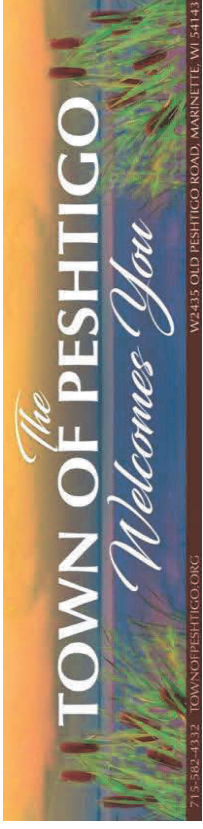


January 2025 Constable Report

01/08 Lost Dog

01/09 Ongoing fence dispute

01/16 Squatter Complaint



TREASURER'S REPORT
January 2025

	Begin	Deposits/Interest	Withdrawals	Ending	Outstanding Receipts	Outstanding Deposits	Register Balance
BMO Checking Account 7013	37,147.28	1,193,715.82	(1,192,245.65)	38,617.45	(22,466.92)		16,150.53
BMO Payroll Checking 7734	4,138.43	16,977.00	(16,300.64)	4,814.79	(2,489.38)		2,325.41
BMO Platinum MM 6811	1,327,707.13	2,849,069.69	(1,186,665.19)	2,990,111.63	(583.92)		2,989,527.71
BANK TOTALS	1,368,992.84	4,059,762.51	(2,395,211.48)	3,033,543.87	(25,540.22)	-	3,008,003.65
PNB Checking - CDBG	8.71	-	-	8.71	-	-	-
Change Fund	215.00	-	-	215.00	-	-	-
Fire Dept Equipment	271.71	1.01	-	272.72			
Fire Truck	167,563.37	624.35		168,187.72			
Roads	99,291.23	369.97	-	99,661.20			
Capital Outlay - Mach & Equip	251,762.85	938.09		252,700.94			
Recycling	12,494.29	46.55		12,540.84			
ARPA	84,654.06	315.43		84,969.49			
LGIP TOTAL	616,037.51	2,295.40	-	618,332.91	-	-	-
BMO CD	281,812.95		(281,812.95)	-	-	-	-
BMO CD Fire Dept.	160,150.72		-	160,150.72	-	-	-
TOTAL CASH & INVESTMENTS	2,427,217.73	4,062,057.91	(2,677,024.43)	3,812,251.21	(25,540.22)	-	3,786,710.99

Jodi Maney
Treasurer
toptreasurer@townofpeshtigo.org

Sec. 34-82. Discharge of firearms.

- (a) *Statutes adopted.* Statutory provisions describing and defining regulations with respect to the use of firearms, but not including any provisions therein relating to penalty to be imposed for the violation of said statutes, which said penalty provisions are expressly excluded from this section, are hereby adopted by reference as if set forth verbatim herein.

~~(b) *Concealed weapons.* It shall be unlawful to carry and conceal weapons in the town in violation of the laws of this state.~~

- ~~(c-b) *Discharge of firearms.* No person shall discharge any firearm in the town within 100 yards of any occupied permanent dwelling or on legally posted land forbidding hunting. This prohibition shall not apply to discharge of a firearm by an individual on their own property or in a designated hunting area so long as the discharge is not within 100 yards of any occupied permanent dwelling other than the property owner's.~~

~~(1) No person shall discharge any gun in the town within 300 yards of any occupied permanent dwelling in the town or on legally posted land forbidding hunting. This prohibition shall not apply to discharge of a gun by an individual on his own or in a designated hunting area so long as the discharge is not within 300 yards of any occupied permanent dwelling other than the property owner's.~~

~~(2) The provisions of this section shall not apply to any supervised waterfowl shoot or any supervised target practice, nor shall it apply to any navigable waters in or adjacent to the town.~~

(Code 2006, § 11-2-1)

~~State law reference(s)—Endangering safety by use of dangerous weapon, Wis. Stats. § 941.20; carrying concealed weapon, Wis. Stats. § 941.23; carrying handgun where alcohol beverages may be sold and consumed, Wis. Stats. § 941.237; local regulation of firearms, Wis. Stats. § 66.0409; use of firearms near parks, Wis. Stats. § 167.30; safe use and transportation of firearms and bows, Wis. Stats. § 167.31.~~

Chapter 36 PARKS AND RECREATION¹

ARTICLE I. IN GENERAL

Secs. 36-1—36-18. Reserved.

ARTICLE II. PARK REGULATIONS

Sec. 36-19. 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:

Park includes all grounds, structures and watercourses which are or may be located within any area dedicated to the public use as a park, parkway, public boat landing, public lake access, or recreation facility in the town.

(Code 2006, § 12-1-1(a))

Sec. 36-20. Purpose.

In order to protect the parks, public boat landings, parkways, recreational facilities and public conservancy areas within the town from injury, damage or desecration, these regulations are enacted.

(Code 2006, § 12-1-1(a))

Sec. 36-21. Littering prohibited.

No person shall litter, dump or deposit any rubbish, refuse, earth or other material in any park, except by placing such material in receptacles provided for such purpose.

(Code 2006, § 12-1-1(b)(1))

Sec. 36-22. Sound devices.

~~No person shall operate or play any amplifying system unless specific authority is first obtained from the town board, or its authorized designee.~~

¹State law reference(s) — Town and village parks, Wis. Stats. § 27.13; town park commission, Wis. Stats. § 60.66; public parks and places of recreation, Wis. Stats. § 27.01 et seq.; regulation of boating generally, Wis. Stats. § 30.50 et seq.; local regulation of boating, Wis. Stats. § 30.77; local water safety patrols, Wis. Stats. § 30.79; water exhibitions and races, Wis. Stats. § 30.742; use of firearms near parks, Wis. Stats. § 167.30; safe use and transportation of firearms and bows, Wis. Stats. § 167.31.

(Code 2006, § 12-1-1(b)(2))

Sec. 36-~~22-23~~. Bill posting.

No person shall post, paste, fasten, paint or attach any placard, bill, notice, sign or advertising matter upon any structure, tree or other natural object in any park, except park regulations and other signs authorized by the town board.

(Code 2006, § 12-1-1(b)(3))

Sec. 36-~~23-24~~. Trapping.

No person shall trap in any town park unless specific written authority is first obtained from the town board.

(Code 2006, § 12-1-1(b)(4))

Sec. 36-~~24-25~~. Making of fires.

No person shall start, tend or maintain a fire except in personal grills or designated fireplaces. Personal grills shall be used only in designated picnic areas. The use of personal grills is permitted provided lawns and vegetation are not endangered. Unburned fuel and ashes shall be disposed of in such a manner as to prevent fire or damage to any park property.

(Code 2006, § 12-1-1(b)(5))

Sec. 36-~~25-26~~. Protection of park property.

No person shall kill, injure or disturb or attempt to injure or disturb waterfowl, birds or animals, wild or domestic, within any park. No person shall climb any tree or remove flowers or fruit, wild or cultivated, or break, cut down, trample upon, remove or in any manner injure, deface, write upon or ill use **of** any tree, shrub, flower, flower bed, turf, soil, sand, fountain, ornament, building, structure, apparatus, bench, table, official notice, sign or other property within any park.

(Code 2006, § 12-1-1(b)(6))

Sec. 36-~~26-27~~. Illegal entry.

It shall be unlawful for any person to enter in any way any park building, installation or area after the posted closing time or before the posted opening time, or contrary to posted notices.

(Code 2006, § 12-1-1(b)(7))

Sec. 36-~~27-28~~. ~~Throwing stones and missiles prohibited~~ Prohibited.

No person shall throw stones, ~~or other missiles~~ or other objects in or into any park. **Projectiles prohibited** (firearms, bow and arrow, sling shots, etc.) unless specifically permitted.

(Code 2006, § 12-1-1(b)(8))

Sec. 36-~~28-29~~. Removal of park equipment prohibited.

No person shall remove benches, seats, tables, or other park equipment from any park, unless authorized by the town board or its designee.

(Code 2006, § 12-1-1(b)(9))

Sec. 36-~~29-30~~. Vending.

Vending is prohibited in town parks unless authorized by the town board.

(Code 2006, § 12-1-1(b)(10))

Sec. 36-~~30-31~~. Plant materials.

There will be no unauthorized removal of any plant materials or plants from any park.

(Code 2006, § 12-1-1(b)(11))

Sec. 36-~~31-32~~. Structures.

No temporary or permanent structures are to be erected in a park without specific approval of the town board.

(Code 2006, § 12-1-1(b)(12))

Sec. 36-~~32-33~~. Hours.

Unless otherwise determined by the town board, parks shall be closed to all uses and all persons between the hours of 11:00 p.m. and 6:00 a.m. Central Standard Time or Central Daylight Time, whichever shall be in effect in the state.

(Code 2006, § 12-1-1(b)(13))

Chapter 26 HEALTH AND SANITATION¹

ARTICLE I. IN GENERAL

Sec. 26-1. Definitions.

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

Health and safety hazard means an object, act, occupation, condition, use or property which shall continue for such length of time as to substantially annoy, injure or endanger the comfort, health, repose or safety of the public or in any way render the public insecure in life or in the use of property.

Litter includes but is not limited to trash and/or wastepaper lying scattered about.

Rubbish includes but is not limited to waste materials, garbage and refuse of every character and kind collected or accumulated.

Trash includes but is not limited to some thing or object worth little or nothing or is in a crumpled or broken, inoperable condition.

(Code 2006, § 8-1-2(b)(1))

Sec. 26-2. Enforcement by citation.

Violations of this chapter may be enforced by citation. The town bond/fee schedule, available in the office of the town clerk, shall apply to citations issued pursuant to this chapter.

(Code 2006, § 8-1-2(d)(3))

Sec. 26-3. Rules and regulations.

The town board may make reasonable and general rules for the enforcement of the provisions of this chapter and for the prevention of the creation of health nuisances and the protection of the public health and welfare and may, where appropriate, require the issuance of licenses and permits. All such regulations shall have the same effect as ordinances, and any person violating any of such regulations and any lawful order of the town board shall be subject to section 1-17, the general penalty.

(Code 2006, § 8-1-1)

¹State law reference(s) — Food regulation generally, Wis. Stats. § 97.01 et seq.; miscellaneous health regulations, Wis. Stats. § 146.001 et seq.; groundwater protection standards, Wis. Stats. § 160.001 et seq.; local health officials generally, Wis. Stats. § 251.001 et seq.; local health officer qualifications and duties, Wis. Stats. § 251.06; financing of town health department, Wis. Stats. § 251.127; powers of cities, villages, and towns to regulate human health hazards, Wis. Stats. § 254.593; smoke as health hazard, Wis. Stats. § 254.57; local enforcement of certain health and food regulations, Wis. Stats. § 66.0417.

Secs. 26-4—26-24. Reserved.

ARTICLE II. REGULATIONS HAZARDS

Sec. 26-25. Health hazards.

- (a) *Prohibited.* No person shall erect, contrive, cause, continue, maintain or permit to exist any public health or safety hazard within the town.
- (b) *Enumerated.* The accumulation of decayed animal or vegetable matter, trash, rubbish, or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed is hereby specifically declared to be a public health hazard, but such enumeration shall not be construed to exclude other health hazards coming within the definition of section 26-1.

(Code 2006, § 8-1-2(a), (b)(2))

Sec. 26-26. Specific hazards.

- (a) The following acts, omissions, places and conditions are hereby declared safety hazards. However, such enumeration shall not be construed to exclude other hazards affecting public safety coming within the provisions of section 26-25.
 - (1) All buildings and structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use or occupancy.
 - (2) All abandoned or nonoperational refrigerators, freezers, and iceboxes from which the doors and other covers have not been removed or are not equipped with a device for opening the door from the inside.
 - (3) Fire code or safety violations found when the required state fire inspections are performed.
 - (4) The accumulation of trash, litter, or rubbish, as those terms are defined in section 26-1.
- (b) Time to repair or correct violations of this section will be on an individual basis granted upon notice of violation.

(Code 2006, § 8-1-2(b)(3))

Secs. 26-27—26-55. Reserved.

ARTICLE III. ABATEMENT PROCEDURE

Sec. 26-56. Complaints; inspection.

Whenever a person residing within 500 feet or adjacent to a hazard makes a written complaint to the town chairperson or to a town enforcement officer that a public health or safety hazard exists within the town, the enforcement officer shall promptly and forthwith inspect or cause to be inspected the premises complained of and shall make a written report of his findings to the town chairperson. Whenever practicable, the town enforcement officer shall cause photographs to be made of the premises and shall file the same in the office of the town clerk.

(Code 2006, § 8-1-2(c)(1))

Sec. 26-57. Notice to owner.

If the enforcement officer shall determine that a public health or safety hazard exists within the town and that there is great and immediate danger to the public health, safety, peace, morals or decency upon a person causing, permitting, or maintaining such a hazard, whether an owner or occupant of the premises where such hazard is caused, permitted, or maintained. If immediate personal service cannot be made, a copy of such notice shall be posted on the premises in a location likely to attract the attention of the owner or occupant thereof, as well as direct mail notice to the last known owner of said property. Such notice shall direct the person causing, permitting, or maintaining such hazard, or owner or occupant of the premises, to start abatement within 24 hours and complete such abatement within 30 days, and shall state that unless such hazard is so abated, the town may cause the same to be abated and will charge the cost thereof to the owner, occupant, or person causing, permitting or maintaining the hazard.

(Code 2006, § 8-1-2(c)(2)a)

Sec. 26-58. Summary abatement by town.

If the health or safety hazard is not abated within the time provided or if the owner, occupant or person causing the hazard cannot be found, the enforcement officer, in the case of health hazards and other causes, shall cause the abatement or removal of such public hazards.

(Code 2006, § 8-1-2(c)(2)b)

Sec. 26-59. Abatement by court action.

If the enforcement officer shall determine that a health or safety hazard exists on private premises but that the nature of such hazard is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, **he they** shall file a written report of **his their** findings with the town chairperson, who shall cause an action to abate such hazard to be commenced in the name of the town in the county circuit court in accordance with the provisions of [Wis. Stats. ch. 823](#). In the alternative, the chairperson may direct the enforcement officer to issue one or more citations for each day of violation for said time period, and to report back whether compliance has occurred.

(Code 2006, § 8-1-2(c)(2)c)

Sec. 26-60. Other methods of abatement not excluded.

Nothing in this article shall be construed as prohibiting the abatement of the health or safety hazards by the town or its officials in accordance with the laws of the state.

(Code 2006, § 8-1-2(c)(2)d)

Chapter 50 SOLID WASTE AND RECYCLING⁴

ARTICLE I. IN GENERAL

Sec. 50-1. Definitions.

The following words, terms and phrases, when used in this chapter, 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 projects.

Contractor means the person performing recyclable materials collection and processing under this chapter.

Foam polystyrene packing pursuant to Wis. Stats. § 287.01(2). means packaging made primarily from foam polystyrene that satisfies one of the following criteria:

(1) Is designed for serving food or beverages.

(2) Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.

(3) Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.

Garbage pursuant to Wis. Stats. § 289.01(9). means discarded materials resulting from the handling, processing, preparation, storage, cooking, and consumption of food, and discarded animal feces.

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.

Hazardous substance pursuant to Wis. Stats. § 289.01(11). means any substance or combination of substances which may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or which may pose a substantial present or potential hazard to human health or the environment. This term includes, but is not limited to, pesticides and substances which are toxic, corrosive, flammable, irritants, strong sensitizers or explosives, as determined by the state department of natural resources.

Hazardous waste pursuant to Wis. Stats. § 289.01(12). means any solid waste identified by the state department of natural resources as hazardous waste under Wis. Stats. § 291.05(1), (2), or (4).

Hazardous waste facility pursuant to Wis. Stats. § 289.01(14). means a site or structure for the treatment, storage or disposal of hazardous waste and includes all of the contiguous property under common ownership or control surrounding the site or structure.

⁴State law reference(s) — Littering, Wis. Stats. § 287.81; storage of junked vehicles, Wis. Stats. § 175.25; municipal authority for removal of rubbish, Wis. Stats. § 66.0405; town solid waste transportation, Wis. Stats. § 60.54.

HDPE means high-density polyethylene plastic containers marked by the SPI Code No. 2.

LDPE means low-density polyethylene plastic containers marked by the SPI Code No. 4.

Magazines means magazines and other materials printed on similar paper.

Major appliance pursuant to Wis. Stats. § 287.01(3), means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, oven, refrigerator, stove, furnace, boiler, dehumidifier, water heater and microwave oven from which the capacitor has been removed.

Medical waste pursuant to Wis. Stats. § 287.07(7)(c)1.cg, means infectious waste and those containers, packages, and materials that contain infectious waste or that are from a treatment area and are mixed with infectious waste.

Mixed or other plastic resin types means plastic containers marked by the SPI Code No. 7.

Multiple-family dwelling means a property containing five 5 or more residential units, including those which are occupied seasonally.

Newspaper means a newspaper and other materials printed on newsprint.

Nonresidential facilities and properties means commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple-family dwellings.

Office paper means 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.

Other resins or multiple resins means plastic resins labeled by the SPI code #7.

Person pursuant to Wis. Stats. § 287.01(5m), includes any individual, corporation, partnership, association, local governmental unit, as defined in Wis. Stats. § 66.031, state agency or authority or federal agency.

PETE means polyethylene terephthalate plastic containers marked by the SPI Code No. 1.

Plastic container pursuant to Wis. Stats. § 287.01(6), 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.

Post-consumer waste pursuant to Wis. Stats. § 287.01(7), means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in Wis. Stats. § 291.01, waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in Wis. Stats. § 291.97.

PP means polypropylene plastic containers marked by the SPI Code No. 5.

Producer means the person whose ultimate use of a product results in solid waste being generated, whether recyclable or not.

PS means polystyrene plastic containers marked by the SPI Code No. 6.

PVC means polyvinyl chloride plastic containers marked by the SPI Code No. 3.

Recyclable materials means lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspapers; office paper; plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS, and mixed or other plastic resin types; steel containers; waste tires; and bi-metal containers.

Solid waste pursuant to Wis. Stats. § 289.01(33), has the meaning specified in Wis. Stats. § 281.01. In addition, the term "solid waste" means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded or salvageable materials, including liquid, solid, semi-solid, or contained gaseous materials resulting from industrial, commercial, mining and agricultural

operations, and from community activities, but does not include solids or dissolved materials in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permits under Wis. Stats. ch. 283 or source material, special nuclear material, or by-product material, all as defined in Wis. Stats. § 254.31.

Solid waste disposal pursuant to Wis. Stats. § 289.01(34). means the discharge, deposit, injection, dumping, or placing of any solid waste into or on any land or water. This term does not include the transportation, storage, or treatment of solid waste.

Solid waste facility pursuant to Wis. Stats. § 289.01(35).

(1) The term "solid waste facility" has the meaning specified in Wis. Stats. § 289.01. In addition the term "solid waste facility" means a facility for solid waste treatment, solid waste storage, or solid waste disposal, and includes commercial, industrial, municipal, state, and federal establishments or operations such as, without limitation because of enumeration, sanitary landfills, dumps, land disposal sites, incinerators, transfer stations, storage facilities, collection and transportation services, and processing treatment and recovery facilities. The term "solid waste facility" includes the land where the facility is located.

(2) The term "solid waste facility" does not include a facility that uses large machines to sort, grade, compact, or bale clean wastepaper, fibers, or plastics, not mixed with other solid waste, for sale or use for recycling purposes. The term "solid waste facility" does not include an automobile junkyard or scrap metal salvage yard. The term "solid waste facility" does not include any facility exempt from town regulation by state law or regulation, including certain demolition facilities.

Solid waste storage pursuant to Wis. Stats. § 289.01(38). means the holding of solid waste for a temporary period, at the end of which period the solid waste is to be treated or disposed.

Solid waste treatment pursuant to Wis. Stats. § 289.01(39). means any method, technique, or process that is designed to change the physical, chemical, or biological character or composition of solid waste, including incineration.

Waste tire pursuant to Wis. Stats. § 289.55(1)(c). means a tire that is no longer suitable for its original purpose because of wear, damage, or defect.

Yard waste pursuant to Wis. Stats. § 287.01(17).

(1) The term "yard waste" means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than six inches in diameter.

(2) This term does not include stumps, roots or shrubs with intact root balls.

(Code 2006, §§ 8-3-6, 8-4-4)

Sec. 50-2. Purpose.

The purpose of this ordinance is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in Wis. Stats. § 287.11 and Chapter NR 544, Wis. Administrative Code.

Sec. 50-3. Abrogation and Greater Restrictions.

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

Sec. 50-4. Interpretation.

In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any terms or requirements of this ordinance may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this ordinance is required by Wisconsin Statutes, or by a standard in [Chapter NR 544, Wis. Administrative Code](#), and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the [Chapter NR 544](#) standards in effect on the date of the adoption of this ordinance, or in effect on the date of the most recent text amendment to this ordinance.

Sec. 50-5. Severability.

Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

Sec. 50-6. Authority; applicability; administration.

The town board is a responsible unit as defined by [Wis. Stats. § 287.01\(9\)](#) ~~287.01~~. As such, the town has the authority under [Wis. Stats. ch. 287](#) ~~159~~, as well as pursuant to its village powers under [Wis. Stats. § 60.10\(2\)\(c\)](#) ~~60.10~~, to plan, develop, implement and operate an effective recycling program within the town. This article is adopted as authorized under [Wis. Stats. § 287.09\(2\)\(a\)](#) ~~287.09~~ and [287.09\(3\)\(b\)](#) for recycling responsible units. The requirements of this article apply to all persons within the town. The provisions of this article shall be administered by the town board or its designee.

(Code 2006, § 8-3-2)

Secs. 50-7—50-23. Reserved.

ARTICLE II. RECYCLING

DIVISION 1. GENERALLY

Sec. 50-21. Authority; applicability; administration.

The town board is a responsible unit as defined by [Wis. Stats. § 287.01\(9\)](#) ~~287.01~~. As such, the town has the authority under [Wis. Stats. ch. 287](#) ~~159~~, as well as pursuant to its village powers under [Wis. Stats. § 60.10\(2\)\(c\)](#) ~~60.10~~, to plan, develop, implement and operate an effective recycling program within the town. This article is adopted as authorized under [Wis. Stats. § 287.09\(2\)\(a\)](#) ~~287.09~~ and [287.09\(3\)\(b\)](#) for recycling responsible units. The requirements of this article apply to all persons within the town. The provisions of this article shall be administered by the town board or its designee.

(Code 2006, § 8-3-2)

Sec. 50-22. Rules of construction.

In their interpretation and application, the provisions of this article shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by state law. Where a provision of this article is required by state law or administration regulation and where the provision of this article is unclear, the provision shall be interpreted in light of the state law and administrative standards in effect on the date of the adoption of the ordinance from which this article is derived, or in effect on the date of the most recent amendment to this article.

(Code 2006, § 8-3-3)

Sec. 50-23. Recycling education program.

The town has established a policy and program of education regarding the benefits and proper standards of waste recycling. Waste haulers and local outlets that accept tires and other regulated debris for disposal shall be included and updated annually as part of the town's recycling education program.

(Code 2006, § 8-3-10(b))

Sec. 50-24. Amendments to restrictions on recyclable materials.

The town board may, from time to time, amend its designation of materials that are acceptable for recycling and those materials that are prohibited. A list of acceptable and prohibited materials shall be posted at the recycling center.

Sec. 50-25. Recycling fees; resident requirement.

- (a) The town board will establish fees for the disposal of permitted items at the recycling center. An attendant will be on duty to collect fees.
- (b) Proof of residency for purposes of this section shall be by resident recycling sticker. Such stickers are available upon submission of proof of residency to the town clerk or the attendant at the recycling center. The fee for issuance of resident recycling stickers shall be as provided in the town fee schedule, available in the office of the town clerk.

(Code 2006, § 8-3-9(a)(4))

Secs. 50-26—50-53. Reserved.

DIVISION 2. COLLECTION, PREPARATION AND STORAGE OF MATERIALS

Sec. 50-54. 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 post-consumer waste:

- (1) Lead acid batteries.
- (2) Major appliances and televisions.

-
- (3) Waste oil.
 - (4) Yard waste.
 - (5) Aluminum containers.
 - (6) Corrugated paper or other container board.
 - (7) Magazines or other materials printed on similar paper.
 - (8) Newspapers or other materials printed on newsprint.
 - (9) Office paper.
 - (10) Steel and bi-metal containers.
 - (11) Waste tires.
 - (12) ~~Plastic containers made of PETE and HDPE.~~ Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins.
 - (13) Glass containers.
 - (14) Foam polystyrene packaging.

(Code 2006, § 8-3-7(a))

Sec. 50-55. Separation requirements exempted.

The separation requirements of this article do not apply to any occupants regarding recyclable materials of these occupants for which a variance has been granted to the town by the state department of natural resources under [Wis. Stats. § 287.11\(2m\)](#) ~~287.11~~, administrative provisions derived therefrom, or successor provisions.

(Code 2006, § 8-3-7(c))

Sec. 50-56. ~~Cleaning and storage~~ Care of separated recyclable materials.

To the greatest extent practicable, the recyclable materials 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.

(Code 2006, § 8-3-8)

Sec. 50-57. Materials accepted for recycling.

~~The town recycling center accepts:~~

- ~~(1) Tires.~~
- ~~(2) Appliances and air conditioners with Freon; provided that doors must be removed from refrigerators and freezers.~~
- ~~(3) Stoves.~~
- ~~(4) Microwaves.~~
- ~~(5) Washers.~~

~~(6) Dryers.~~

~~(7) Any kind of metal including siding and soffits (no motor vehicles).~~

~~(8) Televisions.~~

~~(9) Automotive oil (no cooking oil or anti-freeze).~~

~~(10) Paper.~~

~~(11) Cardboard.~~

~~(12) Plastic.~~

~~(13) Glass.~~

~~(14) Aluminum.~~

~~(15) Tin.~~

~~(16) Batteries.~~

~~(17) Bagged garbage.~~

~~(18) Yard waste.~~

~~(19) Tires.~~

List of items accepted can be found on the Town website or posted at the Recycling Center.

(Code 2006, § 8-3-9(a)(2))

Sec. 50-58. ~~Certain prohibited~~ Prohibited materials.

All persons generating prohibited materials shall dispose of them by making arrangements with a private waste hauler or independently disposing at a facility where they are accepted. ~~The following materials shall not be accepted by the town recycling center for disposal:~~

~~(1) Contaminated material.~~

~~(2) Dead animals.~~

~~(3) Dirt.~~

~~(4) Explosives.~~

~~(5) Human or livestock feces.~~

~~(6) Fluorescent lightbulbs.~~

~~(7) Hazardous or toxic wastes.~~

~~(8) Heavy metal materials, as defined by state law.~~

~~(9) Machinery, motor vehicles, campers, etc.~~

(Code 2006, § 8-3-10(c)(1))

Sec. 50-59. Construction and commercial debris prohibited.

The town recycling center shall not accept large quantities of construction material (e.g., vinyl siding, shingles, insulation, concrete blocks, roofing, etc.) or any items from a commercial business. Arrangements must

be made by persons generating construction and commercial debris for collection and disposal by a private contractor.

(Code 2006, § 8-3-10(c))

Sec. 50-60. Roll-off site schedule; large item disposal fees.

From April through October a roll-off is on site for disposal of large items. The fee for disposal of large items shall be as established by the town board and based on the size of the item offered for disposal. Individuals dropping off appliances and other large items will be required to provide proof of town residency when required.

(Code 2006, § 8-3-10(c))

Sec. 50-61. Alternatives for mandatory disposal of certain recyclables.

(a) *Batteries, appliances, and waste oil.* All persons who generate lead acid batteries, major appliances or waste oil may make arrangements with private waste haulers operating in the town for the proper collection, transportation and disposal of the materials at their own expense, shall dispose of the items at an outlet that accepts and properly disposes of the items, or shall be brought to the town recycling center.

(b) *Yard wastes.* All persons who generate yard waste shall be responsible for the proper disposal of yard waste through proper backyard composting, by contacting a private waste hauler or by bringing the yard waste to the recycling center for the proper collection and disposal of the material.

(Code 2006, § 8-3-9(a)(1), (b))

Sec. 50-60 62. Preparation of certain recyclable materials.

Except as otherwise directed by the town board, occupants of single-family and two- to four-unit residences may commingle the following recyclables with other refuse to be collected:

- (1) Aluminum containers shall be rinsed and free of nonaluminum material.
- (2) Bi-metal containers shall be cleaned, with labels removed.
- (3) Corrugated paper or other container board shall be free of debris, flattened, and kept in containers that keep them dry.
- (4) Glass containers shall be rinsed and not broken; glass does not need to be separated by color.
- (5) Magazines, newspaper and office paper shall be free of debris and kept in containers or stored in an area that keeps them dry.
- ~~(6) Newspaper shall be free of debris and kept in containers or stored in an area that keeps them dry.~~
- ~~(7) Office paper shall be free of debris and kept in containers or stored in an area that keeps them dry.~~
- ~~(8-6)~~ Rigid plastic containers shall be rinsed free of product residue and caps and rings shall be removed and discarded.
- ~~(9-7)~~ Steel containers shall be cleaned, with labels removed.

(Code 2006, § 8-3-10(a))

Sec. 50-63. Collection of recyclable materials.

Occupants of single-family and two- to four-unit residences shall do any of the following for the collection of the separated materials specified in section 50-54:

- (1) Make agreements for curbside pickup with a private, licensed hauler of recyclable goods that is approved by the town, by contract or otherwise, to provide such services within the geographical town limits. Contact information for town-approved hauler or haulers is available from the town clerk's office.
- (2) Deliver the recyclable materials as specified in this article to the town recycling center. The town clerk shall annually publish the location, hours of operation and other specifications for the proper delivery of the materials to the site. Location, hours of operation and other specifications for proper delivery can be found on the town website or by contacting the town clerk.
- (3) Deliver the materials at any other recycling processing center licensed by the state department of natural resources.

(Code 2006, § 8-3-10(d))

Sec. 50-61 64. Responsibilities of owners or designated agents of multiple-family dwellings.

- (a) Owners or designated agents of multiple-family dwellings shall do all of the following for recycling the materials specified in section 50-54:
 - (1) Provide adequate, separate containers for the recyclable materials.
 - (2) Notify tenants in writing at the time of renting or leasing the dwelling and at least 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.
 - (4) Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.
- (b) The requirements specified in subsection (a) of this section do not apply to the owners or designated agents of multiple-family dwellings if the post-consumer waste generated within the dwelling is treated at a processing facility licensed by the department of natural resources that recovers for recycling the materials specified in section 50-54 from solid waste in as pure a form as is technically feasible.

(Code 2006, § 8-3-11)

Sec. 50-62 65. Responsibilities of owners or designated agents of nonresidential facilities and properties.

- (a) Owners or designated agents of nonresidential facilities and properties shall do all of the following for recycling the materials specified in section 50-54:
 - (1) Provide adequate, separate containers for the recyclable materials.

-
- (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 waste by the users, tenants and occupants and the delivery of the materials to a recycling facility.
 - (4) Notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.
- (b) The requirements set forth in subsection (a) of this section do not apply to the owners or designated agents of nonresidential facilities and properties if the post-consumer 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 section 50-54 from solid waste in as pure a form as is technically feasible.
- ~~(c) 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 50-54 which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.~~

(Code 2006, § 8-3-12)

Sec. 50-63. 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 in section 50-54 which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

Sec. 50-66 64. Hauler specifications.

- (a) No person shall engage in the business of hauling solid waste and/or recyclables within the town without being licensed by the DNR and without obtaining and maintaining all necessary town and state permits, licenses and approvals. Disposal and/or collection firms shall annually obtain a permit from the town, subject to such conditions required by the town board and the filing of evidence of insurance in an amount determined to be adequate by the town board. Haulers shall pay annual hauler fee, obtain overweight permit and provide a certificate of insurance before conducting business in town.
- ~~(b) Any contractor operating in the town shall not transport for processing any recyclables to a processing facility unless the contractor notifies the town which facility they are using and, by January 1, 1995, the facility has self-certified with the department of natural resources under applicable administrative regulations.~~
- (c-b) Haulers operating in the town shall not dispose in a landfill or burn in a solid waste facility any recyclable materials generated in the town that have been separated for recycling.
- ~~(d) Recycling haulers operating in the town have the right to reject or leave at the curb any recyclable material that is not prepared according to the specifications in this division or in educational material provided by the contractor to the service recipients. Materials may also be left if not separated from solid waste, placed in the proper container, or are not designated recyclable materials for collection. The hauler also has the right to refuse to pick up any solid waste if it contains recyclable containers and material. In such cases, the hauler or attendant shall notify the generator of the materials about the reasons for rejecting the items. The hauler shall also keep a list of such occurrences and provide it to the town on a quarterly basis.~~

(e-c) Record and report requirements.

- (1) The recycling/solid waste haulers and processors operating in the town are required to maintain records and report in writing to the town clerk at least twice each year end. Reports shall include:
 - a. The amount of solid waste and recyclables collected and transported from the town; and
 - b. The amount of solid waste and recyclables processed and/or marketed by item type from the town; and
 - c. The final disposal location of solid waste and recyclable material.
- (2) Failure to report shall be cause for the town to revoke any license or sever any contract with the hauler/processor.

(Code 2006, § 8-3-13)

Sec. 50-67 65. Scavenging prohibited.

No person shall sort through or otherwise disturb and no person shall remove any items placed or stored for recycling pursuant to this division. Violations of this section shall be punishable as provided in section 1-17.

Sec. 50-68. Enforcement.

- (a) Any authorized officer, employee or representative of the town board or its contractors may inspect recyclable materials separated for recycling, post-consumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and nonresidential facilities and properties, solid waste disposal facilities and solid waste treatment facilities, and any records relating to recycling activities, for the purpose of ascertaining compliance with the provisions of this article. No person may refuse access to any authorized officer, employee or authorized representative of the town board or its contractor who requests access for purposes of inspection, and who presents appropriate credentials. 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 town board or its designee 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, and proceedings 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) Penalties for violating this article may be assessed as provided in section 1-17.

(Code 2006, § 8-3-14)

Secs. 50-69—50-92. Reserved.

ARTICLE III. WASTE TREATMENT, DISPOSAL AND STORAGE

Sec. 50-93. Title and purpose.

The purpose of this article is for the town to regulate by permit and penalty the construction, maintenance, operation, closure, and long-term long term care of certain waste treatment, disposal, and storage facilities or sites in the town.

(Code 2006, § 8-4-1)

Sec. 50-94. Authority.

The town board has the specific authority under [Wis. Stats. § 289.22](#) and the general authority under its village powers to adopt this article.

(Code 2006, § 8-4-2)

Sec. 50-95. Adoption.

The town board, by adopting this article on proper notice with a quorum and by majority vote of the town board, provides the authority for the town to regulate and permit the construction, maintenance, operation, closure, and **longterm long term** care of certain waste treatment, disposal, and storage facilities or sites in the town.

(Code 2006, § 8-4-3)

Sec. 50-96. Coverage; permit requirement.

- (a) *Permit requirement.* No person may construct, operate, maintain, close, or provide **longterm long term** care of any solid waste facility or hazardous waste facility in the town without a permit issued by the town board under this article.
- (b) *Local approval standard.* The permit under this article shall be considered a local approval, as defined in [Wis. Stats. § 289.33\(3\)\(d\)](#), subject to the requirements of [Wis. Stats. § 289.22](#).
- (c) *Permit fees.* The permit application fees shall be established by action of the town board. The permit shall be issued by the town board prior to any person commencing any form of construction, operation, maintenance, closure, or **longterm long term** care of any facility or site in the town that is subject to this article.

(Code 2006, § 8-4-5)

Sec. 50-97. Permit application.

The application for the town permit under this article shall designate and describe the legal premises to be used by the permitted person for the proposed use, site, or facility. The permit may not be amended if the person significantly changes the premises for which the permit has been issued in the town. The permit is not transferable from one person to another. The application for the permit shall, at a minimum, contain the following:

- (1) The name of the applicant and the name of the agent for the applicant, if any.
- (2) The address of the applicant.
- (3) The address and legal description of the premises for the facility or site and the current owner of the premises.
- (4) The age of the applicant, if a natural person not over the age of 18 years.
- (5) The type and use of the facility or site to be constructed, operated, maintained, closed or provided with **longterm long term** care at the premises.
- (6) The length of time in years for construction of the facility, if applicable.

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- (7) All local approvals, licenses, or permits necessary for the applicant to obtain for the facility, prior to any construction, maintenance, operation, closure and/or ~~longterm~~ long term care.
 - (8) All federal, county and state approvals, licenses, or permits necessary for the facility premises, if any.
 - (9) The proposed length in years of operational time for actual disposal, treatment, or storage operations at the facility.
 - (10) The current and proposed zoning and land use plan for the facility premises, if any.
 - (11) The projected amount, type, and source of solid waste, ~~or~~ recyclable material, ~~hazardous or toxic waste~~ to be disposed, stored, or treated at the facility on an annual basis.
 - ~~(12) The projected type, source, and amount of hazardous or toxic waste to be stored, treated, or disposed of at the facility on an annual basis.~~
 - ~~(13-12)~~ Copies of all feasibility reports and plan of operations submitted or to be submitted to the state department of natural resources.
 - ~~(14-13)~~ The financial security projected to be provided by the applicant to ensure compliance with the permits as issued and with any other approvals.
 - ~~(15-14)~~ Any public nuisance or threats to the public health or safety known by the applicant located at or near the proposed or current waste location.
 - ~~(16-15)~~ Any other information regarding the construction, operation, closure or ~~longterm~~ long term care of the facility requested by the town in the application form or through subsequent communications.

(Code 2006, § 8-4-6)

Sec. 50-98. Exemptions.

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

- (1) A facility or site under [Wis. Stats. § 289.43\(5\)](#) used for the collection of recyclable material or for the dumping or disposal of waste, including garbage or refuse, on the property where it is generated from a single-family or household in the town, a member of which is the owner, occupant, or lessee of the property; provided that any such waste, garbage, refuse or recyclable material to be disposed or collected in the town is placed in a suitable dumpster or container, or is stored in another way so as not to cause a public or private nuisance.
- (2) The use of sanitary privies and what are commonly known as seepage beds, holding tanks, or septic tanks, that conform to applicable ordinances of the town.
- (3) The discharge of human waste products into any public sewage system located within the town, or of the landspreading of human waste products on lands in the town.
- (4) A farm facility on which only animal waste, resulting from the operation of that farm, is disposed at the facility.
- (5) Any dumping or disposal operation, any storage, treatment, dump, or disposal site, or any recyclable material facility directly under the direction and control of the town.
- (6) Any existing waste facility or site operating upon the original effective date of the ordinance from which this article is derived with the current waste uses or activities at the facility or site that may or may not be subject to any preexisting town ordinance. Any new waste, storage, disposal, or treatment uses or activities, after the effective date of the ordinance from which this article is derived, or any

expansion of the capacity of the facility or site, after the effective date of the ordinance from which this article is derived, shall be subject to this article.

- (7) Any demolition or other waste facility, including any landspreading of wood, ash, or sludge site, exempt under [Wis. Stats. § 289.43](#).
- (8) Any alcohol fuel production system exempt under [Wis. Stats. § 289.44](#).
- (9) Any fruit and vegetable waste facility exempt under [Wis. Stats. § 289.445](#).
- (10) Any recyclable material collection facility approved for collection or processing operations by the county, town or any responsible unit under [Wis. Stats. § 287.09](#).
- (11) Any solid waste facility or hazardous waste facility or site that was permanently closed prior to the effective date of the ordinance from which this article is derived.
- (12) Any solid waste or recyclable material collection container or dumpster for solid waste and recyclable material disposal and collection used by the public that is provided by any federal, state, county, or town agency; provided, however, that any waste, garbage, refuse, or recyclable material to be disposed or collected in the town is placed in a suitable container or dumpster, or is stored in another way so as not to cause a public or private nuisance.
- (13) Any solid waste collection container or dumpster for solid waste and recyclable material, disposed and collected by the public, provided by any person in the town; provided, however, that any waste, garbage, refuse, or recyclable material to be disposed or collected in the town is placed in a suitable dumpster, container, or is stored in another way so as not to cause public or private nuisance.
- (14) Any open container or other system used to burn nontoxic or nonhazardous material in a lawful manner so as not to cause a public nuisance in the town.

(Code 2006, § 8-4-7)

Sec. 50-99. Specific permit provisions.

- (a) No person shall be issued or reissued a permit in the town under this article until the appropriate application fee has been paid by the applicant to the town clerk.
- (b) No person shall be issued or reissued a permit under this article who has failed to properly and fully comply and submit to the town clerk a complete and truthful response on the application form developed and provided by the town.
- (c) No person shall be issued or reissued a permit in the town under this article, and any permit may be revoked or suspended after a public hearing by the town board, if the facility applicant or the permittee fails to do any of the following:
 - (1) Obtain and maintain for a proposed or existing facility or site all necessary approvals, licenses, or permits from the town, county, and state and federal agencies.
 - (2) Comply with all conditions and restrictions attached by the town board to the permit issued under this article by the town board.
 - (3) Timely prevent or timely limit specific public nuisances or potential threats to the public health and safety at or adjacent to the facility caused by the applicant or permittee at or near the existing site or facility upon notice of such public nuisance or threats by the town board.
- (d) The town board may, in order to prevent public nuisances, to protect the public health, and to protect the environment in the town, require specific conditions or restrictions to be attached to any permit issued by the town board under this article. These conditions or restrictions, if applicable, shall be complied with

during the construction, operation, maintenance, closure, and ~~long-term~~ long term care operations of the facility or site by the permittee or applicant.

(Code 2006, § 8-4-8)