

ORDINANCE #1-2005
TOWN OF HOLLAND SOLID WASTE AND
GARBAGE DISPOSAL REGULATION ORDINANCE

AN ORDINANCE PROVIDING FOR THE REGULATION OF
CARE, MAINTENANCE AND CONTROL OF DISPOSAL OF
TRASH, GARBAGE OR WASTES OF ANY KIND,
IN THE TOWN OF HOLLAND, AND PROVIDING PENALTIES.

The Holland Town Board, Township of Holland, La Crosse County, does ordain as follows:

Section 1. Purpose.

The purpose of this ordinance is to further the maintenance of safe and healthful conditions, prevent and control water pollution, promote the public health, safety and convenience and interests of the residents of the Town of Holland. The further purpose of this ordinance is to establish regulations that reduce the amount of solid waste and other disposables in landfills and thus protect the public health and welfare and the environment.

Section 2. Authority; Establishment.

The Town Board of the Town of Holland, having been authorized by the Town meeting under Sec. 60.10(2)(c), Wis. Stats., to exercise village powers, hereby exercises village powers under Sec. 287.09, Wis. Stats. The Town of Holland further designates and contracts with a solid waste management system, as authorized in Sec. 287.09(d), Wis. Stats., created under Sec. 59.70(2), Wis. Stats., to be the responsible unit to cover all functions and duties required in sec. 287.09(2).

Section 3. Definitions.

- (a) Garbage: Waste resulting from the handling, preparation, cooking and consumption of food, waste from the handling, storage and sale of produce.
- (b) La Crosse Disposal System: Defined as the La Crosse County Landfill Complex, the La Crosse/Xcel Resource Recovery Facility and any other solid waste recycling facility, or program made available by La Crosse County to the Contract Service Area. These facilities and programs may change from time to time.
- (c) Landfill: A solid waste facility for solid waste disposal.
- (d) Person: Includes any individual, corporation, partnership, association, local governmental unit, as defined in Sec. 66.299(1)(a), Wis. Stats, state agency or authority or federal agency.
- (e) Recycle bin: Recyclable material containers issued by the Town to be used by the service recipients of the Town for the collection of recyclable material.
- (f) Refuse: All matters produced from industrial or community life, subject to decomposition, not defined as sewage.
- (g) Sewage: The water-carried wastes created in and to be conducted away from residences, industrial establishments, and public buildings as defined in Sec. 101.01(12), Wis. Stats., with such surface water or groundwater as may be present.
- (h) Site or Property Site: The property on which the applicant intends to apply sludge. Each real estate tax parcel as found on the tax rolls of the Town shall constitute a separate "site" or "property site".

- (i) Sludge: The accumulated residual solids (usually in aqueous solution) generated through the treatment or pumping of residential, municipal or industrial wastewaters and further includes treated sewage and raw septic tank, dry well or holding tank materials, whether liquid or solid.
- (j) Solid Waste: Has the meaning specified in Sec. 289.01(33), Wis. Stats.
- (k) Solid Waste Facility: Has the meaning specified in Sec. 289.01(35), Wis. Stats.
- (l) Solid Waste Treatment: Any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste as stated in Sec. 289.01(39) Wis. Stats.
- (m) Toxic Wastes: Toxic and/or hazardous wastes, including but not limited to pesticides, acids, caustics, pathological, radioactive, flammable, explosive or similar harmful chemical wastes and any other substances defined as toxic or hazardous pursuant to any regulations, administrative codes, rules or statutes of the State of Wisconsin and/or ordinances or rules of the County of La Crosse.
- (n) Yard Waste: Leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than six (6) inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

Section 4. Dumping Prohibited.

- (a) No person, firm or corporation owning land, leasing it or having any interest therein whatsoever, which is located in the Town of Holland, shall deposit or cause to be deposited in or on any public street, water, or grounds, or on any property site located in the Town of Holland, any dead animal, rubbish, refuse, junk, filth, offal, industrial or municipal solid or liquid waste material including sludge, sewage (excluding animal waste used as a fertilizer) or waste liquids of any kind or nature, except upon permits issued by the Town Board of the Town of Holland, and in conformity with the provisions herein set out in Section 5.
- (b) No person shall permit any drain, overflow of sewer from any building, shop, dwelling, pool or other structure to empty or run into or on any open sewer, gutter, street, alley or walk.
- (c) This section shall not apply to the sprinkling of clean sand, salt or salt derivatives upon icy sidewalks or driveways. Nor shall this apply to the deposit on the person's own premises of refuse containers for collection.

Section 5. Sewerage Sludge Disposal.

- (a) Permit Required.
 - (1) All sewage or sludge disposal sites are conditional uses and require a Town of Holland Conditional Use Permit issued by the Town Board. No person, entity or governmental body or agency shall apply or allow to be applied any sludge to any lands within the Town without first having obtained a Conditional Use Permit
 - (2) The Town Board may withhold permits or approvals under this ordinance where the applicant, relevant landowner(s) or licensed contractor is in violation of this or any ordinance administered by the Town and for any parcels of land which have an outstanding violation or delinquent property taxes until the violation(s) have been corrected and/or property taxes brought current.
- (b) Application. Written application for a permit to apply sludge to land located within the Town shall be made to the Town Clerk. The fee for such application shall be set by the Town Board and may be revised from time to time. The application, at a minimum, shall state all of the following:

- (1) The name and address of the applicant and, if the applicant is a corporation or other business entity, the name, address and registered agent of the company.
 - (2) The post office address, legal description and owner(s) of the site to be used. Each site must have a separate application.
 - (3) The name of the municipality, businesses or persons with whom the applicant has a contract for the disposal of the sludge. A copy of any such contract shall be appended to the application. In the case of an applicant who does not have a regular contract, a general description of the number and geographic range of providers of the sludge that is the subject of the application shall be appended.
 - (4) The proposed Plan of Operation including:
 - a.) A general description of the source of the sludge, such as private septic tanks, wastewater treatment plant, etc.
 - b.) An estimate of the approximate quantity of sludge sought to be applied and the length of time the applicant intends to apply sludge on the site described in the application. If the application will be ongoing, the Town Board may nonetheless place a time limit upon the duration of the Conditional Use Permit.
 - c.) A map designating the location of the proposed operation.
 - d.) The type of waste to be dumped or disposed of.
 - e.) The source of the waste.
 - f.) The means of transporting the waste.
 - g.) Information respecting the operation and care of the dumping or disposal site, including, but not limited to, the following:
 - 1.) The hours of operation.
 - 2.) Supervision of the site.
 - 3.) Provisions for restriction and control of the access to the site.
 - 4.) Means of rodent and insect control.
 - h.) Plans for preparation of the site for dumping or disposal, care of the site during dumping or disposal operations, and measures to be taken to prepare the site for closing.
 - (5) The name and address of the owners of any other site upon which the applicant is presently applying sludge, whether such site is inside or outside of the boundaries of the Town.
 - (6) The name and post office address of each property owner whose property, or any portion thereof, is located within one thousand feet (1,000') of any boundary of the Property Site on which the applicant intends to apply sludge.
- (c) Term of Permit. Unless a shorter period is set by the Town Board, a permit issued hereunder shall be for a period of one year, commencing on the date of approval by the Town Board. A permit is not extended beyond the expiration except by an affirmative vote of the Town Board. Winter sludge disposal shall not be allowed except by special permit on a case by case basis.
- (d) Conditions of Permit. The Town Board may include any of the following conditions: application hours, application dates (months or seasons), source of materials to be applied, quantities allowed, acreage available, methods of application allowed, and any other relevant conditions. If the sludge is in liquid form, the permit shall require that the sludge be incorporated into the ground by injection concurrent with spreading. If the sludge is in solid form, the permit shall require that the sludge be incorporated into the ground by plowing concurrent with spreading. In either situation, it is not sufficient to have the sludge only partially incorporated

into the ground, and no sludge shall remain exposed to the air after incorporation into the ground. All applications shall be in conformity with Chapter NR 113 and 204 of the Wisconsin Administrative Code. Permits are not transferable.

(e) Setbacks. All sewage disposal sites shall be located at least 300 feet from any property lines.

(f) Costs. In addition to the Permit fee, the applicant shall pay to the Town Clerk at the time of filing the application the costs of publication of the notice of public hearing as provided in this section and the cost of giving notice to the adjoining property owners as provided in this section. Such costs shall be as determined by the Town Clerk.

(g) Public Hearing. The Town Clerk shall, no less than 10 days, nor more than 30 days to receipt of an application hereunder, schedule a public hearing on the application. Notice of the public hearing shall be published in the same manner as notices of the Annual Town Meeting. The Town Clerk shall also notify of the hearing all property owners whose properties are located within one thousand feet (1,000') of the proposed sludge disposal site.

(h) Granting of Permit. The Town Board shall consider the evidence presented at the public hearing and may issue a permit for sludge disposal, but only after an affirmative finding that 1.) the sludge will be applied in accordance with the appropriate regulations of the Department of Natural Resources and 2.) that the granting of the permit will not be adverse to the health, safety and welfare of the residents of the Town. Based upon these criteria the Town Board may approve, deny or place such limitations on the Permit as deemed appropriate to ensure the satisfaction of the criteria. As a condition of a permit, an applicant grants to the duly authorized representative of the Town the right to go upon the land for reasonable inspection purposes at such times as determined by the representative and without notice to the applicant and also for the purpose of carrying out the terms of the permit if the permit holder fails to do so after reasonable notice is given.

(i) Soil Test. Before any action is taken upon an application for a permit, the Town Board may require the applicant to conduct soil testing to determine the ability of the soil upon the premises described in the application to absorb sludge. The manner and type of such soil test shall be determined by the Town Board and all costs and expenses for such soil test shall be paid by the applicant.

(j) Bond. Before such permit shall be issued, the applicant shall file with the Town Clerk a surety bond in an amount to be determined by the Town Board as a guarantee that the applicant will fully abide by all of the terms and provisions of this chapter and any other ordinance of the Town applicable thereto and any rules and regulations imposed by the Town Board as conditions for granting of such permit. If, after reasonable demand by the Town, a permit holder does not comply with one or more conditions of the permit, the Town Board may correct such non-compliance and charge the expenses of such necessary work against the bond and/or the applicant.

(k) Wisconsin Department of Natural Resources Regulations Adopted. The provisions of the Wisconsin Administrative Code pertaining to sludge control, disposal and procedure, exclusive of any penalties to be imposed, are hereby adopted by reference as though fully set forth herein and as such provisions may be amended from time to time.

(l) Revocation. The Town Board shall have the right to revoke or suspend a Conditional Use Permit issued under this section if any of the following occur:

- (1) There is a material violation of any of the terms or conditions of the permit.
- (2) Applicant has failed to pay any of the fees or costs noted in this section.

(3) The Town Board or other governmental agency has made a determination that further application of sludge, even as per the Conditional Use Permit, will pose a risk to the health or safety of any resident(s) of the Town.

- (m) Revocation Procedures. Notice of intent to revoke a Conditional Use Permit shall be served upon the permit holder at least 30 days in advance of any action by the Town Board to revoke the permit, unless the Town Board finds emergency circumstances to exist. If the Town makes such a finding, the notice period may be reduced or eliminated based upon the health and safety considerations of the finding of the emergency. In the event that an emergency finding is made, the Town Board may only suspend the permit until the regular 30 day notice period has elapsed, at which time the Town Board may consider revocation. The permit holder shall be entitled to a hearing before the Town Board on the issue of suspension or revocation of the permit prior to any action being taken by the Town Board with respect to suspension or revocation. The Town Board may seek a court order if necessary to enforce an order for suspension or revocation.
- (n) Hold Harmless. The person or entity holding a Conditional Use Permit under this section shall hold the Town and its employees and officers harmless for any and all liability that may result from the application of sludge by the permit holder or its employees or agents.
- (o) Toxic Wastes Prohibited. No person, entity, or governmental body or agency shall apply any toxic wastes to any lands within the Town. No person, entity, or governmental body or agency shall dispose of or transport toxic wastes within the boundaries of the Town.
- (p) Compatibility with State Laws. The provision of NR 113 and 204 and any successor regulations are hereby incorporated into this ordinance by reference as if set forth fully.

Section 6. Collection of Solid Waste.

- (a) Commercial/Industrial Waste and Construction/Demolition Waste. Commercial/industrial waste and construction/demolition waste shall be collected by private contract of the owner. This waste shall be collected in such manner and frequency as needed to protect the public safety and welfare of the Town of Holland.
- (b) Domestic Waste. Domestic waste shall be collected by the Town from all residences on a weekly basis provided such waste is properly handled, prepared, contained, stored and located in conformance with this ordinance. Further regulations concerning the collection of domestic waste shall be as follows:
- (1) All domestic waste shall be drained and kept in containers of non-rusty metal, non-breakable plastic or rubber. Clear plastic bags shall be considered an adequate container for the placing of domestic waste for collection at the curb provided that such bags have a thickness of no less than 1.3 mils and are properly secured. Each storage container shall have a capacity of not more than thirty (30) gallons and shall weigh no more than seventy-five (75) pounds.
 - (2) All containers for the storage and collection of domestic waste shall be maintained in such a manner as to prevent the creation of a nuisance to public health and safety.
 - (3) All domestic waste shall be separated from all other waste and placed by the owner at the curb, or at the end of the roadside. Stones, concrete, dirt, yard waste, tires, lead acid batteries, waste oil, antifreeze, medical waste, and hazardous substances are not allowed in the solid waste stream, and are banned materials from landfilling and incineration, and shall not be picked up.
 - (4) Items greater than four (4) feet in length or exceeding seventy-five (75) pounds shall not be placed curbside. Such items will be accepted at the Town of Holland drop-off site on days

and hours established by the Town Board in their yearly newsletter (generally the first Saturday of the month except during winter months and holiday weekends).

(5) Animal feces shall be properly disposed of by wrapping in paper, then placing it in suitable plastic disposable containers.

(6) Domestic waste shall be prepared for collection and placed at the curb prior to 5:00 a.m. on the scheduled day of collection, each week. Containers shall not be placed at the curb no more than 12 hours before collection date and shall be removed by 12:00 a.m. (midnight) on the date of collection. Containers left at the curb beyond midnight shall be in violation of this code.

(7) Placement of refuse containers shall be placed so as not to interfere with snow removal or postal delivery service.

(8) Further rules and regulations concerning the collection, storage, and disposal of domestic waste shall be as set forth in the Town Board's rules and regulations as established by the Town Board from time to time, and shall be published in the Town's newsletter.

(c) Interference with Refuse Containers.

(1) It shall be unlawful for any person other than authorized Town employees or persons having written authorization by the Town Clerk to go through, sort or take anything from any solid waste or recyclables that have been set out in bags, cans, or other approved containers from the purpose of being picked up by the Town's refuse/recycling collector. Yard waste, grass clippings and brush are not included in the prohibitions set forth in this paragraph.

(2) No other person other than the collector employed or licensed by the Town, the owner, occupant or tenant of the premises, or their agent, shall deposit any article or thing in refuse containers, or shall remove, deface, displace, injure, destroy, uncover, or disturb such containers or their contents.

(d) Haulers of Refuse. The Town Board shall contract with a hauling service. All contracts shall be ratified at a Town Board meeting following all notification and posting requirements set forth in Wisconsin State Statutes. Such haulers shall be required to have approved truck bodies closed on the top and all sides, with a door in the rear or on the side. No person shall use any other type truck for this purpose; nor shall any refuse materials be deposited or be permitted to fall and remain on any street or public place. Refuse or any other waste materials collected shall be delivered to the La Crosse Disposal System in compliance with County rules and regulations. Solid waste shall not include recyclables which are separated and recycled.

Section 7. Collection of Recyclable Waste.

(a) Commercial/Industrial Recyclable Waste and Construction/Demolition Recyclable Waste. Commercial/industrial recyclable waste and construction/demolition recyclable waste shall be collected by private contract of the owner. This recyclable waste shall be collected in such manner and frequency as needed to protect the public safety and welfare of the Town of Holland.

(b) Domestic Recyclable Waste. Domestic recyclable waste shall be collected by the Town from all residences on a bi-weekly basis provided such waste is properly handled, prepared, contained, stored and located in conformance with this ordinance. Further regulations concerning the collection of domestic waste shall be as follows:

(1) All recyclable waste shall be separated from all other waste. No recyclable waste item shall be mixed with any other waste (i.e. domestic waste, yard waste, commercial/industrial waste, bulky waste, or construction/demolition waste). All recyclable waste shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other non-

recyclable materials, including but not limited to household hazardous waste, medical waste, and agricultural chemical containers. Recyclable waste shall be stored in a manner which protects it from wind, rain and other inclement weather conditions.

(2) All recyclable waste shall be prepared as follows:

- a.) Glass. Jars and bottles (only bottles you can see through) shall be the only glass recyclable waste material which will be collected. Light bulbs, plate glass, auto glass, tempered glass, mirrors, ceramics or any other glass that is not a container shall not be collected as recyclable waste material. Caps and rings shall not be collected as recyclable waste material. All glass recyclable waste material should be rinsed or cleaned. Glass recyclable waste shall be separated into two categories: all clear glass and all colored glass.
- b.) Aluminum and Steel Cans. All food and beverage cans shall be collected as recyclable waste material. Steel lids from glass, plastic bottles and jars, empty paint cans (with the lid off), aerosol cans (must be empty and spray nozzles should not be removed), aluminum foil or disposable aluminum plates or pie tins shall be collected as recyclable waste material. All aluminum and steel cans shall be rinsed or cleaned. Paper labels or ends do not need to be removed. Furthermore, it is preferred that all aluminum and steel cans be flattened to save space.
- c.) Plastic and paper waste. All plastic and paper waste shall not be collected as recyclable waste material but rather as solid waste material (see Section 6).

(3) All recyclable waste shall be prepared for collection and placed at the curbside prior to 5:00 a.m. on the scheduled day of collection. All recyclable waste shall be placed in the Town of Holland recycling bins. Recycling bin containers shall not be placed at the curb more than 12 hours before collection day and shall be removed by 12:00 a.m. (midnight) on the day of collection. Recycling bin containers left at the curb beyond midnight shall be in violation of this code.

(4) Recyclable waste shall be collected on a bi-weekly basis on the same days as domestic waste is collected.

(5) The residential owner of the recycling bin container shall keep the container clean and in a sanitary condition. Maintenance and repair of the recycling bin container shall be the responsibility of the owner. Additional recycling bin containers may be purchased from the Town at a cost as determined by the Town Board.

(6) If recyclable waste is not prepared according to the provisions of this ordinance, or, are not placed in the recyclable bin container, then the Town's hauler shall "tag" these containers and pickup shall not be made until the condition is remedied and compliance has been made with this ordinance.

(7) In the event any recyclable waste material is mixed with domestic waste, then the mixed recyclable waste/domestic waste material shall not be picked up.

Section 8. Yard Waste.

(a) All yard waste shall be separated from all other refuse. Yard waste shall be deposited by residents of the Town in the compost site located west of the Town Hall at any time during daylight hours. Acceptable items deposited at the compost site are grass clippings, weeds, garden debris and leaves. Disposal or dumping of food waste is prohibited.

(b) All brush, branches, cuttings from trees or shrubs shall be brought to the Town Hall parking lot on the days of large article drop-off.

(c) Yard waste collection as described herein shall be from all residential and commercial properties in the Town of Holland. Any business which produces yard waste as their livelihood shall be responsible for the proper disposal of the waste at a site other than the Town Hall and in conformity with all Department of Natural Resource regulations.

(d) Disposal or dumping of yard waste on any public premises or road right-of-way or upon any private lands not in compliance with the Town Board's rules and regulations is hereby prohibited and subject to the penalties of this Ordinance.

Section 9. Composting.

Backyard composting of yard waste is encouraged. However, such an operation must be operated to prevent a nuisance condition, unsightly mess or an environmental or health hazard. General guidelines published by the Wisconsin Department of Natural Resources shall be followed. No dairy products, meat, fish, fat, oils, bones or animal wastes shall be composted.

Section 10. Hazardous Household Waste.

All hazardous household waste shall be delivered by residents and businesses to the La Crosse County Household Hazardous Materials (HHM) Collection Facility located at the La Crosse County Landfill. Proof of residency is required for the free service. Businesses and non-residents may utilize the program for a fee. Items that will be accepted include: flammables, corrosive acids/bases, solvents, pesticides, sealants, cleaners, batteries, paints, motor oils, and mercury.

Section 10. Refuse/Recyclables Collection Fees.

(a) Special assessment payments for refuse/recyclables collection shall be made for a calendar year or any portion thereof in advance of the refuse/recyclables collection current year.

(b) Payment shall be made by special assessment on each year's tax roll for all existing refuse/recyclable collection residential customers on a per dwelling, per unit basis.

(c) Newly constructed dwelling units or any new residential users of refuse collection services shall be charged on a prorated per dwelling unit fee for the balance of the calendar year for which service is to be rendered after which the provisions of paragraph (b) above shall apply.

(d) The special assessments for refuse/recyclable collection shall be determined annually by the Town Board.

Section 11. Severability.

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

Section 12. Penalties.

Any person who violates, disobeys or refuses to comply with or who resists the enforcement of any provisions of this Ordinance, shall upon conviction be fined not less than \$50.00 nor more than \$200.00 for each offense, together with costs of prosecution.

Section 13. Repeal.

All ordinances not in conformity herein or heretofore enacted on the same subject matter are hereby repealed.

Section 14. Effective date.

Following passage by the Town Board, this ordinance shall take effect the day after the date of publication or posting as provided by sec. 60.80, Wis. Stats.

Adopted by the Holland Town Board of the Township of Holland, La Crosse County, Wisconsin, this 14th day of September, 2005.

George Hammes, Town Chairman

Attest:

Marilyn Pedretti, Town Clerk

Date Published:

9/30/05