

TOWN OF EAU PLEINE, MARATHON COUNTY, WISCONSIN

ORDINANCE NO. 103 OF THE ORDINANCES OF THE TOWN OF EAU PLEINE
ENTITLED "REGULATION OF WASTE DISPOSAL--PERMIT REQUIRED"

The Town Board of the Town of Eau Pleine do ordain as follows:

SECTION 1: Ordinance No. 103 of the ordinances of the Town of Eau Pleine entitled "Regulation of Waste Disposal--Permit Required" is hereby created as follows:

103 REGULATION OF WASTE DISPOSAL--PERMIT REQUIRED.

(1) Storing and/or Depositing of Refuse Prohibited.

No person, firm or corporation shall deposit or place any solid waste as defined in Section 144.01(15), Wis. Stats., upon or in any public or private property or lands in the Town of Eau Pleine without first having secured a permit therefor from the Town Board of the Town of Eau Pleine. Any accumulation of solid waste on any premises in the Town of Eau Pleine in violation of this ordinance is hereby declared to be a public nuisance and is prohibited hereunder. No property, whether the same be private or public, shall be used as a dumping ground or sanitary landfill nor shall any such dumping ground or sanitary landfill be constructed upon any public or private property in the Town of Eau Pleine without a permit therefor having been first secured from the Town Board of the Town of Eau Pleine.

(2) Conditions for Obtaining Permit.

All applications for a permit under this ordinance shall be made in writing to the Town Clerk of the Town of Eau Pleine accompanied by a nonrefundable fee of Five Hundred Dollars (\$500.00). The application shall contain the following information:

a. The name, address and telephone number of the person, firm or corporation making application for the disposal of solid waste or for the construction of a garbage dump or sanitary landfill.

b. The name, address, occupation and telephone number together with the dates of birth of each individual person who would be responsible for the operation of a garbage dump or sanitary landfill.

c. The location, including a legal description, of a proposed dump site or sanitary landfill location.

d. The names and addresses of all of the owners of properties within a one-mile radius of the proposed dump site or sanitary landfill location.

e. A complete description of the design, construction, sanitation safeguards and operation and maintenance of the proposed dump site or sanitary landfill including all information required of such an applicant by the Department of Natural Resources under the provisions of Chapter 144 of the Wisconsin Statutes.

(3) Hearing on Application.

Upon receipt of the application required in subsection (2) hereinabove and at least ten (10) days prior to a public hearing on said application, the Town Clerk shall by regular mail notify all property owners within a one-mile radius of the proposed location of the garbage dump or sanitary landfill site and shall publish a Class II notice in a newspaper of general circulation in the Town of Eau Pleine of the time and date of a hearing on said application.

(4) Granting of Permit.

Permits may be granted by the Town Board for the dumping of solid waste or for the construction of a garbage dump or sanitary landfill within the Town of Eau Pleine after a public hearing before the Town Board at which the applicant and other interested persons shall be given a full opportunity to be heard on the granting of said permit. The Town Board may in its discretion grant a permit within thirty (30) days of the date of said hearing if it can be established that the operation as proposed by the applicant complies with all applicable state laws, administrative rules and municipal ordinances. Each permit, however, shall be issued upon the condition that the applicant for such a permit deposit the sum of Two Thousand Dollars (\$2,000.00) each year with the Town Board of the Town of Eau Pleine for each acre of land encompassed within the sanitary landfill site. Provided, however, that the minimum yearly deposit shall be One Hundred Sixty Thousand Dollars (\$160,000.00). The garbage dump or landfill site for the purposes of this subsection shall include all land planned to be used as a landfill site and shall not be limited to the active area within the landfill site. Said deposit shall be maintained in a separate interest bearing account for the entire period of time that the landfill or garbage disposal dump is being actively operated and for a period of thirty (30) years after closure of the said site. The monies thus deposited or any interest therefrom may be used by the Town for the purpose of maintaining roads and/or access in and to the site and to assure that after closure the site and all public and private properties surrounding the same shall be returned as near as practicable to their natural conditions free from pollution, damage, destruction or other adverse conditions which might affect the said premises.

(5) Claims of Affected Property Owners.

The deposit of monies hereinabove provided shall be further maintained to insure that any property owners, individuals, and the Town of Eau Pleine who might be affected by the operation of a garbage dump or landfill and who have made claims for any damages resulting therefrom, shall be protected. Said sums shall be used for these purposes only and no funds shall be paid to any such claimants except as ordered by a Court or upon written agreement between all parties involved in said dispute. However, the Town of Eau Pleine may utilize the said funds or any portion thereof without Court order or written permission for the purpose of reimbursing the Town from time to time for any costs or expenses incurred by the Town for road construction, reconstruction, repair or maintenance, or for the purchase and maintenance of any equipment used by the Town and which is directly related to the location of the landfill or garbage dump within the Town or for any other cost or expense directly attributable to said landfill.

(6) Release of Deposit.

Any unused funds remaining on deposit with the Town after the expiration of thirty (30) years from the date of closure of any authorized garbage dump or landfill shall be returned to the applicant.

(7) Town Residents' Use of Landfill.

All persons residing in the Town of Eau Pleine as a further condition to any permit being granted hereunder shall be allowed to use, free of charge, any sanitary landfill and/or garbage dump established pursuant to the requirements of this ordinance.

(8) Penalty.

Any person, firm or corporation who violates any provision of this ordinance shall upon conviction thereof be punished by a forfeiture of not less than Two Hundred Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00) together with the costs of prosecution and in default of payment of such forfeiture and costs, shall be committed to the County Jail for Marathon County, Wisconsin, for a period not to exceed forty-five (45) days. In the interpretation of this ordinance, each day during which said violation shall continue shall constitute a separate offense. In addition to said forfeiture and costs, the Town may seek other civil remedies including, but not limited to, a permanent injunction restraining any of the activities which are specifically prohibited by this ordinance.

SECTION 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: This ordinance shall be in full force and effect from and after its passage and publication as provided by law. This ordinance shall not affect any person, firm or corporation who on the effective date of this ordinance has an application pending with the State of Wisconsin, Department of Natural Resources, or other State agency, for the establishment of a facility which would otherwise be prohibited by this Ordinance.

TOWN OF EAU PLEINE

By: Lawrence Spring
Lawrence Spring, Chairman

By: Clifford R Jerke
Clifford Jerke, Supervisor

By: Edward Polege
Edward Polege, Supervisor

ATTEST: Sharon Schmidt
Sharon Schmidt, Clerk

ADOPTED: March 29, 1983

APPROVED: March 29, 1983

PUBLISHED: April 1, 1983

AFFIDAVIT OF PUBLICATION

STATE OF WISCONSIN
County of Wood

No 11276

Bennett R. Lewis

TOWN OF EAU PLEINE,
MARATHON COUNTY,
WISCONSIN.
ORDINANCE NO. 103 OF THE
ORDINANCES OF THE TOWN
OF EAU PLEINE ENTITLED
"REGULATION OF WASTE DIS-

POSAL—PERMIT
REQUIRED.

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REQUIRED.

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b. The name, address, occupation
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person who would be responsible for
the operation of a garbage dump or
sanitary landfill.

c. The location, including a legal
description, of a proposed dump site
or sanitary landfill location.

Being duly sworn, says that he is managing agent and foreman (principal
clerk) of News Publishing Company, the printer of the MARSHFIELD NEWS-
HERALD, which is a public Newspaper of general circulation, printed in the
English language, and published at the city of Marshfield, in said county and
state; that an advertisement or notice

of Ordinance No. 103

Town of Eau Pleine

of which the printed one hereto attached is a true copy, was published in said
newspaper one times, once in each week for one successive
weeks; that the first publication of said notice therein was on the 1st
day of April, 19 83 and the last publication of said notice therein
was on the _____ day of _____, 19____ and
that the said printed copy was taken from the paper in which it was published.

Bennett R. Lewis

Subscribed and sworn to before me this 1st day of April 1983

Thomas Mayer

Commission expires 1-25-87

Notary Public, Wood Co., Wis.

255 lines

one Insertions, \$ 104.04

vit, - - - - - \$1.00

\$ 105.04

Publishers