

CHAPTER 11

PUBLIC HEALTH AND WELFARE

- 11.01 Sewerage Sludge Disposal
- 11.02 Mandatory Recycling Program
- 11.05 Penalty

11.01 SEWERAGE SLUDGE DISPOSAL. (1) DEFINITIONS. As used in this section, the following terms shall have the meanings assigned:

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".

Sludge. The accumulated residual solids (usually in aqueous solution) generated through the treatment of municipal or industrial wastewaters.

(2) PERMIT REQUIRED. No person shall apply or allow sludge to be applied to any lands in the Town and under their ownership, lease or control without first having obtained a permit from the Town Board.

(3) APPLICATION. Written application for a permit to apply sludge on any lands located within the Town shall be made to the Town Clerk. The application shall state:

(a) The name and address of the applicants, and if the applicant is a corporation, the name, address and registered agent of the corporation.

(b) The post office address and legal description of the site to be used.

(c) The name of the municipality 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.

(d) The length of time the applicant intends to apply sludge on the site described in the application.

(e) The name and address of the owners of any other site upon which the applicant is presently applying sludge, whether such site is within or without the corporate limits of the Town.

(f) The name and post office address of all property owners whose property, or any portion thereof, is located within 1,000' of any boundary of the property site on which the applicant intends to dispose of the sludge.

(4) TERM OF PERMIT. A permit issued hereunder shall be for a period commencing on June 1 in the year of application and ending on November 30 in the year of application. Winter sludge disposal shall be allowed by special permit only on a case by case basis.

(5) PERMIT FEE. The applicant shall accompany his application with a nonrefundable annual permit fee of \$100.00.

(6) COSTS OF NOTICE. 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 determined by the Town Clerk.

(7) PUBLIC HEARING. The Town Clerk shall, within 30 days of receipt of an application hereunder, schedule a public hearing on the application. Notice of the public hearing shall be published as a Class 1 notice under the provisions of Ch. 985, Wis. Stats. The Town Clerk shall, by certified mail, notify all property owners whose properties are located within 1,000' of the proposed sludge disposal site of the hearing.

(8) GRANTING OF PERMIT. 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 the sludge will be applied in accordance with the appropriate regulations of the Department of Natural Resources and that approval therefor has been obtained by the applicant to apply sludge to the land described in the application.

(9) 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.

(10) 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 conditioned upon and 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.

(11) 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.

11.02. MANDATORY RECYCLING PROGRAM. (1) PURPOSE. In recognition of the current state law which encourages recycling and prohibits the disposal in landfills of numerous materials, both now and in the future, and for the purpose of saving landfill space, conserving materials and energy, and reducing the collection and disposal costs of refuse in the Town of Ottawa, the Town Board of the Town of Ottawa has adopted the present mandatory recycling program.

(2) DEFINITIONS. For purposes of this ordinance the following definitions shall apply:

(a) Collector or Contractor. A person or persons specifically licensed and authorized by the Town Board of the Town of Ottawa to collect garbage, rubbish and recyclable material and to dispose of the same.

(b) Garbage. Discarded materials resulting from the handling, processing, storage and consumption of food.

(c) Trash. Rubbish, paper, boxes, barrels, scrapwood, oil, kerosene, and other similar materials, but not including those items listed as non-collectibles.

(d) Yard Waste. Leaves, rakings, clippings and garden debris.

(e) Recyclables. Those items defined as recyclables in subsection 4, below.

(f) Non-recyclables. All garbage and trash except for those items listed as recyclables or non-collectibles.

(g) Non-collectibles. Those items listed in subsection 5, below.

(h) Hazardous Waste. Those wastes defined as hazardous wastes in NR 181 of the Wisconsin Administrative Code.

(i) Major Appliance. Residential or commercial air conditioners, clothes dryer, clothes washer, dehumidifier, dishwasher, freezer, furnace, boiler, microwave oven, oven, refrigerator, stove or water heater.

(3) APPLICABILITY. This ordinance shall apply to the following:

(a) All residents of the Town of Ottawa.

(b) All commercial and industrial ventures, including those operated from the home.

(c) All churches, public and private institutions.

(d) All collectors in the business of collecting and processing wastes and recyclables in the Town of Ottawa.

(4) SOURCE SEPARATION. The following items shall be source separated as recyclables and shall not be sent to the landfills.

(a) Glass containers - Clear, green and brown.

(b) Newspapers, magazines and office paper.

(c) Corrugated cardboard. (Clean)

(d) Aluminum cans, scrap and foil.

(e) Plastic containers, #1 and #2.

(f) Lead acid auto and commercial batteries.

(g) Used motor oil.

(h) Tires.

(i) Yard wastes.

(j) Steel cans.

(k) Anti-freeze.

(l) Plastic containers, #3 upon future notice.

(m) Bi-Metal Containers.

(n) Major Appliances

(5) NON-COLLECTABLES. The following items are non-collectables and cannot be accepted for either landfilling or recycling.

(a) Logs and branches over 3" in diameter.

(b) Railroad ties.

(c) Concrete blocks, bricks and stones.

(d) Hot ashes.

(e) Hazardous waste.

(6) SEPARATION AND COLLECTION. Source separation and collection of recyclables and non-recyclables shall be conducted as follows:

(a) Source separation of recyclables from non-recyclables.

1. All separation must occur at the place of origin.
2. Non-recyclables must be placed in clear bags obtained at recycling center or mercantile stores.

(b) It shall be the right of any garbage collector to refuse pickup of recyclables and non-recyclables not properly separated.

(c) Method of Recycling. All persons, businesses, institutions, and others subject to this ordinance shall recycle all recyclable materials pursuant to one of the following methods:

1. Separate and transport all recyclables to the Town of Ottawa recycling center located at the Ottawa Town Hall. This recycling center is a service of the Town of Ottawa and is available to all Town residents at no charge. It is open on Saturdays from 8:00-11:00 A.M. The Town of Ottawa reserves the right to determine which recyclables will be accepted at the Town of Ottawa recycling center.

2. Contract for collection by a private collector at the expense of the contracting party. All collectors must be licensed by the Town of Ottawa and recyclables and non-recyclables must be separated with non-recyclables placed in clear bags.

3. Sell or donate recyclables to a commercial recycler.

(7) RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF MULTIPLE FAMILY DWELLINGS AND NON-RESIDENTIAL FACILITIES AND PROPERTIES.

(a) Owners or designated agents of multiple family dwellings with five or more residential units and all non-residential facilities and properties shall do all of the following to recycle the materials specified in Section 11.02(4):

1. Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.

2. 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.

(8) GENERAL PROVISIONS AS TO LICENSES.

(a) Licenses Required. All collectors must be licensed by the Town of Ottawa in the manner provided in this section.

(b) Application. Application for license shall be made in writing to the Town Clerk upon forms provided by the Town of Ottawa.

(c) Payment of Fee. Fees required for a license shall be paid at the office of the Town Clerk before the granting of the license. No fee paid shall be refunded unless the license is denied. Licensing fee shall be \$50.00 per year.

- (d) Financial Guarantee and Insurance. All collectors shall provide a financial guarantee, and shall be insured as required by the Town Board. The financial guarantee shall guarantee performance of the collector's obligations described in this Section 11.02, and also guarantee performance of contractor's contractual obligations to the Town. If the guarantee is in the form of a bond, the bond shall be executed by a surety company and be subject to approval by the Town Board. In lieu of a bond, the contractor may guarantee performance by providing a properly issued letter of credit that is approved by the Town Board and Town Attorney. The Town shall be entitled to draw upon the financial guarantee in the event of default in contractor's obligations. The Town shall also be entitled to draw upon the financial guarantee in the event the Town receives notice of expiration of the financial guarantee which would occur during the contract term and 60 or fewer days remain prior to such expiration. All required insurance policies shall be approved as to the substance and form by the Town Attorney. As a minimum requirement, the collector shall be covered by insurance against public liability and property damage to the limit of \$2,000,000.00 which may be evidenced by delivering a copy of the certification of insurance to the Town Clerk. Collector agrees to name the Town of Ottawa and its officers and employees as additional insured under the above-noted liability insurance. Failure to obtain or maintain such insurance shall result in immediate revocation of the collector's license. Satisfactory evidence of the financial guarantee and coverage by the required insurance shall be filed with the Town Clerk before the license is issued.
- (e) All collectors must prepare and submit quarterly reports of business activity in the Town to the Town Clerk. Said reports shall include the total amount of all material collected, total amount of recyclable materials collected, number of stops made weekly, number of residents served, and tipping weight information as well as any other information required by the Town. Additionally, said report should give notice of any non-compliance, specifically giving the address of the subject property.
- (f) Indemnification. The issuance of a license to a collector by the Town Board under this ordinance does not constitute a representation or warranty by the Town as to the collector, and the collector shall hold the Town harmless from any and all claims and liability whatsoever due to the collection and disposal of any materials pursuant to said license.

(g) Unless otherwise provided, the license year shall end on December 31st of each year.

(9) **COLLECTION BY UNAUTHORIZED PERSON.** From the time that recyclables are placed for collection or taken to the Town recycling center, all recyclable items shall become the property of the contractor or Town of Ottawa, respectively, and it shall be a violation of this ordinance for any person unauthorized by the contractor or Town of Ottawa to collect or pickup or cause to be collected or picked up any such items.

(10) **PENALTIES.** Any person, institution, business or other entity that violates this ordinance shall be subject, upon conviction, to a penalty as provided in Section 25.04 of the Ottawa Town Code.

11.05 **PENALTY.** Any person who violates any provision of this chapter, or any rule, regulation or order, shall be subject, upon conviction, to a penalty as provided in \$25.04 of this General Code.