

# TOWN OF MUKWA

## ORDINANCE # 3 - 09

### ORDINANCE REGULATION DISPOSITION OF WASTE MATERIAL

The Town Board of the Town of Mukwa, Waupaca County, Wisconsin, does ordain as follows:

That it shall be unlawful for any person, corporation, municipal corporation, partnership, or other type of entity to store or allow to be stored, waste, as hereafter defined, on any land owned or controlled by that person, corporation, municipal corporation, partnership, or other type of entity in the Town of Mukwa, Waupaca County. Nor shall any person, corporation, municipal corporation, partnership, or other type of entity knowingly sell, convey, alienate or lease property in the Town of Mukwa for that purpose.

#### DEFINITIONS:

**Property Owner** – any person, partnership, corporation, or other type of entity owning, renting, or otherwise using or controlling the use of lands with the boundaries of the Town of Mukwa, Waupaca County Wisconsin

**Storage of waste** - the retention of waste in pits, on top of the ground, in silos, in “slurry stores” or any other type of storage facility. This shall not apply to animal manure used by farmers for fertilizer purposes.

**Transporter/Applicator** – any person, partnership, corporation, or other type of entity, who by truck or other conveyance, hauls / applies waste subject to the provisions of this ordinance within the boundaries of the Town of Mukwa, Waupaca County Wisconsin.

**Waste** - as defined for the purposes of this ordinance shall mean sludge from wastewater treatment plants and other organic wastes but excluding animal manure commonly used by farmers for fertilizer, which is governed by NRCS 590.

That it shall be unlawful for any person, corporation, municipal corporation, partnership, or other type of entity to deposit waste on lands in the Town of Mukwa, Waupaca County, Wisconsin, without obtaining a permit from the Wisconsin Department of Natural Resources (DNR) and the Town of Mukwa Clerk. A Town of Mukwa permit must be obtained by the applicator for each parcel of land that such disposal of waste shall take place on and that Town permit shall be valid for a period of time to coincide with the permit issued by the DNR. The Town Board reserves the right to revoke any permit with due cause. A permit shall not be required for deposit of waste on a duly licensed landfill site.

*The Town permit application form shall be obtained by contacting the Clerk of the Town of Mukwa. The application form shall provide the following:*

- *Name, address and phone number of the property owner*
- *The legal description of the lands upon which such disposal shall take place*
- *The source from which the waste material was acquired*
- *Name, address and phone number of the party transporting or delivering such waste materials*

The cost of the Town permit shall be paid to the Town Clerk prior to the permit being issued. A permit so acquired shall be displayed publicly on the premises upon which the waste disposal is taking place.

Notification that a permit to dispose of waste shall be made to all property owners within 300 feet of the property for which a permit has been issued by the Town Clerk.

It shall be unlawful for the property owner upon whose land such disposal of waste occurs to store or stockpile such waste delivered to the property. All disposal of waste shall be in compliance with NR204.

The Town of Mukwa may request a copy of the Characteristics Report, NR 204.06(2), to verify that nothing harmful or injurious to the general public exists in the waste material. Failure on the part of the transporter to produce such report upon request will constitute a violation of this ordinance. The Town of Mukwa reserves the right to take random samples of waste disposed of on lands in the Town of Mukwa pursuant to this ordinance, at any time, and if such samples disclose bacteria harmful or injurious to the health of the general public, the transporter of said waste material shall be in violation of this ordinance and subject to prosecution hereunder.

In the interpretation and application of this Ordinance, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Town of Mukwa and shall not be construed to be a limitation or repeal of any other power granted by the Wisconsin Statutes, as may be amended from time to time, or now possessed by the Town of Mukwa.

Town of Mukwa Ordinance #2-87 is hereby repealed in its entirety. The passing of this ordinance declares that the previous ordinance regarding Regulation Disposition of Waste Material is null, void, and stricken in its entirety. All other ordinances or parts of ordinances of the Town of Mukwa inconsistent or in conflict with this ordinance, to the extent of inconsistency or conflict only, are hereby repealed.

This ordinance shall take effect immediately upon its passage and publication or posting as provided by law.

The above and foregoing ordinance was adopted by the Town Board of Supervisors of the Town of Mukwa, Waupaca County, Wisconsin, at a meeting held on the 17<sup>th</sup> day of August, 2009.

Aye: 3

/s/James Curns, Town Chairman

No: 0

/s/Michael G. Wundrock, Supervisor #1

/s/Neil Freeman, Supervisor #2

/s/Jeanette Zielinski, Mukwa Town Clerk

Code of Ordinance Published: 8/06/09

Posted at:

Northport Convenience Center: 8/17/09

Bean City Bar & Grill: 8/18/09

Mukwa Town Hall: 8/17/09

Adoption of Ordinance Published: 8/20/09