

AN ORDINANCE PROHIBITING WASTE DISPOSAL

WHEREAS, general waste disposal is a continuing occurrence within the Town of Liberty, Manitowoc County, Wisconsin, and

WHEREAS, uncontrolled waste disposal is likely to create a health hazard to the residents of the Town of Liberty;

NOW, THEREFORE, the Town Board of the Town of Liberty, Manitowoc County, Wisconsin, do ordain as follows:

SECTION I.

DISPOSAL PROHIBITED

1.01 No person shall dispose of garbage, waste, refuse or sludge within the limits of the Town of Liberty, Manitowoc County, Wisconsin.

SECTION II.

EXCEPTIONS

The following are specifically excepted from the terms of Section I of this ordinance.

2.01 A landfill site or similar waste depository licensed by the State of Wisconsin Department of Natural Resources on the effective date of this ordinance.

2.02 A sanitary septic tank or seepage bed which is at all times in compliance with all applicable town ordinances and county and state laws and regulations.

2.03 Agricultural land, owned or leased, on which animal waste directly resulting from the operation of the farm, on the same agricultural land, is disposed.

SECTION III.

HEALTH HAZARD

The Town Board hereby declares the disposing of garbage, waste, refuse, fly ash, whey, or sludge within the limits of

the Town of Liberty to be contrary to the health and welfare of the citizens of the Town of Liberty and to create a health hazard to its citizens.

SECTION IV.

DEFINITIONS

For purposes of this ordinance, the following definitions shall apply.

4.01 Dispose includes, but is not limited to, dump, unload, discard, throw away, abandon, empty or bury.

4.02 Garbage includes discarded materials resulting from the handling, processing, storage or consumption of food.

4.03 Person means an individual, sole proprietorship, corporation, partnership, association or municipality, including town, village, city, county, sanitary district, state.

4.04 Refuse includes combustible and non-combustible discarded material including but not limited to trash, rubbish, paper, wood, metal, glass, plastic, rubber, cloth, industrial wastes, fly ash, whey, dead animals, toxic and hazardous wastes and material resulting from construction or demolition.

4.05 Sludge includes sewage treatment residue, in any form which has been processed or treated in any manner.

4.06 Waste includes garbage, refuse, sludge, all other discarded material, and waste material resulting from industrial, commercial and agricultural operations, domestic use, and public service activities.

SECTION V.

VARIANCE

5.01 Any person may apply to the Town Board for a variance from the terms of this ordinance on application forms supplied by the Town Clerk. Such variance application

shall include as a minimum the name and address of the applicant and an explanation of the nature and purpose of the variance.

5.02 After an application for variance is filed, the Town Board shall schedule a public hearing within a reasonable time. The public hearing will be advisory only regarding any action taken by the Town Board regarding such application.

5.03 A variance may be granted in the event the Town Board determines a literal enforcement of this ordinance will result in practical difficulty or unnecessary hardship to the applicant, that a variance will be a public benefit, and that the public benefit as a result of the variance is likely to be greater than any health hazard likely to be created by the variance.

5.04 The Town Board may grant a variance to any person and may establish reasonable conditions, rules and regulations as part of any variance.

SECTION VI.

STATE LAW

Nothing contained herein shall be deemed to limit or restrict the application of any State law or Administrative regulation regulating the subject of this ordinance.

SECTION VII.

SEVERABILITY AND CONFLICT

In the event any portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions. In the event the terms of this ordinance conflict with the existing ordinances of the Town, those existing ordinances, insofar as they are in conflict, are hereby repealed.

SECTION VIII.

PENALTY

Any person violating this ordinance shall forfeit not less than Ten Dollars (\$10) nor more than Two Hundred Dollars (\$200) for each offense. Each day of violation shall be deemed a separate offense.

SECTION IX.

EFFECTIVE DATE

This ordinance shall take effect the day after publication in the official newspaper of the Township.

Dated this ____ day of _____, 1982.

Chairman

ATTEST:

Clerk

Supervisor

Supervisor

PUBLISHED: _____

CERTIFICATION

I, Clerk of the Town of Liberty, hereby certify that the foregoing is a true and correct copy of the Ordinance Prohibiting Waste Disposal adopted by the Town Board of the Town of Liberty, Manitowoc County, Wisconsin, on the ____ day of _____, 1982.

Clerk