

Chapter 180  
SOLID WASTE

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[HISTORY: Adopted by the Town Board of the Town of Pleasant Springs as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

**Littering**—See Ch. 129.

**Nuisances** —See Ch. 152

ARTICLE I  
Recycling

[Adopted 11-7-1989 by Ord. No.89-1 as § 5.02 of the 1989 Code; amended in its entirety 12-20-1994 by Ord. No. 94-4 amended 10-18-22]

§ 180-1. Purpose.[Amended 11-4-2003] (Amended 06-18-2019)(Amended 4-9-2026)

It is the intent and purpose of this article to fully comply with any and all provisions of Ch. 287, Wis. Stats., Chapter NR 544, Wis. Adm. Code, and any and all other regulations of the Department of Natural Resources, the Department of Commerce, or other Wisconsin state

agencies and statutes with respect to waste disposal, recycling, and administration of programs in connection therewith.

### **WDNR RESPONSIBLE UNIT RECYCLING ORDINANCE**

**1.01 Title.** Recycling Ordinance for Town of Pleasant Springs, Dane County, Wisconsin.

**1.02 Purpose.** The purpose of this ordinance is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in s. 287.11, Wis. Stats., and Chapter NR 544, Wis. Administrative Code.

**1.03 Statutory Authority.** This ordinance is adopted as authorized under s. 287.09(3)(b), Wis. Stats., and the Town of Pleasant Springs.

**1.04 Abrogation and Greater Restrictions.** It is not intended by this ordinance to repeal, abrogate, annul, impair or interfere with any existing rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, whenever this ordinance imposes greater restrictions, the provisions of this ordinance shall apply.

**1.05 Interpretation.** In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any terms or requirements of this ordinance may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this ordinance is required by Wisconsin Statutes, or by a standard in Chapter NR 544, Wis. Administrative Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Chapter NR 544 standards in effect on the date of the adoption of this ordinance, or in effect on the date of the most recent text amendment to this ordinance.

**1.06 Severability.** Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

**1.07 Applicability.** The requirements of this ordinance apply to all persons within the Town of Pleasant Springs.

**1.08 Administration.** The provisions of this ordinance shall be administered by the Town Chairperson or his/her designee, being a Town Official or Town Employee.

**1.09 Effective Date.** The provisions of this ordinance shall take effect on

**1.10 Definitions.** For the purpose of this ordinance:

- 1) "Bi-metal container" means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.
- 2) "Container board" means corrugated paperboard used in the manufacture of shipping containers and related products.

- 3) "Foam polystyrene packaging" means packaging made primarily from foam polystyrene that satisfies one of the following criteria:
  - a) Is designed for serving food or beverages.
  - b) Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.
  - c) Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.
- 4) "Glass Container" means a glass bottle, jar or other packaging container used to contain a product that is the subject of a retail sale and does not include ceramic cups, dishes, oven ware, plate glass, safety and window glass, heat resistant glass such as pyrex, lead based glass such as crystal, or TV tubes.
- 5) "HDPE" means high density polyethylene, labeled by the resin code # 2.
- 6) "LDPE" means low density polyethylene, labeled by the resin code # 4.
- 7) "Magazines" means magazines and other materials printed on similar paper.
- 8) "Major appliance" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, furnace, boiler, dehumidifier, water heater or stove.
- 9) "Multiple-family dwelling" means a property containing 5 or more residential units, including those which are occupied seasonally.
- 10) "Newspaper" means a newspaper and other materials printed on newsprint.
- 11) "Non-residential facilities and properties" means commercial, retail, industrial, institutional and government facilities and properties. Non-residential facilities and properties include any location at which goods or services are provided or manufactured, including locations under construction, demolition, or remodeling, or used for special events such as fairs, festivals, sport venues, conferences, and exhibits. This term does not include multiple family dwellings.
- 12) "Office paper" means a variety of high-grade printing and writing papers. This term does not include industrial process waste.
- 13) "Other resins or multiple resins" mean plastic resins labeled by the resin code # 7.
- 14) "Person" includes any individual, corporation, partnership, association, local government unit, as defined in s. 66.0131(1)(a), Wis. Stats., state agency or authority or federal agency.
- 15) "PETE" or "PET" means polyethylene terephthalate, labeled by the resin code # 1.
- 16) "Plastic container" means an individual, separate, rigid plastic bottle, can, jar or carton, except for a blister pack, that is originally used to contain a product that is the subject of a retail sale.
- 17) "Postconsumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in s. 291.01(7) Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in s. 289.01(17)., Wis. Stats.
- 18) "PP" means polypropylene, labeled by the resin code # 5.
- 19) "PS" means polystyrene, labeled by the resin code # 6.
- 20) "PVC" means polyvinyl chloride, labeled by the resin code # 3.
- 21) "Recyclable materials" includes lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspaper; office paper; rigid plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS and other resins or multiple resins; steel containers; waste tires; and bi-metal containers.
- 22) "Solid waste" has the meaning specified in s. 289.01(33), Wis. Stats.
- 23) "Solid waste facility" has the meaning specified in s. 289.01(35), Wis. Stats.
- 24) "Solid waste treatment" means any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste. "Treatment" includes incineration.
- 25) "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
- 26) "Yard waste" means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than 6 inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

**1.11 Separation of Recyclable Materials.** Occupants of single family and 2-to-4-unit residences, multiple-family dwellings and non-residential facilities and properties shall separate the following materials from postconsumer waste:

- 1) Lead acid batteries
- 2) Major appliances
- 3) Waste oil
- 4) Yard waste
- 5) Aluminum containers
- 6) Bi-metal containers
- 7) Corrugated paper or other container board
- 8) Foam polystyrene packaging
- 9) Glass containers
- 10) Magazines
- 11) Newspaper
- 12) Office paper
- 13) Rigid plastic containers made of PETE, HDYE, PVC, LDPE, PP, PS and other resins or multiple resins
- 14) Steel containers
- 15) Waste tires

**1.12 Separation Requirements Exempted.** The separation requirements of s. 1.11 do not apply to the following:

- 1) Occupants of single family and 2-to-4-unit residences, multiple-family dwellings and non-residential facilities and properties that send their postconsumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in s. 1.11 from solid waste in as pure a form as is technically feasible.
- 2) Solid waste which is burned as a supplement fuel at a facility if less than 30 % of the heat input to the facility is derived from the solid waste burned as supplement fuel.
- 3) A recyclable material specified in s. 1.1(5) through (15) for which a variance has been granted by the Department of Natural Resources under s. 287.11(2m), Wis. Stats., or s. NR 544.14, Wis. Administrative Code.

**1.13 Care of Separated Recyclable Materials.** To the greatest extent practicable, the recyclable materials separated in accordance with s. 1.11 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 materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions.

**1.14 Management of Lead Acid Batteries, Major Appliances and Electronic Waste, Waste Oil, Yard Waste and Tires.** Occupants of single family and 2-to-4-unit residences, multiple-family dwellings and non-residential facilities and properties shall manage lead acid batteries, major appliances, waste oil, and yard waste as follows and as additionally required by the Recycling Contractor:

1)Lead acid batteries shall be disposed of subject to advance notification and prepayment as privately agreed upon between the property owner and the Recycling Contractor for collection of these materials.

2)Major appliances and Electronic Waste shall be picked up on the next available recycling schedule large item pickup by the Recycling Contractor subject to advance notification and prepayment according to the terms of the contract.

- 3) Waste oil shall be disposed of subject to advance notification and prepayment as privately agreed upon between the property owner and the Recycling Contractor for collection of these materials
  
- 4) Yard waste shall be disposed of subject to advance notification and prepayment as privately agreed upon between the property owner and the Recycling Contractor for collection of these materials.

**1.15 Preparation and Collection of Recyclable Materials.** Except as otherwise directed by the Town of Pleasant Springs, occupants of single family and 2-to-4-unit residences shall do the following for the preparation and collection of the co-mingled materials specified in s. 1.15(1) through (15) considered “All-in-One” recycling and place in the Recycling Tote as provided by the Recycling Contractor:

- 1) Aluminum containers shall be disposed of subject to advance notification and prepayment as privately agreed upon between the property owner and the Recycling Contractor for collection of these materials.
- 2) Bi-metal containers shall be disposed of subject to advance notification and prepayment as privately agreed upon between the property owner and the Recycling Contractor for collection of these materials.
- 3) Corrugated paper or other container board shall be disposed of subject to advance notification and prepayment as privately agreed upon between the property owner and the Recycling Contractor for collection of these materials.
- 4) Foam polystyrene packaging shall be disposed of subject to advance notification and prepayment as privately agreed upon between the property owner and the Recycling Contractor for collection of these materials.
- 5) Glass containers shall be disposed of subject to advance notification and prepayment as privately agreed upon between the property owner and the Recycling Contractor for collection of these materials.
- 6) Magazines shall be disposed of subject to advance notification and prepayment as privately agreed upon between the property owner and the Recycling Contractor for collection of these materials.
- 7) Newspaper shall be disposed of subject to advance notification and prepayment as privately agreed upon between the property owner and the Recycling Contractor for collection of these materials.
- 8) Office paper shall be disposed of subject to advance notification and prepayment as privately agreed upon between the property owner and the Recycling Contractor for collection of these materials.
- 9) Rigid plastic containers shall be disposed of subject to advance notification and prepayment as privately agreed upon between the property owner and the Recycling Contractor for collection of these materials.
- 10) Steel containers shall be disposed of subject to advance notification and prepayment as privately agreed upon between the property owner and the Recycling Contractor for collection of these materials.
- 11) Waste tires shall be picked up on the next available recycling schedule large item pickup by the Recycling Contractor subject to advance notification and prepayment according to the terms of the contract.

### **1.16 Responsibilities of Owners or Designated Agents of Multiple-Family Dwellings.**

1) Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in s. 1.11(5) through (15):

a) Provide adequate, separate containers for the recycling program established in compliance with the ordinance. The number of recycling containers shall equal or be greater than the number of trash containers and at least one of the following shall be met:

i. The minimum total volume of recycling container space is equal to 20 gallons per week per dwelling unit.

ii. The ratio of trash container volume to recycling container volume is at most 2:1

iii. An alternative method that does not result in the overflow of a recycling container during the time period between collection of materials and delivery to a recycling facility.

b) Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.

c) Provide for the collection of the materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.

d) Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the 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.

2) The requirements specified in 1) do not apply to the owners or designated agents of multiple-family dwellings if the postconsumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in s. 1.11(5) through (15) from solid waste in as pure a form as is technically feasible.

### **1.17 Responsibilities of Owners or Designated Agents of Non-Residential Facilities and Properties.**

1) Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in s. 1.11(5) through (15):

(a) Provide adequate, separate containers for the recyclable materials.

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

(c) Provide for the collection of the materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility.

(d) 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.

2) The requirements specified in 1) do not apply to the owners or designated agents of non-residential facilities and properties if the postconsumer waste generated within the facility or property is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in s. 1.11 (5) through (15) from solid waste in as pure a form as is technically feasible.

**1.18 Prohibitions on Disposal of Recyclable Materials Separated for Recycling.** No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in s. 1.11 (5) through (15) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

**1.19 Enforcement.**

1) For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the Town of Pleasant Springs may inspect recyclable materials separated for recycling, postconsumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and non-residential facilities and properties, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to any authorized officer, employee or authorized representative of the Town of Pleasant Springs who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.

2) Any person who violates a provision of this ordinance may be issued a citation by any authorized officer, employee or authorized representative of the Town of Pleasant Springs or Dane County Sheriff to collect forfeitures. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this paragraph.

3) Penalties for violating this ordinance may be assessed as follows:

(a) Any person who violates s. 1.18 may be required to forfeit \$50 for a first violation, \$200 for a second violation, and not more than \$2000 for a third or subsequent violation.

(b) Any person who violates a provision of this ordinance, except s. 1.18, may be required to forfeit not less than \$10 or more than \$1000 for each violation.

§ 180-2. Mandatory compliance; requirements.

It shall be mandatory for any person or resident within the Town of Pleasant Springs to comply with all rules, regulations, resolutions, and ordinances of the Town with respect to waste disposal, recycling, and related matters. The following requirements shall specifically apply, as well as other rules, regulations, and requirements that may be subsequently implemented by the Town of Pleasant Springs by regulation, resolution, or ordinance in a program of maintaining compliance with state rules and regulations.

- (15) Plastics (plastic milk jugs, pop jugs, detergent jugs, and other such plastic shall be rinsed clean and flattened).
- (a) PETE No. 1.
  - (b) HOPE No.2 (shall be recycled effective January 1, 1995).
  - (c) PVC No.3 (effective January 1, 1996).
  - (d) LOPE No.4 (effective January 1, 1996).
  - (e) PP No.5 (effective January 1, 1996).
  - (f) PS No. 6 (and mixed or other resin types shall be recycled effective January 1, 1996).
- C. The Town of Pleasant Springs has implemented a curbside recycling program previously by resolution, and all persons and residents shall be required to comply with the provisions of the Town's curbside recycling program providing for curbside pickup of waste and recyclables as such may be implemented and promulgated by further resolution of the Town of Pleasant Springs. All persons shall comply with any and all rules or regulations of the program required by Wisconsin Statutes, Administrative Code, or the Town of Pleasant Springs.
- D. The Town of Pleasant Springs does hereby implement a public information and education program to address recycling of materials as specified in § 287.07, Wis. Stats., and to address waste reduction and reuse efforts at single-family and two- to four-unit residences, multiple-family dwellings, and nonresidential facilities and properties. The Town does hereby promulgate a program and is establishing policies and procedures for program startup, continuing program information and consumer and youth education, including the use of written materials, notices, and continuing information in the Town's newsletter.
- E. Owners and managers of multifamily dwellings located within the Town of Pleasant Springs are required to provide adequate, separate containers for the disposal of recyclable materials and are required to notify tenants at the time of moving in, and also on a semiannual basis thereafter, of county and municipal requirements, including those as set forth in this article.
- F. Owners and operators of commercial, retail, industrial, and governmental facilities are required to provide adequate, separate containers for the disposal of recyclable materials. Owners and operators of such facilities are further required to regularly notify all users, employees, agents, and customers of the existence of adequate, separate containers for the disposal of recyclable materials and the requirements for the use thereof, and owners and operators are also required to convey information regarding current county and municipal recycling requirements.
- G. The Town of Pleasant Springs shall provide continuing information and education on waste reduction, reuse and recycling to residents of single-family and two- to four-unit residences, users, consumers, owners or managers of multiple-family residences and owners or managers of nonresidential facilities and properties.

H. The Town has provided for the management of residential and commercial furnaces, boilers, dehumidifiers and water heaters, as previously set forth in this article. The disposal of microwaves from which the capacitor has been removed shall be allowed as consistent with Wisconsin Statutes and Administrative Code.

§ 180-3. Definitions.

Definitions of words as used in this article shall be consistent with definitions promulgated by the Department of Natural Resources and Wisconsin Statutes and Administrative Code.

§ 180-4. Violations and penalties. [Amended 11-4-2003]

Any person, firm, or corporation that violates any of the provisions of this article shall, upon conviction thereof, be subject to the penalties provided in Chapter 1, General Provisions, § 1-1. In addition to the foregoing, the Town of Pleasant Springs shall have the right to bring any appropriate legal action to enjoin any violation as a nuisance and shall be authorized to bring any appropriate legal action to enjoin, curtail, and terminate such violation. The legal costs of such enforcement action shall be recovered by the Town against the offender or offenders to the extent permitted by law.

§ 180-5. Inspections; additional remedies.

In addition to the foregoing, the Town of Pleasant Springs and its officers and agents shall have the authority to inspect waste disposal receptacles, collections, bags, and any other containers used by residents and parties disposing of waste material within the Town of Pleasant Springs. This inspection authority shall be available without notice, and the party or resident shall permit inspection of waste materials intended for disposal by the Town of Pleasant Springs and its agents. In addition to the foregoing penalties and remedies, the Town of Pleasant Springs shall be authorized to pursue penalties consistent with §§ 287.95 and 287.97, Wis. Stats. • and issue citations for violations as appropriate.

## ARTICLE II

### Waste Disposal Site Planning and Design

[Adopted 10-21-1991 by Ord. No. 91-4 (§ 12.01 of the 1989 Code)]

§ 180-6. Purpose.

In order to protect the public health, safety and welfare of the residents and property owners of the Town of Pleasant Springs and to protect the environment and the natural resources of the Township for present and future generations, the Town of Pleasant Springs does hereby require registration and obtaining of a permit from the Town for any person, corporation, or other entity that may engage in waste disposal site planning and design activities, as such are defined in this article.

## § 180-7. Registration and permit required; definitions.

No person, corporation, or other entity, or agent or employee thereof, may engage in acts of waste disposal site planning and design activities as defined herein unless such person, corporation or other entity shall have first registered with the Town Clerk and obtained the appropriate permit. Waste disposal site planning and design activities include, but are not limited to, any and all acts of planning, design, surveying, engineering, measuring, soil testing, boring, construction, excavation, site inspection, and any and all related activities which are for the purpose of planning, considering, designing, or constructing any waste disposal site, facility, hazardous waste facility, dump, landfill site, or a similar operation, whether such is intended for permanent deposit of waste or temporary storage. The foregoing definitions shall be liberally construed in favor of the Township so as to make this article broadly applicable.

## § 180-8. Application form; fee.

In order to obtain a permit from the Town and appropriately register, the applicant shall obtain from the Town Clerk an application form. The application form shall be properly prepared and submitted with any required fees.

- A. The application form shall require, at a minimum, the following items of information and any other information that is deemed relevant to the application by the Town Clerk or Town Board:
  - (1) The name, address, and a brief resume of the applicant, including professional licenses or credentials held, employment history, and relevant qualifications.
  - (2) A list of employees, clients, supervisors, associates, and affiliates of the applicant in regard to or related to acts of waste disposal site planning and design activities within the Town of Pleasant Springs.
  - (3) A disclosure of disciplinary actions, suspensions, or litigation involving the applicant within the last two years.
  - (4) The precise locations at which the applicant anticipates working within the six months following date of application.
  - (5) A brief statement of the type of activities which the applicant intends to engage in.
  - (6) Such other information as is deemed relevant and required on the application form.
- B. The application shall be accompanied by the deposit of the annual fee as set by the Town Board. **If** the application for a permit is denied for any reason, the fee shall be refunded. [Amended 11-4-2003]

## § 180-9. Public bearing; issuance or denial or permit.

Following the receipt of an application properly completed with the required fee deposit, the Town Clerk shall schedule a public hearing on the application, which shall be held within 30 days of the receipt of the application and which may be held in conjunction with a regular

Town Board meeting. Within 30 days of the date of the public hearing, the Town Board shall make a decision on the issuance or denial of a permit for the applicant. A permit shall be denied if the Town Board determines that such action is necessary for the protection of the public health, safety and welfare or if any of the following grounds for denial exist:

- A. The application is incomplete or the required fee has not been submitted.
- B. It is apparent that the application contains false, misleading or incomplete information.
- C. The applicant has a history of incompetence or negligence or has demonstrated a lack of trustworthiness in the performance of similar activities in the past.
- D. The applicant does not have the necessary professional licenses, authority, or competence for the activities proposed.
- E. The applicant has had professional licenses suspended, revoked, or limited or has been the subject of disciplinary action by a regulatory agency within the past two years.
- F. The applicant has engaged in activities covered by this article without having first obtained the required permit or the applicant has failed to follow the reporting requirements or other requirements of this article in regard to past activities.

#### § 180-10. Required reports.

Following the issuance of a permit, which permit shall be issued on an annual basis, each permit holder shall be required to report to the Town of Pleasant Springs activities of waste disposal site planning and design as defined herein. The reports shall be made on a form provided by the Town Clerk and shall be completed and submitted for each quarter of each calendar year. The calendar quarters end March 31, June 30, September 30, and December 31 of each calendar year, and the reports of activities shall be submitted within 30 days following the conclusion of each calendar quarter. If an applicant engages in no activities within a calendar quarter, a report must still be made, but the report form may simply indicate that the applicant engaged in no activities.

#### § 180-11. Violations and penalties.

- A. If it appears that a permit holder has violated any of the provisions of this article, has failed to file in a timely fashion the required reports, or has been professionally disciplined or had a license suspended or revoked, then the permit holder's permit shall be immediately revoked by the Town Board. Such permit holder may reapply for a permit at any time thereafter, but not more than once every 30 days.
- B. If information becomes available indicating that a permit holder's application contained false, misleading or incomplete information or a permit holder had engaged in regulated activities without first obtaining a permit, then such shall constitute grounds for immediate revocation of a permit.
- C. Any person, corporation, or other entity who or which shall engage in any of the regulated activities of waste disposal site planning and design, as defined herein, without

a valid and current permit from the Town shall, upon conviction, be subject to the penalties provided in Chapter I, General Provisions, § 1-1. Any associate, client, employer, or other party directing, ordering, requesting, hiring or assisting the offending party shall be deemed a party to the violation and shall be subject to the forgoing penalties along with and in addition to the offending party. <sup>1</sup>[Amended 11-4-2003]

### ARTICLE III

#### Trucking and Hauling of Waste

[Adopted 10-21-1991 by Ord. No.91-4 (§ 12.02 of the 1989 Code)]

#### § 180-12. Purpose.

In order to protect the public health, safety and welfare of the residents and property owners of the Town of Pleasant Springs and to protect the environment and the natural resources of the Township for present and future generations, the Town of Pleasant Springs does hereby require registration and obtaining of a permit from the Town for any person, corporation, or other entity that may engage in trucking or hauling of waste to a destination located in the Town of Pleasant Springs, as such is defined in this article.

#### § 180-13. Registration and permit required; definitions.

No person, corporation, or other entity, or agent or employee thereof, may engage in acts of trucking or hauling of waste to a destination located in the Town of Pleasant Springs, as defined herein, unless such person, corporation or other entity shall have first registered with the Town Clerk and obtained the appropriate permit. Trucking and hauling of waste includes, but is not limited to, any and all activities of trucking, hauling, driving, transporting, or shipping, by any mode of conveyance, any quantity in excess of five tons in one week of waste, garbage, trash, rubbish or other refuse to any destination, whether temporary or pennant, which is located within the Town of Pleasant Springs. Any person, corporation, or other entity who or which shall hire, direct, order, request, assist or contract for such activities shall also be required to obtain a permit as set forth herein. The foregoing definitions shall be liberally construed in favor of the Township so as to make this article broadly applicable.

#### § 180-14. Application form; fee.

In order to obtain a permit from the Town and appropriately register, the applicant shall obtain from the Town Clerk an application form. The application form shall be properly prepared and submitted with any required fees.

- A. The application form shall require, at a minimum, the following items of information and any other information that is deemed relevant to the application by the Town Clerk or Town Board:

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1. Editor's Note: Original § 12.01(7), Appeals and variances, which immediately followed this section, was deleted 11-4-2003.

- (1) The name, address, and a brief resume of the applicant, including professional licenses or credentials held, employment history, and relevant qualifications.
  - (2) A list of employees, clients, supervisors, associates, and affiliates of the applicant in regard to or related to acts of trucking and hauling of waste to a destination within the Town of Pleasant Springs.
  - (3) A disclosure of license revocations or suspensions, or litigation involving the applicant, within the last two years.
  - (4) The precise trucking and hauling routes which the applicant anticipates following within the six months following date of application.
  - (5) A brief statement of the type of activities which the applicant intends to engage in, including any and all destinations within the Town of Pleasant Springs.
  - (6) Such other information as is deemed relevant and required on the application form.
- B. The application shall be accompanied by the deposit of the annual fee as set by the Town Board per applicant. If the application for a permit is denied for any reason, the fee shall be refunded. In addition, each applicant shall be required to pay a quarterly fee as set by the Town Board for each separate truck, trailer or other mode of conveyance used by the applicant, or the applicant's employees, associates or agents, for trucking or hauling of waste to a destination located in the Town of Pleasant Springs. [Amended 11-4-2003]

§ 180-15. Public hearing; issuance or denial of permit.

Following the receipt of an application properly completed with the required fee deposit, the Town Clerk shall schedule a public hearing on the application, which shall be held within 30 days of the receipt of the application and which may be held in conjunction with a regular Town Board meeting. Within 30 days of the date of the public hearing, the Town Board shall make a decision on the issuance or denial of a permit for the applicant.

- A. A permit shall be denied if the Town Board determines that such action is necessary for the protection of the public health, safety and welfare or if any of the following grounds for denial exist:
- (1) The application is incomplete or the required fees have not been submitted.
  - (2) It is apparent that the application contains false, misleading or incomplete information.
  - (3) The applicant has a history of incompetence or negligence or has demonstrated a lack of trustworthiness in the performance of similar activities in the past.
  - (4) The applicant does not have the necessary licenses, authority, or competence for the activities proposed.
  - (5) The applicant has had licenses suspended, revoked, or limited or has been the subject of disciplinary action by a regulatory agency within the past two years.

- (6) The applicant has engaged in activities covered by this article without having first obtained the required permit or the applicant has failed to follow the reporting requirements or other requirements of this article in regard to past activities.
- B. As an additional requirement for the issuance of a permit, the applicant shall demonstrate financial responsibility, in the form of adequate insurance coverage, bond or other security, to adequately satisfy any and all claims for damages, including but not limited to those arising from collisions, accidents, explosions, littering, waste left, dropped or deposited on a highway or public or private property, etc. An applicant shall further agree, as a condition of permit issuance, to be liable for any costs of cleanup on or along the public highways, highway damage, or other expenses incurred by the Town of Pleasant Springs as a result of the applicant's activities.

§ 180-16. Required reports and inspections.

- A. Following the issuance of a permit, which permit shall be issued on an annual basis, each permit holder shall be required to report to the Town of Pleasant Springs activities of trucking and hauling of waste to a destination located in the Town of Pleasant Springs, as defined herein. The reports shall be made on a form provided by the Town Clerk and shall be completed and submitted for each quarter of each calendar year. The calendar quarters end March 31, June 30, September 30, and December 31 of each calendar year, and the reports of activities shall be submitted within 30 days following the conclusion of each calendar quarter. If an applicant engages in no activities within a calendar quarter a report must still be made, but the report form may simply indicate that the applicant engaged in no activities.
- B. In addition, each truck, trailer, or other mode of conveyance used by the applicant must be inspected by an inspector approved by the Town and a satisfactory inspection report submitted to the Town each calendar quarter (together with the required report).

§ 180-17. Violations and penalties.

- A. If it appears that a permit holder has violated any of the provisions of this article, has failed to file in timely fashion the required reports or has been disciplined or had a license suspended or revoked, then the permit holder's permit shall be immediately revoked by the Town Board. Such permit holder may reapply for a permit at any time thereafter, but not more than once every 30 days.
- B. If information becomes available indicating that the permit holder's application contained false, misleading or incomplete information or a permit holder had engaged in regulated activities without first obtaining a permit, then such shall constitute grounds for immediate revocation of a permit.
- C. Any person, corporation, or other entity who or which shall engage in any of the regulated activities of trucking or hauling of waste to a destination located in the Town of Pleasant Springs, as defined herein, without a valid and current permit from the Town

shall, upon conviction, be subject to the penalties provided in Chapter 1, General Provisions, § 1-1. Any associate, client, employer, or other party directing, ordering, requesting, hiring or assisting the offending party shall be deemed a party to the violation and shall be subject to the foregoing penalties along with and in addition to the offending party. <sup>1</sup> [Amended 11-4-2003]

#### ARTICLE IV

##### Waste Disposal Facilities

[Adopted 10-21-1991 by Ord.No.91-4 (§ 12.03 of the 1989 Code)]

##### § 180-18. Purpose.

In order to protect the public health, safety and welfare of the residents and property owners of the Town of Pleasant Springs and to protect the environment and the natural resources of the Township for present and future generations the Town of Pleasant Springs does hereby prohibit as a public nuisance an excessive or dangerous sized waste disposal facility or hazardous waste facility, dump, or landfill operation, as such is defined in this article.

##### § 180-19. Prohibition and definition.

No person, corporation or other entity shall erect, contrive, cause, continue, maintain, or permit to exist any excessive or dangerous sized waste disposal facility, hazardous waste facility, dump, landfill site, or similar operation within the Town of Pleasant Springs, and such is defined as follows: any facility, operation, or use of property within which more than 40 tons in one month or 500 tons in one year of waste, garbage, trash, rubbish, or other refuse is stored, deposited, buried, or kept in any manner.

##### § 180-20. Notice and abatement of nuisance.

If a public nuisance as defined in this article appears to exist, the officer or agent acting at the direction of the Town Board, shall serve notice on the person, corporation, or entity causing or maintaining the nuisance to cease and desist from the activity causing or constituting the nuisance and remove the same within 10 days following the service of the notice. If such nuisance is not terminated, halted and removed within 10 days, then the Town shall cause the nuisance to be abated by appropriate legal action, which may include an action to obtain an injunction or other appropriate abatement order from a court of competent jurisdiction or an action to recover damages and the costs of abatement, including reasonable attorneys' fees, costs and disbursements. Nothing in this article shall be construed as prohibiting the abatement of a public nuisance as defined herein by the Town or its officials in accordance with the laws of the State of Wisconsin.

This ordinance is effective on publication. The Town Clerk shall properly post or publish this ordinance as required by law.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

TOWN OF PLEASANT SPRINGS

By

\_\_\_\_\_  
Town Chair

By

\_\_\_\_\_  
Town Supervisor

By

\_\_\_\_\_  
Town Supervisor

By

\_\_\_\_\_  
Town Supervisor

By

\_\_\_\_\_  
Town Supervisor

ATTEST:

\_\_\_\_\_  
Maria P. Hougan, Town Clerk/Treasurer

Approved:

Posted:

2. Editor's Note: Original § 12.02(7), Appeals and variances, which immediately follow this section, was deleted 11-4-2001.