

CHAPTER XII

DUMPS

SECTION 12.00. Definitions. "Dump" as used herein means the use and maintenance of any land or lands for the placement or deposit of garbage, junk, refuse, or other waste materials and debris, including a sanitary landfill.

SECTION 12.10. Permit Required. No person, firm, corporation or municipality shall operate a dump within the Town without first obtaining a permit to do so from the Town Board as hereinafter provided.

SECTION 12.20. Application; Fee. Application for permit to operate dump within the Town shall be submitted in writing to the Town Board and shall set forth the following:

- a. Name, residence or office address of applicant.
- b. Description of the premises to be used.
- c. Zoning of the premises to be used.
- d. Statement of the nature of the proposed operation, including a description of the machinery to be used, if any; the type and size of buildings to be constructed, if any; the smoke and dust control devices to be utilized, if any; the highways to be used for the truck traffic to and from the location; the employment of safety devices to protect the public from dangers inherent to the proposed use; deodorants or odor control devices, if any; method of controlling unsightly deposits, if any; and other pertinent data which the applicant deems material.
- f. Hours of intended operation.
- g. The method and manner of draining surface water and accumulated water from the licensed premises.
- h. The method and manner of restoring the area of the operation after cessation of operation to a condition of practical usefulness and reasonable physical attractiveness.

The application shall be accompanied by a fee of \$500.00 to defray the cost of publication, investigation and public hearing, if any.

SECTION 12.30. Public Hearing.

12.31. Upon receipt of an application submitted as provided in Section 12.20 of this Ordinance, the Town Board shall inspect the

premises for which a permit is requested and shall set a date for public hearing upon such application, which said date shall be not more than forty-five (45) days after the receipt of the application by the Town Board. A public hearing shall be held by the Town Board at its regular meeting place and a notice of said meeting shall be published in a newspaper of general circulation in the Town as least five (5) days before the date of said public hearing or in lieu thereof, notice of said hearing shall be posted in not less than three (3) public places within said Town at least five (5) days before the date of said hearing. At such public hearing, the board shall hear all persons interested in the granting or denying of said permit and may, if it sees fit, take testimony relative to the application.

12.32. Where the license applied for relates to the continuation of an existing use as defined herein, no public hearing shall be held nor shall any fee be charged.

SECTION 12.40. Determination by Town Board. Within ninety (90) days after the public hearing, the Town Board shall make determination as to whether the operation of the proposed use described in the application will be detrimental to the health, safety and welfare of the public of the Town of Lyons. Such determination shall be made on the basis of the information contained in the application, together with the evidence presented at the public hearing and the inspection of the premises by the Town Board.

12.41. The Town Board may, as a condition to the issuance of the permit, demand an agreement with the applicant to insure performance of the following restrictions:

- a. There shall be no burning or fire of any kind allowed on the premises for which the permit is issued. In the event a fire is started on the premises, whether or not through the fault of the permittee and the services of a fire department are used to extinguish said fire, the permittee shall pay any and all costs thereof to the Town of Lyons, upon demand.
- b. No raw garbage, dead animals, manure, animal or vegetable waste from any source whatsoever, oil, paint, solvents or other liquid chemicals, or any similar material shall be dumped on the premises for which the permit is issued.
- c. The proposed operation shall not be detrimental to the sources of water supply at the residences in the area.
- d. All wastes disposed of at the site shall be covered with at least six (6) inches of compact earth after each day of operation.
- e. The working force of the operation shall be confined to as small an area as possible and surrounded with a snow fence

or other appropriate facilities to confine possible wind-blown materials to the area. All wind-blown material resulting from the operation shall be properly picked up and the site so maintained.

- f. The entrance to the premises for which the permit is issued shall be fenced and shall contain a gate which shall be capable of being securely locked. The premises shall be kept locked at all times except when immediate supervision is provided to insure compliance with the provisions of the ordinance and agreement.
- g. The operation and access roads to the site shall be maintained in a manner to eliminate the possibility of causing a dust problem in the area.
- h. The premises shall be restored to the satisfaction of the Town Board; said restoration to progress as the area is filled, and the Town Board may demand that a performance bond, written by a licensed surety company in an amount sufficient to secure the performance of the restoration agreement, be furnished to the Town.
- i. The disposal shall be conducted in a sanitary manner by use of the sanitary landfill method in accordance with the requirements established by the State of Wisconsin, which are incorporated herein by reference.

The Town Board shall thereupon grant or deny the permit in accordance with such determination.

SECTION 12.50. Term of Permit.

12.51. Such permit shall have a term of two (2) years and may be renewed upon application for successive periods of not more than two (2) years each upon application as set forth herein, provided such permit shall terminate:

- a. Upon the change of ownership of the land affected by such permit; or upon the change of ownership of the firm, company, corporation or municipality operating the premises.
- b. In the event the use specified in the permit is not carried on in accordance with the representations contained in the application, or in the event such use is changed to another use or in the event the permit use has been discontinued for more than one (1) year.

12.52. In the event that the occurrence of a or b above, another permit shall be applied for and obtained by the proposed operator as a

condition precedent to the continued operation or the resumption of the discontinued operation.

12.53. In the event of application for a permit pursuant to 12.52 above, the Town Board may consider the same without the necessity of holding a public hearing.

SECTION 12.60. Revocation. The following acts shall constitute grounds for revocation of permit:

- a. Failure to discharge or drain surface water or accumulated water from the premises in such manner and method as will not interfere with the use of lands, drains and ditches or other persons, firms, or corporations, municipality owned or otherwise.
- b. Any change in the manner of operations specified in the application as approved by the Town Board in granting the original permit.
- c. Failure to comply with conditions required by the Town Board as conditions precedent to issuance of the permit.

Any proceedings to revoke a permit shall be instituted by the Town Board by mailing of a notice of hearing on revocation to the applicant. Such notice shall be mailed at least ten (10) days prior to the date of hearing. At such hearing, applicant may appear personally and by his attorney and present his defense to the proposed revocation. The Town Board shall have three (3) days after such hearing to make a determination of whether grounds for revocation exist. If such Board shall find that any of the conditions specified in the Ordinance as grounds for revocation exists, the Town Board shall forthwith revoke such permit and notify the permittee by mail addressed to him at the address shown on the application. Permittee shall thereafter cease forthwith from the operation of the licensed premises.

SECTION 12.70. Denial of License. In the event a permit is denied for the operation of any use enumerated herein, with respect to any particular parcel of realty, no application for said use on the same parcel of land or any part thereof, may be filed within one (1) year from the date of such denial. In the event, however, that a new application shall reveal a material difference in any of the items specified in Section 12.20 hereof, the Town Board, may upon a finding that the new application does include such material differences, proceed to hear and determine such new application within said year.

SECTION 12.80. Penalty.

12.81. Any person, firm, corporation or municipality who violates, disobeys, neglects, omits or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance, shall forfeit

not less than \$100.00 nor more than \$500.00, together with the cost of prosecution, and in default of payment thereof, by imprisonment in the County Jail for a term of not more than thirty (30) days, or until such judgment is paid in the case of an individual, and every day of violation shall constitute a separate offense.

12.82. In case any premises are used in violation of this chapter, an action in the name of the Town may be instituted to enjoin such violation or intended violation and this remedy shall be in addition to other remedies set forth in this chapter.