

TITLE 8

Health and Sanitation

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Title 8 ► Chapter 1

Health and Sanitation

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Sec. 8-1-1 Rules and Regulations.

The Town Board may make reasonable and general rules for the enforcement of the provisions of this Chapter and for the prevention of the creation of health nuisances and the protection of the public health and welfare and may, where appropriate, require the issuance of licenses and permits. All such regulations shall have the same effect as ordinances, and any person violating any of such regulations and any lawful order of the Town Board shall be subject to the general penalty provided for in this Code.

Sec. 8-1-2 Public Safety and Health Hazards Regulations.

- (a) **Public Health and Safety Ordinance.** No person, company or corporation shall erect, contrive, cause, continue, maintain or permit to exist any public health or safety hazard within the Town of Warren, St. Croix County, Wisconsin.
- (b) **Definitions.** The following definitions shall be applicable in this Section:
 - (1) **Health and Safety Hazard.** A public health and safety hazard is an object, act, occupation, condition or use of property which shall continue for such length of time as to:
 - a. Substantially annoy, injure or endanger the comfort, health, repose or safety of the public; or
 - b. In any way render the public insecure in life or in the use of property.
 - (2) **Public Hazards Affecting Health.** The following acts, omissions, places, conditions and objects are hereby specifically declared to be hazards, but such enumeration shall not be construed to exclude other health hazards coming within the definition of Subsection (b)(1):

- a. Accumulation of decayed animal or vegetable matter, trash, rubbish, or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed.
- (3) **Safety Hazards.**
 - a. The following acts, omissions, places and conditions are hereby declared safety hazards. However, such enumeration shall not be construed to exclude other hazards affecting public safety coming within the provisions of Subsection (b)(1):
 - 1. All buildings and structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use or occupancy.
 - 2. All abandoned or non-operational refrigerators, freezers, and iceboxes from which the doors and other covers have not been removed or are not equipped with a device for opening the door from the inside.
 - 3. Fire code or safety violations found when the required state fire inspections are performed.
 - b. Time to repair or correct fire code or safety violations will be on an individual basis granted upon notice of violation.
- (4) **Public Safety and Other Hazards.** The following acts, omissions, places and objects are hereby specifically declared to be public safety or health hazards offending the health, comfort, repose or safety of Town of Warren residents, but such enumeration shall not be construed to exclude other hazards within Subsection (b)(1):
 - a. All property owners within the Town of Warren who allow their property to accumulate trash, litter or rubbish shall be in violation of this Subsection.
 - 1. Litter as used in this Subsection includes but is not limited to trash and/or wastepaper lying scattered about.
 - 2. Trash, as used in this Subsection, includes but is not limited to some thing or object worth little or nothing or is in a crumpled or broken inoperable condition.
 - 3. Rubbish, as used in this Subsection, includes but is not limited to waste materials, garbage and refuse of every character and kind collected and/or accumulated.
- (c) **Abatement of Public Hazards.**
 - (1) **Inspection of Premises.** Whenever a person residing within the Town of Warren, a property owner adjacent to a hazard, or any Town official in his/her official capacity makes a written complaint to the Town Chairperson or to a Town enforcement officer that a public health or safety hazard exists within the Town of Warren, the enforcement officer shall promptly and forthwith inspect or cause to be inspected the premises complained of and shall make a written report of his/her findings to the Town Chairperson. Whenever practicable, the Town enforcement officer shall cause photographs to be made of the premises and shall file the same in the office of the Town Clerk-Treasurer.
 - (2) **Summary Abatement.**
 - a. **Notice to Owner.** If the enforcement officer shall determine that a public health or safety hazard exists within the Town and that there is great and immediate

danger to the public health, safety, peace, morals or decency upon a person, company, or corporation causing, permitting, or maintaining such a hazard, whether an owner or occupant of the premises where such hazard is caused, permitted, or maintained. If immediate personal service cannot be made, a copy of such notice shall be posted on the premises in a location likely to attract the attention of the owner or occupant thereof, as well as direct mail notice to the last known owner of said property. Such notice shall direct the person, company or corporation causing, permitting, or maintaining such hazard, or owner or occupant of the premises to start abatement within twenty-four (24) hours and complete such abatement within thirty (30) days, and shall state that unless such hazard is so abated, the Town may cause the same to be abated and will charge the cost thereof to the owner, occupant, or person causing, permitting or maintaining the hazard.

- b. ***Abatement by Town.*** If the health or safety hazard is not abated within the time provided or if the owner, occupant or person causing the hazard cannot be found, the enforcement officer in the case of health hazards and other causes shall cause the abatement or removal of such public hazards.
 - c. ***Abatement by Court Action.*** If the enforcement officer shall determine that a health or safety hazard exists on private premises but that the nature of such hazard is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he/she shall file a written report of his/her findings with the Town Chairperson who shall cause an action to abate such hazard to be commenced in the name of the Town in the Circuit Court of St. Croix County in accordance with the provisions of Ch. 823, Wis. Stats. In the alternative, the Chairperson may direct the enforcement officer to issue one or more citations for each day of violation for said time period, and to report back whether compliance has occurred.
 - d. ***Other Methods Not Excluded.*** Nothing in this Section shall be construed as prohibiting the abatement of the health or safety hazards by the Town of Warren or its officials in accordance with the laws of the State of Wisconsin.
- (d) **Enforcement.**
- (1) ***Penalty.*** Any person who shall violate this Section shall, upon conviction thereof, be subject to a forfeiture as prescribed in Section 1-1-6.
 - (2) ***Separate Violations.*** Each day of violation of this Section shall constitute a separate offense.
 - (3) ***Citation Enforcement.*** This Section may be enforced by citation. The following bond schedule is hereby established for use of citations pursuant to this Section.

Sec. 8-1-3 Destruction of Noxious Weeds.

- (a) Unless delegated to the county, the Town Clerk-Treasurer shall annually on or before May 15th publish as required by state law a notice that every person is required by law to

destroy all noxious weeds on lands in the Town which he/she owns, occupies or controls. A joint notice with other towns or municipalities may be utilized.

- (b) If the owner or occupant shall neglect to destroy any weeds as required by such notice, then the Weed Commissioner of the Town shall give five (5) days' written notice by mail to the owner or occupant of any lands upon which the weeds shall be growing to the effect that the said Weed Commissioner after the expiration of the five (5) day period will proceed to destroy or cause to be destroyed all such weeds growing upon said lands and that the cost thereof will be assessed as a tax upon the lands upon which such weeds are located under the provisions of Sec. 66.0407, Wis. Stats. In case the owner or occupant shall further neglect to comply within such five (5) day notice, then the Weed Commissioner shall destroy such weeds or cause them to be destroyed in the manner deemed to be the most economical method and the expense thereof, including the cost of billing and other necessary administrative expenses, shall be charged against such lots and be collected as a special tax thereon.

Sec. 8-1-4 Regulation of Length of Lawn and Grasses.

- (a) **Purpose.** This Section is adopted due to the unique nature of the problems associated with lawns, grasses and noxious weeds being allowed to grow to excessive length in the Town of Warren.
- (b) **Public Nuisance Declared.** The Town Board finds that lawns, grasses and noxious weeds on non-agricultural lots or parcels of land, as classified under the Zoning Code governing the Town, within the Town of Warren which exceed ten (10) inches in length adversely affect the public health and safety of the public in that they tend to emit pollen and other discomforting bits of plants, constitute a fire hazard and a safety hazard in that debris can be hidden in the grass, interferes with the public convenience and adversely affects property values of other land within the Town. For that reason, any non-agricultural lawn, grass or weed on a lot or other parcel of land which exceeds ten (10) inches in length is hereby declared to be a public nuisance. Notwithstanding, these provisions do not apply to grass grown for agricultural purposes or land in a designated floodplain or water detention area, wetland or used for non-residential purposes. When a residence, farmstead or business is located on a large parcel, compliance with this Section and Section 8-1-5 is required for the one (1) acre around such buildings.
- (c) **Nuisances Prohibited.** No person, firm or corporation shall permit any public nuisance as defined in Subsection (b) above to remain on any premises owned or controlled by him/her within the Town.
- (d) **Inspection.** The Weed Commissioner or his/her designee shall inspect or cause to be inspected all premises and places within the Town to determine whether any public nuisance as defined in Subsection (b) above exists.
- (e) **Abatement of Nuisance.** If the Weed Commissioner shall determine with reasonable certainty that any public nuisance as defined in Subsection (b) above exists, he/she shall

immediately cause written notice to be served that the Town proposes to have the lot grass or lawn cut so as to conform with this Section.

- (f) **Due Process Hearing.** If the owner believes that his/her grasses or weeds are not a nuisance, he/she may request a hearing before the Town Board. The request for said hearing must be made in writing to the Town Clerk-Treasurer's office within the five (5) days set forth in the Weed Commissioner's notice. Upon application for the hearing, the property owner must deposit a One Hundred Dollar (\$100.00) bond. If a decision is rendered in the property owner's favor, the One Hundred Dollars (\$100.00) will be returned to the property owner. If the property owner fails to appear for the hearing or if the decision is rendered against the property owner, the deposit shall be forfeited and applied to the cost of Town personnel abating the nuisance, if necessary. When a hearing is requested by the owner of the property, a hearing by the Town Board shall be held within seven (7) days from the date of the owner's request. The property in question will not be mowed by the Town until such time as the hearing is held by the Town Board. At the hearing, the owner may appear in person or by his/her attorney, may present witnesses in his/her own behalf and may cross-examine witnesses presented by the Town as well as subpoena witnesses for his/her own case. At the close of the hearing, the Town Board shall make its determination in writing specifying its findings, facts, and conclusions. If the Town Board determines that a public nuisance did exist, the Town Board shall order the Weed Commissioner to mow the property in question unless the property has been mowed by the owner within forty-eight (48) hours of the Town Board's decision. If the owner does not abate the nuisance within the described forty-eight (48) hours, the Weed Commissioner shall cause the same nuisance to be abated and cost in excess of the forfeited fee assessed accordingly.
- (g) **Option To Abate Nuisance.** In any case where the owner, occupant or person in charge of the property shall fail to cut his/her lawn, grass or weeds as set forth above, then, and in that event, the Town may elect to cut said lawn, grass or weeds as follows:
- (1) The written notice required in Subsection (e) shall inform said person that in the event of his/her failure to abate the nuisance within the prescribed time, the Town shall abate the same and the cost thereof shall be assessed to the property owner as a special charge.
 - (2) The Town shall cut or cause to be cut all grass and weeds from the subject's property and shall charge the expenses of so doing at a rate as established by resolution by the Town Board. The charges shall be set forth in a statement to the Town Clerk-Treasurer who, in turn, shall mail the same to the owner, occupant or person in charge of the subject premises. If said statement is not paid in full within thirty (30) days thereafter, the Town Clerk-Treasurer shall enter the charges in the tax roll as a special tax against said lot or parcel of land, and the same shall be collected in all respects like other taxes upon real estate.

Sec. 8-1-5 Regulation of Natural Landscapes.

- (a) **Natural Lawns Defined.** "Natural landscape" as used in this Section shall include common species of grass and wild flowers native to North America which are designed and purposely cultivated to exceed ten (10) inches in height from the ground. Specifically excluded in natural lawns are the noxious grasses and weeds identified in Section 8-1-5(e) of this Chapter. The growth of natural landscaping in excess of ten (10) inches in height from the ground surface shall be prohibited within the Town of Warren corporate limits unless a Natural Lawn Management Plan is approved and a permit is issued by the Town as set forth in this Section. Natural landscaping shall not contain litter or debris and shall not harbor undesirable wildlife, vermin or pests. [See also Section 8-1-4(b)].
- (b) **Natural Landscape Management Plan Defined.**
- (1) Natural Landscape Management Plan as used in this Section shall mean a written plan relating to the management and maintenance of a natural landscape which contains the street address or a legal description of the property where the proposed natural landscape is being requested, and which would exceed six (6) weeks, a statement of intent and purpose for the lawn, a detailed description of the vegetational types, plants and plant succession involved, and the specific management and maintenance techniques to be employed.
 - (2)
 - a. Property owners who wish to plant and cultivate a natural landscape must submit their written plan and related information to the Town. "Property Owner" shall be defined to include the legal title holder and/or the beneficial owner of any such lot according to most current Town records. Natural Landscape Management Plans shall only indicate the planting and cultivating of natural landscapes on property legally owned by the property owner.
 - b. Applicants are strictly prohibited from developing a natural landscape on any Town-owned property including street rights-of-way. This shall include at a minimum property located between the sidewalk and the street or a strip not less than ten (10) feet adjacent to the street where there is no sidewalk whether the area is under public or private ownership.
 - (3) Natural landscapes shall not be permitted within five (5) feet of the side or rear setback to an abutting property owner's land unless waived in writing by the abutting property owner on the side so affected. Such waiver is to be affixed to the Lawn Management Plan filed with the Town Clerk-Treasurer. Such waiver may be revoked, in writing, by the abutting property owner at a later time, a copy to be filed with the permittee and the Clerk-Treasurer.
 - (4) All drainage swales shall be free of plantings and maintained in accordance with Section 8-1-4 above. In addition, a five percent (5%) area exclusive of the setback area shall be left open for maintained paths. The setback area shall have a height of no more than eight (8) inches, excluding trees and shrubs.

- (5) Any subsequent property owner who abuts an approved natural landscape may revoke the waiver thereby requiring the owner of the natural landscape to remove the natural lawn that is located in the five (5) foot section abutting the neighboring property owner. Such revocation shall be put in writing and presented to the Clerk-Treasurer by the subsequent abutting property owner. Upon receiving the written request to revoke the original waiver, the Town Board shall contact the owner of the approved natural landscape and direct the owner to remove the natural landscape located in the ten (10) foot section abutting the neighboring property owner. The Town Board shall revise the approved Natural Lawn Management Permit accordingly. The owner of the approved landscape lawn shall be required to remove the five (5) foot section abutting the neighboring property owner within twenty (20) days of receipt of the written notification from the Town provided the notification is received sometime between May 1 and November 1. Property owners who receive notification from the Town between November 1 and April 30 shall be required to remove the ten (10) foot section abutting the neighboring property owner no later than May 20 following receipt of the notification.
- (c) **Application Process.**
- (1) Property owners interested in applying for permission to establish a natural landscape shall file an application with the Clerk-Treasurer. The completed application shall include a Natural Landscape Management Plan. Upon submitting a completed application, a fee as prescribed in Section 1-3-1 will be assessed by the Town. Upon receiving payment, copies of the completed application shall be mailed by the Town to each of the owners of record, as listed in the Office of the Town Assessor, who are owners of the property situated wholly or in part within three hundred (300) feet of the boundaries of the properties for which the application is made. If within fifteen (15) calendar days of mailing the copies of the complete application to the neighboring property owners the Town receives written objections from fifty-one percent (51%) or more of the neighboring property owners, the Town shall deny the application. Neighboring property owners shall be defined as all those property owners who are located within three hundred (300) feet of the proposed natural landscape site.
- (2) If the property owner's application is in full compliance with the Natural Landscape Management Plan requirements and less than fifty-one percent (51%) of the neighboring property owners provide written objections, the Town Board may issue permission to install a natural landscape. Such permit shall be valid for two (2) years. Permit renewals shall follow the procedures in this Section.
- (d) **Application for Appeal.** The property owner may appeal the Clerk-Treasurer's decision to deny the natural lawn permit request to the Town Board at an open meeting. All applications for appeal shall be submitted within fifteen (15) calendar days of the notice of denial of the Natural Lawn Management Plan. The decision rendered by the Town Board shall be final and binding.

- (e) **Prohibited Plant Species.** The following noxious grasses or weeds will not be allowed in a natural landscape area:

Common Name(s)	Latin Name(s)
Buckthorn	Rhamnus Cathartica
	Rhamnus Frangula
Burdock (Yellowdock)	Artium Lappa
Field Bindweed (Wild Morning Glory)	Convolvulus Arvensis
Garlic Mustard	Alliaria Petiolata
Goatsbeard (Oyster Plant, Salsify)	Tragopogon Porrifolius
Leafy Spurge	Euphorbia Esula
Marijuana	Cannabis Sativa
Nettle	Urtica Dioica
Oxeye Daisy	Chrysanthemum Leucanthemu
Pigweed (Lambs Quarters)	Chenopodium Album
Pigweed (Amaranth)	Amaranthus Retroflexus
Poison Ivy	Rhus Radicans
Quackgrass	Bromus Brizaeformis
Ragweed (Common)	Ambrosia Artemisifoia
Ragweed (Great)	Ambrosia Trifida
Spotted Knapweed	Centaurea Maculosa
Thistle Bull	Cirsium Vulgare
Thistle Canada	Cirsium Arbense
Thistle Musk or Nodding	Carduus Nutans
Thistle Star (Caltrops)	Centaurea Calicitraba
Thistle Sow (Field)	Sonchus Arvensis
Thistle Sow (Common)	Sonchus Oleraceus
Thistle Sow (Spiny Leaved)	Sonchus Asper
Sweet Clover (Yellow)	Melilotus Officinalis
Sweet Clover (White)	Melilotus Alba
Yellow Mustard (Yellow Rocket (Winter Cress)	Barbarea Vulgaris
Japanese Bamboo	
Wild Mustard	

- (f) **Safety Precautions For Natural Grass Areas.**

- (1) When, in the opinion of the Fire Chief of the Department serving the Town of Warren, the presence of a natural landscape may constitute a fire or safety hazard due to weather and/or other conditions, the Fire Chief may order the cutting of natural landscapes to a safe condition. As a condition of receiving approval of the natural

landscapes permit, the property owner shall be required to cut the natural lawn within the three (3) days upon receiving written direction from the Fire Chief.

- (2) Natural landscapes shall not be removed through the process of burning unless stated and approved as one of the management and maintenance techniques in the Landscape Management Plan, and appropriate Town open burning permits have been obtained. The Fire Chief shall review all requests to burn natural landscapes and shall determine if circumstances are correct and all applicable requirements have been fulfilled to insure public safety. Burning of natural landscapes shall be strictly prohibited unless a written permit to burn is issued by the Fire Chief. The Fire Chief shall establish a written list of requirements for considering each request to burn natural landscapes, thereby insuring the public safety. In addition, the property owner requesting permission to burn the natural landscapes shall produce evidence of property damage and liability insurance identifying the Town as a party insured. A minimum amount of acceptable insurance shall be Three Hundred Thousand Dollars (\$300,000.00).

- (g) **Revocation Of An Approved Natural Landscape Management Plan Permit.** The Weed Commissioner, Building Inspector, Clerk-Treasurer or Town enforcement officer shall have the authority to revoke an approved Natural Landscape Management Plan Permit if the owner fails to maintain the natural landscape or comply with the provisions set forth in this Section. Notice of intent to revoke an approved Natural Landscape Management Plan Permit shall be appealable to the Town Board. All applications for appeal shall be submitted within fifteen (15) calendar days of receipt of the written Notice of Intent to revoke the approved Natural Landscape Management Plan. Failure to file an application for appeal within the fifteen (15) calendar days shall result in the revoking of the Natural Landscape Management Plan Permit. All written applications for appeal filed within the fifteen (15) calendar day requirement shall be reviewed by the Town Board in an open meeting. The decision rendered by the Town Board shall be final and binding.

- (h) **Public Nuisance Defined – Abatement After Notice.**

- (1) The growth of a natural landscape as defined in this Section shall be considered a public nuisance unless a Natural Landscape Management Plan has been filed and approved and a permit is issued by the Town as set forth in this Section. Violators shall be served with a notice of public nuisance by certified mail to the last-known mailing address of the property owner.
- (2) If the person so served with a notice of public nuisance violation does not abate the nuisance within ten (10) days, the Enforcement Officer may proceed to abate such nuisance, keeping an account of the expense of the abatement, and such expense shall be charged to and paid by such property owner. Notice of the bill for abatement of the public nuisance shall be mailed to the owner of the premises and shall be payable within ten (10) calendar days from receipt thereof. Within sixty (60) days after such costs and expenses are incurred and remain unpaid, the Clerk-Treasurer shall enter those charges onto the tax roll as a special tax as provided by state statute.

- (3) The failure of the Clerk-Treasurer to record such claim or to mail such notice or the failure of the owner to receive such notice shall not affect the right to place the Town expense on the tax rolls for unpaid bills for abating the public nuisance as provided for in this Section.
- (i) **Penalty.**
 - (1) Any person, firm or corporation which does not abate the nuisance within the required time period or who otherwise violates the provisions of this Section shall be subject to the general penalty found in Section 1-1-6.
 - (2) In addition to any penalties herein provided, the Town may issue stop work orders upon owners of lots where work is unfinished under a previously issued permit for any violation of this Section.

Sec. 8-1-6 Testing of Private Residential Wells.

- (a) **General Requirements.** The Town of Warren shall organize a procedure under which every private well within the Town boundaries will be tested at least once every four (4) years. Participation by residents in the well testing program shall be voluntary. One-fourth of the residential private wells within the Town of Warren will be selected for testing each year and offered the opportunity to have their well water tested by the Town of Warren.
- (b) **Notice and Authorization.** The residents chosen each year will be notified in writing of the Town's desire to test their well and will be requested to grant the Town of Warren permission to enter the property for the sole purpose of testing the well water.
- (c) **Scheduling.** After receipt of authorization to proceed, a representative of the Town shall contact the resident or property owner and arrange a mutually agreeable date for the testing of the well.
- (d) **Presence of Resident or Property Owner.** An adult resident or representative shall be present on the property at the time of well testing and shall inform the Town representative of any known conditions on the property which could present a danger to the health or safety of the representative while on the property. Such resident shall seek to minimize any such known dangers including the leashing of dogs or confining of any other animals on the property which could pose a threat to the representative.
- (e) **Test Type(s).**
 - (1) **Standard Test.** The standard test will be testing for the following substances/conditions:
 - a. Coliform bacteria.
 - b. Nitrates.
 - c. Acidity (pH).
 - d. Bicarbonate (alkalinity).
 - e. Calcium and magnesium (hardness).

- f. Chloride.
 - g. Dissolved minerals (conductivity).
 - h. Corrosivity index.
- (2) **Special Testing.** A limited number of properties will be selected each year for a more thorough test, which will test for the following substances:
- a. Pesticides (as found on the Minnesota Department of Agriculture List #1):
 - 1. Acetochlor (Harness/Surpass).
 - 2. Alachlor (Lasso).
 - 3. Atrazine (Aatrex).
 - 4. Deethylatrazine.
 - 5. Deisopropylatrazine.
 - 6. Dimethenamid (Frontier).
 - 7. Chlorpyrifos (Lorsban).
 - 8. Cyanazine (Bladex).
 - 9. EPTC (Eptam/Eradicane).
 - 10. Ethalfluralin (Sonalan).
 - 11. Fonofos (Dyfonate).
 - 12. Metolachlor (Dual).
 - 13. Metribuzin (Lexone/Sencor).
 - 14. Pendimethalin (Prowl).
 - 15. Phorate (Thimet).
 - 16. Propachlor (Ramrod).
 - 17. Prometon (Pramitol).
 - 18. Propazine (Milogard).
 - 19. Simazine (Princep).
 - 20. Terbufos (Counter).
 - 21. Triallate (Far-go).
 - 22. Trifluralin (Treflan).
 - b. Herbicides.
 - c. Volatile organic compounds.
- (f) **Notification of Results.** The Town of Warren shall maintain a copy of the testing results in its Town records. The Town shall supply each resident or property owner whose well was tested with a written copy of the test results.
- (g) **Costs.** All costs associated with this well testing program shall be borne by the Town of Warren.
- (h) **No Assumption of Liability.** In consenting to the testing of a well, the Town of Warren assumes no liability for remedying any unsafe condition revealed in the test results it obtains. The Town of Warren assumes no responsibility to notify the owner, resident or any occupant of the premises of the results of such tests except for its obligation to provide a written copy of the test results to the individual that authorized the test.

Title 8 ► Chapter 2

Pollution Abatement

- 8-2-1** Cleanup of Spilled or Accidentally Discharged Wastes
8-2-2 Storage of Polluting Substances

Sec. 8-2-1 Cleanup of Spilled or Accidentally Discharged Wastes.

- (a) **Cleanup Required.** All persons, firms, or corporations delivering, hauling, disposing, storing, discharging or otherwise handling potentially polluting substances, solid or liquid, such as, but not limited to, the following: fuel oil, gasoline, solvents, industrial liquids or fluids, milk, grease trap and septic tank wastes, sewage sludge, sanitary sewer wastes, storm sewer catch-basin wastes, oil or petroleum wastes, shall immediately clean up any such spilled material to prevent its becoming a hazard to health or safety or directly or indirectly causing pollution to the lakes and streams under the jurisdiction of the Town.
- (b) **Notification.** Spills or accidental release of hazardous materials or pollutants at a site or of a quantity or nature that cannot adequately be cleaned up by the responsible party or parties shall be immediately reported to the Fire Department so that assistance can be given by the proper agency.
- (c) **Financial Liability.** The party or parties responsible for the release, escape or discharge of wastes shall be held financially liable for the cost of any cleanup or attempted cleanup deemed necessary or desirable and undertaken by the Town, or its designated agent, in an effort to minimize the pollutional effects of the discharged waste.
- (d) **Reimbursement for Hazardous Material Emergency Action.**
 - (1) Any person who possessed or controlled a hazardous substance that was discharged or who caused the discharge of a hazardous substance shall reimburse the Town of Warren for actual, reasonable and necessary expenses incurred by the Town of Warren for any emergency action taken under, and consistent with, Sec. 166.22(3), Wis. Stats., whether such action be taken by the Town of Warren or another entity on its behalf or direction.
 - (2) Reimbursement as provided under Subsection (d)(1), above, will be accomplished as provided by Sec. 166.22(5), Wis. Stats., by the St. Croix County Board of Supervisors, or by local emergency government officials.
 - (3) Terms not defined above shall have the meaning referred to in Sec. 166.22(1), Wis. Stats.

Sec. 8-2-2 Storage of Polluting Substances.

It shall be unlawful for any person, firm or corporation to store any potentially polluting substances unless such substances are stored in such manner as to securely prevent them from escaping onto the ground surface and/or into any street, sewer, ditch or drainageway, lake or stream within the jurisdiction of the Town of Warren.

Title 8 ► Chapter 3

Recycling

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Sec. 8-3-1 Title and Purpose.

This Chapter is entitled the "Town of Warren Recycling Ordinance." The purpose of this Chapter is to promote recycling, composting and resource recovery, and to establish and implement a recycling ordinance pursuant to Sec. 159.11, Wis. Stats., and Ch. NR 544, Wis. Adm. Code.

Sec. 8-3-2 Authority.

The Town Board of the Town of Warren is a "responsible unit" as defined by Sec. 159.01, Wis. Stats. As such, the Town has the authority under Chapter 159 as well as pursuant to its Village powers under Sec. 60.10, Wis. Stats., to plan, develop, implement and operate an effective

recycling program within the Town. This Chapter is adopted as authorized under Sec. 159.09(3)(b), Wis. Stats., for recycling responsible units.

State Law Reference: Secs. 159.09(3) and 159.11, Wis. Stats.

Sec. 8-3-3 Rules of Construction.

In their interpretation and application, the provisions of this Chapter 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 Chapter may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this Chapter is required by Wisconsin Statutes, or by a standard in Ch. NR 544, Wis. Adm. Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and Chapter NR 544 standards in effect on the date of the adoption of this Chapter, or in effect on the date of the most recent amendment to this Chapter.

Sec. 8-3-4 Applicability.

The requirements of this Chapter apply to all persons within the Town of Warren.

Sec. 8-3-5 Administration.

The provisions of this Chapter shall be administered by the Warren Town Board or its designee.

Sec. 8-3-6 Definitions.

(a) The following definitions shall be applicable in this Chapter:

- (1) **Bi-Metal Container.** A container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.
- (2) **Container Board.** Corrugated paperboard used in the manufacture of shipping containers and related projects.
- (3) **Contractor.** The person, corporation or partnership performing recyclable materials collection and processing under this Chapter.
- (4) **Foam Polystyrene Packing.** 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.
- (5) **Garbage.** Discarded materials resulting from the handling, processing, preparation, storage, cooking, and consumption of food, and discarded animal feces.
- (6) **Hazardous Substance.** Any substance or combination of substances which may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or which may pose a substantial present or potential hazard to human health or the environment. This term includes, but is not limited to, pesticides and substances which are toxic, corrosive, flammable, irritants, strong sensitizers or explosives as determined by the Department of Natural Resources of the State of Wisconsin.
- (7) **HDPE.** High density polyethylene plastic containers marked by the SPI Code No. 2.
- (8) **LDPE.** Low density polyethylene plastic containers marked by the SPI Code No. 4.
- (9) **Magazines.** Magazines and other materials printed on similar paper.
- (10) **Major Appliance.** A residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, oven, refrigerator, stove, furnace, boiler, dehumidifier, water heater and microwave oven from which the capacitor has been removed.
- (11) **Medical Waste.** Infectious waste and those containers, packages, and materials that contain infectious waste or that are from a treatment area and are mixed with infectious waste.
- (12) **Mixed or Other Plastic Resin Types.** Plastic containers marked by the SPI Code No. 7.
- (13) **Multiple-Family Dwelling.** A property containing five (5) or more residential units, including those which are occupied seasonally.
- (14) **Newspaper.** A newspaper and other materials printed on newsprint.
- (15) **Non-Residential Facilities and Properties.** Commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.
- (16) **Office Paper.** High grade printing and writing papers from offices in non-residential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. This term does not include industrial process waste.
- (17) **Person.** Includes any individual, corporation, partnership, association, local governmental unit, as defined in Sec. 66.299(1)(a), Wis. Stats., state agency or authority or federal agency.
- (18) **PETE.** Polyethylene terephthalate plastic containers marked by the SPI Code No. 1.
- (19) **Plastic Container.** 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.

- (20) **Postconsumer Waste.** Solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in Sec. 144.61(5), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in Sec. 144.74(7)(1)1., Wis. Stats.
- (21) **PP.** Polypropylene plastic containers marked by the SPI Code No. 5.
- (22) **Producer.** The person whose ultimate use of a product results in solid waste being generated, whether recyclable or not.
- (23) **PS.** Polystyrene plastic containers marked by the SPI Code No. 6.
- (24) **PVC.** Polyvinyl chloride plastic containers marked by the SPI Code No. 3.
- (25) **Recyclable Materials.** Lead acid batteries; major appliances (including residential and commercial furnaces, boilers, dehumidifiers, water heaters and microwaves from which the capacitor has been removed); waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspapers; office paper; plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS and mixed or other plastic resin types; steel containers; waste tires; and bi-metal containers.
- (26) **Solid Waste** has the meaning specified in Sec. 144.01(15), Wis. Stats.
- (27) **Solid Waste Facility** has the meaning specified in Sec. 144.43(5), Wis. Stats.
- (28) **Solid Waste Treatment.** Any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste. "Treatment" included incineration.
- (29) **Waste Tire.** A tire that is no longer suitable for its original purpose because of wear, damage, or defect.
- (30) **Yard Waste.** Leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than six (6) inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

Sec. 8-3-7 Separation of Recyclable Materials.

- (a) **Recyclables to Be Separated from Postconsumer Waste Designated.** Occupants of single family and two (2) to four (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) Corrugated paper or other container board.

- (7) Magazines or other materials printed on similar paper.
 - (8) Newspapers or other materials printed on newsprint; junk mail..
 - (9) Office paper.
 - (10) Steel containers.
 - (11) Waste tires.
 - (12) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS and other resins or multiple resins.
 - (13) Glass containers.
 - (14) Bi-metal containers.
 - (15) Foam polystyrene packaging.
- (b) **Separation Requirements Exempted.** The separation requirements of Subsection (a) above do not apply to any occupants of the Town regarding the following:
- (1) Occupants of single family and two- to four-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 Subsection (a) from solid waste in as pure a form as is technically feasible.
 - (2) Solid waste which is burned as a supplemental fuel at a facility if less than thirty percent (30%) of the heat input to the facility is derived from the solid waste burned as supplemental fuel.
 - (3) A recyclable material of these occupants specified in Subsection (a) above for which a variance has been granted to the Town by the Wisconsin Department of Natural Resources under Sec. 159.11(2m), Wis. Stats., or NR 544.114, Wis. Adm. Code, or their successor provisions.

Sec. 8-3-8 Care of Separated Recyclable Materials.

To the greatest extent practicable, the recyclable materials separated in accordance with Section 8-3-7 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.

Sec. 8-3-9 Management of Lead Acid Batteries, Major Appliances, Waste Oil and Yard Waste.

Occupants of single family and two (2) to four (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:

- (a) Lead acid batteries shall be returned to suppliers in exchange programs.
- (b) Major appliances shall be received at hauler's clean-up sites at homeowner's expense or upon having them accessible to collection by hauler's vehicles by appointment.
- (c) Waste oil shall be taken to collection sites.
- (d) Yard waste shall be disposed of with compost or permitted burning. Brush may be bundled [not to exceed four (4) feet in length] and negotiated with a hauler for collection.

Sec. 8-3-10 Preparation and Collection of Recyclable Materials.

Except as otherwise directed by the Town Board, occupants of single-family and two (2) to four (4) unit residences shall do the following for the preparation and collection of the separated materials specified in Section 8-3-7(a):

- (a) Aluminum containers shall be flattened to make storage and transporting easier and put at roadside for collection by hauler.
- (b) Bi-metal containers shall be returned to their distributor.
- (c) Corrugated paper or other container board shall be flattened to three (3) x three (3) feet, bundled or tied, and put at roadside for collection by hauler.
- (d) Foam polystyrene packaging shall be disposed of as garbage for collection by hauler.
- (e) Glass containers shall be cleaned, separated by color, caps removed and disposed of, and placed at roadside for collection by hauler.
- (f) Magazines shall be disposed of as garbage for collection by hauler.
- (g) Newspaper shall be tied in bundles or placed in paper grocery bags and placed as roadside for collection by hauler.
- (h) Office paper shall be secured or bagged in grocery bags and placed roadside for collection by hauler.
- (i) Rigid plastic containers shall be prepared and collected as follows:
 - (1) Plastic containers made of PETE, including those with recycling number #1, only bottles with necks, shall be cleaned and placed at roadside for collection by hauler.
 - (2) Plastic containers made of HDPE, including those with recycling number #2, only bottles with necks, shall be cleaned and placed at roadside for collection by hauler.
 - (3) Plastic containers made of PVC, including those with recycling number #3, shall be disposed of as garbage.
 - (4) Plastic containers made of LDPE, including those with recycling number #4, shall be disposed of as garbage.
 - (5) Plastic containers made of PP, including those with recycling number #5, shall be disposed of as garbage.
 - (6) Plastic containers made of PS, including those with recycling number #6, shall be disposed of as garbage.
 - (7) Plastic containers made of other resins or multiple resins shall be disposed of as garbage.

- (j) Steel containers shall be flattened and labels removed (hard to flatten containers may be left intact) and placed as roadside for collection.
- (k) Waste tires shall be collected on the hauler's designated clean-up day(s) and disposed of at the owner's expense.

Sec. 8-3-11 Responsibilities of Owners or Designated Agents of Multiple-Family Dwellings.

- (a) Owners or designated agents of multiple-family dwellings shall do all of the following for recycling the materials specified in Section 8-3-7(a):
 - (1) Provide adequate, separate containers for the recyclable materials.
 - (2) Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
 - (3) 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.
 - (4) 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.
- (b) The requirements specified in Subsection (a) do not apply to the owners of designated agents of multiple-family dwellings if the postconsumer waste generated within the dwelling is treated at a processing facility licensed by the Wisconsin Department of Natural Resources that recovers for recycling the materials specified in Section 8-3-7(a) from solid waste in as pure a form as is technically feasible.

Sec. 8-3-12 Responsibilities of Owners or Designated Agents of Non-Residential Facilities and Properties.

- (a) **Requirements.** Owners or designated agents of non-residential facilities and properties shall do all of the following for recycling the materials specified in Section 8-3-7(a):
 - (1) Provide adequate, separate containers for the recyclable materials.
 - (2) Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.
 - (3) 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.
 - (4) 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.

- (b) **Exemptions.** The requirements set forth above 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 Wisconsin Department of Natural Resources that recovers for recycling the materials specified in Section 8-3-7(a) from solid waste in as pure a form as is technically feasible.
- (c) **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 Section 8-3-7(a) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

Sec. 8-3-13 Enforcement.

- (a) Any authorized officer, employee or representative of the Town Board or its contractors 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, solid waste disposal facilities and solid waste treatment facilities, and any records relating to recycling activities, for the purpose of ascertaining compliance with the provisions of this Chapter. No person may refuse access to any authorized officer, employee or authorized representative of the Town Board or its contractor who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.
- (b) Any person who violates a provision of this Chapter may be issued a citation by the Town Board or its designee 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 shall not preclude the issuance of a citation under this Subsection.
- (c) Penalties for violating this Chapter may be assessed as provided in Section 1-1-6.

Title 8 ► Chapter 4

Waste Treatment, Disposal and Storage

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Sec. 8-4-1 Title and Purpose.

The title of this Chapter is the Town of Warren Waste Treatment, Disposal and Storage Ordinance. The purpose of this Chapter is for the Town of Warren to regulate by permit and penalty the construction, maintenance, operation, closure, and long-term care of certain waste treatment, disposal, and storage facilities or sites in the Town of Warren.

Sec. 8-4-2 Authority.

The Town Board of the Town of Warren has the specific authority under Section 289.22, Wis. Stats., and the general authority under its village powers to adopt this Chapter.

Sec. 8-4-3 Adoption.

The Town Board of the Town of Warren, by adopting this Chapter, adopted on proper notice with a quorum and by majority vote of the Town Board, provides the authority for the Town of Warren to regulate and permit the construction, maintenance, operation, closure, and long-term care of certain waste treatment, disposal, and storage facilities or sites in the Town of Warren.

Sec. 8-4-4 Definitions.

In this Chapter, the following definitions shall be applicable:

- (a) **Solid Waste.** Any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded or salvageable materials, including liquid, solid, semi-solid, or contained gaseous materials resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include solids or dissolved materials in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permits under Chapter 283, Wis. Stats., or source material, as defined in Section 254.31(1), Wis. Stats., special nuclear material as defined in Section 254.31(11), Wis. Stats., or by-product material, as defined in Section 254.31(1), Wis. Stats.
- (b) **Solid Waste Facility.** A facility for solid waste treatment, solid waste storage, or solid waste disposal, and includes commercial, industrial, municipal, state, and federal establishments or operations such as, without limitation because of enumeration, sanitary landfills, dumps, land disposal sites, incinerators, transfer stations, storage facilities, collection and transportation services, and processing treatment and recovery facilities. "Solid waste facility" includes the land where the facility is located. "Solid waste facility" does not include a facility that uses large machines to sort, grade, compact, or bale clean wastepaper, fibers, or plastics, not mixed with other solid waste, for sale or use for recycling purposes. "Solid waste facility" does not include an automobile junkyard or scrap metal salvage yard. "Solid waste facility" does not include any facility exempt from Town regulation by State law or regulation, including certain demolition facilities.
- (c) **Solid Waste Disposal.** The discharge, deposit, injection, dumping, or placing of any solid waste into or on any land or water. This term does not include the transportation, storage, or treatment of solid waste.
- (d) **Solid Waste Treatment.** Any method, technique, or process that is designed to change the physical, chemical, or biological character or composition of solid waste, including incineration
- (e) **Solid Waste Storage.** The holding of solid waste for a temporary period, at the end of which period the solid waste is to be treated or disposed.
- (f) **Hazardous Waste.** Any solid waste identified by the Wisconsin Department of Natural Resources as hazardous waste under Section 291.05(1), (2), or (4), Wis. Stats.
- (g) **Hazardous Waste Facility.** A site or structure for the treatment, storage or disposal of hazardous waste and includes all of the contiguous property under common ownership or control surrounding the site or structure.
- (h) **Town.** The Town of Warren, St. Croix County, Wisconsin.
- (i) **Town Board.** The Board of Supervisors for the Town of Warren, St. Croix County, Wisconsin.
- (j) **Town Clerk-Treasurer.** The Clerk-Treasurer of the Town of Warren.

- (k) **Wisconsin Statutes (Wis. Stats.).** The State of Wisconsin Statutes, including successor provisions to cited statutes.

Sec. 8-4-5 Coverage; Permit Requirement.

- (a) **Permit Requirement.** No person may construct, operate, maintain, close, or provide long-term care of any solid waste facility or hazardous waste facility in the Town without a permit issued by the Town Board under this Chapter.
- (b) **Local Approval Standard.** The permit under this Chapter shall be considered a local approval, as defined in Section 289.33(3)(d), Wis. Stats., subject to the requirements of Section 289.22, Wis. Stats.
- (c) **Permit Fees.** The permit application fees shall be established by action of the Town Board. The permit shall be issued by the Town Board prior to any person commencing any form of construction, operation, maintenance, closure, or long-term care of any facility or site in the Town that is subject to this Chapter.

Sec. 8-4-6 Permit Application.

The application for the Town permit under this Chapter shall designate and describe the legal premises to be used by the permitted person for the proposed use, site, or facility. The permit may not be amended if the person significantly changes the premises for which the permit has been issued in the Town. The permit is not transferable from one person to another. The application for the permit shall, at a minimum, contain the following:

- (a) The name of the applicant and the name of the agent for the applicant, if any.
- (b) The address of the applicant.
- (c) The address and legal description of the premises for the facility or site and the current owner of the premises.
- (d) The age of the applicant, if a natural person not over the age of eighteen (18) years.
- (e) The type and use of the facility or site to be constructed, operated, maintained, closed or provided with long-term care at the premises.
- (f) The length of time in years for construction of the facility, if applicable.
- (g) All local approvals, licenses, or permits necessary for the applicant to obtain for the facility prior to any construction, maintenance, operation, closure and/or long-term care.
- (h) All federal, county and state approvals, licenses, or permits necessary for the facility premises, if any.
- (i) The proposed length in years of operational time for actual disposal, treatment, or storage operations at the facility.
- (j) The current and proposed zoning and land use plan for the facility premises, if any.

- (k) The projected amount, type, and source of solid waste or recyclable material to be disposed, stored, or treated at the facility on an annual basis.
- (l) The projected type, source, and amount of hazardous or toxic waste to be stored, treated, or disposed of at the facility on an annual basis.
- (m) Copies of all feasibility reports and plan of operations submitted or to be submitted to the Wisconsin Department of Natural Resources.
- (n) The financial security projected to be provided by the applicant to insure compliance with the permits as issued and with any other approvals.
- (o) Any public nuisance or threats to the public health or safety known by the applicant located at or near the proposed or current waste location.
- (p) Any other information regarding the construction, operation, closure or long-term care of the facility requested by the Town in the application form or through subsequent communications.

Sec. 8-4-7 Exemptions.

All of the following facilities, sites, or uses in the Town are exempt from this Chapter:

- (a) A facility or site under Section 289.43(5), Wis. Stats., used for the collection of recyclable material or for the dumping for disposal of waste, including garbage or refuse, on the property where it is generated from a single-family or household in the Town, a member of which is the owner, occupant, or lessee of the property; provided that any such waste, garbage, refuse or recyclable material to be disposed or collected in the Town is placed in a suitable dumpster or container, or is stored in another way as not to cause a public or private nuisance.
- (b) The use of sanitary privies and what are commonly known as seepage beds, holding tanks, or septic tanks that conform to applicable ordinances of the Town.
- (c) The discharge of human waste products into any public sewage system located within the Town, or of the landspreading of human waste products on lands in the Town.
- (d) A farm facility on which only animal waste, resulting from the operation of that farm, is disposed at the facility.
- (e) Any dumping or disposal operation, any storage, treatment, dump, or disposal site, or any recyclable material facility directly under the direction and control of the Town.
- (f) Any existing waste facility or site operating upon the original effective date of this Chapter with the current waste uses or activities at the facility or site that may or may not be subject to any pre-existing Town ordinance. Any new waste, storage, disposal, or treatment uses or activities, after the effective date of this Chapter, or any expansion of the capacity of the facility or site, after the effective date of this Chapter, shall be subject to this Chapter.
- (g) Any demolition or other waste facility, including any landspreading of wood, ash, or sludge site exempt under Section 289.43, Wis. Stats.

- (h) Any alcohol fuel production system exempt under Sec. 289.44, Wis. Stats.
- (i) Any fruit and vegetable waste facility exempt under Sec. 289.445, Wis. Stats.
- (j) Any recyclable material collection facility approved for collection or processing operations by the County, Town or any responsible unit under Section 287.09, Wis. Stats.
- (k) Any solid waste facility or hazardous waste facility or site that was permanently closed prior to the effective date of this Chapter.
- (l) Any solid waste or recyclable material collection container or dumpster for solid waste and recyclable material disposal and collection used by the public that is provided by any federal, state, county, or Town agency; provided, however, that any waste, garbage, refuse, or recyclable material to be disposed or collected in the Town is placed in a suitable container or dumpster, or is stored in another way as not to cause a public or private nuisance.
- (m) Any solid waste collection container or dumpster for solid waste and recyclable material, disposed and collected by the public provided by any person in the Town, provided, however, that any waste, garbage, refuse, or recyclable material to be disposed or collected in the Town is placed in a suitable dumpster, container, or is stored in another way as not to cause public or private nuisance.
- (n) Any open container or other system used to burn non-toxic or non-hazardous material in a lawful manner and as not to cause a public nuisance in the town.

Sec. 8-4-8 Specific Permit Provisions.

- (a) No person shall be issued or reissued a permit in the Town under this Chapter until the appropriate application fee has been paid by the applicant to the Town Clerk-Treasurer.
- (b) No person shall be issued or reissued a permit under this Chapter who has failed to properly and fully comply and submit to the Town Clerk-Treasurer complete and truthful response on the application form developed and provided by the Town.
- (c) No person shall be issued or reissued a permit in the Town under this Chapter, and any permit may be revoked or suspended after a public hearing by the Town Board, if the facility applicant or the permittee fails to do any of the following:
 - (1) Obtain and maintain for a proposed or existing facility or site all necessary approvals, licenses, or permits from the Town, county, and state and federal agencies.
 - (2) Comply with all conditions and restrictions attached by the Town Board to the permit issued under this Chapter by the Town Board.
 - (3) Timely prevent or timely limit specific public nuisances or potential threats to the public health and safety at or adjacent to the facility caused by the applicant or permittee at or near the existing site or facility upon notice of such public nuisance or threats by the Town Board.
- (d) The Town Board may, in order to prevent public nuisances, to protect the public health, and to protect the environment in the Town, require specific conditions or restrictions to be

attached to any permit issued by the Town Board under this Chapter. These conditions or restrictions, if applicable, shall be complied with during the construction, operation, maintenance, closure, and long-term care operations of the facility or site by the permittee or applicant.

Sec. 8-4-9 Penalty Provisions.

Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this Chapter shall, upon conviction, pay a forfeiture as prescribed in Section 1-1-6 of this Code of Ordinances, plus the applicable surcharges, assessments and costs for each violation. Each day a violation exists or continues shall be considered a separate offense under this Chapter. In addition, the Town Board may seek injunctive relief from a court to enjoin further violations.