

Chapter 2

Health and Sanitation

6-2-1	Mining and Reclamation
6-2-2	Solid Waste Disposal Licenses

Sec. 6-2-1 Mining and Reclamation.

- (1) **Purpose.** This Section is to promote the public health, safety, comfort, convenience, prosperity and general welfare of the Town of Westport, to encourage the most appropriate and efficient use of land throughout the Town of Westport, to preserve and increase the amenities of the Town of Westport and to promote conservation of land throughout the Town of Westport.
- (2) **Mining.** The extraction, excavation or grading of sand, gravel, sod, earth or other material from the land for any purpose in the amount of four hundred (400) cubic yards or more shall be mining. In the Town of Westport, the conduct of mining shall be permitted only upon issuance of a conditional use permit by the Building Inspector of the Town of Westport to the owner of the land upon which said mining is to be conducted. As a condition precedent to the issuance of said permit, the owner of the land upon which such mining is to be conducted shall furnish to and receive approval from the Building Inspector of a plan in writing which shall provide that all excavations, open cuts, side slopes, and other land surface disturbances are to be mulched, seeded, sodded or otherwise protected so that erosion, siltation, sedimentation and washing will not adversely affect the adjacent and surrounding land, or lakes, streams or watercourses in the area.
- (3) **Reclamation.** The process by which four hundred (400) cubic yards or more of fill is to be deposited so as to elevate the grade of any land for any purpose shall be land reclamation. In the Town of Westport, the conduct of land reclamation shall be permitted only by issuance of a conditional use permit by the Building Inspector of the Town of Westport to the owner of the land upon which the reclamation is to be conducted. As a condition precedent to the issuance of said permit, the owner of the land which is to be reclaimed shall furnish to and receive approval from the Building Inspector of a finished grade plan in writing which shall specify the type or types of fill to be used and which shall also provide for a program of erosion

control so that the land reclamation will not adversely affect the adjacent and surrounding land, or lakes, streams or watercourses in the area.

- (4) **Violations.** If, after the Building Inspector approves a plan pursuant to Subsections (b) or (c), the owner of the lands involved fails to follow said approved plan, the Building Inspector may implement said approved plan, and the Town of Westport shall recover from said owner the reasonable costs and expenses incurred by the Town of Westport in so implementing said plan, and said owner shall also pay to the Town of Westport any damage resulting to the Town of Westport because of said owner's failure. In addition to the foregoing, the owner of lands upon which mining or reclamation activities are conducted who fails to obtain the conditional use permit required by this Section, or who fails to follow an approved plan submitted as a condition for the issuance of said conditional use permit, shall be subject to a forfeiture pursuant to Section 1-1-6. Each day of violation of this Section shall constitute a separate violation.

Sec. 6-2-2 Solid Waste Disposal Licenses.

- (1) **Purpose.** The purpose of this Section is to regulate the disposal of waste, garbage, refuse and sludge by individuals, corporations, and municipalities within the Town of Westport. Because of the possible danger to the health, safety and welfare of the public, such disposal within the Town shall be permitted only under the terms and conditions of this Section.

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- (2) **Definitions.** The following definitions shall be applicable in this Section:
- (1) **Disposal.** Includes, but is not limited to, unloading, throwing away, discarding, emptying, abandoning, discharging, burning or burying waste, garbage, refuse or sludge on, into or under any property or lands, whether publicly or privately owned, within the Town of Westport.
 - (2) **Waste.** Garbage, refuse and all other discarded or salvageable material, including materials resulting from industrial, commercial and agricultural operations and from domestic use and public service activities.
 - (3) **Garbage.** Discarded material resulting from the handling, processing, storage, preparation, serving and consumption of food.
 - (4) **Refuse.** Combustible and noncombustible discarded material, including, but not limited to, trash, rubbish, paper, wood, metal, glass, plastic, rubber, cloth, ashes, litter and street rubbish, industrial waste, dead animals, mine tailings, gravel pit and quarry spoils and material and debris resulting from construction or demolition.
 - (5) **Sludge.** Sewage treatment residue in any form whatsoever, whether solid, semisolid or liquid, that has been processed or treated in any way, form or manner. It does not include septage to be spread on land as defined and regulated by Sec. 146.20, Wis. Stats.
 - (6) **Municipality.** Any city, Town, town or county, or other local government entity.
- (3) **Permit Required.** Except as expressly permitted in Subsection (d), no person, corporation or municipality shall dispose of waste, garbage, refuse or sludge within the Town of Westport unless a permit to engage in such dumping or disposal is first obtained from the Town under the conditions prescribed herein.
- (4) **Exceptions to Regulations.** The following are not within the scope or meaning of this Section:
- (1) Sites used for disposal of waste, garbage or refuse from a single family or household, a member of which is the owner, occupant or lessee of the property, provided, however, that such waste, garbage or refuse is placed in suitable containers or stored in such other way as not to cause a public or private nuisance.
 - (2) The use of sanitary privies and what are commonly known as seepage beds or septic tanks which conform to applicable ordinances of the Town or the discharge of human waste products into any public sewage system located within the Town.
 - (3) A farm on which only animal waste resulting from farming operations is disposed of.
 - (4) Any waste disposal operation under the direction and control of the Town.
- (5) **General Regulations.** Persons or municipalities permitted to engage in disposal operations in the Town of Westport are subject to the following regulations:

- (1) The disposal operations must be conducted in such a way as not to constitute a public or private nuisance.
- (2) The disposal operations are permitted only in the agriculturally or industrially zoned areas as set forth in the official zoning map of Dane County and be consistent with Town ordinances and master plans.
- (3) Persons or municipalities engaged in dumping or disposal operations must conduct the operations in such a way that dust, dirt, debris or other materials or substances will not be carried by wind or water across the boundary of the parcel of land being used for the operations.
- (4) A covering which meets standards established by the Wisconsin Department of Natural Resources shall be placed over all of the area used for the disposal operation within a reasonable time, not to exceed ten (10) days, after the disposal occurs. The covering must be done so as to make the area covered compatible with the surrounding and adjacent property in such a way as not to substantially depreciate property values within the immediate area unless property owners have been previously compensated for the loss.
- (6) **Permit Application.** An application shall be filed with the Town Clerk/Treasurer at least thirty (30) days before a public hearing is held. The application and accompanying information shall be followed by a sworn statement that they are true and factual. The information to be provided shall include:
 - (1) Name, address and telephone number of the applicant.
 - (2) Location, current owners and legal description of the site of the proposed facility.
 - (3) Names, addresses and telephone numbers of any persons who will represent the applicant.
 - (4) Copies of available site reports, feasibility reports, engineering plans or other documents filed or to be filed with the Department of Natural Resources or the U.S. EPA that are related to the proposed facility.
 - (5) A plan for construction, operation, maintenance, closure and long-term care of the proposed facility that describes the size, capacity and other features of the site and its proposed future.
 - (6) A plan for financial, legal and environmental protection of the Town government, its employees and agents and for current and future residents living within one (1) mile of the facility.
 - (7) Proposed traffic patterns to and from the proposed facility and for roadway usage for access to the site.
 - (8) Copies of current financial statements or other financial information.
- (7) **Public Hearing Requirements.**
 - (1) A public hearing will be held at which the Town Board will invite all interested parties from the Town and the applicant to provide information as to:

1. The need for the permit;
 2. Positive and negative potential effects of the proposed facility on the Town and its residents; and
 3. The probability of reasonable compliance by the applicant with the general regulations of this Section. The hearing will be of an informational nature of the Town Board.
- (2) The hearing will be held under the following conditions:
1. A Class 3 notice as prescribed by statute will be given.
 2. The cost of publication of such notice will be deposited in advance by the applicant.
 3. The hearing will be held on the date specified in the notice or on any adjourned date.
- (8) **Application Fee and Costs.** An application for a permit for a solid waste facility shall be filed with the Town Clerk/Treasurer in writing. The initial application fee of Five Thousand Dollars (\$5,000.00) shall accompany the application, unless waived or reduced by the Town Board. In addition, the Town Board may charge the applicant an additional fee to reimburse the Town for attorneys' fees and experts' fees related to the application process. The total application fees, both initial and subsequent, shall not exceed Twenty Thousand Dollars (\$20,000.00) for any application.
- (9) **Bond; Inspections; Revocation of Permit.**
- (1) ***Bond.***
1. A permit under this Section shall not be effective unless there is on file with the Town Clerk/Treasurer a cash bond or a bond with a corporate surety duly licensed in the State of Wisconsin in the penal amount of One Hundred Thousand Dollars (\$100,000.00). The bond is to assure that the applicant will comply with all the provisions of this Section and will save harmless, indemnify and defend the Town, its officers, its representatives and its agents from any expenses or costs incurred through action of the applicant with regard to the facility.
 2. If any provision of this Section is in violation or if the disposal plan is not carried out, the Town shall have the right to revoke the disposal permit after a public hearing and, if necessary, to obtain a court order terminating such operation. If the owner of the land does not cover the disposal area in accordance with the disposal plan, the Town Board shall have the right to correct the violation and to charge the expense against the bond.
- (2) ***Inspections.*** The applicant for a disposal permit, in making the application, grants to the Town the right to go on the land for necessary inspections at

any time and to carry out the disposal plan if the owner or occupant of the land fails to do so after reasonable notice is given.

- (3) **Issuance.** The application for a permit shall be processed within ninety (90) days of the receipt of a completed application accompanied by full documentation and required bond. It shall be issued if the Town Board is satisfied that there has been and will be reasonable compliance with the conditions of this Section.
- (4) **Revocation.** The permit, once issued, may be revoked after public hearing upon a published Class 1 notice by the Town at any time if any of the conditions upon which it was issued or any terms of this Section are violated.
- (10) **State Law Applicability.** Nothing contained herein shall be deemed to limit or restrict the application of any state law or administrative regulation of any state agency regulating the subject of this Section.
- (11) **References.** References within this Section to the term "person," "anyone," or like references shall be deemed to refer to a person, a sole proprietorship, a partnership, a corporation, a municipal corporation and also a responsible member or a responsible officer or a responsible managing agent of any single proprietorship, partnership or corporation unless the context clearly indicates otherwise.