

Town of Little Black, Taylor County, Wisconsin

**CHAPTER 40 Health & Safety**

**Section 42.00 ORDINANCE: Landfills**

**A. PREAMBLE**

The purpose of this subchapter is to promote the health, safety, prosperity, aesthetics and general welfare of the people and communities within the Town and set forth the rules and procedures for this municipality regarding landfills within the Town.

**B. INTENT.**

The general intent of this subchapter is to regulate the location, construction, installation, alteration, design and use of all private landfills so as to protect the health of residents and transients; secure safety from disease and pestilence; further the appropriate use and conservation of land and water resources; preserve and promote the administration and enforcement of this subchapter and provide penalties for its violations.

**C. INTERPRETATION.**

In their interpretation and application, the provisions of this subchapter shall be held to be minimum requirements and shall be liberally construed in favor of the Town and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

**D. WASTE DISPOSAL.**

- (1) Junkyards, dumps and landfills of any forms are allowed only as provided for in this section. No permit shall be issued for such landfill use unless the applicant has first obtained all State, County and DNR permits required under applicable Wisconsin statutes or administrative codes.
- (2) After the applicant has first obtained all relevant State, County and DNR Permits, as set forth above, the applicant shall apply for a Town permit for a Landfill prior to the start of work on any structure or facility.
- (3) The Town Board shall be the sole determining body of whether to issue the permit, after a public hearing has been held with notice given by US Mail to all adjoining landowners to the proposed landfill. The Town Board shall grant the permit if it is determined that the landfill is in the best interests of the citizens of the Town.

**E. PROCEDURES.**

- (1) After getting all relevant landfill permits from the State, County and DNR, the applicant shall complete a Town of Howard Landfill Permit Application and pay the relevant applicant fee.
- (2) After receiving the application, the Town Clerk shall mail a copy of the application to all adjoining landowners to the proposed landfill site and the date and time of the next Town Meeting where the Town Board shall have a public hearing with public comment on the proposed landfill.
- (3) The Clerk shall then place the application on the agenda for the next Town Meeting.
- (4) At the Town Meeting, the Board shall take public comment on the proposed landfill prior to deciding whether the landfill meets the requirements of all State, County and DNR requirements and whether the landfill is in the best interests of the citizens of the Town.
- (5) All required fees shall be paid prior to the Town Hearing on the issuance of the Town permit. All fees are nonrefundable.

#### **F. FARM ANIMAL EXCLUSION.**

Nothing in this ordinance shall apply to the disposal of farm animals by those citizens of the Town who are actively engaged in farming operations.

#### **G. EFFECTIVE DATE.**

This ordinance shall take effect upon passage and publication.

#### **H. ENFORCEMENT AND PENALTIES.**

Any violation of this ordinance shall be punishable by a forfeiture of not less than \$100 nor more than \$500 per day for every day in violation of this ordinance, plus the costs of prosecution for each and every violation. The Town's Attorney shall expeditiously prosecute all such violators. Each day of violation shall constitute a separate offense.

Adopted this 6<sup>th</sup> day of Nov. 2009.

The Town of Little Black, Taylor County

Town Chairman

Town Supervisor

Town Supervisor

*Daniel Hoffman*

*Bryan Johnson*

*Allen Bessis*

Attest:

*Jane Smith*

Town Clerk