

Deposits shall be made in cash, money order or certified check to the County Clerk of Court or other established court officers who shall provide a receipt therefor.

The following persons may issue, serve or have served citations for the Town with respect to the ordinances.

- 1.) Town Chair
- 2.) Any other Town Supervisor
- 3.) Any person designated by the Town Board to issue, serve or have served these citations.

No citation may be issued without the approval and signature of at least two (2) of the above noted Town Board officers of the Town. The town officer that issues and serves or has served the citation shall be responsible to attach the appropriate court costs and surcharges to the deposit to the citation. Service of the citation may be by personal service or by first class mail to last known address.

Sec. 66.119(3), Wis. Stats., or its successor provision relating to options and procedures for alleged violation on default is hereby adopted by the ordinances and incorporated by reference.

1.21 PERMITTING

No person may engage in the use, operation or business of collecting solid waste or recyclable material for consideration within the Town without being licensed or permitted by the DNR under NR 502.06 Wis. Adm. Code or its successor provision.

No person may engage in the use, operation or the business of collecting solid waste, hazardous waste, recyclable material or other material noted in 1.25 for consideration within the Town without being permitted by the Town pursuant to this ordinance. This required Town recyclable material collection permit requirement shall include any persons contracted by the Town to provide for recyclable material collection services for the Town and for its occupants. The Town recyclable material collection permit shall be obtained and maintained as noted in s. 1.39.

1.22 ANTI-SCAVENGING OR UNLAWFUL REMOVAL OF RECYCLABLE MATERIALS

No person, unless under contract with the Town, unless under permit by the Town Board or unless provided written permission by the Town Board, may collect or remove any recyclable material that has been deposited or placed for recyclable material collection by any occupant of the Town at the curb or roadside, at any "green box" recyclable material collection locations or at any other locations in the Town approved by the Town Board for recyclable material collection. This provision shall not apply to any occupant

who has placed recyclable material for recyclable material collection and then withdraws it from recyclable material collection prior to collection.

1.23 RECYCLABLE MATERIAL/SOLID WASTE FROM OUTSIDE THE TOWN

No person, unless provided written permission by the Town Board, may deposit or place for recyclable material collection by the Town or its contractor at any location in the Town, any recyclable materials, wastes, or other materials, where these recyclable materials, wastes, or other materials have been generated from sources outside the Town.

This provision shall not apply to any recyclable material that is clean, of marketable quality and not contaminated, properly placed on public or private land by any person in any authorized recyclable material containers established for and approved by the Town Board for general public deposit of recyclable material.

1.24 NO DUMPING OF RECYCLABLE MATERIALS

A. No person, unless provided written permission by the Town Board, may litter, dispose, discharge or dump any recyclable material in any road, highway, road right-of-way, waters, street, alley or other public land or location, within the Town unless it is deposited or placed properly for collection in the proper bags, bins, receptacles or containers in the proper manner, date, time and location specified in this ordinance or as authorized and specified by the Town Board. This provision shall not apply to any recyclable material, clean, of marketable quality and not contaminated, properly placed on public land or private land in the Town by any person in any authorized recyclable material containers established for an approved by the Town Board for general public deposit of recyclable material.

B. No person, unless provided permission by the owner or occupant of the land, shall litter, dispose, discharge or dump any recyclable material on private land.

C. No persons shall litter or permit any recyclable material to be thrown from a vehicle operated by that person in the Town.

1.25 NO BURNING OR BURYING

No person, unless with written approval of the DNR or unless provided written permission by the Town Board, may burn or otherwise treat or bury for disposal or treatment any separated recyclable material on any public or private land in the Town except that open burning by occupants of the Town of clean wood and paper products generated by those occupants of the Town and where not separated for recycling by those occupants shall be permitted.

1.26 NON-COLLECTABLE MATERIALS

A. No person, unless provided written permission by the Town Board, may deposit or place for any recyclable material collection by the Town or by its contractor, at any location in the Town any of the following recyclable materials, wastes, residuals, and other materials:

- (1) hazardous wastes, including household hazardous wastes
- (2) toxic wastes
- (3) free liquid in any containers, including paints and solvents
- (4) pesticides, excluding non-agricultural pesticide containers if properly cleaned, not contaminated, and if approved by the Town Board for separation and for recyclable material collection.
- (5) medical wastes
- (6) asbestos
- (7) sludge wastes
- (8) industrial or commercial wastes from any industrial or commercial facility or operation
- (9) waste from pollution control equipment
- (10) residue and debris from clean-up of a chemical discharge or chemical residue and debris from any facility or operation using chemicals in any commercial, agricultural or industrial processes
- (11) ash waste
- (12) hazardous and toxic demolition and construction wastes and demolition and construction wastes containing asbestos
- (13) bio-medical wastes
- (14) septage (human or otherwise) wastes
- (15) animal fecal wastes
- (16) dead animals
- (17) brush or trees
- (18) wood treated with chemical preservatives
- (19) explosive material
- (20) contaminated recyclable material as determined by the Town Board or its contractor

B. No person may in any recyclable material collection knowingly collect for the Town any of the above noted wastes, materials, contaminated recyclable materials and any other recyclable materials which are not of marketable quality or which are placed for recyclable material collection in a contaminated condition, unless provided written permission by the Town Board. This prohibition shall apply to any contractor for the Town.

1.27 PLACEMENT RESTRICTION

No persons, unless provided written permission by the Town Board or unless they are occupants of a single family or two (2) to four (4) unit residence in the Town, may deposit or place for recyclable material collection in the Town any recyclable material at

any "green box" recyclable material collection facility owned or operated by or for the Town or deposit or place any recyclable material at any curbside or roadway location established for recyclable material collection by the Town or its contractor.

1.28 REPORTING REQUIREMENTS

Any person permitted by or contracted by the Town to collect for consideration, any recyclable material for the Town or other persons in the Town shall be required as a provision of the contract or as a condition of the Town recyclable material collection permit to maintain appropriate records for the Town and to report in writing to the Town Clerk at least annually by February 1st of each year sufficient and accurate information and data related to the amount, weight and type of recyclable material, waste and other material collected by the contractor or by the permittee in the Town for the Town or for any occupants in the Town in the previous calendar year. The information and data to be provided shall be sufficient in detail to allow the Town to meet the recyclable material collection, compliance and data requirements established for the Town in NR 544 Wis. Adm. Code or its successor chapter. The annual reports may, at minimum, specifically require from the contractor or permittee:

- (1) the amount, weight and type of recyclable material, waste and other material collected in the Town for the Town or for other occupants in the Town.
- (2) the amount, weight and type of recyclable material processed or marketed for the Town or for other persons and the amount, weight and type of recyclable material for the Town or for other occupants in the Town rejected for processing or marketing. This shall include weight slips.
- (3) the amount, weight, type and final disposal or treatment location for any recyclable material, contaminated recyclable material, waste or other material collected in the Town for the Town or for other occupants which was later disposed or treated in any solid waste disposal facility or solid waste treatment facility.

In addition, each contractor of the Town may be required as a provision of its contract and its permit to file, unless waived in writing by the Town Board, with the Town Clerk, a written quarterly report related to the amount, type and weight of recyclable materials collected for the Town by the contractor for the preceding three (3) calendar months. This report shall be filed with the Town Clerk within fifteen (15) days after the end of the three (3) month term period with the first report due by April 15th. This report shall specifically include amounts, types and weights for newspapers corrugated paper, magazines, aluminum containers, steel and bi-metal containers, plastic containers, glass containers and foam polystyrene packages. This may include weight slips and a statement identifying how recyclable materials are processed and marketable and what if any material was rejected for processing.

Failure by any contractor of the Town or any person with a Town recyclable material collection permit to file the above noted information, data and reports with the Town Clerk in an accurate and timely manner shall be cause for the Town Board to seek enforcement or penalties, to revoke any permit and/or terminate any contract with the contractor or permittee.

1.29 OWNERSHIP OF RECYCLABLE MATERIAL

Any recyclable material, waste or other material not rejected by the Town, its employees, agents or by any of its contractors in its recyclable material collection at any Town "green box" recyclable material collection facility, unless previously rejected by the Town, its employees, its agents or by any of its contractors, upon its placement by an occupant in the recyclable material collection bins or containers, shall become the property of the Town, unless the Town has a contract to the contrary with its contractors.

The recyclable material, waste, or other material deposited for collection by the Town or its contractor at any curbside or roadside collection location, shall, upon its collection by any contractor of the Town, become the property of the contractor unless the Town has a contract to the contrary with its contractors.

1.30 RECYCLABLE MATERIAL COLLECTION SCHEDULE

A. The Town Board may establish the dates and times of authorized placement and collection for recyclable materials, wastes or other materials where these materials or wastes are to be collected in the Town by the Town, by any contractor of the Town or by any permitted collector of the Town. The Town Clerk shall publish a notice in the official newspaper or by other means established by the Town Board of the collection schedule with these notices to be provided annually at least once before April 1st and at any other time when the recyclable material collection schedule is changed by the Town Board.

B. No person, including any contractor of the Town, or any permitted collector, unless provided written permission by the Town Board, may collect, for consideration in the Town, any recyclable material between the times noted below. This collection restriction provision shall include recyclable materials to be collected from multi-family dwellings and non-residential facilities and properties.

1.) Between 10:00 p.m. and 5:00 a.m.

1.31 SPECIFIED CONTAINERS/SPECIFIED LOCATIONS, TIMES AND DATES FOR COLLECTION

A. No person, unless provided written permission by the Town Board, may deposit or place for recyclable material collection, by the Town or its contractors for curbside or roadside collection or for collection at a "green box" recyclable material collection facility, any recyclable material in bags or bins that exceed forty (40) gallons of volume per bag or fifty (50) pounds per bag. No persons shall deposit or place these bags or bins for

collection unless these bags are properly fastened and unless the recyclable materials are properly contained and placed within the bags and within the bins to avoid any littering.

B. No person, unless provided written permission by the Town Boards, may deposit or place the bags, bins and the recyclable materials for recyclable material collection by the Town or its contractor unless these bags, bins and the recyclable materials are either placed within recyclable materials bins located at the proper curbside or roadside collection locations or these bags and the recyclable materials are properly placed within the proper "green box" recyclable material collection containers located at the proper "green box" recyclable material collection facility locations.

C. No person may deposit or place for recyclable material collection by the Town, or its contractors, unless provided written permission by the Town Board, any bags, bins, any recyclable materials or other wastes and materials at any location in the Town for curbside or roadside recyclable material collection by the Town or its contractor at any time prior to twenty four (24) hours from the regularly scheduled collection time. No persons shall allow such bags, recyclable materials or other waste and materials to remain at the curbside or roadside location in the Town longer than twelve (12) hours after the regularly scheduled collection time. No person may place or deposit for recyclable material collection any recyclable material for collection by any permittee of the Town in the Town unless in compliance with these provisions.

D. No person may deposit or place for recyclable material collection by the Town or its contractors, unless provided written permission by the Town Board, any bags, bins, any recyclable materials, or other wastes and materials for curbside or roadside recyclable material collection at any location in the Town except at locations next to the Town right of way on the premises owned or occupied by that person. No persons shall place or deposit for recyclable material curbside or roadside collection any recyclable material for collection by any permittee of the Town in the Town unless in compliance with these provisions.

E. No person may deposit or place for recyclable material collection by the Town or its contractors any bags, bins, recyclable materials or other wastes and materials on the traveled portion of the roadway in the Town. No persons shall place or deposit for recyclable material collection any recyclable material for curbside or roadside collection by any permittee of the Town in the Town unless in compliance with these provisions.

F. No person, unless provided written permission by the Town Board, may deposit or place for recyclable material collection any bags, bins, recyclable materials or waste and materials for recyclable material curbside or roadside collection by the Town by its contractor or by any permittee of the Town except on the scheduled times and days established and noticed by the Town Board.

1.32 REGULATIONS

A. The Town Board may establish any orders, permits, rules and regulations necessary to properly administer and properly enforce this ordinance and to provide a proper, safe and efficient recyclable material collection program for the Town and its occupants. The Town Board may designate a person or persons to administer the recyclable material collection program for the Town.

1.33 MANAGEMENT OF UNAUTHORIZED WASTE

The Town and any contractor for the Town shall return within sixty (60) days after placement to any person, if known, who has placed any recyclable materials, waste or other material, not authorized by order of the Town Board for placement any recyclable material collection, not authorized by this ordinance or not permitted in writing by the Town Board for either any "green box" recyclable material collection or any curbside or roadside recyclable material collection by the Town or by its contractor. This return shall be considered a rejection of the materials or waste by the Town or contractor. If the person is not known by the Town or by the contractor, or the material or waste is not returned during the time period, the contractor shall be responsible to properly control, store, treat, process, dispose or otherwise care for the unauthorized recyclable material, waste or other material and shall be considered, pursuant to s. 1.28, to be the owner of the material or waste unless the Town has a contract to the contrary with the contractor.

1.34 GLASS COMMINGLED

A. No person may knowingly place or deposit for recyclable material collection by the Town or by its contractors, unless provided written permission by the Town Board, any recyclable glass, glass containers or other types of glass that are mixed, commingled or integrated with newspapers, magazines/mixed paper or with other recyclable materials, wastes and other materials in a manner likely to cause injury or harm to any person collecting or handling the recyclable material or likely to cause the recyclable material to be declared to not be in marketable condition.

B. No person shall knowingly collect in any recyclable material collection for the Town, including any contractor of the Town, in the Town any recyclable glass, glass containers or other types of glass that are mixed, commingled or integrated with newspaper, magazines/mixed paper, other recyclable materials or other wastes and materials in a manner likely to cause injury or harm to any person collecting or handling the recyclable material or likely to cause the recyclable material to be declared to not be in marketable condition unless provided written permission by the Town Board.

1.35 GENERAL RECYCLABLE MATERIAL COLLECTION PROVISIONS

A. No person, with or without a proper Town recyclable material collection permit issued by the Town Board, who owns or operates a recyclable material collection service operation in the Town and who collects, for consideration, recyclable materials from any

persons in the Town for transport, treatment, storage, processing, marketing or disposal in or out of the Town may:

- (1) Collect knowingly in the Town for any person, any contaminated recyclable material, hazardous waste, solid waste toxic waste or any other waste or material that is not authorized for collection by the conditions of any recyclable material contract with the Town, that is not authorized for collection by any conditions of any recyclable material collection permit issued to that person by the Town, that is not authorized for collection by order of the Town Board or is not authorized for any type of collection from any person in the Town under this ordinance.
- (2) Fail to prepare and provide a written report within twelve (12) hours of an occurrence to the Town Clerk regarding any intentional or unintentional discharge, littering or abandonment by that person during collection or transportation by that person of any recyclable material, waste or other material in the Town. This reporting requirement does not include any recyclable material, waste or other material refused for collection by that person. This reporting requirement does not include any proper storage, treatment, processing or disposal of any recyclable material, waste or other material in the Town by that person, when that storage, treatment, processing or disposal that has been permitted or approved by the Town Board.
- (3) Fail to obtain and maintain proper and sufficient general liability insurance, auto liability insurance and workers compensation insurance that will provide insurance coverage for any person damaged or injured during recyclable material collection services provided by that person. The Town Board may establish, as a condition of any permit, the amount, type and scope of coverage to be obtained and maintained during collection services.
- (4) Fail to obtain and maintain for recyclable material collection operations in the Town all necessary federal, state, county and town licenses, permits and approvals or fail to comply with all laws, regulations, ordinances, permits, and orders related to recyclable material collection operations in the Town.
- (5) Fail to operate and maintain all recyclable material collection vehicles and recyclable material collection equipment in the Town in proper working order; including use of proper waste containment equipment for the collection vehicles and use and maintenance of proper mufflers on the collection vehicles.
- (6) Fail to report to the Town Board, at the request of the Town Board, regarding any compliance or lack of compliance of any specific person in

the Town with NR 544 Wis. Adm. Code or its successor chapter or compliance or lack of compliance with any specified person with this ordinance.

1.36 GENERAL REGULATORY PROVISIONS

A. No person in the Town may:

- (1) Continue to place for recyclable material collection at any location in the Town any unauthorized recyclable materials, wastes or other materials after receipt of written warning notice by certified mail or personal service from the Town Board or its designee, that the specific recyclable materials, wastes or other materials will not be collected by the Town, its contractor, and/or any permitted collector and the person therefore may not continue to place for recyclable material collection in the Town these unauthorized wastes or materials.
- (2) Place, discharge, litter or deposit in the Town for collection, storage, treatment, processing or disposal any recyclable materials, any wastes or other materials at any temporarily closed or permanently closed "green-box" recyclable material collection facility or other any other closed recycled material or waste storage, treatment, processing or disposal facility. This provision shall include any placement, littering, discharge or deposit by any person on any public or private land in the Town of any recyclable materials, wastes or other materials where the materials or wastes were not authorized for placement by the owner or occupant of the land where the materials or wastes were placed.
- (3) Place for solid waste, hazardous waste or other material collection in the Town by the Town, its contractor, permittee collector or any other person any recyclable material, where the person is not exempt under s 1.12, where these recyclable materials should have been properly separated from the solid waste, hazardous waste, or other material and where these recyclable materials should have been placed for only recyclable material collection as required under NR 544 Wis. Adm. Code or its successor chapter or as required under this ordinance.

1.37 FEES AND VOLUME BASED RATES

The Town Board may establish fee charges for occupants of the Town for the payment of recyclable material collection services. Fees may be assessed on a per occupant basis, with or without differential rates for seasonal or full-time occupant services. In addition special charges, for the recyclable material collection service pursuant to Sec. 66.60(16) or its successor provision may be charged to the landowners and extended on the tax roll, if not paid by the landowners,, as a delinquent tax.

The Town Board may establish volume based fee charges for occupants for the payment of recyclable material collection services. Fees may be assessed on each container or each bag placed or deposited by occupants for collection by the Town or its contractor with the fee charge, the method of payment and the time and location for payment determined by the Town Board. If the Town and its occupants do not comply with NR 544.04(6), Wis. Adm. Code or its successor provision related to demonstrating separation for recycling of at least 25% by volume or by weight of the total solid waste collected within the Town, then the Town Board shall require a volume based fee system that meets the requirements of NR 544.04(6) Wis. Adm. Code or its successor provision.

1.38 SPECIFIC PERMIT PROVISIONS

The Town, by the Town Board, shall establish an application form for a Town recyclable material collection permit with permit forms to be approved by the Town Board. Permits shall be issued on a one (1) year basis and shall be required of any person who collects recyclable material in the Town for consideration from any occupant unless exempted as noted herein. The Town shall provide a public hearing prior to issuance or denial of these permits. Notice of the hearing shall be provided by a statutory Class 1 Notice with the applicant required to pay the cost of publication in the legal newspaper prior to publication by the Town. The permit shall be effective from January 1st to December 31st each year. For 1994, the permit shall be from the date of issuance until December 31, 1994.

Any person who owns, operates or maintains the following recyclable material uses, activities, businesses or collection operations, in the Town, shall be exempt from obtaining and maintaining any Town recyclable material collection permit under this ordinance, unless so specifically noted herein in this ordinance:

- (1) uses, activities, businesses or collection operations in the Town under the municipal ownership, municipal operation or direct municipal control of the Town, its Town Board, its officers, its employees or its authorized agents. This exemption shall not include any uses, activities, businesses or collection operations owned, operated or controlled by any persons permitted or licensed by the Town.
- (2) uses, activities, businesses or collection operations in the Town for the following individual recyclable materials.
 - 1.) Waste Oil
 - 2.) Yard Waste
 - 3.) Waste Tires
 - 2.) Lead acid batteries
 - 4.) Major appliances

This exemption shall not apply to any collectors in the Town who collect these individual noted recyclable materials for consideration in any locations, businesses or operations in the Town.

- (3) uses, activities, businesses or collection operations in the Town for specifically scrap metal, junk vehicles or junk implements of husbandry collection. This exemption includes the collectors or transporters who collect or transport, with or without consideration, in any locations, businesses or operations in the Town.
- (4) uses, activities, businesses or collection operations in the Town specifically only using reverse recyclable materials vending machines or mobile recycling machines and vehicles for aluminum container collections only.
- (5) uses, activities, business or collection operations in the Town approved to operate or collect recyclable material for a designated period of time by written order of the Town Board. This shall include any non-profit charitable organization collectors approved by the Town Board, for specified recyclable material collection in the Town where the organization has agreed to provide certain collection data to the Town Clerk as established by the Town Board.

The above noted exemptions for persons owning, constructing, operating or maintaining the above uses, activities, businesses or collection operations shall not apply to any person who causes, allows or permits by any storage, disposal, treatment, collection or processing location, business, use, operation or activity, a public nuisance in the Town or violates any public nuisance ordinance enacted by the Town.

The Town shall annually establish permit fees for the herein noted. The permit shall be issued by the Town Clerk upon approval by the Town Board, upon acceptance in writing of conditions to the permit by the applicant and upon proper payment of the fees by applicant. The Town can, prior to issuance, establish any conditions in the permit, including the requirement of bond or other financial security to insure compliance with the conditions of the permit, state and federal law, DNR rules and this ordinance.

The permits under this ordinance are not transferable. The permits shall be issued only for specific operations businesses, activities or uses in the Town. The initial application fees shall be twenty five (\$25) dollars unless increased or lowered by specific action of the Town Board.

The Town Board shall review the permit application and shall insure completeness of the application prior to issuance or denial of the permit. The Town Board of the Town may, upon its order, request additional information from any applicant beyond that information required in the application and may, upon its order, request an investigation and report related to the applicant and the proposed operation business, activity or use.

The Town Board, prior to issuance or denial of a permit, may request of the applicant:

- (1) written agreement from the applicant to comply with all conditions established in the permit.
- (2) written agreement from the applicant to provide reasonable physical access to land, facilities or buildings of the applicant to the Town, its officers, employees or its designated agent(s), to:
 - (a) aid in the compliance of the DNR effective recycling program
 - (b) aid in permit compliance investigations under this ordinance
 - (c) aid public health and safety investigations
 - (d) prevent potential public or private nuisances
- (3) written agreement from the applicant to maintain appropriate bond or other financial security as determined by the Town Board
- (4) written agreement from the applicant to comply with all state and federal laws and all state and federal regulations, including the DNR effective recycling program rules

The Town, to avoid the termination of any previous permitted authority of the applicant, shall receive, from the applicant, the application for any re-issuance of a permit at least one hundred twenty (120) days prior to the expiration date of the currently issued permit.

All suspensions or revocations of any permits will be, after a public hearing if requested by permittee, unless emergency conditions require an immediate temporary suspension of the permit by the Town Board of the Town. For purposes of the ordinances, "licenses" shall include "permits" and "licensees" shall include "permittees". Following any temporary suspension, written notice of same shall be attempted to be personally served on the permittee or the agent of the permittee. Such notice of temporary suspension shall include a statement that the party may have an emergency public hearing regarding temporary suspension before the Town Board not before two (2) days nor not after five (5) business days from receipt of the notice by delivering to the Town Clerk a written request for a hearing. No temporary suspension shall continue beyond six (6) days from the date the Town Clerk receives a written request for a hearing.

Prior to any action for a non-temporary suspension or permanent revocation, except in an emergency condition that requires a temporary suspension, the Town Board of the Town must, by the Town Clerk, receive a written complaint concerning the permittee. The following persons may file a written complaint with the Town Board of the Town:

- (1) The Town Clerk
- (2) Any Town officer designated by the Town Chair or Town Board to file such complaints

Any person, subject to charges of violation of the permit or any violation of a condition of any permit, shall be served except in an emergency condition that requires a

temporary suspension, a copy of the written complaint and notice of a right to hearing before the Town Board of the Town. The hearing shall be required to be not less than ten (10) days nor more than thirty (30) days after service of notice, unless stipulated in writing by the Town Board of the Town and by the person subject to charges of violation or unless an emergency public hearing is required due to a temporary suspension as noted herein.

Any person subject to charges for violation of the permit or any violation of a condition of any permit shall be entitled to a public hearing and to the following:

- (1) Representation by legal counsel at the expense of the person subject to charges
- (2) Right to present and cross examine witnesses
- (3) Right to subpoena witnesses with the Town Chair issuing subpoenas to compel attendance of the witnesses

The Town Board may, after the public hearing, for any person previously issued a permit by the Town Board of the Town, act as follows:

- (1) Revoke the permit as a final decision
- (2) Suspend the permit for a date certain as a final decision
- (3) Request additional information as an interim decision prior to taking future final action
- (4) Take no action on the permit as a final decision

The final decision of the Town Board to revoke or suspend a permit, including a temporary suspension, shall be subject to appeal pursuant to Chapter 68, Wis. Stats or its successor chapter. The final decision of the Town Board for permanent revocation or non-temporary suspension shall be made in writing within thirty (30) days after the public hearing.

The Town Board shall, except in an emergency condition for any temporary suspension as determined by the Town Board, prior to revoking or suspending any permit or prior to refusing to issue or re-issue a permit, state on the record specific written findings as to the reason or reasons the Town Board did take such action. Any applicant or permittee shall, as noted previously for a permanent revocation or non-temporary suspension of a permit, be provided the opportunity for a public hearing as noted, an opportunity to cross examine witnesses, an opportunity to present relevant evidence and to require that witnesses to testify against the applicant(s) or permittee be under oath. The Town Board, in lieu of refusing to issue or re-issue a permit, may delay final determination action pending further investigation by the Town, upon its own motion, for up to thirty (30) days beyond any previous final determination date established by the Town Board or by this ordinance.

If no hearing is requested by the person subject to charge within the time herein noted, any final decision shall be made by the Town Board of the Town at its next scheduled meeting or at a time established for the final decision by the Town Board. This date shall be not more than sixty (60) days after service of a notice upon applicant or permittee of a right to hearing.

The Town Chair or the Town Clerk, by order of the Town Board, shall repossess any permit revoked or suspended, including temporary suspension, by the Town Board.

The following specific reasons or criteria may be considered, at minimum, by the Town Board in determining whether to issue, re-issue, revoke or suspend, including any temporary suspension, of a permit:

- (1) A false statement was made by the applicant or permittee in the application filed with the Town Clerk and/or a false statement was included in the material attached to the application by applicant or the permittee.
- (2) The proposed, current or former uses, activities, business or operations as proposed operated or controlled by the applicant or permittee are, have been or are likely to be detrimental to the public peace, public health, public safety and general welfare of the public in the Town.
- (3) The proposed, current or former uses, activities, businesses or operations as proposed operated or controlled by the applicant or permittee have not, do not or are not likely to conform to or likely to meet the conditions of the ordinances or do not conform to or do not meet specific state or federal laws or to meet specific state or federal regulations.
- (4) The proposed, current or former uses, activities, businesses or operations as proposed operated or controlled by the applicant or permittee have, are causing or are likely to cause a public nuisance in the Town or will be operating contrary to any County or Town zoning.
- (5) The applicant or permittee, if a corporation, has not been or is not authorized to do business in the State of Wisconsin.
- (6) The applicant or permittee, as a natural person, is not of age.
- (7) The applicant or permittee, as a natural person, is not legally competent.
- (8) The applicant or permittee has not currently complied with the specific written conditions included in a previously issued permit or will not agree to the written conditions in the permit to be issued.
- (9) The applicant or permittee failed to operate or control the uses, activities, businesses or operations as set forth in the original application filed with the Town or in the material attached to the original application or plan by the permittee.
- (10) The applicant or permittee failed as required to conduct the use, activity, business or operation and instead allowed other persons not employees or agents of applicant(s) to own, operate or control the use, activity, business or operation.

- (11) The applicant or permittee failed to obtain or maintain adequate financial security or financial protections for the Town or the residents of the Town as required by the permit and the specific written conditions in the permit.

Unless otherwise noted by order of the Town Board, the Town Chair shall be the primary official of the Town responsible to investigate matters related to permits and violations of this ordinance.

Unless otherwise noted by order of the Town Board, the Town Chair shall be the primary official of the Town responsible to implement the enforcement of the conditions established in permits issued by the Town and to implement the enforcement of the ordinances of the Town against any applicant or permittee or other person violating the ordinances or conditions of any permit.

Any Town officer and employee of the Town shall, in a timely fashion, inform the Town Chair of any alleged or real violation of the conditions established in any permits issued under the ordinances by the Town and any alleged or real violations of the ordinances.

The Town Chair shall report permit and ordinance violations for prosecution to the Town attorney.

Any Town officer and employee of the Town shall be responsible to inform the Town Chair regarding his or her knowledge of the refusal of any person to obtain a permit who should be required to hold a proper permit under the ordinances from the Town. The Town shall have the right, upon the order of the Town Board, to suspend or revoke an issued permit. The Town may temporarily suspend an issued permit without a public hearing if emergency reasons require suspension.

Permanent revocation of an previously issued permit by the Town shall only occur after a public hearing. The proper legal due process shall be provided by the Town Board to the applicant or permittee prior to permanent revocation of an issued permit. The Town Board may establish written criteria and standards to be placed in the permit and to be complied with by the applicant or permittee upon any approval, or upon any approval upon condition of any recyclable material collection permits.

1.39 ENACTMENT PROVISIONS

A. Specific Repeal of Ordinances Related to Recyclable Material

All previous ordinances specifically related to recyclable material, uses, activities, businesses or operations heretofore adopted by the Town Board are hereby repealed upon the adoption of this ordinance.

B. Businesses Which are Prohibited/Liberal Construction

If any use, activity, business or operation proposed to be operated in the Town is not specifically named in the ordinances, the lack of such mention shall not be deemed to prohibit the operation of the use, activity, business or operation. If the ordinances requires a permit for the particular use, activity, business or operation, the use, activity, business or operation may operate without a permit until such time as the ordinances, by amendment, covers the use, activity, business or operation.

Descriptions of uses, activities, businesses or operations or any categories of uses, activities, businesses or operations in this ordinance shall be broadly interpreted in determining whether a particular use, activity, business or operation shall be liberally interpreted to establish that the use, activity, business or operation is under the scope and coverage of this ordinance.

C. Guarantee/Warranty

Nothing in this ordinance shall be interpreted as guaranteeing or warranting that any method, construction, product, service, land building, facility, premise, service, use, activity, business, operation or anything whatsoever is safe, free from defects or suited for the purpose for which it is intended.

No issuance of a permit, approval, inspection or other action by the Town Board any Town officer, employee or agent of the Town shall constitute a warranty or guarantee that any method, construction, product, land, building, facility, premise, service, use, activity, business, operation or anything whatsoever is safe, free from defects or suited for the purpose for which it is intended.

D. Scope of Review of Town Determination

Any person having a substantial interest which is adversely affected by an administrative determination under this ordinance of the Town Board of the Town, any board, commission, committee, agency, Town officer, Town employee or any agent acting on behalf of the Town, pursuant to s.68.02, or its successor provisions Wis. Stats., may have such determination reviewed as provided in Chapter 68, Wis. Stats., and this ordinance. The remedies under Chapter 68, Wis. Stats., and this ordinance shall not be exclusive.

E. Availability of Other Methods

Chapter 68, Wis. Stats., and this ordinance does not preclude the Town and any person aggrieved from employing arbitration, mediation or other methods of resolving disputes and does not supersede contractual provisions for this purpose.

F. Effective Date/Citation

F. Effective Date/Citation

The ordinance was enacted the 8 day of MARCH, 1994.

Robert L. Rasmussen
Town Chair

Vernon Linder
Town Supervisor

Shirley M. Kavic
Town Supervisor

Filed this 9 day of MARCH 1994

Gene E. DeGraue
Town Clerk