

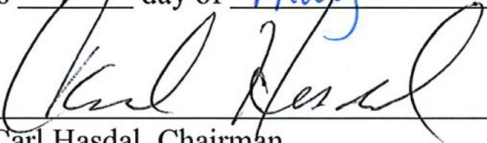
ORDINANCE NO. 26 - 06

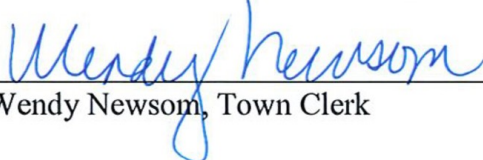
AMENDMENT TO THE TOWN OF ROME CODE CHAPTER 314 SOLID WASTE

SECTION 314-2 REQUIREMENTS AND PROHIBITIONS

The Town Board of the Town of Rome, Adams County, Wisconsin, hereby amends the Town of Rome Code of Ordinances as set forth in Exhibit A, which is attached hereto and incorporated herein by reference. The amendment shall be published or posted pursuant to section 60.80 Wis. Stats. and shall take effect the day after such posting or publication.

Adopted this 7 day of May, 2026

Approved: 
Carl Hasdal, Chairman

Attested: 
Wendy Newsom, Town Clerk

ARTICLE I
Collection and Disposal
[Adopted as Sec. 7.14 of the prior Code]

§ 314-1. Purpose.

- A. The purpose of this article is to regulate the disposal of waste, garbage, refuse, putrescible animal/vegetable matter or sludge upon public and private properties in the Town by individuals, corporations, and municipalities. Any such disposal in violation of the terms and provisions contained in this article is hereby declared to be a public nuisance.
- B. Environmental and health hazards may result if heavy metals, toxic substances and hazardous materials are deposited on land in the Town. The Town Board is aware of guidelines and administrative rules that have been established by the Department of Natural Resources for the land spreading of certain waste materials upon properties in Wisconsin. However, in many instances landowners and permittees are allowed to conduct land-spreading operations by voluntarily following the Department's guidelines due to the insufficiency of the Department's staff to actually monitor land-spreading operations as they occur. The Town Board, therefore, deems it necessary for the protection of the health, general welfare and environment of the Town of Rome that regulations be adopted to provide additional adequate protection for its inhabitants, wild and domestic animals, its water supplies, its wetlands and other natural resources. In addition, adequate remedies for any violations of such regulations are necessary without intending to prohibit the application of land spreading in the Town of Rome or to abrogate, annul, impair, or interfere with any existing rules, regulations or permits previously adopted or issued pursuant to law. The purpose of this article is to provide those additional regulations and protections.
- C. The following are not within the scope or meaning of this article:
 - (1) Sites used for the 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 public and private sewerage disposal systems, which conform to state statutes and regulations and any applicable ordinances of Adams County and the Town of Rome.
 - (3) Animal waste regulated under Ch. NR 243, Wisconsin Administrative Code, liquid manure applied in accordance with sound agricultural practices and farms on which only animal wastes resulting from the operation of the farm are disposed.
 - (4) Any waste disposal operation conducted under the ownership, direction and control of the Town.

§ 314-2. Requirements and prohibitions.

Except as expressly permitted in Subsection F herein, no person, corporation, or municipality shall dispose of waste, garbage, refuse, putrescible animals/vegetable matter or sludge within the Town of Rome unless a permit to engage in such dumping or disposal is first obtained from the Town under the conditions prescribed herein. Persons or municipalities permitted to engage in disposal operations in the Town are subject to the following regulations:

- A. The disposal operations must be conducted in such a way as not to constitute a public or

private nuisance.

- B. All refuse placed out for collection shall be contained in collection cans/carts that are in good working order. Cans/carts shall have covers/lids in place to contain all refuse. Cans/carts shall not be placed out for collection prior to 24 hours before the scheduled collection time, and shall be removed within 24 hours of collection.
- C. Dumpsters on residential properties are permitted for a maximum of 10 consecutive days or when there is an active building permit issued for the property.
- D. Permittees engaged in dumping or disposal operations must conduct the operations in such a way that odors or 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.
- E. 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 24 hours, after the disposal occurs. The covering must be applied so as to make the area covered compatible with the surrounding and adjacent property and in such a manner as to not substantially depreciate property values within the immediate area unless property owners have been previously compensated for the loss.
- F. Such disposal operations must not be in violation of any applicable zoning regulations and must not violate any deed restriction or covenant, which would prohibit or restrict such use of the land.
- G. The information submitted with the application for a permit as specified under § 314-3, together with any additional information received at the public hearing by the Town Board must be sufficient so as to enable the Town Board in its discretion to determine that the purposes for which this article was enacted will not be compromised or in any way violated by the issuance of a permit.
- H. A permit under this article 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 amount of \$100,000. The bond is to assure that the applicant will comply with all the provisions of this article 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 operation.
- I. If the article is violated or if the disposal plan is not carried out, the Town shall have the right to revoke the disposal permit after a public hearing upon a published Class 1 notice 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.
- J. 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.
- K. 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 article.

§ 314-3. Permit.

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An application for a permit for a solid waste facility shall be filed with the Zoning Administrator in writing at least 30 days before a public hearing is held. The initial application fee of \$5,000 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 appropriate and necessary costs and expenses incurred by the Town for attorneys' fees and experts' fees related to

the application process. The total application fees, both initial and subsequent, shall not exceed \$20,000 for any application. The application for a permit shall be processed within 90 days of the receipt of a completed application accompanied by full documentation and required bond. A sworn statement that they are true and factual shall follow the application and accompanying information. The information to be provided shall include:

- A. Name, address, and telephone number of the applicant.
- B. Location, current owners, and legal description of the site of the proposed facility.
- C. Names, addresses, and telephone numbers of any persons who will represent the applicant.
- D. 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 United States EPA, that are related to the proposed facility.
- E. 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.
- F. 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 mile of the facility.
- G. Proposed traffic patterns to and from the proposed facility and for roadway usage for access to the site.
- H. Copies of current financial statements or other financial information.

§ 314-4. Hearing.

A public hearing will be held at which the Plan Commission will invite all interested parties from the Town and the applicant to provide information as to the need for the permit, positive and negative potential effects of the proposed facility on the Town and its residents, and the probability of reasonable compliance by the applicant with the regulations of this article. The hearing will be of an informational nature for the Town Board. The hearing will be held under the following conditions:

- A. A Class 3 notice as prescribed by statute will be given.
- B. The cost of publication of such notice will be deposited in advance by the applicant.
- C. The hearing will be held on the date specified in the notice or on any adjourned date.

§ 314-5. Approval or denial.

The Plan Commission shall review the application and make a recommendation in writing to the Town Board regarding approval, approval with conditions or denial of the application. The Town Board shall then decide whether to issue the permit.

§ 314-6. Violations and penalties.

Any person, firm, company, or corporation who violates any provision of this article or fails to comply with any of its requirements shall be subject to a forfeiture for each offense of not less than \$200 nor more than \$2,000 for each violation and, in addition, shall pay all costs and expenses involved in the matter, including reasonable attorneys' fees and court costs. Each day that a violation continues shall be considered a separate offense.

§ 314-7. Enforcement.

The Town Board of the Town of Rome by the Town Attorney or such person as appointed by the Town Board, may bring a civil action in the Adams County Circuit Court by filing with it a complaint setting forth the facts and requesting such preventative relief, including an application for a temporary or permanent injunction, restraining order, or such other order as the Town deems necessary to ensure the full enjoyment of the rights granted by this article; provided, however, that nothing contained herein shall prevent the imposition of a forfeiture in addition to other remedies enumerated herein. The costs of such proceedings shall be collected as a debt from the owner, occupant, or person causing, permitting, or maintaining the violation and/or nuisance, and such cost shall be assessed against real estate as a special charge on the tax rolls. For purposes hereof, costs shall include, but not be limited to, actual attorneys' fees and court costs.

§ 314-8. Definitions.

For the purpose of this article, the following terms, phrases, words, and their derivations shall have the meaning given herein. If not defined herein, the word, term or phrase shall have the definition commonly accepted including a relevant definition contained in the Wisconsin Statutes. When not inconsistent with the context, the words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory:

DISPOSAL — Includes, but is not limited to, unloading, throwing away, discarding, emptying, abandoning, discharging, burning, spreading onto open fields, land spreading or burying waste, garbage, refuse, or sludge on, into, or under any property or lands whether publicly or privately owned within the Town of Rome.

GARBAGE — All waste, animal, fish, fowl or vegetable matter incidental to and resulting from the use, preparation and storage of food for human consumption.

MUNICIPALITY — Municipality is any city, village, town or county.

OCCUPANT — Any person occupying or having use of a building, structure, premises of any part thereof.

OWNER — Includes the plural as well as the singular and may mean either a natural person, firm, association, partnership, private corporation, public or quasi-public corporation, or combination of these who shall hold title to a building, structure or property, or who shall be in actual possession of, or have charge, or control of building, structure, or property as agent of the title holder, or who shall be trustee or guardian of the estate or person of the title holder.

PARTIES IN INTEREST — Includes all abutting property owners, all property owners within 200 feet, and all property owners of opposite frontages.

PERSON — Includes a corporation, firm partnership, association, organization and any other group acting as a unit as well as individuals, including a personal representative, receiver or other representative appointed according to law. Whenever the term "person" is used in any section of this article prescribing a penalty or fine, as to partnerships or associations, the work shall include the partners or members thereof, and as to corporations, shall include the officers, agents or members thereof who are responsible for any violation of such section.

PUBLIC NUISANCE — A thing, act, occupation, condition or use of property, which shall continue for such length of time as to substantially annoy, injure or endanger the comfort, health, repose or safety of the public; in any way render the public insecure in life or in the use of property; greatly offend the public morals or decency; unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way or the use of public property.

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 animal tissue, blood or parts, mine tailings, gravel pit and quarry spoils, and material and debris resulting from construction or demolition.

SLUDGE — Sludge is sewage treatment residue, residue which represents waste material generated from the industrial or commercial slaughtering of farm animals which residue is in any form whatsoever, whether solid or semisolid or liquid.

TOWN — The Town of Rome, Adams County, Wisconsin, or any duly appointed designate thereof, including, but not limited to, the Town Board and Town committees.

TOWN BOARD or BOARD — The present governing body of the Town or any successors to the legislative power of said body, or any duly appointed designate thereof.

WASTE — Waste is 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.