

**TITLE XI: BUSINESS REGULATIONS**

Chapter

- 110. GENERAL BUSINESS REGULATIONS**
- 111. ALCOHOLIC BEVERAGES**
- 112. LICENSING LIVESTOCK FACILITIES**
- 113. SOLID WASTE DISPOSAL FACILITIES**



## CHAPTER 110: GENERAL BUSINESS REGULATIONS

### Section

#### 110.01 Sexually oriented businesses

### **§ 110.01 SEXUALLY ORIENTED BUSINESSES.**

(A) No one shall establish, continue, maintain, use, occupy or lease any building or part of a building, erection or place to be a lewd, indecent or obscene manner or permit the same to be shown in the town.

(B) Lewd, indecent or obscene displays of sexual organs is defined as displays which are:

- (1) Patently offensive to contemporary community standards;
- (2) The dominant theme of the display appeals to a prurient interest in sex; and
- (3) The display is without redeeming social value.

(C) A violation of this section is deemed to be the keeping or maintaining of a disorderly or riotous, indecent or improper house within the language of Wis. Stat. § 125.12 and is grounds for revoking, suspending or refusing to renew any license or permit under Wis. Stat. Chapter 125.

(Ord. 10-83, passed 10-13-83)



## CHAPTER 111: ALCOHOLIC BEVERAGES

### Section

- 111.01 Bartender's license
- 111.02 Class B beer/liquor license fee
- 111.03 Class C alcohol license for wine sales

### § 111.01 BARTENDER'S LICENSE.

(A) *Purpose.* This section allows for issuance on a provisional basis of a license to those applying for an operator's (bartender's) license for service or sale of alcoholic beverages. A provisional license may only be issued to those persons that have not completed a responsible beverage service course and exhibited proof of compliance with that training standard set for in current Wis. Stat. § 125.17(6). A provisional license allows time to obtain the training required for working without supervision of another licensed person in a Class A or B business or organization.

(B) *Eligibility.* Each applicant must be at least 18 years of age and have completed an application form supplied by the Clerk in order for the Board to consider approval. All arrest and convictions of the applicant shall be disclosed on the application or an attached sheet. The applicant for a provisional license must present, with the application, proof that the applicant is enrolled in a training course under Wis. Stat. § 125.17(6)(a).

(C) *Term.* The provisional license shall be effective until a certificate or other proof of compliance with training requirements is presented to the Clerk. In no case will the provisional license be effective more than 60 days after issuance. The issuance date, final date of validity or both shall be placed on the license form when issued.

(D) *Issuance.* The Clerk is authorized to issue such a license. In the event a person requests issuance of a provisional license extension and has had no arrests or convictions since prior approval, the Clerk is authorized to issue a further license under the standards contained herein and payment of the fee.

(Ord. 20-93, passed 4-13-93)

**§ 111.02 CLASS B BEER/LIQUOR LICENSE FEE.**

Pursuant to Wis. Stat. § 125.51(4)(bm), as created by the 1997 Wisconsin Legislative Act 27, the fee for a reserve "Class B" beer/liquor license within the town's limits shall be set at \$10,000 in addition to the issuance fees associated with the granting and issuing of a "Class B" beer/liquor license. (Res. 2, passed 8-11-98)

**§ 111.03 CLASS C ALCOHOL LICENSE FOR WINE SALES.**

(A) *Authority.* This section provides for the issuance of Class C alcohol licenses for wine sales, pursuant to Wis. Stat. § 125.51(3m).

(B) *Conditions of issuance.* The town may approve issuance of a license when the following conditions are met.

(1) A reasonable expectation exists, after consideration of past practice and business plan of operation, that more than 50% of revenues by the applicant are received from non-alcohol sales, determined by gross receipts; and

(2) The premises description for license issuance does not include a barroom, as verified by one or more town officers, employees, or agents; and

(3) A completed application form, containing all relevant information requested has been submitted to the Clerk, for Board review; and

(4) The Board has evaluated an applicant's arrest or conviction history, which is found to be acceptable; and

(5) The applicant has resided in Wisconsin at least 90 days, or is a Wisconsin corporation with a resident agent; and

(6) The applicant is in compliance with other statutory and ordinance regulation affecting the business operation or person applying.

(C) *Fees.*

(1) Prior to actual license issuance by the Clerk, the fees must be submitted by the applicant. Where past payment history or reputation justifies such action, the Clerk or Treasurer, in his or her discretion, may require payment by cash, cashier's check, or postal money order, and the Board may order that such form of payment be made.

(2) The fee is for a full license year, running July 1 to the next June 30. Fees shall be pro rated to the nearest half month in the event an application is made during the license year, by calculating the first date of possible issuance. In no case will the annual fee exceed \$100. The fee is \$100.

(3) The license fee shall be submitted at the time of application delivery to the town.

(D) *Verification.* Where appropriate, the Board may require verification that the above conditions or other conditions of statutory or ordinance laws are met, including but not limited to the proportion of gross receipts test. This may periodically occur by Board direction.

(Ord. 8-8-2000, passed 8-8-00)





## CHAPTER 112: LICENSING LIVESTOCK FACILITIES

### Section

- 112.01 Title; purpose
- 112.02 Authority
- 112.03 Protection of public health and safety
- 112.04 Definitions
- 112.05 License required
- 112.06 Licensing administration
- 112.07 Licensing standards
- 112.08 License application
- 112.09 License application fee
- 112.10 Application procedure
- 112.11 Criteria for issuance of a license
- 112.12 Records of decision
- 112.13 Transferability of license
- 112.14 Expiration of license
- 112.15 License terms and modifications
- 112.16 Compliance monitoring
- 112.17 Appeals
  
- 112.99 Penalty

### **§ 112.01 TITLE; PURPOSE.**

The title of this chapter is the “Town of Medford Licensing Livestock Facilities Ordinance”. The purpose of this chapter is to comply with requirements of Wis. Stat. § 93.90 and Chapter ATCP 51, Wis. Adm. Code (ATCP 51), and to establish standards and authority to protect the public health and safety of the people of the town. This chapter sets forth the procedures for obtaining a license for the siting of new and expanded livestock facilities in the town.

(Ord. 12-9-08, passed 12-9-08)

### **§ 112.02 AUTHORITY.**

This chapter is adopted pursuant to the powers granted under the Wisconsin Constitution and Wisconsin Statutes, including but not limited to, Wis. Stat. §§ 92.15 and 93.90. Further, this chapter

is adopted pursuant to the powers granted to the Town Board under the grant of village powers pursuant to Wis. Stat. § 60.22 for the protection of public health and safety.  
(Ord. 12-9-08, passed 12-9-08)

### § 112.03 PROTECTION OF PUBLIC HEALTH AND SAFETY.

The Town Board, by this chapter, adopted with a quorum and by a roll call vote by a majority of the Town Board present and voting, hereby finds after public hearing that the standards in § 112.07 of this chapter are necessary to protect public health and safety.  
(Ord. 12-9-08, passed 12-9-08)

### § 112.04 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ADJACENT.** Located on land parcels that touch each other, or on land parcels that are separated only by a river, stream, or transportation or utility right-of-way.

**AFFECTED NEIGHBOR.** For purposes of the odor score calculation under § ATCP 51.14, a residence or high-use building located within 2,500 feet of any livestock structure at a proposed livestock facility. **AFFECTED NEIGHBOR** does not include a residence or high-use building owned by any of the following:

(1) The livestock facility operator.

(2) A person who affirmatively agrees to have the residence or high-use building excluded from the odor score calculation under § ATCP 51.14.

**COMPLETE APPLICATION FOR LOCAL APPROVAL.** An application that contains everything required under § ATCP 51.30(1) to (4).

**EXPANDED LIVESTOCK FACILITY.** The entire livestock facility that is created by the expansion, after May 1, 2006, of an existing livestock facility. **EXPANDED LIVESTOCK FACILITY** includes all livestock structures in the expanded facility, regardless of whether those structures are new, existing or altered.

**EXPANSION.** An increase in the largest number of animal units kept at a livestock facility on at least 90 days in any 12-month period. The acquisition of an existing livestock facility, by the operator of an adjacent livestock facility, does not constitute an **EXPANSION** unless that operator increases the

largest number of animal units kept at the combined livestock facilities on at least 90 days in any 12-month period.

**LIVESTOCK.** Domestic animals traditionally used in this state in the production of food, fiber or other animal products. **LIVESTOCK** includes cattle, swine, poultry, sheep and goats. **LIVESTOCK** does not include equine animals, bison, farm-raised deer, fish, captive game birds, ratites, camelids or mink.

**LIVESTOCK FACILITY.** A feedlot, dairy farm or other operation where livestock are or will be fed, confined, maintained or stabled for a total of 45 days or more in any 12-month period. A **LIVESTOCK FACILITY** includes all of the tax parcels of land on which the facility is located, but does not include a pasture or winter grazing area. Related livestock facilities are collectively treated as a single **LIVESTOCK FACILITY** for purposes of this chapter, except that an operator may elect to treat a separate species facility as a separate **LIVESTOCK FACILITY**.

**LIVESTOCK STRUCTURE.** A building or other structure used to house or feed livestock, to confine livestock for milking, to confine livestock for feeding other than grazing, to store livestock feed, or to collect or store waste generated at a livestock facility. **LIVESTOCK STRUCTURE** includes a barn, milking parlor, feed storage facility, feeding facility, animal lot or waste storage facility. **LIVESTOCK STRUCTURE** does not include a pasture or winter grazing area, a fence surrounding a pasture or winter grazing area, a livestock watering or feeding facility in a pasture or winter grazing area, or a machine shed or like facility that is not used for livestock.

**MANURE.** Excreta from livestock kept at a livestock facility. **MANURE** includes livestock bedding, water, soil, hair, feathers and other debris that becomes intermingled with livestock excreta in normal manure-handling operations.

**NEW LIVESTOCK FACILITY.** A livestock facility that will be used as a livestock facility for the first time, or for the first time in at least five years. **NEW LIVESTOCK FACILITY** does not include an expanded livestock facility if any portion of that facility has been used as a livestock facility in the preceding five years.

**OPERATOR.** A person who applies for or holds a local approval for a livestock facility.

**PERSON.** An individual, corporation, partnership, cooperative, limited liability company, trust or other legal entity.

**POPULATE.** To add animal units for which local approval is required.

**PROPERTY LINE.** A line that separates parcels of land owned by different persons.

**RELATED LIVESTOCK FACILITIES.** Livestock facilities that are owned or managed by the same person, and related to each other in at least one of the following ways:

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- (1) They are located on the same tax parcel or adjacent tax parcels of land.
- (2) They use one or more of the same livestock structures to collect or store manure.
- (3) At least a portion of their manure is applied to the same land-spreading acreage.

**RUNOFF.** Storm water or precipitation, including rain, snow, ice melt or similar water, that moves on the land surface via sheet or channelized flow.

**WASTE STORAGE FACILITY.** One or more waste storage structures. **WASTE STORAGE FACILITY** includes stationary equipment and piping used to load or unload a waste storage structure if the equipment is specifically designed for that purpose and is an integral part of the facility. **WASTE STORAGE FACILITY** does not include equipment used to apply waste to land.

**WASTE STORAGE STRUCTURE.** A waste storage impoundment made by constructing embankments, excavating a pit or dugout, or fabricating a structure. **WASTE STORAGE STRUCTURE** does not include equipment used to apply waste to land. For purposes of §§ ATCP 51.12(2) and 51.14, **WASTE STORAGE STRUCTURE** does not include any of the following:

- (1) A structure used to collect and store waste under a livestock-housing facility.
- (2) A manure digester consisting of a sealed structure in which manure is subjected to managed biological decomposition.

**WPDES PERMIT.** A Wisconsin pollutant discharge elimination system permit issued by DNR under Chapter NR 243. The remaining definitions in ATCP 51 are hereby incorporated by reference without reproducing them in full in this chapter.  
(Ord. 12-9-08, passed 12-9-08)

**§ 112.05 LICENSE REQUIRED.**

(A) *General.* A license issued by the town is required for new or expanded livestock facilities that will have 500 or more animal units.

(B) *Licenses for existing livestock facilities.* A license is required for the expansion of a preexisting or previously approved livestock facility if the number of animal units kept at the expanded livestock facility will exceed the applicable size threshold for a license.  
(Ord. 12-9-08, passed 12-9-08) Penalty, see § 112.99

**§ 112.06 LICENSING ADMINISTRATION.**

The Town Livestock Facility Siting Administrator/Licensing Administrator will be the Town Board. Any license will need to be approved by the Town Board.  
(Ord. 12-9-08, passed 12-9-08)

**§ 112.07 LICENSING STANDARDS.**

The standards for issuing a license are as follows:

(A) The state livestock facility siting standards adopted under ATCP 51, Wis. Adm. Code, inclusive of all appendixes and worksheets and any future amendments to this chapter, except as may be noted in this section of the chapter, are incorporated by reference in this chapter, without reproducing them in full.

(B) The following setbacks shall apply to livestock structures:

(1) *Property lines.*

(a) Except as provided for waste storage structures, livestock structures must be located a minimum of 100 feet from the property line if the livestock facility will have fewer than 1,000 animal units, and 200 feet from the property line if the livestock facility will have 1,000 or more animal units.

(b) The setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of the setback requirement, except that a structure may not be expanded closer to the property line.

(2) *Public road right-of-way.*

(a) Except as provided for waste storage structures, livestock structures must be located a minimum of 100 feet from a public road right-of-way if the livestock facility will have fewer than 1,000 animal units, and 150 feet from a public road right-of-way if the livestock facility will have 1,000 or more animal units.

(b) The setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of the setback requirement, except that a structure may not be expanded closer to the public road right-of-way.

(3) *Waste storage structure.*

(a) A new waste storage structure may not be located within 350 feet of a property line, or within 350 feet of the nearest point of any public road right-of-way.

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(b) A single new waste storage structure may be constructed closer to the property line or public road if the new structure is:

1. Located on the same tax parcel as a waste storage structure in existence before May 1, 2006.
2. No larger than the existing structure.
3. No further than 50 feet from the existing structure.
4. No closer to the road or property line than the existing structure.

(c) This setback requirement does not apply to existing waste storage structures, except that an existing structure within 350 feet of a property line or road may not expand toward that property line or road.

(C) The more stringent local standards adopted in this section are required to protect public health or safety. These more stringent standards are based on reasonable and scientifically defensible findings of fact listed in § 112.02 of this chapter.

(Ord. 12-9-08, passed 12-9-08) Penalty, see § 112.99

**§ 112.08 LICENSE APPLICATION.**

(A) (1) A livestock operator must complete the application form and worksheets prescribed by ATCP 51, including any authorized local modifications.

(2) The application form and worksheets demonstrate compliance with standards in ATCP 51 and this chapter.

(B) The operator must file two duplicate copies of the application form, including worksheets, maps and documents (other than engineering design specifications) included in the application.

(Ord. 12-9-08, passed 12-9-08)

**§ 112.09 LICENSE APPLICATION FEE.**

A non-refundable application fee of \$1,000, payable to the Town of Medford, shall accompany an application for the purpose of offsetting the town's costs to review and process the application.

(Ord. 12-9-08, passed 12-9-08)

**§ 112.10 APPLICATION PROCEDURE.**

(A) Pursuant to § ATCP 51.30(5), within 45 days after a political subdivision receives an application, it shall notify the applicant whether the application is complete.

(1) If the application is not complete, the notice shall describe the additional information needed.

(2) Within 14 days after the applicant provides all of the required information, the political subdivision shall notify the applicant that the application is complete.

(3) This notice does not constitute an approval of the proposed livestock facility.

(B) (1) Pursuant to § ATCP 51.30(6), within 14 days after a political subdivision notifies an applicant that the application is complete, the political subdivision shall notify adjacent landowners of the application.

(2) The political subdivision shall use the approved notice form in ATCP 51, and mail by first class mail a written notice to each adjacent landowner.

(C) Upon determination of completeness, the Town Clerk shall give notice of a public hearing to receive information from the applicant and receive public input on the application.

(1) Public notice shall be a Class 2 notice, the last of which is at least a week before the date of the public hearing.

(2) The public hearing may be continued, but final decision shall be made within the time limits described in division (D).

(D) Pursuant to § ATCP 51.32, a political subdivision shall grant or deny an application within 90 days after the political subdivision gives notice that the application is complete under division (B) above. A political subdivision may extend this time limit for good cause, including any of the following:

(1) The political subdivision needs additional information to act on the application.

(2) The applicant materially modifies the application or agrees to an extension.

(E) A political subdivision shall give written notice of any extension. The notice shall specify the reason for the extension, and the extended deadline date by which the political subdivision will act on the application.

(Ord. 12-9-08, passed 12-9-08)

**§ 112.11 CRITERIA FOR ISSUANCE OF A LICENSE.**

(A) A license shall be issued if the application for the proposed livestock facility:

- (1) Complies with this chapter; and
- (2) Is complete; and

(3) Contains sufficient credible information to show, in the absence of clear and convincing information to the contrary, that the proposed livestock facility meets the standards specified in this chapter, specifically § 112.07 above.

(B) A license shall be denied if any of the following apply:

(1) The application, on its face, fails to meet the standards for approval in division (A).

(2) The political subdivision finds, based on other clear and convincing information in the record, that the proposed livestock facility does not comply with applicable standards in this chapter.

(3) Other grounds authorized by Wis. Stat. § 93.90 that warrant disapproving the proposed livestock facility.  
(Ord. 12-9-08, passed 12-9-08)

**§ 112.12 RECORDS OF DECISION.**

(A) A political subdivision must issue its decision in writing.

- (1) The decision must be based on written findings of fact supported by evidence in the record.
- (2) Findings may be based in part on the presumptions created by ATCP 51.

(B) If the political subdivision approves the application, it must give the applicant a duplicate copy of the approved application, marked “approved”. The duplicate copy must include worksheets, maps and other documents (other than engineering specifications) included in the application.

(C) As required by § ATCP 51.36, within 30 days of the town decision on the application, the Town Clerk shall do all of the following:

(1) Give the Department of Agriculture, Trade and Consumer Protection written notice of the town decision.



(2) File with the Department a copy of the final application granted or denied, if the town has granted or denied an application under this chapter. (The copy shall include all of the worksheets, maps and other attachments included in the application, except that it is not required to include the engineering design specifications.)

(3) If the town has withdrawn a local approval under this chapter, file with the Department a copy of the town final notice or order withdrawing the local approval.

Wisconsin DATCP—Agricultural Resource Management Division  
Bureau of Land and Water Resources  
P.O. Box 8911  
Madison, WI 53708-8911  
Fax: (608) 224-4615

(Ord. 12-9-08, passed 12-9-08)

**§ 112.13 TRANSFERABILITY OF LICENSE.**

(A) A license and the privileges granted by it run with the land approved under the license and remain in effect, despite a change in ownership of the livestock facility, as long as the new operator does not violate the terms of the local approval. An applicant may record with the register of deeds, at the applicant's expense, the duplicate copy of the approved application.

(B) The town requests that, upon change of ownership of the livestock facility, the new owner of the facility shall file information with the Town Clerk providing pertinent information, including but not limited to, such information as the name and address of the new owner, and the date of transfer of ownership.

(Ord. 12-9-08, passed 12-9-08)

**§ 112.14 EXPIRATION OF LICENSE.**

(A) A license remains in effect regardless of the amount of time that elapses before the livestock operator exercises the authority granted under license, and regardless of whether the livestock operator exercises the full authority granted by the approval.

(B) However, the political subdivision may treat a license as lapsed and withdraw the license if the license holder fails to do all of the following within two years, after issuance of license:

- (1) Begin populating the new or expanded livestock facility.

(2) Begin constructing all of the new or expanded livestock housing or waste storage structures proposed in the application for local approval.

(Ord. 12-9-08, passed 12-9-08)

#### **§ 112.15 LICENSE TERMS AND MODIFICATIONS.**

(A) A license and the privileges granted by a license issued under this chapter are conditioned on the livestock operator's compliance with the standards in this chapter, and with commitments made in the application for a license.

(B) The operator may make reasonable changes that maintain compliance with the standards in this chapter, and the political subdivision shall not withhold authorization for those changes.

(C) A violation of the license or a failure to comply with the commitments made in the application may result in suspension and/or termination of the license as provided in § 112.14 of this chapter

(Ord. 12-9-08, passed 12-9-08)

#### **§ 112.16 COMPLIANCE MONITORING.**

(A) Upon notice to the livestock facility owner, the Town Livestock Facility Siting Administrator, under § 112.06 of this chapter, may request the right to personally view the licensed premises at a reasonable time and date to insure compliance with that all commitments of the application, as approved.

(B) If the livestock facility owner refuses the Town Livestock Facility Siting Administrator the right to view the licensed premises, the Administrator may request the assistance of the Sheriff or a Deputy Sheriff to obtain an inspection warrant from the Circuit Court to inspect the licensed premises for the purpose of protection of the public health and safety under Wis. Stat. § 66.0119.

(C) If a licensed premises is found not to be in compliance with the commitments made in the approved application, the Livestock Facility Siting Administrator shall issue a written notice to the livestock facility owner, stating the conditions of noncompliance, and directing that compliance with the commitments of the approved application and license within a reasonable amount of time stated in this written notice.

(D) If noncompliance with the license conditions, as described in the written notice given by the Administrator, continues past the stated reasonable time to comply, the Administrator may take further action as provided in this chapter, including but not limited to, issuing a citation or seeking injunctive relief.

(E) If the livestock facility owner disputes that the conditions of the license have not been complied with, the livestock facility owner may request, in writing, a hearing within five days of receipt of the notice of noncompliance. The Town Board (county committee) shall schedule a hearing within five days to determine if the conditions of the license have been complied with, or whether noncompliance with the commitments of the approved application and local approval exists.  
(Ord. 12-9-08, passed 12-9-08)

### § 112.17 APPEALS.

(A) In addition to other appeal rights provided by law, Wis. Stat. § 93.90(5) provides that any “aggrieved person” may request review by the Livestock Facility Siting Review Administrator of any decision by the political subdivision in connection with a permit application. An “aggrieved person” may challenge the decision on the grounds that the political subdivision incorrectly applied the standards under this chapter or violated Wis. Stat. § 93.30.

(B) An **AGGRIEVED PERSON** under this section, as defined in Wis. Stat. § 93.90(5), means a person who applied to a political subdivision for approval of a livestock siting or expansion, a person who lives within two miles of the livestock facility that is proposed to be sited or expanded, or a person who owns land within two miles of a livestock facility that is proposed to be sited or expanded.

(C) An "aggrieved person" may request review of any decision of the Livestock Facility Siting Administrator decision or action by the Town Board/county committee.

(D) Any appeal brought under this section must be requested with 30 days of the town approval or disapproval, or within 30 days after the decision on appeal before the Town Board.

(E) Any appeal to the State Livestock Facility Siting Review Board shall comply with Wis. Stat. § 93.90 and administrative rules of the Board.  
(Ord. 12-9-08, passed 12-9-08)

### § 112.99 PENALTY.

(A) Any person who violates any of the provisions of this chapter, or who fails, neglects or refuses to comply with the provisions of this chapter, or who knowingly makes any material false statement or knowing omission in any document required to be submitted under the provisions hereof, shall be subject to the following penalties:

(1) Upon conviction by a court of law, pay a forfeiture of not less than \$1,000 nor more than \$5,000, plus the applicable surcharges, assessments and costs for each violation.

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(2) Each day a violation exists or continues shall be considered a separate offense under this chapter.

(3) In addition, the Town Board may seek injunctive relief from a court of record to enjoin further violations.

(4) In addition, the Town Board may suspend or revoke the local approval of a license under this chapter, after due notice to the livestock facility owner and a public hearing to determine whether the license should be suspended or revoked.

(B) The town shall exercise sound judgment in deciding whether to suspend or revoke a license. The political subdivision shall consider extenuating circumstances, such as adverse weather conditions, that may affect an operator's ability to comply.

(C) In addition to any other penalty imposed by this chapter, the cost of abatement of any public nuisance on the licensed premises by the town may be collected, under this chapter or Wis. Stat. § 823.06, against the owner of the real estate upon which the public nuisance exists. Such costs of abatement may be recovered against the real estate as a special charge under Wis. Stat. § 66.0627 unless paid earlier.

## CHAPTER 113: SOLID WASTE DISPOSAL FACILITIES

### Section

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- 113.02 Definitions; references
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- 113.05 General regulations
- 113.06 Permit application
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### ***Cross-reference:***

*Garbage and refuse, see Ch. 52*

*Recycling, see Ch. 51*

### **§ 113.01 PURPOSE.**

The purpose of this chapter is to regulate the disposal of waste, garbage, refuse, and sludge by individuals, corporations, and municipalities within the town. 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 chapter.

(Ord. 12-14-2010, passed 12-10-10)

### **§ 113.02 DEFINITIONS; REFERENCES.**

(A) *Definitions.* For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***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.

**GARBAGE.** Discarded material resulting from the handling, processing, storage, preparation, serving, and consumption of food.

**MUNICIPALITY.** Any city, village, town, or county.

**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.

**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 1985-86 Wis. Stat. § 146.20.

**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.

(B) *References.* References 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.  
(Ord. 12-14-2010, passed 12-10-10)

### § 113.03 PERMIT REQUIRED.

Except as expressly permitted in § 113.04 no person, corporation, or municipality shall dispose of waste, garbage, refuse, or sludge within the town unless a permit to engage in such dumping or disposal is first obtained from the town under the conditions prescribed in this chapter.  
(Ord. 12-14-2010, passed 12-10-10) Penalty, see § 113.99

### § 113.04 EXCEPTIONS.

The following are not within the scope or meaning of this chapter:

(A) 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.

(B) 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 sewerage system located within the town.

(C) A farm on which only animal waste resulting from the operation of the farm is disposed of.

(D) Any waste disposal operation under the direction and control of the town.  
(Ord. 12-14-2010, passed 12-10-10)

**§ 113.05 GENERAL REGULATIONS.**

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) 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.

(C) 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 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 substantially to depreciate property values within the immediate area unless property owners have been previously compensated for the loss.  
(Ord. 12-14-2010, passed 12-10-10)

**§ 113.06 PERMIT APPLICATION.**

(A) An application shall be filed with the Town Clerk at least 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.

(B) 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.

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(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 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.  
(Ord. 12-14-2010, passed 12-10-10)

**§ 113.07 PUBLIC HEARING.**

(A) 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 § 113.05, the General Regulations of this chapter. The hearing will be of an informational nature for the Town Board.

(B) 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 the 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.

(Ord. 12-14-2010, passed 12-10-10)

**§ 113.08 PERMIT APPLICATION FEE AND COSTS.**

An application for a permit for a solid waste facility shall be filed with the Town Clerk in writing. 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.

(Ord. 12-14-2010, passed 12-10-10)



**§ 113.09 BOND; RIGHT OF REVOCATION; RIGHT OF ACCESS.**

(A) A permit under this chapter shall not be effective unless there is on file with the Town Clerk a cash bond or a bond with a corporate surety duly licensed in the State of Wisconsin in the penal amount of \$1,000,000. The bond is to assure that the applicant will comply with all the provisions of this chapter 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 or for any damages to town roads.

(B) If the chapter 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 and, if necessary, to obtain a court order terminating the 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.

(C) 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.

(Ord. 12-14-2010, passed 12-10-10)

**§ 113.10 ISSUANCE.**

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. It shall be issued if the Town Board is satisfied that there has been and will be reasonable compliance with the conditions of this chapter.

(Ord. 12-14-2010, passed 12-10-10)

**§ 113.11 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 the chapter are violated.

(Ord. 12-14-2010, passed 12-10-10)

**§ 113.12 STATE LAW ALSO APPLIES.**

Nothing contained in this chapter 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 chapter.

(Ord. 12-14-2010, passed 12-10-10)

**§ 113.99 PENALTY.**

Any person violating this chapter shall be fined not less than \$10 nor more than \$200 for each offense. Each day of violation shall constitute a separate offense under this chapter. Imprisonment in the county jail can be ordered only for failure to pay the fine that may be imposed. If imprisonment is ordered for failure to pay the fine, it shall be limited to one day of confinement for each \$5 of fine or fraction thereof.

(Ord. 12-14-2010, passed 12-10-10)