

CHAPTER 12

LAND SPREADING, STORAGE AND SOIL INCORPORATION OF WASTE

SECTION 1 – PURPOSE

This Chapter is intended to protect property values, to prevent blight and deterioration of areas within the Town, and to enhance the quality of life within the Town by the regulation of the storage, ground surface application, and soil incorporation of waste produced outside of the Town.

SECTION 2 – DEFINITIONS

The following definitions apply to this Chapter:

- A. “Waste”: Any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility and other discarded or salvageable materials, including solid, liquid, semi-solid, or contained gaseous materials resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include animal manure, or animal manure mixed with organic bedding material.
- B. “Organic Waste”: Waste that is derived from living organisms.
- C. “Inorganic Waste”: Waste that is not derived from living organisms.
- D. “Commission” or “Plan Commission”: The Town of Auburn Comprehensive Plan Commission.
- E. “Person”: Any individual, partnership, limited liability corporation, limited liability partnership, firm or corporation.
- F. “Store”: To keep or maintain an item or material in any quantity and whether in a container or vehicle or building and whether on or underneath the surface of the ground.

SECTION 3 – STORAGE, APPLICATION, INCORPORATION OF WASTE

A. It shall be unlawful for any Person to Store at any location within the Town of Auburn or apply to the surface of the ground or incorporate into the soil of any lands within the Town of Auburn, Inorganic Waste produced outside the Town of Auburn.

B. It shall be unlawful for any Person to Store at any location within the Town of Auburn or apply to the surface of the ground or incorporate into the soil of any lands within the Town of Auburn, Organic Waste produced outside the Town of Auburn without first having obtained a conditional use permit therefore from the Plan Commission.

SECTION 4 – APPLICATION, HEARING, NOTICE AND CONDITIONAL USE PERMIT

A. Application for a Conditional Use Permit shall be made in writing upon a blank form to be furnished by the Plan Commission. The application fee of \$100.00 shall accompany the application when it is filed with the Town. Such application shall state the name and address of the applicant, the name and address of the owner of the premises on which the Waste is proposed to be placed, and the legal description of the premises on which the Waste is proposed to be placed. Such application shall also specifically identify the type of Waste, how and when the applicant proposes to use the Waste and such other information as the Plan Commission may require.

B. The Plan Commission shall, not later than twenty-one (21) days after the receipt of the application, hold a hearing at which the applicant, members of the public, and other persons interested may be heard on the application. Notice of the hearing shall be published as a Class One Notice under Chapter 985, Wisconsin Statutes.

C. At the conclusion of the hearing on the application or any adjournment thereof, but in any event, not less than twenty-eight (28) days after receipt of the application, the Plan Commission shall decide whether to grant or deny the permit and determine what restrictions and limitations, if any, shall be placed on the permit.

D. Restrictions and limitations that may included in the permit by the Plan Commission shall include the use to which Waste may be put; quantities of Waste that may be used; how the Waste must be stored; if used as a fertilizer, whether the Waste may be applied to the surface of the soil or incorporated into the soil; the number of times or the period of time, including the number of hours and time of day of the application in which Waste may be used; and other restrictions and limitations that further the stated purpose and intent of this subsection.

SECTION 5 – PENALTY PROVISION

Any Person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than \$100.00, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance. However, the maximum forfeiture portion of charges shall not exceed \$2,500.00. In addition, the Town Board may seek injunctive relief from a court of record to enjoin further violations.

SECTION 6 – SPECIAL ASSESSMENT

Should any Waste be stored, spread, or incorporated into soils in violation hereof and the owner of the parcel refuses or neglects to correct the same within ten (10) days of notice being sent to the record owner, then, in that event, the Town may enter on the premises without further notice and correct any violations found. The costs of said corrections shall be chargeable against the owner and may be assessed against and collected from the affected real estate as a special assessment or special tax. This remedy is in addition to all other available under this ordinance or otherwise provided for by law.