ORDINANCE NO. 91-1

AN ORDINANCE REGULATING THE DISPOSAL OF SEWERAGE SLUDGE WITHIN THE TOWN OF NEWPORT

THE TOWN BOARD of the Town of Newport, Columbia County, Wisconsin, does ordain as follows:

SECTION 1. Purpose:

The purpose of this ordinance is to regulate the disposal of waste, refuge and sludge, by municipalities within the town of Newport, Columbia County, Wisconsin. Because of the possible danger to the health, safety and welfare of the public, such dumping or disposal within Newport township shall only be permitted under the terms and conditions set forth in this ordinance.

SECTION 2. Definitions:

A. SLUDGE. Means the accumulated residual solids, or liquids, or semi-liquid, which has been processed or treated in any way, form or manner.

B. SITE OR PROPERTY SITE. The Term site, or property site, shall mean the property on which the applicant intends to apply sludge.

C. DUMPING OR DISPOSAL. Dumping or disposal includes, but is not limited to unloading, throwing away refuse or sludge on or into, or under any property or lands, whether publicly or privately owned, within the Town of Newport. Each site as set forth above shall be limited to a maximum of 10 acres.

SECTION 3. PERMIT REQUIRED:

No municipality shall dump or dispose of waste, or waste water sludge, on any lands located within the township, without first having obtained a permit from the town board. This shall apply both to existing and proposed sludge disposal operations. Such permit shall meet the conditions prescribed herein and the cost of the permit shall be not less than One Thousand Dollars ($1,000.00), on an annual basis. The permit shall be effective for one year from the date of issue. Renewal must be applied for at least one month before expiration. The fee provided for herein shall cover not more than four sites, as defined above, for the same permit holder.

SECTION 4. APPLICATION:

Written application for a permit to apply sludge on any lands located within such township must be made to the clerk of the township. The application shall state as follows:

A. The applicant shall be the owner of the treatment facility generating the sludge.

B. The name and address of the applicants, and if the applicant is a municiple corporation, the name, address and clerk of the corporation shall be affixed thereto.

C. The post office and legal description of the site to be used shall be listed on the application, and the description shall reference a quarter-quarter section, or a unit thereof.

D. The name and addresses of the landowners and haulers involved with the proposed disposal of the sludge shall be listed. A copy of any contract related to the proposed disposal shall be appended to the application.

E. The length of time the applicant intends to apply sludge on the site or sites described in the application shall be stated. The time frame envisioned herein shall be based upon the number of days the use is intended for, on an annual basis.

F. The name or names and addresses of the owners of any other site or sites upon which the applicant is presently applying sludge, whether or not such sites are within or without the corporate limits of the town must be stated.

G. Names and addresses of all property owners within 300 yards of the boundary of the proposed application site must be listed.

H. The zoning on the lands to be used for such dumping purposes shall be indicated on the application as the operation will be permitted only in the agricultural (A-1, A-2 only), or industrial (M-1), or special purposes (SP), zoning as set forth in the official zoning map of the Town of Newport.

SECTION 5. GRANTING PERMIT:

The town board shall, after receiving the application, and after hearing thereon as hereinafter provided, may issue a permit if it finds the following:

A. That the sludge will disc into the land if it be dry sludge, within a period of Twenty-four (24) hours after

application thereof, or knifed-in if it be wet sludge.

B. Sludge will be applied in accordance with appropriate regulations of the Department of Natural Resources of the State of Wisconsin, and that approval has been obtained by the applicant from the DNR, to apply to the real estate described in the application.

C. That no sludge shall be deposited on the grounds between December 1 and April 1 of any one year, or when the frost in the ground is more than two inches in depth.

D. No sludge will be applied within 400 feet of any residential building located on adjoining lands.

E. No sludge will be applied within an area of less than 600 feet from the nearest private water supply well, and that the application of sludge will not constitute a possible contamination source for any water supply, irrespective of the location of the supply from the disposal site.

F. That the site to be used for such purpose may only be used once a year during any annual period, or when the total of 20,000 gallons, or its equal in dry matter, shall be deposited on each acre within the permitted area.

G. That the driveway into the area to be used for that purpose shall be gated in such way that access will be limited to the municipality and/or landowner occupying such premises.

H. That the sludge will not be applied within 200 feet of any stream, pond, or other channeled waterway.

I. That the sludge will not be applied to any soil, which because of its composition, would tend to create a health hazard, as determined by the Department of Natural Resources.

J. That the applicant has applied for and has received all appropriate licenses from any county or state licensed authority.

K. That a copy of all reports required by the county or state shall be sent to the town clerk at the same time as it is sent to the State.

L. That the application of sludge will not constitute a nuisance as that term is defined by town, county or state ordinance or statutes.

M. If the town board does not find affirmatively with reference to any of these sections above, then the application for such permit shall be denied.

N. That the Ten (10) acre sites provided for above shall not touch each other, the minimum distance between sites to be One-Half (1/2) mile, so that no sites are adjoining, or in such way could accumulate to the detriment of the public health and safety of the township.

SECTION 6. TESTING:

The town board requires testing of the soils at three year intervals on each site, for a period of time up to three years after the last application of sludge. The soil shall be tested for cadmium, copper, lead, nickel and zinc. The results of the soil tests, as well as the results of the quarterly sludge testing required by the Department of Natural Resources, shall be made available to the town board. All costs for soil and sludge testing shall be paid for by the applicant.

SECTION 7. BOND:

Before such permit shall be issued the applicant shall file with the town clerk a surety bond in the amount of at least Fifty Thousand Dollars ($50,000). Said bond representing a guarantee that the applicant will fully abide by all of the terms and provisions of this Ordinance, and any other ordinance of the town of Newport, applicable thereto, and any rules and regulations imposed by the town board, as conditions for granting such permit. In addition, the applicant shall furnish proof of liability insurance coverage, protecting the Town of Newport, from any and all claims made by third-parties, such insurance policy to be at least in the sum of Fifty Thousand Dollars ($50,000), and the same being filed with the clerk of the township, as proof of purchase thereof.

SECTION 8. NOTICE:

At least 72 hours prior to sewerage sludge disposal, written notification should be made to the Clerk of the Town of Newport, of the site to be used and the dates, or date, of sewerage sludge disposal.

SECTION 9. PUBLIC HEARING:

In the event the town board of the Town of Newport requires a public hearing consistent with the above, then such hearing shall be given as a Class 1 notice, as described in Wisconsin Statutes. The cost of publication of such notice shall be deposited by the applicant in advance. A public hearing shall be held on the date specified in the notices, or any adjourned date;

however, such public hearing shall be merely advisory in regard to affecting any action which may be taken by the town board upon such application.

SECTION 10. REVOCATION:

The permit once issued may be revoked after public hearing upon a published Class 1 notice, by the Town of Newport, at any time, if any of the conditions necessary for the issuance thereof, or any terms of the ordinance are violated. 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 ordinance.

SECTION 11. TOWN ROADS:

The application for a permit to apply sludge shall be accompanied by a map, or maps, which designate routes to be taken within the town, to access application sites within the town. Town roads shall not be used by tankers conveying sludge to a site, unless, a town road provides a most reasonable, or expedient access. In such event, a town road may be used for access, provided that the town board consents to such use. Damages to a town road attributable to the transport of sludge by a permit holder shall be paid by such permit holder. The permit holder shall not deviate from transport routes set forth in its application.

SECTION 12. PENALTIES:

Any person, firm or corporation who violates this section shall be subject upon conviction, to a forfeiture of not more than Five Hundred Dollars ($500.00), together with the cost of prosecution, and in default of payment of such forfeiture and costs, shall be imprisoned in the county jail until such forfeiture and costs are paid, for a period not exceeding Ninety (90) days.

A. Every violation and each day a violation continues, or occurs, shall constitute a separate offense.

SECTION 13. CONFLICTS:

All ordinances, or parts of ordinances, conflicting with or contravening the provisions of this ordinance are hereby repealed. The finding of any court of law that any portion of this ordinance shall be invalid and/or unconstitutional, shall not invaldate any other portion of this ordinance.

SECTION 14. EXIGENT CIRCUMSTANCES:

For good cause shown the town board may allow a permit holder to vary from its application in this ordinance. Any variance shall be for a limited term, and may be permitted only after public hearing. Notice of such public hearing shall be published as a Class 1 notice, with publication costs to be borne by the permit holder.

SECTION 15. EFFECTIVE DATE:

In accordance with Wisconsin Statute 61.50(1), this ordinance shall take effect the day after proof of posting has been filed and recorded with the town clerk.

PASSED and adopted by the Town Board of the Town of Newport, Columbia County, Wisconsin, this 11th day of June, 1991.

TOWN BOARD
TOWN OF NEWPORT
COLUMBIA COUNTY, WISCONSIN

Donald P. Nelson (SEAL)
Donald P. Nelson

Fredrick E Schubring (SEAL)
Fredrick E. Schubring

Frederick G. Winnes (SEAL)
Frederick G. Winnes

ATTEST:

Laurence Bogh
Laurence Bogh Town Clerk

ADOPTED: June 11, 1991

POSTED: June 20, 1991

PUBLISHED: June 20, 1991