

ORDINANCE #15-2010
(AMENDED ORDINANCE NO. 16-1989)

**AN ORDINANCE RELATING TO OPERATIONAL
REQUIREMENTS FOR THE ADAMS COUNTY LANDFILL**

WHEREAS: Ordinance #16-1989 was enacted on 12-19-89, and

WHEREAS: Adams County is the Responsible Unit of Government for Adams County by Resolution #78-1990 and therefore is granted jurisdiction and responsibility under 287.09 Wis. Stats. over all solid waste and recyclables generated within the County and must meet certain requirements to sustain grant eligibility and landfill licensing, and

WHEREAS: effective 7/1/95, NR 502.06 Wis. Adm. Code requirements to all holders of Collection and Transportation Licenses regarding hauler notification to customers and reporting to Responsible Units went into affect, and

NOW THEREFORE, the Adams County Board of Supervisors does hereby ordain as follows:

SECTION 1: PURPOSE AND INTENT

The purpose and intent of this Ordinance is to develop and implement a comprehensive policy and program for the Adams County Landfill regarding management and delivery of solid waste generated within the County and to promote reduction, recycling, reusing, composting and resource recovery through administration of an effective recycling program, as provided in ss 287 & 289 Wis. Stat., and NR 544, Wis. Adm. Code.

Further, as Adams County is the Responsible Unit of Government for Recycling in Adams County pursuant to Resolution #78-1990, it will comply with all responsibilities as the Responsible Unit under WI Act 335 and NR 544 WI Admin. Code "Effective Recycling Program", to assure that recycling is being separated from garbage and properly recycled.

SECTION 2: DEFINITIONS

- (a) "Adams County Landfill", "Landfill Site" or "site" shall mean the area so designated on the map attached hereto and incorporated herein as "APPENDIX A".
- (b) "Operator" means the Adams County Solid Waste Committee or their Department Head designee or DNR Certified Landfill Manager.
- (c) "Adams County Landfill" also means Adams County Resource Recovery Facility which is an Adams County Facility operating under the supervision and direction of the Adams County Solid Waste Committee.
- (d) "County" means Adams County Solid Waste Committee or Adams County Board of Supervisors.
- (e) "Effective Recycling Program" means meeting the required components described in NR 544.0. WI Admin. Code.
- (f) "Hauler" means a person whose business is, in part or in whole, to collect solid waste or recyclables from generators which they produce for purposes of transportation of, and disposal at, solid waste disposal or recycling facilities.
- (g) "Municipality" means all towns, villages, and cities within the County subject to the County's Responsible Unit status pursuant to 287.09(1) Wis. Stats.

- (h) "Municipality" means all towns, villages and cities within the County subject to the duties and powers stated in 287.09 Wis. Stats which directs solid waste and recyclables produced within their boundaries into the County solid waste management system.
- (i) "Person" means any individual and further includes partnerships, associations and local government units.
- (j) "Permitted Hauler" means any private hauler and/or commercial hauler, or County resident, or non-County resident who has been permitted by Adams County to haul garbage, refuse, trash and/or recyclable materials in Adams County.
- (k) "Recyclable materials" means materials listed in s 287.07 (1m) to (4) (5), Wis. Stats, as amended.
- (l) "Region" has the meaning specified in s. 287.01 (8), Wis. Stats.
- (m) "Responsible Unit" has the meaning specified in s. 287.01 (9), Wis. Stats.
- (n) "Solid waste" had the meaning specified in s. 289.01 (33), Wis. Stats.
- (o) "Solid waste management" means planning, organizing, financing, and implementing programs to effect the storage, collection, transporting, processing, recycling or final disposal of solid wastes in a sanitary, nuisance-free manner, as specified in s. 287.01(13) and s. 289.01(36), Wis. Stats.
- (p) "Waste reduction" means decreasing the quantity of waste materials or products generated as specified in 544.03(41) Wis. Admin. Code.
- (q) Wis. Stats., Sec. 287.01, Sec. 289.01, and Wis. Adm. Code Chapter NR544.03 shall govern regarding additional definitions not specifically stated herein.

SECTION 3: SOURCE LIMITATIONS

No person, other than authorized County personnel or an authorized permitted and licensed private hauler, or County permitted private citizen may deposit materials at the County landfill site, including recyclables at the designated portion of the County landfill site.

SECTION 4 -: PERMIT REQUIRED FOR COMMERCIAL HAULING OF WASTE & RECYCLABLES:

- a) No Person shall collect and haul any solid waste or recyclable materials, as defined by Wisconsin Administrative Code 544.03 (33) and (39m), and Wis. Stats. 289.01 (33) and NR 544.03 Wis. Adm. Code, in Adams County without a Solid Waste Hauling Permit issued by Adams County, attached hereto and incorporated herein as "Appendix C".
- b) Application for the County Permit shall be in the form adopted by the Adams County Solid Waste Committee with the rules, regulations, and conditions stated therein, together with such subsequent rules, regulations, and conditions as may be hereafter approved by said Committee.
- c) The Adams County Solid Waste Committee may adopt rules and regulations for issuance of citations for a violation of the permit terms and may also adopt regulations for the operation of the landfill.
- d) All Haulers Must Abide by the Notification of Recycling Requirements for Waste Haulers under s. NR 502.06(eg), Wis. Adm. Code (Publication WA425-2005)

SECTION 5 : LANDFILL SITE – HOURS OF OPERATION

The landfill site shall be operated on the days, and during the hours, as designated and published by the Adams County Solid Waste Committee.

Any permitted hauler authorized by the County to haul and dispose of garbage, trash, refuse and/or recyclable materials at the landfill site, shall do so during operational hours and shall deposit said materials at the landfill site as directed by the operator.

SECTION 6: TRANSPORTATION TO LANDFILL SITE

- (a) Routes of Travel. All permitted private and/or commercial haulers, and County residents, who collect from private residences and businesses in the County, contract with the County (or one of its municipalities,) shall deliver garbage, trash, refuse, and/or recyclable materials to the County landfill site, and shall do so only over the designated route established by Agreement between Adams County and the Town of Strongs Prairie. Said Route is attached hereto and incorporated herein as "APPENDIX B". If customers (private residences or businesses) are within the boundaries of Strongs Prairie, every attempt shall be made to go directly to the nearest County or State road for transport to the County Landfill.

All permitted private haulers delivering garbage and refuse to the County landfill site, collected from outside of the Town of Strongs Prairie, shall also be directed to use the above designated routes in traveling to and from the landfill site.

- (b) Covered Vehicles Required. No person shall transport any garbage, trash, or recyclable materials to the County landfill site unless such garbage, trash, refuse, or recyclable materials are fully and securely covered and/or fully enclosed, in the vehicle used to transport such waste materials in accordance with Wis. Adm. Code (NR 502.06)(4)(d):

"Vehicles or containers used for the collection and transportation of solid waste shall be loaded and moved in such a manner that the contents do not fall, spill or leak. Covers shall be provided to prevent littering and spillage. If spillage does occur, the operator shall immediately return spilled materials to the vehicle and shall properly clean the spill area. In the event of a spill of a hazardous substance, the Department shall be notified under s. 292.11 Wis. Stats., and the spill materials shall be collected and the environment restored as provided in Ch. NR 158 WI Admin. Code".

SECTION 7: OPERATIONAL RESPONSIBILITY

- (a) The collection and disposal of all garbage, trash, refuse, and recyclable materials shall be the responsibility of, and conducted under the supervision, directions, and control of, Adams County in strict conformity with the provisions of this Ordinance, and with such additional rules and regulations as may be adopted from time to time by the Adams County Solid Waste Committee.
- (b) All permitted private and/or commercial haulers, County residents, and persons shall comply with all approved County Ordinances and County Landfill policies and procedures, including, but not limited to: Clear Bag Requirement, Mobile Home/Asbestos Inspection Policy, Boat Disposal Policy, Fire Prevention Policy, No Smoking Policy, Mandatory Hauler Recycling Education & Compliance, Hazardous Waste Inspections, Adams County Recycling Ordinance, etc.

SECTION 8: VIOLATIONS

A. ADOPTION OF ORDINANCE

1. **Wis. Stats. §66.0113 Incorporated by Reference.** To expedite the resolution of ordinance violations, the County Board of Adams County hereby adopts the procedure authorized by Wis. Stats. §66.0113 to enforce this Ordinance. Wis. Stats. §66.0113 is hereby adopted and incorporated by reference as if set forth in full herein. Any future amendments, revisions or modifications

thereto, including imposition of mandatory court costs, are hereby adopted and incorporated herein and are made part of this Ordinance.

2. **Relationship to other laws.** The adoption and authorization for use of a citation under this section does not preclude the governing body from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or any other matter. The issuance of a citation under this section does not preclude proceeding under any other ordinance or law relating to the same or any other matter.
3. **Form of Citation.** The County hereby adopts the Citation form specified at Wis. Stats. §66.0113(1)(b), a copy of which is attached hereto and incorporated herein as Appendix "D", or any other form permitted by Wisconsin law.
4. **Issuance of Citations.** Any law enforcement official authorized by Adams County, the Solid Waste Director, or its designee, may issue citations pursuant to Wis. Stats. §66.0113(2) for enforcement of any violations under this Ordinance.
5. **Jurisdiction Conferred.** The citation shall have the legal effect specified in Wis. Stats. §66.0113 and a duly issued citation shall confer subject matter jurisdiction upon the Circuit Court for the County of Adams, for the purpose of receiving payment of forfeiture, court costs and penalties.

B. FORFEITURE, COURT COSTS, PENALTIES AND ENFORCEMENT.

1. **Forfeitures.** All citations for violation of this Ordinance shall be referred to Adams County Corporation Counsel for expeditious prosecution. Any person or entity who violates or neglects to comply with any provision of this Ordinance or any regulation promulgated pursuant thereto, shall upon conviction thereof be punishable by a fine not less than \$250 or more than \$1500 per violation, plus court costs pursuant to the schedule then in effect, payable to the Adams County Clerk of Circuit Court.
2. **Schedule of Cash Deposit and Penalty Assessment.** Forfeitures for violation of this Ordinance shall be assessed in a calendar year commencing January 1st and ending December 31st of a given year, as follows:
 - a. First offense: \$ 250.00 plus court costs
 - b. Second offense: \$ 500.00 plus court costs
 - c. Third offense: \$1000.00 plus court costs
 - d. Fourth and each subsequent offense: \$1500.00 plus court costs
3. **Enforcement.** Corporation Counsel may seek such Orders and Writs as may be required for enforcement of this Ordinance, including but not limited to the provisions contained in Wis. Stats. Ch. 66 (Municipalities) and Wis. Stats. Ch. 755 (Municipal Court).

All sections, subsections, paragraphs, clauses, words, and provisions of this Ordinance are to be severable, and the unconstitutionality or illegality of any section or subsection shall not affect the validity of the remaining sections or subsections. This Ordinance does not supersede any applicable federal or state statutes or regulations that are more restrictive.

SECTION 9: EFFECTIVE DATE

This Ordinance shall take effect and be enforced immediately after the adoption by the Adams County Board of Supervisors and its publication as provided by law in the newspaper designated by county ordinance for legal publications.

Regulations for the operation of the landfill adopted by the Adams County Solid Waste Committee shall take effect when published or at such later date as determined by the Committee.

SECTION 10: REPEAL OF PRIOR ORDINANCES

All prior Ordinances, or parts of Ordinances, in conflict with this Ordinance are hereby repealed.

Recommended for enactment by the Solid Waste Committee this 8 day of Sept., 2010.

Michael J. Keckisen
Gary Babcock
Robert

Flourence Johnson
Dea R. Wagon

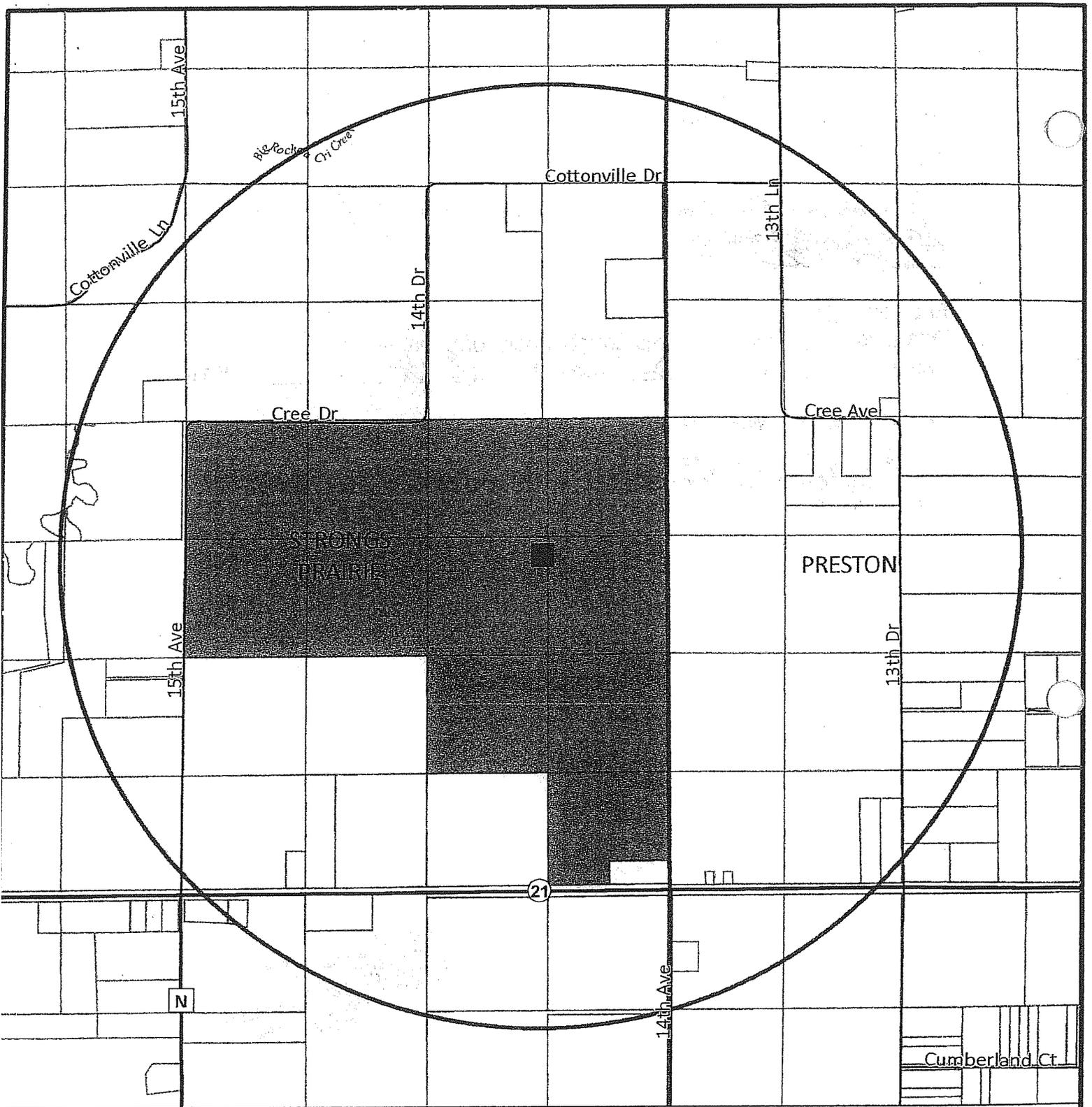
Enacted X
Defeated _____ by the Adams County Board of Supervisors
Tabled _____ this 12 day of Oct, 2010.

ADAMS COUNTY, WISCONSIN

W. Medstrom
County Board Chair

Cindy Phillepp
County Clerk

State of Wisconsin
County of Adams
This document is a full, true and correct copy
of the original on file and of record in my
office and has been compared by me
this October 18, 2010
Barbara Wagon
County Clerk

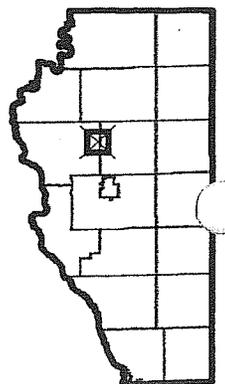
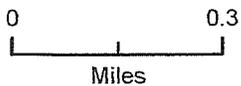


Appendix A

Adams County Landfill Town of Strongs Prairie

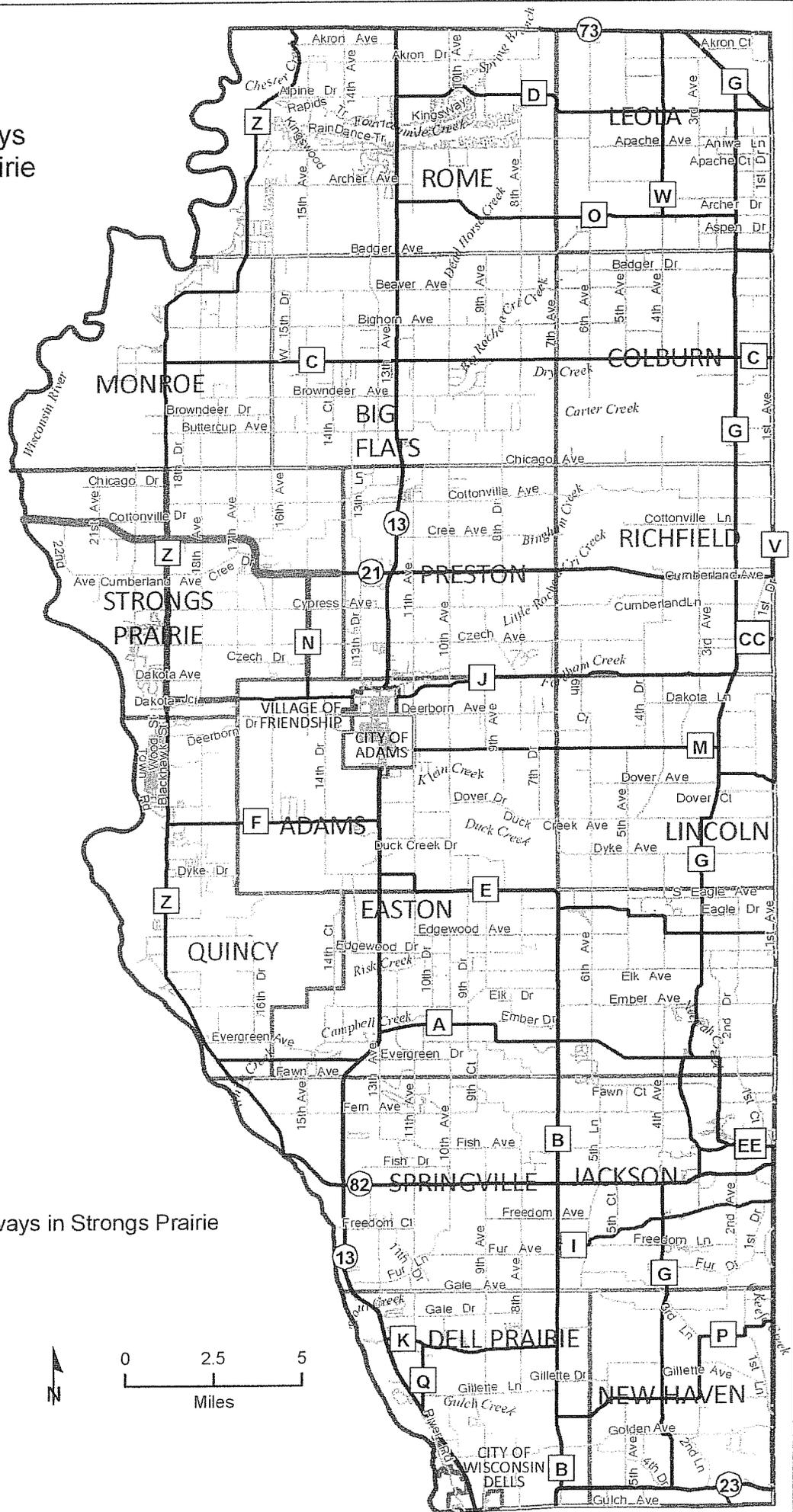
Legend

-  Landfill
-  1 Mile Landfill Radius
-  Landfill Property
-  Land Parcel
-  Town Boundary
-  State Highway
-  County Highway
-  Local Road
-  Water



Appendix B

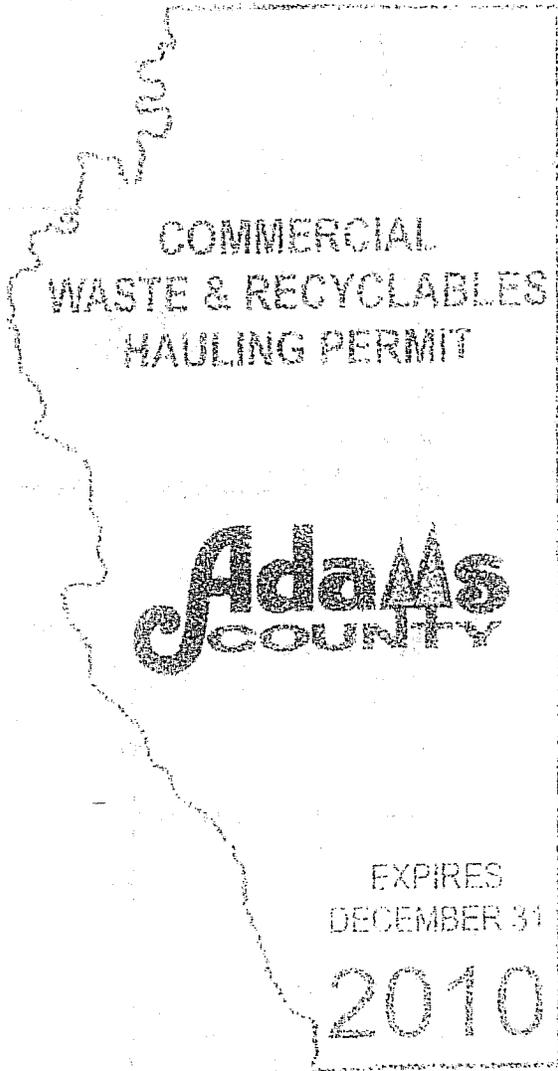
State and County Highways in the Town of Strongs Prairie



Legend

-  State and County Highways in Strongs Prairie
-  State Highway
-  County Highway
-  Local Road
-  Town Boundary
-  Water

APPENDIX C
COMMERCIAL WASTE & RECYCLABLES HAULING PERMIT & APPLICATION



**APPENDIX C (CONTINUED)
COMMERCIAL WASTE & RECYCLABLES HAULING PERMIT APPLICATION**



COMMERCIAL WASTE & RECYCLABLES HAULING PERMIT APPLICATION
LICENSING PERIOD: JANUARY 1 - DECEMBER 31--RENEWABLE EACH YEAR

IN ACCORDANCE WITH ADAMS COUNTY LANDFILL OPERATIONAL ORDINANCE #16-1989

APPLICATION DATE: _____ *FEE: \$50 - FIRST VEHICLE
 ORIGINAL _____ \$25 - EACH ADDITIONAL VEHICLE
 RENEWAL _____ (RENEWALS MUST BE SUBMITTED BY NOV. 1 FOR THE NEXT YEAR
 RENEWAL TAG)

Firm Name:			
Firm Address:			
City, State, Zip:			
Contact Person:	Phone:		
	Fax:		
	Email:		

FULL LISTING OF VEHICLES USED IN ADAMS COUNTY

YEAR & MAKE	TYPE	BOX SIZE C.Y.	DNR HAULING LICENSE #	PLATE #	VEHICLE FLEET #	FEE
						\$50.00
						\$25.00
						\$25.00
						\$25.00
						\$25.00
						\$25.00
						\$25.00
						\$25.00
						\$25.00
						\$25.00
						\$25.00
						\$25.00
						\$25.00
						\$25.00
						\$25.00
TOTAL FEE DUE:						

*PROPER FEE MUST BE INCLUDED WITH ORIGINAL APPLICATION OR RENEWAL. CHECKS MADE PAYABLE TO "ACSW"

RETURN APPLICATION & FEE TO: ADAMS COUNTY SOLID WASTE, 1420 HWY 21, FRIENDSHIP, WI 53934

APPENDIX C (CONTINUED)
ADAMS COUNTY COMMERCIAL HAULING PERMIT RULES

1. Commercial Hauling Permits will be issued on or after January 1st and will remain in effect until December 31st of that year. No credit will be made for permits received during the year.
2. Commercial Waste & Recyclables Hauling Permit stickers will be issued for trucks listed on permit application. The sticker MUST be placed on the driver side front bumper and be kept visible at all times. Each year a new "year" sticker will be furnished upon receiving the annual application and fees. The "year" sticker MUST immediately be placed on the bumper sticker.
3. If a permitted hauler acquires an additional truck during the permit year, he will update the permit application form and pay the appropriate fees to the Adams County Solid Waste Department.
4. All Commercial Hauling Permit holders will transport solid waste in an enclosed vehicle or shall transport the materials in containers which will prevent littering or spilling while in transit.
5. At the time the hauling permit is issued, haulers must provide Adams County with a schedule outlining the days, times and locations of the first pickup points and a description of each route.
6. All Commercial Hauling Permit holders will supply a certificate annually of the following types of insurance issued by insurers, duly licensed within the State of Wisconsin; general liability including, but not limited to, bodily injury, property damage, motor vehicle, loading and unloading and provide appropriate worker's compensation benefits insurance.
7. The applicants shall be financially and operationally capable, as determined by the Adams County Solid Waste Committee, of properly collecting, transporting and paying for disposal of all solid waste. Payments are due thirty (30) days after the date of the statement. If payment is later than 60 days past due Adams County has the right to suspend temporarily, or permanently, the hauler permit.
8. Commercial Hauling Permit holder agrees to deliver all acceptable solid waste, as defined by the Adams County Solid Waste Committee, picked up in Adams County to the Adams County Landfill.
9. Commercial Hauling Permit holder must provide documentation for mobile homes and other construction projects regarding the presence or absence of asbestos. Haulers must make every effort to notify customers of the recycling requirements for construction jobs, including, but not limited to, corrugated cardboard, scrap metals, etc. If a Construction Contractor is also the Commercial Hauler, they must provide information of recycling at construction jobs and provide adequate containers for such.
10. All Commercial Hauling Permit holders must furnish volumes of recyclables collected (by municipality) as part of the County Responsible Unit volumes for DNR Recycling grants.
11. All Commercial Hauling Permit holders must assist the County in meeting CAP requirements for effective recycling program (NR 544.04(9g) Wis. Adm. Code. This includes providing names and addresses of customers who are not recycling the mandated items. This also includes providing educational materials to customers on mandated recycling as well as special events such as Clean Sweeps.
12. The Adams County Solid Waste Department has the right to inspect the hauler's trucks and contents whenever the trucks are in Adams County, and refuse said contents for non-compliance.
13. Dumping of solid waste at the landfill site is allowed only when an authorized Adams County employee is available to observe the weighing and unloading of the truck.
14. If any hazardous or unacceptable waste is delivered to the landfill or processing facility, the hauler will be notified for removal and if the hauler does not remove the material in the agreed upon time frame, not to exceed closing of the following work day, Adams County will dispose (or cause the disposal) of the waste in accordance with all applicable laws and regulations. The hauler will be billed double the county's disposal costs incurred.
15. The Commercial Hauling Permit holder agrees that it will at all times during the existence of this permit save harmless Adams County against any and all liability, loss, damage, costs or expenses which permit holder may sustain, incur, or cause as a result of an act the hauler either has done or has failed to do.

APPENDIX "D"
CITATION

N1199031

**WISCONSIN UNIFORM MUNICIPAL
COURT CITATION AND COMPLAINT**

Juvenile Deposit Permitted: Cash Card (For Court Use only)
\$ _____

You Are Notified To Appear
Is this a mandatory appearance? yes no
(Read the reverse side of this citation for court information.)
Date _____
Time _____ AM PM
Municipal Court _____

Defendant Name - Last _____ First _____ MI _____
Street Address _____ Post Office _____ State _____ Zip Code _____
Driver License Number or Other I.D. (specify) _____ State _____ Exp. Yr. _____
Date of Birth _____ Sex _____ Race _____ Height _____ Weight _____ Hair _____ Eyes _____
License Plate Number _____ Plate Type _____ State _____ Exp. Yr. _____

Plaintiff: City Village Town
OF: _____

Defendant Violated: _____
Adopting State Statute No. _____
Ordinance No. _____

Description of Violation _____

Week Day _____ Month - Day - Year _____ Time _____ AM PM
At _____ County _____

Name & Address of Parent/Guardian/Legal Custodian (if minor defendant) _____

Citation Served: Personally Mailed to defendant's last known address
 Left with person residing at defendant's residence: Name _____ Age _____

Print Officer Name _____ Department _____ I.D. No. _____ Date Citation Issued _____ Telephone Number of Parent/Guardian/Legal Custodian _____

MC-2000, 10/01

COURT COPY