

**CHAPTER 24**  
**SOLID WASTE, NON COMBUSTIBLE WASTE**  
**AND REFUSE DISPOSAL**

**24.01 SOLID WASTE DISPOSAL SITES AND FACILITIES**

(a) Application

Commercial and municipal establishments or operations such as, without limitations because of enumeration, sanitary landfills, dumps, land disposal sites, incinerators, auto junk yards, scrap metal salvage yards, transfer stations, storage facilities, collection and transportation services and other establishments or operations for the storage, collection, transportation, transfer, processing, treatment, recovery or disposal of solid waste shall not be permitted in any Conservancy District, Residence Estate District, Residence I-1 District, Residence A-2 District, Quarrying District, Restricted Business District, Local Business District or General Business District, but may be permitted in any Limited Industrial District or General Industrial District, subject to the following:

(1) The location, building, and site plan, plan of operation and plan of restoration shall be prepared by professional engineers and submitted to and approved by the Town Board following a recommendation from the Town Plan Commission. All operations shall conform to the Solid Waste Management requirements of Chapter NR 180, Wisconsin Administrative Code, the Wisconsin Statutes, and the Waukesha County Health Department rules and regulations.

(2) Such plans shall be approved or disapproved upon consideration of the effects on: topography, drainage, water supply, soil conditions, roads and traffic, present and ultimate land development and use, and other factors involved in the specific operation.

(3) Only sanitary landfill refuse disposal methods, subject to standards established and enforced by the Waukesha County Health Department, the Department of Natural Resources, the State Board of Health, and the town shall be used. No burning of any waste material is permitted. All garbage must be covered to the specified depth prior to the end of a day during which disposal has taken place.

(4) Disposal operations are prohibited within the following areas:

(A) Within 1,000 feet of any navigable lake pond or flowage. Within 300 feet of any navigable river or stream, or to the

(B) Landward side of the flood plain, whichever distance is greater.

(C) Within a flood plain.

(D) Within 1,000 feet of the nearest edge of the right-of-way of any state trunk highway, interstate or federal aid primary highway or the boundary of any public park, unless the site is screened by natural objects, planting, fences, or other appropriate means so as not to be visible from the highway or park.

(E) Within wetlands.

(F) Within critical habitat areas.

(G) Within an area from which solid waste or leaching therefrom may be carried into any surface water, or may have a detrimental effect on ground water.

(H) Within 1200 feet of any public or private water supply well.

(b) Requirements

(1) Setback. No refuse disposal shall take place closer than 200 feet to the base setback line. Structures shall be set back at least 100 feet unless a greater setback is required by the Town Board.

(2) Offset. No disposal shall take place closer than 200 feet to any property line, nor closer than 500 feet to any existing dwelling, nor closer than 500 feet to a district zoned A-1, A-2 or A-3 Residential at the time of the grant of permit. Structures shall be offset at least 50 feet unless a greater offset is required by the Town Board.

(3) The town may require that a responsible person be in attendance during the hours of operation.

(4) A non-flammable fence with a gate which can be locked may be required to encompass all or part of the site to prevent unauthorized access to the site for refuse disposal or scavenging. Additional auxiliary fencing, such as snow fence, may be required to minimize nuisances.

(5) Dust proofing access roads, providing an alternate location within the site for wet weather operations, and any other requirements deemed appropriate by the Town Board.

(6) Applicable provisions of county ordinances and state administrative codes and statutes.

#### **24.02 LICENSE**

In addition to all other state and county licensing, a license shall be obtained from the Town of Lisbon and shall be subject to renewal on an annual basis by January 1 of each succeeding year.

(1) No license shall be issued hereunder unless the dump site and the proposed method of operation have been approved by the Town Board.

(b) License Fee

The applicant shall accompany his application with an annual fee of \$1000.

#### **24.03 DISPOSAL FEE**

Since disposal operations can cause many problems and expenses for the town which are not realistic to assess to owners of town property, the Town Board may impose on the licensee a fee per ton of solid waste disposed on the site. The fee per ton and the method of determining this fee shall be established by the Town Board. A greater fee per ton may be charged for solid waste transported from municipalities or other areas not located within the Town of Lisbon.

#### **24.04 SURETY**

The Town Board may require that a surety in an amount appropriate for the specific operation and approved by the Town Attorney be filed with the Town. Approval must be obtained prior to commencing any of the above disposal operations.

#### **24.05 INSURANCE**

Prior to issuance of a license under this chapter the applicant shall furnish the Town Board a certificate of insurance showing that the operations of the applicant pursuant to the license will be covered by public liability and property damage and indemnity insurance in the amount of \$100,000 for each death or injury; \$300,000 for all deaths and injuries occurring in a common accident; and \$25,000 for property damage liability and will save the town harmless from any liability which may arise by reason of issuance of a license or operation of the licensee. Failure to provide the insurance required or cancellation of the insurance shall automatically void the license.

#### **24.06 REVOCATION OF LICENSE**

The Town Board may revoke any license issued under this chapter for cause upon 3 day's notice to the applicant and opportunity to be heard. Cause shall include a violation of this chapter or any other ordinance or state law regulating the disposal of garbage, rubbish and refuse or the creation of a public nuisance. Cause shall also include disapproval of the State Division of Health of the dump site or of the dumping operations conducted thereon. If any license is revoked, the license fee shall not be returned to the applicant.

## **24.07 PUBLIC AND COMMERCIAL DISPOSAL OPERATIONS FOR NON-COMBUSTIBLE MATERIALS**

All licenses for public and commercial disposal operation for non-combustible materials shall be subject to the provisions of Section 3.08(4)(R) of the Zoning Ordinance of the Town of Lisbon.

## **24.08 RESTRICTIONS ON DISPOSAL OF YARD WASTE**

### (a) Purpose

The purpose of this section is to increase the lifetime use of existing landfills, and to reduce the need for landfill sites in the future. To accomplish that purpose, it is the intent of the Town Board, by adoption of this section, to prohibit residents of the town from placing yard clippings, leaves and similar yard waste in garbage and refuse which is ordinarily collected by private firms under contract with the

### (b) Prohibition

The placement of any yard waste, including leaves, grass clippings or other vegetation, as well as branches, brush, tree limbs or similar materials, in any container or garbage bag which is intended, or likely, to be collected by a waste hauling firm under contract with the town, is strictly prohibited.

### (c) Penalty

Any person, firm or corporation violating the prohibition contained in this section shall be subject to a fine of not less than \$25 no more than \$100 per occurrence. Each violation within a 12 month consecutive period of time shall constitute a separate violation.

## **24.09 GARBAGE, RUBBISH AND RECYCLABLE MATERIAL COLLECTION**

### (a) Purpose

This section is to require the removal of garbage, rubbish, and recyclable materials from all properties within the town and to provide for the collection thereof. The accumulation of garbage and rubbish is a public nuisance and utilization of limited landfill sites for recyclable materials is contrary to public interest.

### (b) Special Charge

Pursuant to Section 66.049, Wisconsin Statutes, the Town Board shall, from time to time, by motion or resolution, establish a special charge for the collection of garbage, rubbish and recyclable materials, which special charge shall apply to all improved residential properties. All classes of properties other than residential properties shall contract separately for the removal and disposal of garbage, rubbish and recyclable materials. This section shall apply to residential units included in a building containing a non-residential use, but not as to those portions of a building which are devoted to non-residential uses. Each unit of condominium shall be considered a single-residential unit for the purposes of this section.

### (c) Definitions

#### (1) Garbage.

Putrescible animal and vegetable wastes resulting from the handling, preparation, cooling and consumption of food.

#### (2) Rubbish.

Useless solid wastes consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery and similar materials.

#### (3) Recyclable Materials

Means material waste for which there exists a commercially demonstrated processing and manufacturing technology which uses the material as a raw material. This term shall include the nature and extent of recyclable materials as that term may be defined in any contract entered into between the town and a private waste hauler.

### (d) Time and Manner of Placing Containers

Refuse and recycling containers shall be placed at the point of collection by the owner, tenant, lessee or occupant of the premises not more than 24 hours preceding the normal collection day. It shall be the duty of the person so placing the containers to be familiar with the collection schedule, the point of collection as designated by the Town Board and waste hauler, and to place and remove containers so that a neat and orderly appearance will be maintained. In the event the point of collection is at or near a roadway, the containers shall be placed so that they are not in the travel portion of the roadway and do not interfere with the use of the roadway.

(e) Recycling Program

Effective as of January 1, 1992 recyclable materials, as that term is defined in this section, shall be separated from garbage and rubbish so as to reduce the amount of solid waste to be disposed of, and at the same time, reduce the financial burden of solid waste disposal. Recyclable materials will be separated into designated containers and placed at the point of collection by residents for collection by an authorized agent of the town. The designated recycling containers shall be purchased by the town, and shall remain the property of the town. Those which are lost, damaged or removed from the property shall be replaced by the property owner, at the expense of the property owner. The cost of such replacement shall be established by the Town Board from time to time. The town will bill the property owner for the cost of the replacement of the containers, and in the event that the property owner fails to pay the bill, the cost thereof shall be placed on the property tax roll.

(f) Ownership of Recyclable Materials

From the after the time of placement of recyclable materials at the point of collection, items shall become the property of the Town of Lisbon, or its authorized hauling agent. No person shall collect or cause to be collected any such items during the period commencing 24 hours preceding a day designated for collection of recyclable materials.

(g) restrictions on Items Included in Garbage and Rubbish Collection

No person shall place in any container designated for garbage or rubbish collection, or in any container designated for placement of recyclable materials, any building materials, boards, lumber, carpet, auto parts, tires, automotive batteries, waste oil, landscape timbers, piers, rocks, dirt, concrete, drywall, plaster, siding, windows, doors, cabinets, sinks, bathtubs, toilet bowls, basins, etc., any white goods, any hazardous or toxic materials as defined in the State of Wisconsin, Department of Natural Resources regulation NR181, or any yard waste, leaves, grass clippings or branches, or any other items which may be designated by the Town Board from time to time.

(h) Penalty

Any person, firm or corporation violating the prohibition contained in this section shall be subject to a fine of not less than \$25 nor more than \$100 per occurrence. Each violation within a 12-month consecutive period of time shall constitute a separate violation.