

## ORDINANCE NUMBER 5.01

### AN ORDINANCE OF THE TOWN OF BLOOMING GROVE MUNICIPAL CODE PERTAINING TO THE COLLECTION, SEPARATION, DUMPING, DISPOSAL AND RECYCLING OF GARBAGE, RUBBISH, REFUSE, TRASH, WASTE AND RECYCLABLE MATERIALS.

WHEREAS, conservation of recyclable materials is now a necessity in order to conserve our natural resources; and

WHEREAS, the cost of solid waste disposal is ever increasing and convenient landfill facilities are rapidly decreasing; and

WHEREAS, the reduction of the amount of solid waste to be disposed of will reduce the cost of landfill disposal fees and extend the life of the landfill, and at that same time the separation, collection and sale of recyclable materials will reduce the financial burden of solid waste disposal;

WHEREAS, it is the intent of the Town of Blooming Grove to regulate the collection, dumping, and disposal of garbage, rubbish, refuse and recyclable materials by persons, entities and municipalities within the Town of Blooming Grove. Because of the possible danger to the health, safety and welfare of the public, and the incumbent need to recycle reusable materials, such collection, dumping or disposal within the Town of Blooming Grove shall only be permitted under the terms and conditions set forth below.

Section 1.1 STATUTORY AUTHORITY. This ordinance is adopted as authorized under s. 159.09(3)(b), Wis. Stats., 1993 Wisconsin Act 245, s. 144.44, Wis. Stats., s.144.61, Wis. Stats., and Chapter NR 544.

Section 1.2 ABROGATION AND GREATER RESTRICTIONS. It is not intended by this ordinance to repeal, abrogate, annul, impair or interfere with any existing rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, whenever this ordinance imposes greater restrictions, the provisions of this ordinance shall apply.

Section 1.3 INTERPRETATION. In interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any terms or requirements of this ordinance may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this ordinance is required by Wisconsin Statutes, or by a standard in Chapter NR 544, Wis. Administrative Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Chapter NR 544 standards in effect on the date of the adoption of this ordinance, or in effect on the date of the most recent text amendment to this ordinance.

Section 1.4 SEVERABILITY. Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

Section 1.5 APPLICABILITY. The requirements of this ordinance apply to all persons and entities within the Town of Blooming Grove.

Section 1.6 ADMINISTRATION. The provisions of this ordinance shall be administered by the Town Board of the Town of Blooming Grove.

Section 1.7 EFFECTIVE DATE. The provisions of this ordinance shall take effect the day after its passage and publication, and shall supersede Ordinance No. 5.01 and all amendments thereto.

Section 1.8 DEFINITIONS. For the purposes of this ordinance:

- (1) "Bi-metal container" means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.
- (2) "Container board" means corrugated paperboard used in the manufacture of shipping containers and related products.
- (3) "Foam polystyrene packaging" means packaging made primarily from foam polystyrene that satisfies one of the following criteria:
  - (a) Is designed for serving food or beverages.
  - (b) Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.
  - (c) Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.
- (4) "HDPE" means high density polyethylene, labeled by the SPI code #2.
- (5) "LDPE" means low density polyethylene, labeled by the SPI code #4.
- (6) "Magazines" means magazines and other materials printed on similar paper.
- (7) "Major appliance" or heavy object means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, furnace, boiler, dehumidifier, water heater, water softener, heat pump or stove.

- (8) "Multi-family dwelling" means a property containing fire or more residential units, including those which are occupied seasonally.
- (9) "Newspaper" means a newspaper and other materials printed on newsprint.
- (10) "Non-residential facilities and properties" means commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.
- (11) "Office paper" means high grade printing and writing papers from offices in non-residential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. This term does not include industrial process waste.
- (12) "Other resins or multiple resins" means plastic resins labeled by the SPI code #7.
- (13) "Person" includes any individual, corporation, partnership, association, local government unit, as defined in s. 66.299(1)(a), Wis. Stats., state agency or authority or federal agency.
- (14) "PETE" means polyethylene terephthalate, labeled by the SPI code #1.
- (15) "Plastic container" means an individual, separate, rigid plastic bottle, can, jar or carton, except for a blister pack, that is originally used to contain a product that is the subject of a retail sale.
- (16) "Postconsumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in s. 144.61(5), Wis. Stats., waste from construction, and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in s. 144.44(7)(a)1., Wis Stats.
- (17) "PP" means polypropylene, labeled by the SPI code #5.
- (18) "PS" means polystyrene, labeled by the SPI code #6.
- (19) "PVC" means polyvinyl chloride, labeled by the SPI code #3.
- (20) "Recyclable materials" includes lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspaper; office paper; rigid plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins; steel containers; waste tires; and bi-metal containers.
- (21) "Solid waste" means 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, semisolid, or contained gaseous materials resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include solids or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under ch. 147, or source, special nuclear or by-product material as defined under s. 140.52.

- (22) "Solid waste facility" means a facility for solid waste treatment, solid waste storage or solid waste disposal, and includes commercial, industrial, municipal, state and federal establishments or operations such as, without limitation because of enumeration, sanitary landfills, dumps, land disposal sites, incinerators, transfer stations, storage facilities, collection and transportation services and processing, treatment and recovery facilities. This term includes the land where the facility is located. This term does not include a facility for the processing of scrap iron, steel or nonferrous metal using large machines to produce a principal product of scrap metal for sale or use for remelting purposes. This term does not include a facility which uses large machines to sort, grade, compact or bale clean wastepaper, fibers or plastics, not mixed with other solid waste, for sale or use for recycling purposes. This term does not include an auto junk yard or scrap metal salvage yard.
- (23) "Solid waste treatment" means any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste. "Treatment" includes incineration.
- (24) "Solid waste management" means planning, organizing, financing, and implementing programs to effect the reduction, storage, collection, transporting, processing, reuse, recycling, composting, energy recovery from or final disposal of solid wastes in a sanitary, nuisance-free manner.
- (25) "Solid waste management plan" means a plan prepared to provide for solid waste management.
- (26) "Solid waste storage" means the holding of solid waste for a temporary period, at the end of which period the solid waste is to be treated or disposed.
- (27) "Waste oil" means engine oil, hydraulic oil, lubricating oil or any other engine-related petroleum product but excluding cleaning solvents or cooking oil.
- (28) "Waste tire" means a tire that is no longer usable for its original purpose because of wear damage or defect.
- (29) "Yard waste" means leaves, grass clippings, yard and garden debris including clean woody vegetative material no greater than 4 inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

- (30) "Small business" means any business producing a maximum of four (4) thirty-gallon bags of garbage per week.
- (31) "Residential unit" means single family homes, condominiums, duplexes, multiple family dwellings, and apartments of up to eight (8) units.

Section 1.9 SEPARATION OF RECYCLABLE MATERIALS. Effective January 1, 1995, all occupants of single family and two- to eight- unit residences, multiple-family dwellings and non-residential facilities and properties including, but not limited to, small businesses, businesses and commercial enterprises located within the Town of Blooming Grove shall separate except as exempted in s. 1.11 the following materials from postconsumer waste:

- (1) Lead acid batteries
- (2) Major appliances
- (3) Waste oil
- (4) Yard waste
- (5) Aluminum containers
- (6) Bi-metal containers
- (7) Corrugated paper or other container board
- (8) Foam polystyrene packaging
- (9) Glass containers
- (10) Magazines
- (11) Newspaper
- (12) Office paper
- (13) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS and other resins or multiple resins
- (14) Steel containers
- (15) Waste tires

Section 1.10 DUTY TO PROVIDE CONTAINERS. Effective the day after its passage and publication, owners of five or more unit dwelling residences, multiple-family dwellings, and establishments at which there is public traffic, such as public buildings, hotels, motels, retail stores, theaters, college dormitories, and church social halls shall provide containers for recyclable materials along side their present public receptacles. The owners of these establishments shall not be required to sort through items for which the general public places into containers intended for garbage and rubbish.

Section 1.11 SEPARATION REQUIREMENTS EXEMPTED. The separation requirements of s. 1.9 do not apply to the following:

- (1) Occupants of single family and two to eight unit residences, multiple-family dwellings and non-residential facilities and properties that send their postconsumer waste to a processing facility licensed by the Wisconsin

Department of Natural Resources that recovers the materials specified in s. 1.9 from solid waste in as pure a form as is technically feasible.

- (2) Solid waste which is burned as a supplement fuel at a facility if less than 30% of the heat input to the facility is derived from the solid waste burned as supplemental fuel.
- (3) A recyclable material specified in s. 1.9(5) through (15) for which a variance has been granted by the Department of Natural Resources under s. 159.11(2m), Wis. Stats., or s. NR 544.14, Wis. Administrative Code.

Section 1.12 CARE OF SEPARATED RECYCLABLE MATERIALS. To the greatest extent practicable, the recyclable materials separated in accordance with s. 1.9 shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other non-recyclable materials, including, but not limited to, household hazardous waste, medical waste, and agricultural chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions.

Section 1.13 MANDATORY COLLECTION. All residential units in the Town of Blooming Grove shall receive weekly curbside recyclable materials collection from the collector the Town Board selects. Residential units shall be charged on a per unit basis for recyclable materials collection and billed by the Town. Billing shall take place in conjunction with the annual property tax billing.

Businesses, commercial enterprises, remodeling and new construction projects, and apartments with more than eight units are responsible to contract for their own garbage, rubbish and recyclable materials collection.

Section 1.14 MANAGEMENT OF LEAD ACID BATTERIES, MAJOR APPLIANCES, WASTE OIL AND YARD WASTE. Occupants of single family and two to eight unit residences, multiple-family dwellings and non-residential facilities and properties shall manage lead acid batteries, major appliances, waste oil and yard waste as follows:

- (1) Lead acid batteries shall be returned to the establishment from which it was purchased by the owner of said lead acid batteries.
- (2) Major appliances shall be disposed of by contacting Town of Blooming Grove. Microwave ovens may be taken to the Dane County landfill by the individual in possession of such microwave ovens after the capacitor has been removed.
- (3) Waste oil shall be brought by each individual possessing said waste oil to a Dane County waste oil drop off site or any other disposal site.

- (4) Yard waste shall not be disposed of as solid waste. Town residents are encouraged to compost. Yard waste shall be as follows:
- (a) during the designated spring and fall yard waste pick up time, leaves shall be placed into plastic bags, tied up, and placed at the curb during the designated time shall be published by the Town Board in the Blooming Grove newsletter, or information may be obtained from the Town Hall; do not include brush, hedge trimmings or rubbish.
  - (b) brush and hedge trimmings no more than four inches in diameter shall be laid perpendicular to the curb.

Section 1.15 PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS.

Except as otherwise directed by the Town Board, occupants of single family and two to eight unit residences shall do the following for the preparation and collection of the separated materials specified in s. 1.9(5) through (15):

- (1) Aluminum containers shall be cleaned, with the labels removed, and placed into receptacles provided for all recyclable materials.
- (2) Bi-metal containers shall be cleaned, with the labels removed, and placed into receptacles provided for all recyclable materials.
- (3) Corrugated paper or other container board shall be cut up, folded, bundled and tied separately and placed with other recyclable materials no more than eight inches in height.
- (4) Foam polystyrene packaging shall be picked up with non-recyclable trash and rubbish.
- (5) Glass containers shall be cleaned, with the labels removed, and placed into receptacles provided for all recyclable materials.
- (6) Magazines shall be free of all plastic film and shall be tied separately from newspapers in stacks up to eight inches in height, placed with other recyclables; do not include TV Guide or comic books or other magazines not printed on glossy paper; magazines shall not be placed outside for collection on days when inclement weather is expected.
- (7) Newspaper shall be tied separately in stacks up to eight inches in height or placed into large paper grocery bags, and placed with other recyclables; newspaper shall not be placed outside for collection on days when inclement weather is expected.
- (8) Rigid plastic containers shall be prepared and collected as follows:
  - (a) Plastic containers made of PETE, SPI Code #1 limited to soda or clear liquor bottles shall be cleaned, with lids removed and placed into

receptacles provided for all recyclable materials; all other plastic containers made of PETE, SPI Code #1 shall be picked up with non-recyclable trash and rubbish.

- (b) Plastic containers made of HDPE, SPI Code #2 limited to milk bottles, detergent bottles and water bottles shall be cleaned, with lids removed and placed into receptacles provided for all recyclable materials; no containers for medicine, yogurt, cottage cheese, shampoo, butter, oil or antifreeze shall be placed into receptacles provided for recyclable materials; except, however, s. 1.15(8)(c) through (g) shall be effective until January 1, 1996.
  - (c) Plastic containers made of PVC, SPI Code #3 including but not limited to salad oil containers and other such transparent containers, shall be picked up with non-recyclable trash and rubbish.
  - (d) Plastic containers made of LDPE, SPI Code #4 shall be picked up with non-recyclable trash and rubbish.
  - (e) Plastic containers made of PP, SPI Code #5 including but not limited to margarine tubs, yogurt containers, and lids, shall be picked up with non-recyclable trash and rubbish.
  - (f) Plastic containers made of PS, SPI Code #6 including but not limited to fast food containers and deli food containers, shall be picked up with non-recyclable trash and rubbish.
  - (g) Plastic containers made of other resins or multiple resins, SPI Code #7 including but not limited to ketchup and mustard containers, shall be picked up with non-recyclable trash and rubbish.
  - (h) Effective January 1, 1996, all items included in sections (8)(c) through (8)(g) shall be collected in the same manner as all other recyclables.
- (9) Steel food containers shall be placed into receptacles provided for all other recyclable materials; all other steel containers shall be picked up with other non-recyclable trash and rubbish.
- (10) Waste tires shall not be disposed of as solid waste and shall be taken to the Dane County landfill or authorized tire recycling authority by the individual or entity in possession of said waste tires.

Section 1.16 RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF MULTIPLE-FAMILY DWELLINGS.

- (1) Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in s.1.9(5) through (15):



- (a) Provide adequate, separate containers for the recyclable materials.
  - (b) Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
  - (c) Provide for the collection of the materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.
  - (d) Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.
- (2) The requirements specified in (1) do not apply to the owners or designation agents of multiple-family dwellings if the postconsumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in s. 1.9(5) through (15) from solid waste in as pure a form as is technically feasible.

Section 1.17 RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF NON-RESIDENTIAL FACILITIES OR PROPERTIES.

- (1) Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in s. 1.9(5) through (15):
- (a) Provide adequate, separate containers for the recyclable materials.
  - (b) Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.
  - (c) Provide for the collection of the materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility.
  - (d) Notify users, tenants and occupants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.
- (2) The requirements specified in (1) do not apply to the owners or designated agents of non-residential facilities and properties if the postconsumer waste generated within the facility or property is treated at a processing facility

licensed by the Department of Natural Resources that recovers for recycling the materials specified in s. 1.9(5) through (15) from solid waste in as pure a form as is technically feasible.

Section 1.18 PROHIBITIONS ON DISPOSAL OF RECYCLABLE MATERIALS SEPARATED FOR RECYCLING. No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in s. 1.9(5) through (15) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

Section 1.19 REFUSE FROM OUTSIDE OF TOWN. It shall be unlawful to bring refuse from outside the Town of Blooming Grove limits into the Town limits for disposal unless specifically authorized by written agreement with the Town.

Section 1.20 ENFORCEMENT.

- (1) For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the Dane County Sheriff's Department or the Town Board of the Town of Blooming Grove may inspect recyclable materials separated for recycling, postconsumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and non-residential facilities and properties, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to any authorized officer, employee or authorized representative of the Dane County Sheriff's Department or the Town Board of the Town of Blooming Grove who requests access for purposes of inspection, and who presents appropriate credentials. No person shall obstruct, hamper, or interfere with such an inspection.
- (2) Any person who violates a provision of this ordinance may be issued a citation by the Dane County Sheriff's Department and/or the Town of Blooming Grove to collect forfeitures. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this paragraph.
- (3) Penalties for violating this ordinance may be assessed as follows:
  - (a) Any person violating this ordinance shall be fined not less than \$25.00 nor more than \$500.00 for each offense. Imprisonment in the County Jail can be ordered only for failure to pay the fine; it shall be limited to one day of confinement for each \$25.00 of fine or fraction thereof.

Any individual, corporation or municipality who places waste, garbage, refuse, yard waste, rubbish, heavy objects or appliances, noncollectible items or sludge on the property of another or on public property anywhere within the Town of Blooming Grove limits shall be subject to the penalty set forth in this section.

- (4) If any entity, including those receiving collection from a private firm, is found in violation of the collection and storage requirements of this ordinance and fails to comply with a notification and/or requirements of this ordinance and fails to comply with a notification and/or citation, the Town Chairperson or his or her designated representative shall be empowered to order a special collection to remove such violation. The person shall be notified of such special collection and the charges therefore. The special collection shall be made; and if billing plus \$50 is unpaid, the bill shall be considered a lien on the property and shall be placed on the tax bill. A person shall not use the special collection provision of this ordinance to circumvent requirements for collection by a private firm.

Section 1.21 REFUSAL OF SERVICE. The collector shall refuse to furnish collection service to any person not complying with, or refusing to comply with this ordinance for the collection of garbage and rubbish, and the separation of recyclable materials. Incorrectly prepared materials shall be left at the curb, with a note explaining the reason for deficiency.

Section 1.22 COLLECTION BY UNAUTHORIZED PERSONS. From the time of placement of recyclable materials at the collection point for collection by the Town of Blooming Grove or its authorized agent(s) in accordance with the terms herein, recyclable materials shall be the property of the Town of Blooming Grove or its authorized agent(s). It shall be a violation of this ordinance for any person not authorized by the Town of Blooming Grove to collect or pick up or cause to be picked up any such recyclable materials. Any and each such collection in violation hereof from any recyclable material container shall constitute a separate and distinct offense punishable as provided herein.

Section 1.23 DISPOSAL OR DUMPING PERMIT.

- (1) Except as expressly permitted in subsection (b), no individual, corporation, or municipality shall dump or dispose of waste, garbage, rubbish, refuse, yard waste, or sludge within the Town of Blooming Grove unless a permit to engage in such dumping or disposal is first obtained from the Town of Blooming Grove under the conditions prescribed herein.
- (2) Exceptions: The following shall not be deemed to come within the scope or meaning of this ordinance:

- (a) Sites used for the dumping or disposal of yard waste or garbage from a residential unit or small business, a member of which is the owner, occupant or lessee of the property, provided however that such yard waste or garbage is placed in suitable composting containers or composted in such other way as to not 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 of Blooming Grove, or the discharge of human waste products into the public sewage system located within the Town of Blooming Grove.
- (c) A farm on which only animal waste resulting from the operation of the farm are disposed of.
- (d) Any dumping operation under the direction and control of the Town of Blooming Grove.

Section 1.24 GENERAL REGULATIONS. Persons or municipalities who are permitted to engage in dumping or disposal operations shall be subject to the following regulations:

- (1) The dumping or disposal operations must be conducted in such a way as to not constitute a public or private nuisance.
- (2) Persons, entities or municipalities engaged in dumping or disposal operations must conduct their operations in such a way that dust, dirt, debris or other materials or substances will not be carried by wind across the boundary of the parcel of land being used for dumping or disposal operations.
- (3) A suitable covering of gravel or dirt shall be placed over all of the area used for dumping or disposal operation within a reasonable time after the dumping or disposal occurs, not to exceed ten days; such covering must be done in such a way as to give the area so covered a grading compatible with the surrounding and adjacent property in such a way as to not substantially depreciate property values within the immediate area.

Section 1.25 APPLICATION. There shall be a public hearing on any application for a permit to engage in dumping or disposal operations. The application shall be on file with the Town Clerk at least 30 days before the public hearing. The application shall contain the name and address of the applicant, and explanation of the nature and purpose of the dumping or disposal and a detailed description of the dumping or disposal plan.

Section 1.26 PUBLIC HEARING.

- (1) Notice of the public hearing shall be given as a Class 3 notice as described in Wisconsin statute 985.07.
- (2) The cost of the publication of such notices shall be deposited by the applicant in advance.
- (3) 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 1.27 BOND AND REVOCATION OF PERMIT. The Town Board reserves the right to require the applicant to post a bond, the condition of which will be that this ordinance shall be observed and that the dumping or disposal plan shall be carried out and any penalties imposed shall be paid. If there is a violation of the ordinance or if the dumping or disposal plan is not carried out, the Town Board shall have the right to revoke the dumping or disposal permit, and, if necessary, obtain a court order terminating such dumping or disposal operation. If after a reasonable demand the owner of the land does not cover the dumping or disposal area in accordance with the dumping or disposal plan, the Town Board shall have the right to correct the violation and to charge the expense against the bond.

The applicant for a dumping or disposal permit, in making the application, grants to the Town of Blooming Grove the right to go on the land and carry out the dumping or disposal plan, at the cost of the owner or occupant, if the owner or occupant of the land fails to do so after reasonable notice is given.

Section 1.28 ISSUANCE. The application for a permit shall be processed within 90 days of the receipt thereof, and shall be issued if the Town Board is satisfied that there has been and will be reasonable compliance with the conditions enumerated herein.

Section 1.29 REVOCATION. The permit once issued may be revoked after public hearing upon a published Class 1 notice by the Town of Blooming Grove at any time if any of the conditions necessary for the issuance thereof or any terms of the ordinance are violated.

Section 1.30 LICENSE TO PROVIDE COLLECTION SERVICES. Any private firm and/or entity providing collection services to Town persons, businesses and/or entities shall obtain an annual collection license from the Town. The application for a license shall be made in writing on forms prescribed by the Town Board. The application shall be signed and sworn by the applicant agreeing to provide collection services in accordance with the Town's ordinances, Dane County ordinances, and the Wisconsin Statutes as amended from time to time. The annual license fee shall be \$100.00 per year, non-refundable and paid to the Town by February 15.

Section 1.31 INSURANCE. No permit shall be issued until and unless the person applying for such permit shall file and maintain with the office of the Town Clerk of the Town of Blooming Grove suitable and appropriate evidence of public liability insurance covering all operations of the person applying for such permit and all vehicles to be operated in the conduct of such operations in the amount of not less than One Million and no/100 Dollars (\$1,000,000.00) for bodily injury per occurrence and One Hundred Thousand and no/100 Dollars (\$100,000.00) for damage to property. If required by state law, such person shall also carry appropriate worker's compensation insurance.

The Town of Blooming Grove shall be named as an additional insured on any such public liability insurance. Additionally, such insurance shall provide that the Town of Blooming Grove shall receive notification if there is any cancellation or lapse of policy coverage. Any permit issued hereunder shall be automatically suspended if, for any reason, such insurance is suspended or cancelled until the insurance is renewed or reinstated.

Section 1.32 HOLD HARMLESS AGREEMENT. In addition to the insurance required, the person applying for a permit shall agree to execute and deliver to the Town Clerk of the Town of Blooming Grove a Hold Harmless Agreement in which the person applying for the permit agrees to save and hold the Town of Blooming Grove, its agents or employees, harmless from any and all liabilities of any kind or nature whatsoever which may arise as a result of the person being issued a permit as described herein, including, but not limited by enumeration, reasonable attorney fees and court costs incurred by the Town in defending against any claim or in enforcing this ordinance. Such Hold Harmless Agreement shall be executed prior to the issuance of the permit.

Section 1.33 REVOCATION OF LICENSE TO PROVIDE COLLECTION SERVICES. Upon a written complaint being made by any residents or any official of the Town to the Town Board that any licensee has violated any provisions of this ordinance, the Town Board shall notify such licensee to appear before it at a time specified, which shall be not less than five (5) days after the date of the notice, to show cause why their license should not be revoked. The Town Board shall thereupon proceed to hear the matter and, if it finds that allegations of the complaint are true, may revoke the license of such licensee or penalize the licensee as provided in Section 1.20.

The above and foregoing Ordinance was duly adopted by the Town Board of the Town of Blooming Grove at a regular meeting held on the 14<sup>th</sup> day of May, 1996.

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William E. Fobes, Chairman

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Earl K. Kielley, Supervisor

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Roxane V. Stillman, Supervisor

I hereby certify that the foregoing Ordinance regarding collection, dumping and disposal of garbage, rubbish, refuse and recyclable materials was published as a Class 1 notice under ch. 895, Wis. Stats., on the 29<sup>th</sup> day of May, 1996.

Dated: May 29, 1996

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Clerk