



*Winnebago County
Chapter 15*

Sanitary Landfill Ordinance

AMENDED 11/03/1997

**Sanitary Land Fill
ORDINANCE CHAPTER 15, WINNEBAGO
COUNTY GENERAL CODE**

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SANITARY LANDFILL - CHAPTER 15

15.01 ESTABLISHMENT.

- (1) Pursuant to § [59.70\(2\)](#), Wisconsin Statutes, there is established a solid waste management system for the County and a Solid Waste Management Board to operate the system.
- (2) The solid waste management system shall identify the County as a solid waste management district which shall be composed of 21 individual service districts. Each governmental unit within the County shall constitute one service district with the right to determine whether or not it shall participate in this County-wide solid waste management system.

15.02 NAME. The name of this system shall be the "Winnebago County Solid Waste Management System."

15.03 PURPOSES. The solid waste management system shall develop, provide or cause to be provided such services as are necessary to the implementation and maintenance of solid waste and sewage sludge collection and disposal within the districts. The arrangement of this system shall be such as to encourage the participation of private enterprise as well as to facilitate the use of interjurisdictional resources to the fullest extent through unit of management, fiscal responsibilities and equitable servicing of all designated solid waste management areas within the County-wide district as indicated on Exhibit "A" which is incorporated by reference as if fully set forth herein.

15.04 SOLID WASTE MANAGEMENT BOARD. (1) COMPOSITION. The Solid Waste Management Board shall be composed of nine (9) members, five (5) of whom shall be County Board Supervisors who shall also comprise the County Board Committee on Solid Waste Management. All members of the Solid Waste Management Board shall be persons of recognized ability and demonstrated interest in the problems of solid waste management. Members of the Solid Waste Management Board shall be appointed by the County Executive, subject to confirmation by the County Board, from the areas of the County described on Exhibit "A" on the following basis:

- (a) Two members from the Neenah-Menasha area.
- (b) Two members from the Oshkosh area.
- (c) One member from the North/Central area
- (d) One member from the South/Central area.
- (e) One member from the Western area.
- (f) Two members at large.

- (1) TERMS. After the expiration of the initial appointments, each member of the Solid Waste Management Board shall be appointed for a three-year term. If a County Board Supervisor ceases to be a member of the County Board for any reason, his membership on the Solid Waste Management Board shall terminate as of the effective date of his termination as a County Board Supervisor.

- (2) VACANCIES AND REMOVALS.** Vacancies for unexpired terms shall be filled in the same manner as original appointments. Any Solid Waste Management Board member appointed hereunder may be removed by the appointing authority in accordance with the procedure and authority set forth in the statutes.
- (3) COMPENSATION.** Solid Waste Management Board members appointed hereunder shall be compensated for their services and travel expenses at a rate which shall be the same as the per diem and mileage allowance prevailing for County Board Supervisors.
- (4) POWERS AND DUTIES.** Subject to the rules and regulations established and amended from time to time by the County Board and the County Executive in their respective areas of responsibility, the Solid Waste Management Board shall have the powers and duties set forth in Sec. [59.07\(135\)](#), Wisconsin Statutes, as follows:
- (a)** To develop plans for a solid waste management system.
 - (b)** Within such County or joint county, to collect, transport, dispose of, destroy or transform wastes; including, without restriction because of enumeration, garbage, ashes or incinerator residue, municipal, domestic, agricultural, industrial and commercial rubbish, waste or refuse material, including explosives, pathological wastes, chemical wastes, herbicide and pesticide wastes.
 - (c)** To acquire lands by purchase, lease, donation or eminent domain within the County for use in the solid waste management system.
 - (d)** To authorize employees or agents to enter upon lands to conduct reasonable and necessary investigations and tests to determine the suitability of sites for solid waste management activities whenever permission is obtained from the property owner.
 - (e)** To acquire by purchase, lease, donation or eminent domain such easements or other limited interests in lands as are desired or needed to assure compatible land uses in the environs of any site that is part of the solid waste disposal system.
 - (f)** To establish operations and methods of waste management as are deemed appropriate. Waste burial operations shall be in accordance with sanitary landfill methods and the sites shall, insofar as is practicable, be restored and made suitable for attractive recreational or productive use upon completion of waste disposal operations.
 - (g)** To acquire necessary equipment, use equipment and facilities of the County highway agency; and construct, equip and operate incinerators or other structures to be used in the solid waste management system.
 - (h)** To adopt and enforce ordinances necessary for the conduct of the solid waste management system and provide forfeitures for violations.
 - (i)** To contract with private collectors or transporters or municipalities to receive and dispose of wastes.
 - (j)** To engage in, sponsor or co-sponsor research and demonstration projects intended to improve the techniques of solid waste management or to increase the extent of reuse or recycling of materials and resources included within the wastes.

- (k) To accept funds derived from State or Federal grant or assistance programs and enter into necessary contracts or agreements.
- (l) To appropriate funds and levy taxes to provide funds for acquisition or lease of sites, easements, necessary facilities and equipment and for all other costs required for the Solid Waste Management System except that no town, city or village which operates its own waste collection and disposal facility or property therein shall be subject to any tax levied hereunder to cover the cost of operation of these functions. Such appropriations may be treated as a revolving capital fund to be reimbursed from proceeds of the system.
- (m) To make payments to any municipality in which County disposal sites or facilities are located to cover the reasonable costs of services rendered to such sites or facilities.
- (n) To charge or assess reasonable fees, approximately commensurate with the costs of services rendered to persons using the services of the County Solid Waste Management System. Fees may include a reasonable charge for depreciation which shall create a reserve for future capital outlays for waste disposal facilities or equipment. All assessments for liquid waste shall be assessed by volume.
- (o) Districts may be created and different types of solid waste collection or disposal services provided within them and different regulations and cost allocations may be applied to each service district. Costs allocated to such service districts may be provided by general tax upon the property of the respective districts or by allocation of charges to the cities, villages or towns whose territory is included within such districts.
- (p) To utilize or dispose of by sale or otherwise any and all products or by-products of the solid waste management system.
- (q) To invest any of its funds not immediately needed in an aggregate amount not to exceed \$2,000,000.00, in any investment vehicle as authorized pursuant to Section [66.0603\(1m\)](#), Wisconsin Statutes.

15.05 FINANCES.

- (1) The County Solid Waste Management System shall be financed by such funds as may be available through public and private sources and the Solid Waste Management Board is authorized to accept private donations and to request and receive State and Federal grants-in-aid in addition to County funds.
- (2) The Solid Waste Management Board shall plan its financial operations on a calendar year basis and each year it shall submit its proposed budget for the next calendar year to the County Executive prior to August 15th or such other date as may be established by the County Executive.
- (3) The expenses incurred in the operation of the County Solid Waste Management System shall be paid by the County and charged against the appropriations and other funds credited to the system.

15.50 REPORTS. The Solid Waste Management Board shall make an annual report to the County Board and it shall make or cause to be made such other reports as may be required from time to time by the County Executive and the County Board.

15.51 SCALE TICKET VERIFICATION.



- (1) **AUTHORITY.** This Section of the Code is adopted [§ 59.70 \(2\)](#) pursuant to [\(h\)](#), Wis. Stats.
- (2) **PURPOSE.** The purpose of this section of the Code is to establish a procedure for verification of the county point of origin of the contents of a load of solid waste to enable the assessment of the proper fee for the disposal of such solid waste at the Winnebago County Sanitary Landfill.
- (3) **REQUIREMENTS.** Any person, firm or corporation, or agent or employee thereof, intending to use the facilities of the Winnebago County Sanitary Landfill for the disposal of solid waste of any kind whatsoever may be required to complete a verification concerning the county point of origin of such solid waste or any portion thereof on a Winnebago County Solid Waste Management Board form known as a "Scale Ticket". Such verification may include the requirement to place a signature thereon verifying that the solid waste load which is covered by said form is entirely from within Winnebago County, thereon referred to as "All in County" or that such load contains solid waste from outside Winnebago County, thereon referred to as "Any Out of County".
- (4) **ENFORCEMENT.** (a) Any person, firm or corporation, or agent or employee thereof, who refuses to complete the verification concerning point of origin of solid waste as required pursuant to paragraph (3) of this section of the Code, may be denied use of the Winnebago County Sanitary Landfill Facility for disposal of the solid waste load for which the verification is being required.
- (b) No person, firm or corporation, or agent or employee thereof, shall misrepresent the county point of origin of the contents of a solid waste load or portion thereof on the Winnebago County Solid Waste Management Board form known as a "Scale Ticket".
- (5) **PENALTIES; CITATION METHOD OF ENFORCEMENT.** The penalty provisions of Sec. 25.04 of the General Code of Winnebago County, Wisconsin, shall apply to all violations of this section of the Code, including the provisions for Citation Method of Enforcement.

15.52 SOLID WASTE SECURED DURING TRANSPORTATION.

- (1) **AUTHORITY.** This section of the Code is adopted pursuant to [§ 59.70\(2\)\(h\)](#), Wisconsin Statutes.
- (2) **PURPOSE.** The purpose of this section of the Code is to establish a requirement that all solid and recyclable waste materials which is transported by motor vehicle within Winnebago County or to the Winnebago County Solid Waste Management facilities be properly secured during such transport so as to prevent any such solid waste from littering the streets, roads and highways located in Winnebago County.
- (3) **REQUIREMENTS.** Any person, firm or corporation, or agent or employee thereof, transporting solid waste of any kind whatsoever within Winnebago County or to the Winnebago County Solid Waste Management facilities by motor vehicle or trailer attached to a motor vehicle shall provide cover or covers secured to said motor vehicle and trailer to prevent blowing, bouncing, leaking, falling or spilling of the solid and recyclable waste materials being transported. Actual leakage or spillage of such solid waste and recyclable materials is not necessary to constitute a violation of this section of the Code.
- (4) **SOLID WASTE DEFINED.** ([§ 289.01\(33\)](#), Wisconsin Statutes). The term "solid waste" and "recyclable materials" 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 solid material and domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Ch. [283](#), Statutes, or source material, as defined in [§ 254.31\(10\)](#), Statutes,



special nuclear material, as defined in § [254.31\(11\)](#), Statutes, or bi-product material, as defined in § [254.31](#), Statutes. The term "solid waste" includes yard and garden debris.

- (5) ENFORCEMENT. Any person, firm or corporation violating this section may be cited by Winnebago County Solid Waste personnel or by the Winnebago County Sheriff's Department. All incoming solid waste at the Winnebago County Solid Waste Management facilities shall be checked by solid waste personnel at the scale facility to determine whether it is properly secured to the motor vehicle or trailer in which it is being transported. Persons, firms or corporations, or agents or employees thereof may be denied use of the Winnebago County Solid Waste Management facilities for disposal of such solid waste and recyclable materials which are not properly secured.
- (6) PENALTIES. The penalty procedure contained in Sec. 25.04 of the General Code of Winnebago County, Wisconsin shall apply to all violations of this section of the Code including the provisions for citation method of enforcement, with the exception that the penalty for the first offense for violation of this ordinance shall be \$50.00 plus applicable costs and fees; \$100.00 for the second offense for violation of this ordinance plus applicable costs and fees; \$500.00 for the third offense for violation of this ordinance plus applicable costs and fees and \$1,000.00 for the fourth and added offenses for violations of this ordinance plus applicable costs and fees.

15.53 PROHIBIT DEPOSIT OF PETROLEUM CONTAMINATED SOIL

- (1) This ordinance is adopted pursuant to authority granted in Chapter [59.03\(1\)](#) and Chapter [92.07](#), Wisconsin Statutes.
- (2) (a) No person shall deposit on lands located within Winnebago County, soil which was removed from property located outside Winnebago County, and which is contaminated by petroleum products regardless of whether or not a permit has been issued by the Department of Natural Resources, a local municipality, or any other authorizing agency. This restriction does not apply to landfills properly licensed for the disposal or remediation of petroleum contaminated soils.
- (b) For the purposes of this ordinance, contaminated soil shall be defined as soil which meets the definition of hazardous substance and hazardous waste as defined in NR [700.03 \(25\)](#) and [\(26\)](#), Administrative Code, NR [718](#), Administrative Code, Chapter [291.01\(7\)](#), Wisconsin Statutes, and Chapter [299.01\(6\)](#), Wisconsin Statutes.
- (3) (a) Any person violating this ordinance shall immediately, upon notification, cease the deposit of said soil and shall immediately commence the removal of soil placed in violation of the ordinance.
- (b) For the purposes of this section, any person violating this ordinance shall forfeit not less than \$1,000.00 nor more than \$5,000.00 plus costs for each violation. Each day of violation is considered a separate offense.
- (4) Administration, including enforcement, of this code provision is to be done by the Winnebago County Land and Water Conservation Department.

CHAPTER 15 HISTORY INDEX

15.01-15.06	Ordinance dated July 15, 1975 15.04(5)(q)	Ordinance
Created 10/21/97		
15.50	Ordinance dated December 18, 1984	
15.51	Ordinance dated January 15, 1985 Amended 5/20/97	
15.52	Ordinance created 9 /23/97	