

CHAPTER 24
HAZARDOUS WASTE

24.01 DEFINITIONS

The following definition shall apply:

Hazardous Waste: All waste defined as "hazardous waste" pursuant to all regulations, administrative codes, rules, or statutes of the State of Wisconsin.

24.02 PURPOSE

The purpose of this ordinance is to further the maintenance of safe and healthful conditions, prevent and control pollution, protect the environment, and promote the public health, welfare, safety, convenience and interests of the residents of the Town of Menasha, Winnebago County, State of Wisconsin, by establishing standards covering Hazardous Waste in the Town of Menasha, Winnebago County, Wisconsin. This Hazardous Waste Ordinance may be amended from time to time as determined by the Town of Menasha Board of Supervisors.

24.03 DISPOSAL OF HAZARDOUS WASTE FROM OUTSIDE THE TOWN OF MENASHA INTO THE TOWN OF MENASHA

No person, firm, corporation, partnership, business or any entity shall dump, dispose, store, or locate, on either a temporary or permanent basis, any hazardous waste from outside the Town of Menasha upon any location or property within the Town of Menasha. However, a hazardous waste may be temporarily stored or located in the Town of Menasha for industrial reuse or recycling purposes.

24.04 DISPOSAL OF HAZARDOUS WASTE FROM INSIDE THE TOWN OF MENASHA INTO THE TOWN OF MENASHA

No person, firm, corporation, partnership, business or any entity shall dump, dispose, store, or locate on either a temporary or permanent basis, any hazardous waste from inside the Town of Menasha upon any location or property within the Town of Menasha, except upon permits issued by the Board of Supervisors of the Town of Menasha, Winnebago County, Wisconsin, and in conformity with the provisions set forth herein. This policy of issuance of permits and the procedure thereof for disposal of hazardous waste from within the Town of Menasha, shall be as set forth in the Town of Menasha Hazardous Waste Permit Disposal Policy on file with the Town Planner's office, which said Policy is incorporated at length as set forth herein, and which said Policy shall be established, and amended from time to time by the Town Board of Supervisors by resolution. In addition, a hazardous waste

may be temporarily stored or located in the Town of Menasha for industrial reuse or recycling purposes.

24.05 TOWN LANDFILL

No person, firm, corporation, partnership, business or any entity shall use or dispose of any hazardous waste in the former Town of Menasha landfill site.

24.06 COLLECTION AND TRANSPORTATION OF HAZARDOUS WASTE

- (1) Hazardous waste shall be collected and transported by private contract (a licensed contractor) of the owner. This waste shall be collected and transported in such manner and frequency, as is needed, to protect the public safety and welfare of the Town of Menasha. The Town of Menasha shall not provide for nor arrange to provide for, by contract or otherwise, any services for collection, removal, or transportation of hazardous waste in the Town of Menasha.
- (2) All hazardous waste transported upon any Town of Menasha road shall comply with all laws, rules, administrative codes, and regulations of the State of Wisconsin and/or State of Wisconsin Department of Natural Resources, and all federal laws.

24.07 EXEMPTIONS

- (1) All statutes, administrative rules, and regulations of the State of Wisconsin/State of Wisconsin Department of Natural Resources concerning materials, which are excluded from regulation as hazardous waste, are incorporated herein at length by reference and made a part of this ordinance.
- (2) This ordinance shall not prohibit the industrial reuse or recycling of a hazardous waste, provided such reuse or recycling process complies with all federal and/or state laws.

24.08 SEVERABILITY

If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or application of this ordinance which can be given effect without the invalid or unconstitutional provision or its application.

24.09 PENALTY

Any person, firm, corporation, partnership, business, or any entity who shall violate any provision of this ordinance, shall upon conviction, thereof, forfeit an amount set forth in Appendix C Fines and Penalties, reference this code section, together with the costs of prosecution, and in default of payment thereof, shall be imprisoned in the County Jail until said forfeiture and costs are paid, but not exceeding ninety (90) days. Each violation and each day a violation continues or occurs shall constitute a separate offense. *[Adopted 9/13/93] [Amended 11/28/05]*