

**COUNTY OF FLORENCE
CODE OF ORDINANCES
CHAPTER 18**

Small Demolition Waste Landfill Ordinance

Adopted March 19, 2002

Amended August 20, 2013 (Escrow option)

TABLE OF CONTENTS

1.0 PURPOSE	1
2.0 ABROGATION AND GREATER RESTRICTION	1
3.0 SEVERABILITY	1
4.0 ADMINISTRATION	1
5.0 EFFECTIVE DATE	1
6.0 DEFINITIONS	2
7.0 RESPONSIBILITIES OF OWNERS/OPERATORS:	3
8.0 PROHIBITED ACTIVITIES.....	5
9.0 ENFORCEMENT.....	6

CHAPTER 18: SMALL DEMOLITION WASTE LANDFILL ORDINANCE

1.0 PURPOSE

Florence County Board of Supervisors have found it necessary to regulate, by ordinance, Small Demolition Waste Landfills. The purpose of this ordinance is to protect the public health, welfare, convenience, and enjoyment of the citizens of Florence County, and the natural environment, scenic beauty and economic well-being of Florence County.

2.0 ABROGATION AND GREATER RESTRICTION

It is not intended by this ordinance to repeal, abrogate, annul, impair or interfere with any existing rules of chapters NR 500 and NR 503, Wisconsin Administrative Code. However, whenever this ordinance imposes greater restrictions, the provisions of this ordinance shall apply.

3.0 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.

4.0 ADMINISTRATION

The provisions of this ordinance shall be administered by the Florence County Zoning Administrator/Assistant as directed by the Florence County Land Conservation Committee.

5.0 EFFECTIVE DATE

The provisions of this ordinance shall take effect, **retroactive to May 11, 1994.**

6.0 DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted as having the same meaning as they have in common law. Words used in the present tense include the future and vice-versa. The word "shall" is always mandatory, the word "may" is always permissive. The masculine gender includes the feminine.

- (1) **CLOSURE REQUIREMENTS:** Has the meaning as specified in NR 503.09.
- (2) **DEMOLITION AND CONSTRUCTION MATERIAL:** Has the meaning as specified in NR 500.03.
- (3) **DNR:** Means the Department of Natural Resources.
- (4) **EXPANSIONS:** Has the meaning as specified in NR 503.09.
- (5) **FINAL APPROVAL OF CLOSING:** Means closing in accordance with the approved plan and any and all Department of Natural Resources and Florence County regulations that exist at the time the application for release of the escrow account is filed.
- (6) **LONG-TERM CARE:** Means the owner of an approved Small Demolition Waste Landfill facility shall be responsible for long-term care for 20 years after meeting the closure requirements of 6.0 (1). The financial support for the long-term care shall be in an escrow account. See 7.0 (8) (a) for condition and consideration for early release.
- (7) **OPERATOR:** Has the meaning specified in NR 500.03
- (8) **OWNER:** Has the meaning as specified in NR 500.03
- (9) **PROOF OF FINANCIAL RESPONSIBILITY:** Has the meaning as specified in NR 500.03 ensuring that sufficient funds will be available to comply with the closure requirements of the DNR approved plan of operation, with concurrence of approval by the Florence County Board of Supervisors.
- (10) **SMALL DEMOLITION FACILITY:** Means a landfill which meets the specifications in NR 503.09.

7.0 RESPONSIBILITIES OF OWNERS/OPERATOR:

- (1) Secure proper Zoning for use by meeting the requirements of NR 503.09 and provide a Certified Survey Map with the location of proposed site and record the Certified Survey Map with the Register of Deeds. This information must be submitted with the Petition for Zoning Amendment/Conditional Use.
- (2) Provide access to county inspectors.
- (3) Submit one copy of the DNR approved plan, required under NR 503.0, to the Florence County Zoning Office for review by the Planning and Zoning Committee, with final approval by the Florence County Board of Supervisors. (Include all test and investigation reports required by the DNR)
- (4) Using a method from NR 520.06, file a proof of financial responsibility in the amount of \$60,000.00 with the County Clerk. Florence County shall be a party of the proof of financial responsibility, where applicable. The \$60,000.00 proof of financial responsibility is for a one acre site. Add \$15,000.00 to the method of proof of financial responsibility for each additional acre, each fractional acre will be rounded up to the next highest acre. "This proof of financial responsibility will be released to the owner/operator when the Small Demolition Waste Landfill meets the requirements of 6.0 (1)/approved plan and any and all Department of Natural Resources closure requirements that exist at the time the application for release of the bond is filed."
- (5) File an escrow account with the County Clerk, in the amount of \$15,000.00. This amount is based on the average of 1,200 pounds in one compacted cubic yard of waste, with an average of 30,000 tons per site, at \$.50 per ton. The escrow account shall be with a bank or financial institution which is examined and regulated by the state or federal agency. The assets in the escrow account shall consist of cash, certificates of deposit or U.S. government securities. All interest payments shall be accumulated in the account. A duplicate original of the escrow agreement with original signatures shall be submitted to the Florence County Clerk as part of the initial operating application. Florence County shall be a party to the escrow agreement, which shall further provide that there shall be no withdrawals from the escrow account except as authorized in writing by the Florence County Board of Supervisors. The escrow agreement shall further provide that Florence County shall have the right to withdraw and use part or all of the funds in the escrow account to carry out the long-term care requirements of the approved plan of operation if the owner fails to do so. Florence County shall mail notification of its intent to use funds for that purpose to the last known address of the owner. If the owner submits a written request for a hearing to the Clerk of Florence County within 20 days after the mailing of the notification, Florence County shall, prior to using the funds, hold a hearing for the purpose of determining whether or not the long-term care requirements of the approved plan of operation have been carried out. An option to the escrow account agreement requirement of this section is: provide the Florence County Clerk; documentation the owner/operator meets the Long Term Care requirements of the Department of Natural Resources. The owner/operator may request the Florence County Board of Supervisors release Florence County's involvement on the escrow account and the accrued interest on the account providing, the Department of Natural Resources is named on the account and a copy of the agreement is filed with the Florence County Clerk.
- (6) Notify the Florence County Zoning Office of the hours of operation and any change to the operating hours.
- (7) Post a legible sign, at the entrance of the site, notifying users of the types of waste material that are permitted in the Small Demolition Waste Landfill and the hours of operation.

- (8) Throughout the life of the operation, submit all data pertaining to well monitoring and any other testing, to the Florence County Zoning Administrator within 10 days after completion of test reports.
 - (a) Well monitoring will continue annually for 20 years after meeting the closure requirements of 6.0 (1). **In the event that the owner/operator agrees to close in accordance with NR 503.10, (3)(e), and includes this into the approved plan of operation, the long term care could be reduced to 5 years, providing that during that 5 year period there is no contamination, detected.**
 - (b) Test data of the water samples shall be submitted to Florence County Zoning Administrator within 10 days after completion of the test reports.
- (9) Submit the FINAL APPROVAL OF CLOSING to the Florence County Board of Supervisors Chairperson for final review and one copy to the Florence County Clerk, requesting release of the escrow account.

OPERATION OF THE FACILITY MAY NOT BEGIN UNTIL ITEMS 7.0 (1) THROUGH 7.0 (8) ARE COMPLETED, SUBMITTED AND APPROVED.

8.0 PROHIBITED ACTIVITIES

- (1) The acceptance of any material other than "Demolition and Construction Material" as specified in NR 500.03 (50) is prohibited, without written approval from the DNR and/or the Florence County Board of Supervisors.
- (2) Expansion other than specified in NR 503.09 (7).
- (3) Final Use.
 - (a) Use of the facility for agricultural purposes.
 - (b) Establishment or construction of any buildings.
 - (c) Excavation of the final cover or any waste materials.

9.0 ENFORCEMENT

- (1) For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the Florence County Zoning Office may inspect the site and materials.

No person may refuse access to any authorized officer, employee or authorized representative of the Florence County Zoning Office who request access for the purpose of inspection.

- (2) Any person who violates a provision of this ordinance may be issued a citation by any authorized officer, employee or authorized representative of the Florence County Zoning Office.
- (3) Penalties for violating this ordinance may be assessed as follows:
 - (a) Any person who violates Section 7.0, 8.0, or 9.0 may be required to forfeit \$500.00 for the first violation, \$1,000.00 for a second violation, and not more than \$2,000.00 for a third or subsequent violation.

Dated this _____ day of _____, 2002

Vote Required: Majority = _____ 2/3 Majority = _____ 3/4

Majority = _____

Offered and passage moved by _____
Supervisor

Second by _____

Ayes

Nayes

Absent

Adopted by the County Board of Supervisors this _____ day of _____, 2002.

Defeated

County Clerk

County Board Chair