

CHAPTER XI

PUBLIC WORKS

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11.01 PUBLIC WORKS AUTHORITY.

1. Without limitation because of enumeration, the Town Board may provide for the following pursuant to [Section 60.50](#), Wis. Stats.:
 - a. Acquire Lands. Notwithstanding [Section 60.10\(2\) \(e\)](#), Wis. Stats., acquire lands to lay, construct, alter, extend or repair any highway, street or alley in the Town of Beloit.
 - b. Streets, Sewers and Water Mains. Provide for laying, constructing, altering, extending, replacing, removing or repairing any highway, street, alley, sanitary sewer, storm sewer or water main in the Town.
 - c. Sidewalks. May order construction, removal, replacement or repair of sidewalks.
 - d. Lighting Highways. Provide for lighting for highways as defined under [Section 340.01\(22\)](#), Wis. Stats., located in the Town.
 - e. Lake or River Improvement. Provide for making improvements in any lake, river or waterway located in the Town.
2. Payment for Public Works; Special Assessments. The Beloit Town Board may levy and collect special assessments and charges under [Section 66.0809](#), Wis. Stats., and Chapter 4 of this Code to pay for all or part of the cost of any public work or improvement. Special assessments and reassessments may be paid under [Chapter 74](#), Wis. Stats.
3. Burning or Deposit of Rubbish on Highway Right-of-Ways Prohibited. It shall be unlawful for any person to throw or deposit any weeds, sod, brush, cans, glass, gravel, stones, boulders, machinery, garbage or other waste or rubbish in or on the right-of-way of any highway, road or street located in the Town of Beloit, Rock County, State of Wisconsin, or to burn any material of any nature in or on the right-of-way of any such highway, street or road and particularly the paved portions thereof, in the Town of Beloit, except as specifically authorized by the Town Board.

11.02 STREET AND SIDEWALK GRADES.

1. Establishment. The grade of all streets, alleys and sidewalks shall be established by the Town Engineer and shall be recorded by the Town Clerk. No street, alley or sidewalk shall be worked on until the grade thereof is established.
2. Altering Grade Prohibited. No person shall alter the grade of any street, alley, sidewalk or public ground, or any part thereof, unless authorized or instructed to do so by the Town Board or Public Works Director.

11.03 WORK IN PUBLIC EASEMENTS AND RIGHTS-OF-WAY.

1. Purpose and Intent. This Section establishes guidelines and procedures for permitting work in public easements and rights-of-way under the jurisdiction of the Town of Beloit. Public easements and rights-of-way provide locations for the installation of many significant facilities and features servicing the public's needs, including but not limited to streets, sidewalks, sewers, water supply, electrical distribution, audio and video systems, storm water conveyance systems, safety and directional signage, natural gas pipelines, and traffic control devices. The Town has a responsibility to manage its right-of-way to avoid conflict between

these facilities, promote efficiency in public and private expenditures, provide for the public's convenience and wellbeing, and protect public safety.

2. Authority. [Article XI 3a Wisconsin Constitution](#). Sections [66.0425](#), [66.0429](#), [66.0831](#), [66.0915](#), [66.1035](#), [86.19](#), [86.11](#), [86.12](#), [86.13](#), [86.19](#) and [182.0175](#) Wis. Stat.
3. Scope. This ordinance applies to all public rights-of-way and easements used for public transit and/or utility purposes under the jurisdiction of the Town of Beloit.
4. Definitions.
 - a. Easement. A right to use another person's real estate for a specific purpose.
 - b. Right-of-way. An easement granted to the public to transit property.
 - c. Regulated Service Provider. Those public utility carriers, utilities, corporations and associations defined in [Section 66.0425\(6\)](#) Wis. Stat.
5. Preeminence of Municipal Uses.
 - a. The protection and advancement of municipal facilities, including but not limited to, streets, sidewalks, sanitary sewers, public water supply and storm water conveyances, shall take precedence over all other uses of public rights-of-way in each circumstance.
 - b. Adjustment of municipal structures and facilities to serve the needs of other rights-of-way uses, if approved by the Town Engineer, shall be performed by the Town at the expense of the individual or firm making the request for adjustment.
 - c. Adjustment of private structures and facilities, including those owned, operated and/or maintained by a Regulated Service Provider, when required for the maintenance, protection, improvement or removal of any public facility or structure, as determined by the Town Engineer, shall be performed by the owner of the facility or structure within ninety (90) days of written request by the Town at the owner's expense.
6. Permit Required.
 - a. No person, corporation, partnership or other business entity shall place, construct, improve, remove or in any other way locate any facility or work in the public right-of-way, or excavate in, or place an obstruction within the public right-of-way, without first having obtained a permit to do so from the Director of Public Works or designee, except as herein allowed.
 - i. Application for such permit shall be made on forms provided by the Town.
 - ii. The Director of Public Works or designee shall issue a permit to the applicant upon finding that the applicant, application and proposed work conforms to the following standards:
 - iii. If the applicant is a Regulated Service Provider the following conditions shall apply:
 - A. The applicant has submitted a complete application in legible form conforming to the requirements of this ordinance and [Section 66.425\(6\)](#) Wis. Stats.
 - B. The applicant has paid the required permit fee.
 - iv. If the applicant is not a Regulated Service Provider, the following conditions shall apply:

- A. The applicant has submitted a complete application in legible form conforming to the requirements of this ordinance and [Section 66.0425\(6\)](#) Wis. Stats.
- B. The applicant has paid the required permit fee.
- C. The applicant has provided a performance bond or cash security in such form as is acceptable to the Town Attorney, in an amount not less than Ten Thousand Dollars (\$10,000.00). The bond or cash deposit shall run to the Town and Third (3rd) parties that may be injured, and shall secure performance under the conditions of the permit and state law. Such cash deposit or performance bond must remain valid, and shall be retained by the Town for a period of three hundred sixty-five (365) days following completion of the work.
- D. The applicant affirms to hold the Town, its officers, agents and employees harmless for the actions of the applicant, the applicant's employees, agents and contractors, for any injury or damage that may occur from the applicant's permit and work there under.
- E. The applicant has provided proof of insurance to cover all claims that may arise, and indemnify the Town, its employees, officers and agents for all claims arising from the applicant's permit and work there under, including legal and litigation expenses.

7. Construction Standards.

- a. The applicant or contractor shall employ temporary traffic control meeting the requirements set forth in the Wisconsin Manual on Uniform Traffic Control Devices (MUTCD), latest edition.
- b. No excavations shall remain open overnight unless specifically approved by the Town Director of Public Works or designee. All work areas shall be securely fenced off with safety fence to protect the public whenever the work area is to remain un-restored overnight.
- c. No driveway, either public or private, may remain closed overnight. The owner or occupant must be notified prior to closing any driveway during working hours.
- d. All drainage shall be maintained throughout work either by keeping the drainage facilities open or by providing alternate drainage routes and facilities. Erosion Control measures meeting Wisconsin Department of Natural Resources requirement shall be employed as necessary to ensure sediment does not enter the storm sewer system or any natural waterway.
- e. There shall be no open road cutting. All utilities will be bored.
- f. Sidewalks and driveways shall be saw cut full depth at the nearest joint beyond the excavation limits. The surface shall be replaced with the greater of the existing thickness or four inches (4") of crushed limestone base with four inches (4") of concrete for sidewalks, and the greater of the existing thickness of six inches (6") of crushed limestone base with six inches (6") of concrete for driveways. Concrete shall be a High-Early Portland Cement Concrete mix design approved for use by the Wisconsin Department of Transportation. Width shall match the adjacent sidewalk or driveway width.
- g. All grass surfaces shall be restored with a minimum of four inches (4") of screened topsoil and lawn quality sod. Seeding may be approved by the Town Director of Public Works on a case-by-case basis only.

- h. The applicant or contractor shall remove all surplus materials from the job site and clean up the work area daily upon completion of work in a single location or as continuous operations progress.
8. Maintaining Traffic Visibility and Safety.
- a. No person shall construct, maintain, plant, or permit to remain on any public road right-of-way any tree, shrub, growth or object, except grass lawns, culverts, and decorative vegetative material less than twenty-four inches (24") in height, without permit from the Town.
 - b. No person shall construct, maintain, plant or permit to remain on any private or public premises any vegetation or object that shall obstruct vision between a height of two and one-half feet (2 ½') and ten feet (10') above centerline grades in such manner as to obstruct traffic visibility within twenty five feet (25') of the intersection of two streets or railroad with speed limits under thirty six (36) miles per hour, or within fifty feet (50') of the intersection of two (2) streets or railroads, where one (1) of such streets has a speed limit in excess of thirty five (35) miles per hour.
 - c. Any tree that falls from adjacent land onto any public road right-of-way shall be removed and disposed of by the Town; the cost of such removal will be billed to the owner of the property from which the tree fell.
 - d. No person shall construct, maintain, plant or permit to remain any tree, shrub, growth or object that obstructs the clear and complete vision of any traffic control sign erected under government authority.
9. Permit Exemptions. The following work is allowed within public rights-of-way without a permit issued under this ordinance:
- a. Work performed under the authority of the Town of Beloit.
 - b. Driveways permitted under Town ordinance.
 - c. Mail Boxes permitted under Town ordinance.
 - d. Signs erected under Town ordinance.
 - e. Grass lawns, culverts and decorative landscaping less than twenty-four inches (24") in height.
 - f. Emergency repairs as specified in this ordinance.
10. Littering. It is unlawful for any person to throw or deposit any weeds, sod, brush, cans, glass, gravel, stones, boulders, machinery, garbage or other waste or rubbish in or on the right-of-way of any public road.
11. Mailboxes.
- a. All mailboxes erected in the public road right-of-way must conform to United States Postal Service regulations and Wisconsin Department of Transportation standards so as not to constitute a hazard to public use of the rights-of-way. Mailbox supports shall be constructed to break away when struck by a motor vehicle. A mailbox installed and not in compliance with this ordinance, and that does not conform to break-away standards, could be held liable to litigation as a non-conforming structure.
 - b. Newspaper tubes and the name, and or address of the property owner and property, shall be allowed on the mailbox or its support, but no other object or sign.
 - c. This ordinance shall not create an affirmative duty on the part of the Town of Beloit to locate and remove obstructing mailboxes.

- d. Mailboxes conforming to this ordinance which are struck and damaged by a Town snowplow shall be repaired or replaced by the Town of Beloit. The Town's liability in such case shall not exceed the actual cost of repair or replacement, or One Hundred Dollars (\$100.00), whichever amount is lower. Repair or replacement of mailboxes which are pushed over or damaged by snow or ice, even when such snow or ice is thrown by Town snowplow equipment, is the responsibility of the property owner. The Director of Public Works or designee will make a determination as to the cause for the downed mailbox and whether it is the Town's responsibility. If it is determined that the mailbox was in disrepair, or not in compliance with this ordinance, the Town will not be held liable. Any mailbox that does not meet specifications for breakaway standards will be the sole responsibility of the owner.
12. Inspections. The Town reserves the right to conduct inspections of work performed on Town owned property and within public rights-of-way at any time.
 13. Emergency Repairs. In emergency situations, where facility repairs are necessary to continue service to a customer or customers, Regulated Service Providers may temporarily work within public rights-of-way, without first obtaining a permit. In doing so, the Regulated Service Provider ordering the work shall take appropriate care to protect public health and safety, preserve the operation of other service providers, and safeguard public facilities. The Regulated Service Provider shall obtain a permit for the work as soon as is practicable following the emergency.
 14. Fees. The Town of Beloit shall be compensated for the costs associated with administering and enforcing this ordinance by charging fees to permit applicants appropriate to fairly distribute costs to benefited parties. Such fee shall be established from time to time by resolution of the Town Board.
 15. Record Mapping.
 - a. Regulated Service Providers who maintain facilities in public rights-of-way shall annually provide the Director of Public Works an updated facilities map in a digital format approved by the Town.
 - b. Businesses and individuals, other than Regulated Service Providers, shall provide a record drawing of all structures, facilities and/or work performed in the public right-of-way within thirty (30) days following project completion, and prior to the Town's release of the financial security for the work.

11.04 SIDEWALKS; CONSTRUCTION AND REPAIR.

1. Use of Sidewalks; Obstruction of Sidewalks. All sidewalks in the Town of Beloit shall be kept clear and shall be for the use of pedestrians. No person shall obstruct or encumber a sidewalk in any way or manner. Such prohibition shall include, without limitation, the placing of driveway materials across said sidewalks and permitting the hedges or shrubs abutting the sidewalk from obstructing free passage of pedestrians upon said sidewalk.
2. Maintenance, Repair or Replacement of Sidewalks.
 - a. Order to Repair. Pursuant to and in accordance with [Section 66.615](#), Wis. Stats., the Town Board may, from time to time, order an abutting property owner to repair, remove or

replace any sidewalk or remove any obstruction from said sidewalk including, without limitation, driveway materials or hedges or brush which the Town Board determines is unsafe, impaired, defective or insufficient. If the abutting property owner shall fail to repair, remove or replace such sidewalk or take appropriate steps necessary to remove a hindrance or obstruction within thirty (30) days after service of the notice provided in [Section 66.616\(3\)](#), Wis. Stats., the Town Board shall repair, remove, replace or construct said sidewalk or eliminate such hindrance or obstruction and the office of the Town Clerk shall enter the total cost thereof upon the tax roll as a special assessment against the lot or parcel of land abutting said sidewalk.

3. Dangerous Conditions. If a dangerous or life threatening situation exists which is caused by a sidewalk in need of repair, removal or replacement, the Town Board or its designee shall direct the abutting property owner to make such repairs within seven (7) days. If the abutting property owner shall fail to repair such sidewalk in the required period, the Town Board shall make such necessary repairs and the office of the Town Clerk shall enter the total costs thereof on the tax roll as a special assessment against said parcel.
4. Costs for Sidewalks. When required by the Town Board, it shall be the duty of the abutting property owner to build, repair, construct and perpetually maintain sidewalks along or upon any street, alley or highway in the Town of Beloit and for such abutting property owner to pay the entire cost of repair or reconstruction unless the Town Board shall otherwise determine. Whenever the Town Board shall, by resolution, determine that a sidewalk be laid, rebuilt, repaired, lowered or raised along or upon a public street, alley or highway within the Town of Beloit, the procedures set forth in [Section 66.615](#), Wis. Stats., shall be followed.
5. Permit Required. No person shall lay, remove, replace or repair any public sidewalk within the Town of Beloit unless that person is under contract with the Town of Beloit to do such work or has obtained a permit for such work from the office of the Town Clerk at least three (3) days before the work is proposed to be undertaken. No fee shall be charged for such permits.
6. Standard Specifications for Sidewalks. The Building Inspector shall promulgate or issue from time to time standard specifications for the construction of sidewalks. Those specifications shall regulate the construction of any sidewalk within the Town of Beloit.
7. Repair or Replacement of Defective Sidewalks.
 - a. The Town Board may determine that any sidewalk which is unsafe, defective, or insufficient to be repaired or removed and replaced with a sidewalk in accordance with this ordinance. The existence of any one (1) or more of the hereinafter enumerated characteristics shall determine whether a sidewalk is defective or insufficient:
 - i. One inch (1") or more vertical differential between adjacent sharp edged individual sidewalk blocks (crack in slab) and between adjacent round edged individual sidewalk blocks (joint).
 - ii. One and one-fourth inch (1-1/4") horizontal distance between adjacent individual sidewalk blocks.
 - iii. Deterioration of the surface to a vertical depth on one-half inch (1/2") or more within each individual sidewalk block.

8. Illegal Sidewalks. No sidewalk constructed contrary to the provisions of this ordinance shall be considered a legal sidewalk and such sidewalk may be ordered to be replaced with a legal sidewalk, such sidewalk to be in conformity with the provisions of this ordinance and the standard specifications promulgated or issued by the office of the Building Inspector.

11.05 REMOVAL FROM SIDEWALKS.

1. Snow to Be Removed. The owner, occupant or person in charge of any parcel or lot which fronts upon or abuts any sidewalk within the Town of Beloit shall keep the sidewalk clear of all ice and snow. In the event snow accumulates on the sidewalk due to natural means or by any other means, the sidewalk shall be cleared of accumulated snow or ice within twenty-four (24) hours from the time the snow ceases to accumulate. Sidewalks are to be kept clear of ice and snow to a minimum of three (3) feet of width. In the event that ice has formed on any sidewalk in such a manner that it cannot be removed, the owner, occupant or person in charge of the parcel or lot which fronts upon or adjoins the sidewalk shall keep the sidewalk sprinkled with sand or salt to permit safe travel by pedestrians.
2. Naturally Occurring Obstructions to Be Removed. The owner, occupant or person in charge of any parcel or lot which fronts upon or abuts any sidewalk within the Town of Beloit shall keep the sidewalk clear of all naturally occurring obstructions. This shall include the maintenance and trimming of all branches, bushes, or any other form of vegetation or plant which may present a health and safety risk or may otherwise reasonably preclude pedestrians from the full use of the public sidewalk.
3. Notice and Removal of Snow by the Town of Beloit. If the owner, occupant or person in charge of any parcel or lot which fronts upon or adjoins any sidewalk shall fail to keep the sidewalk clear of snow, ice or obstruction as required herein, Town law enforcement officers or other designated Town officials or designated employees shall be empowered to take the following action:
 - a. Hazardous Conditions. If a law enforcement officer or other designated Town official or designated employee determines that the failure to remove the snow, ice or obstruction from the sidewalk creates an immediate danger to the public health or safety, or in any way reasonably preclude pedestrian use, such person shall cause the issuance of a written notice to the owner, occupant or person in charge of any parcel or lot directing that the snow, ice or obstruction be removed within six (6) hours from the delivery of the notice. In the event the property owner, occupant or person in charge of the parcel or lot is unavailable to receive a written notice, the person issuing the notice shall immediately cause the removal of the snow, ice or obstruction. The police officer or other designated personnel shall send a written notice to the last known address of the property owner notifying him/her that a hazardous condition existed which required immediate abatement.
 - b. Continuing Violations. Each twenty-four (24) hour period where a violation occurs shall constitute a separate offense under this ordinance for enforcement purposes. Repeated violations or subsequent additional violations of snow, ice or obstruction shall not nullify any pending notice issued hereunder.
 - c. Abatement after Notice. Failure of the owner, occupant or person in charge of any parcel or lot to cause the removal of snow, ice or obstruction within the time established herein after receiving a written notice shall result in the Town causing the removal of the snow,

ice or obstruction, and possible issuance of a citation pursuant to Chapter 1 of the Code of Ordinance.

- d. Cost of Abatement. An account of the expenses incurred by the Town to abate the snow, ice or obstruction hazard and removal shall be kept and such expenses shall be charged to and paid by the parcel or lot owner. Notice of the bill for removal of snow, ice or obstruction shall be mailed to the last known address of the owner of the parcel or lot and shall be payable within ten (10) days from receipt thereof. If the expenses and costs of such removal remain unpaid sixty (60) days after the billing has been made, the Town Finance Director/Treasurer is empowered to enter those charges onto the tax roll as a special charge pursuant to [Section 66.60\(16\)](#), Wis. Stats.

11.06 STREET ADDRESS NUMBERING.

1. Purpose and Intent. The purpose of this ordinance is to establish and maintain an address number system in the Town of Beloit consistent with the Rock County Rural Address Numbering Ordinance. The intent in establishing an address system is to assign each location a unique address which will aid emergency personnel in providing fire protection, emergency medical services, police services, civil defense, and delivery of mail and meet other general location needs of the public.
2. County Ordinance Adopted. The Rock County Rural Address Numbering Ordinance is adopted and incorporated herein by reference.
3. Official Address Map. The address numbers shown on the map entitled “Official Address and Road Map, Rock County Wisconsin”, (hereinafter called the Map) is made part of this ordinance by reference. The Map shall be regularly updated and kept on file in the office of the Rock County Planning and Development Agency with a copy on file in the County Clerk’s office. The Rock County Planning and Development Agency shall keep the original version of said map and add all new address numbers, address number changes, new road names and road name changes as they are established. A “Master Index of Rock County Road Names” shall be an integral part of the Official Address and Road Map and shall provide a grid midpoint location for all roads on the Map.
4. Town of Beloit Address Numbering System. Address numbering in the Town of Beloit will utilize a grid system based on the City of Beloit Address System expanded into the Town of Beloit. The grid system will extend from the State Line as a base line and number addresses north to Townline Road. The center of the Rock River from the State Line to Townline Road will be the base line for addresses numbered east and west. Where practical, address numbers will originate from base lines and extend north, east and west assigning one thousand (1,000) numbers to every mile or one hundred (100) numbers every five hundred twenty-eight feet (528’). Each hundred series of numbers will originate at the nearest section or quarter section line. Individual address numbers will be assigned at thirty foot (30’) intervals from the nearest hundred marks. Even numbers will be assigned to the left-hand side of the road and odd numbers will be assigned to the right-hand side of the road as one would go from the base lines of the system to the north and west. East of the river base line even numbers will be assigned to the right-hand side and odd numbers assigned to the left as one would go from the river to the east. The number shall be assigned at the intersection of

the centerline of the public road (in areas that are not platted) or at the center of the front lot line (in areas that have lots).

5. Address Sign Location. All buildings and other locations within the Town of Beloit shall have an assigned address number. The assigned address number shall be posted on an address sign unit located as provided by the following specifications:
 - a. The sign shall be installed so that the plate is parallel to the roadway for one-sided signs or perpendicular for two-sided signs and not more than three feet (3') from the road right-of-way and not closer than five feet (5') or further than ten feet (10') from the driveway serving the building.
 - b. The sign plate shall be installed not less than four feet (4') and not more than five feet (5') from ground level. The sign unit shall be installed in a clear and unobstructed view from the roadway.
 - c. Multi-family dwellings and industrial or business complexes will be assigned individual address numbers as determined.
 - d. A driveway servicing multiple buildings shall have a sign unit indicating the range of individual addresses being served on the driveway. The multiple sign unit shall be placed at the intersection of the driveway and the public road.
 - e. Additional address signs may be located on a building. Any second number sign erected on a building shall not be in place of the primary sign unit required by this ordinance.

6. Address Sign Specifications.
 - a. The address sign unit shall consist of a sign plate (on which the address numbers, town name and road name are enumerated) mounted on a sign post with associated hardware. The sign plate, post and hardware shall meet the minimum specifications of this ordinance.
 - b. Number, letter and background material shall be manufactured of Engineer Grade reflective sheeting utilizing either silk screen or die cut letters and numerals (or combination thereof) with a red background with white numbers. Numbers shall not be less than four inches (4") in height with an average brush strike width of three-eighths to one-half inch (3/8" to 1/2").
 - c. Sign plates shall be manufactured of flat sheet aluminum, at a minimum thickness gauge of eighty-one-thousandths inch (0.080") with three-fourths inch (3/4") radius curved corners. There shall be two (2) three-eighths inch (3/8") holes in the center of the sign one-half inch (1/2") from the top and bottom.
 - d. Sign plates shall be at least eight inches (8") inches in height and twenty inches (20") in width or longer depending on length of number, town name and/or road name, at a minimum thickness of eight one-thousandths inch (0.080").
 - e. Sign posts shall be seven foot (7') "U" channel steel posts, with a minimum weight of one and twelve one-hundredths (1.12) pounds per linear foot. A minimum of two (2) holes shall be contained in each post with a diameter of three-eighths to one-half inches (3/8" to 1/2") beginning at the center one inch (1") from the top of the post and the second hole located in direct alignment with the bottom hole on the sign plate. Sign posts shall be finished with a deep green enamel.
 - f. Attachment bolts shall consist of two (2) three-eighths to one-half inch (3/8" to 1/2") diameter two inch (2") threaded bolts and two (2) five-eighths to seven-eighths inch (5/8" to 7/8") diameter hex nuts.

- g. The face of the sign shall have the name of the respective town centered on the top in one inch (1") letters.
 - h. The face of the sign shall have the name of the respective road centered on the bottom in one inch (1") letters.
7. Urban Area Address Signs. With County approval, buildings in urban areas which are served with public sewer and water and are at less than thirty-five feet (35') from the edge of a public road right-of-way, may attach address numbers to the respective building. These address numbers shall:
- a. Be placed above or immediately to the right of the main entrance door, or centrally above the attached garage door of the building for the address and road name assigned;
 - b. Be a minimum of four inches (4") high and two and one-half inches (2-1/2") wide;
 - c. Be made of material that is readily visible from the public road;
 - d. Be numerals, not alphabetical letters spelling the number; and
 - e. Be installed in clear view and unobstructed view from the roadway.
8. Exemptions. All property owners shall comply with the specifications of this ordinance, unless a written exemption has been obtained from the Rock County Planning and Development Committee. Posts that were used for another numbering system may be used if the above specifications are met and approved by the County.
9. Application and Installation.
- a. Application. Upon application by the owner or agent and payment of the address sign fee, County officials shall issue an address number and cause the sign unit to be installed.
 - b. Responsibility. Owners or occupants of a building or location having an assigned address number shall be responsible for the placement of new signs and replacement of damaged signs located on their property.
10. Enforcement.
- a. Written Order. The Town of Beloit or Rock County shall have the power to issue a written order to correct any violation of this ordinance that shall specify the following:
 - i. The nature of the violation and the steps needed to abate and/or correct it.
 - ii. The period in which the violation must be corrected and/or abated.
 - iii. The penalty or penalties the violator will be subject to if the alleged violation is not abated and/or corrected within the given period.
 - b. Non-Compliance with Order. If the owner or occupant person does not comply with a written order from the Town of Beloit or Rock County, the owner or applicant shall be subject to one or more of the following actions and/or penalties:
 - i. The issuance of a citation under the provisions of either the County of Rock Code of Ordinances or the Town of Beloit Code of Ordinances.
 - ii. Commencement of legal action seeking a court imposed forfeiture.
11. Penalties. Any person, firm or corporation who fails to comply with or violates the provisions of this ordinance shall, upon conviction thereof, be subject to forfeiture. Said person, firm or corporation shall also be responsible for all damages including sign replacement. Each day a violation exists or continues shall constitute a separate offense.

11.07 TREES AND SHRUBS.

1. Permit Required. No person shall plant, remove or maintain any trees, flowers, shrubs or plants of any kind in any of the public streets, parkways, boulevards or other public grounds except authorized school personnel on school property in the Town of Beloit without obtaining a written permit from the Director of Public Works or their designee as hereinafter provided.
2. Conditions for Issuance of Permit. The Director of Public Works or their designee shall grant a written permit to all persons to plant, remove or maintain trees, flowers, shrubs or plants of any kind upon the public streets, parkways or other public grounds except school grounds of said Town in accordance with the following regulations:
 - a. Only such species of trees, flowers, shrubs or plants which, when planted in the vicinity of a street intersection, do not obstruct the view of the intersection of a pedestrian or motorist traveling thereon and which have been approved by the Director of Public Works shall be permitted.
 - b. Such planting of trees, flowers, plants and shrubbery shall otherwise conform to such rules, regulations and orders as shall be required by the Director of Public Works.
 - c. There will be no fee for this permit to lessen the obstructions for residents wishing to plant and beautify the Town.
3. Removal by Town. The Director of Public Works may summarily cause to be removed any dead or dying tree limbs or damaged trees or limbs thereof or shrubbery or other plantings where an emergency exists and the same is so located as to endanger the safety of persons or property.
4. Injuring Flowers, Trees or Other Plants. Any person or persons who shall cut, break, tear, deface or otherwise injure a flowerbed, ornamental or shade tree, shrub or other plant upon any sidewalk, street, alley or other public place within this Town shall be penalized as hereinafter provided.
5. Diseased or Distressed Trees.
 - a. Intent and Purpose. The Town Board has determined that there are many trees growing on public and private premises within the Town of Beloit, the loss of which would substantially depreciate the value of public and private property, impair the use and enjoyment of public and private premises, and erode the tax base of the Town, and that the health and life of such trees are threatened by fatal diseases and insects. The Town Board hereby declares the spread of said diseases and insect pests and vectors which carry such disease to be public nuisances.
 - b. Responsibility of Director of Public Works. The Director of Public Works shall have the responsibility of carrying out the provisions of this ordinance. He may designate Town employees to perform the duties of foresters under [Chapter 27](#), Wis. Stats., and may authorize such employees to perform the duties and exercise the powers imposed on him by this ordinance, or if such work is let under Town contract, then the provisions of said contract shall govern.
 - c. Definitions. As used in this ordinance, unless otherwise clearly indicated by the context, the following words shall have the meanings indicated:
 - i. Director. The Director of Public Works of the Town or their designee.
 - ii. Person. Person, firm or corporation.

- iii. Public Nuisance. The Director of Public Works shall be responsible for declaring a specific tree or area as a public nuisance based on the proliferation of disease or insect which have been identified by the Department of Natural Resources or the National Parks/Forestry Service.
- iv. Public Property. The premises owned or controlled by the Town, including, without limitation because of enumeration, public sites, parks, playgrounds, streets, alleys, sidewalks, boulevards and the terrace strip between the lot line and the curb, or the improved portion of any public way.
- d. Inspection.
 - i. The Director shall inspect or cause to be inspected at least twice each year all premises and places within the Town to determine whether any public nuisance exists thereon. He shall also inspect or cause the inspection of all public trees for risk.
 - ii. Whenever necessary to determine the existence of or insects in any tree, the person inspecting such tree shall remove or cut specimens from the tree in such manner as to avoid permanent injury thereto and deliver such specimens to the Director of Public Works who shall forward them to the Wisconsin Department of Agriculture, Trade and Consumer Protection for analysis to determine the presence of such nuisances.
 - iii. The Director of Public Works and his agents and the employees under him shall have authority to enter upon private premises at reasonable times for carrying out any of the provisions of this ordinance.
- e. Abatement of Nuisances.
 - i. The Director shall order, direct, supervise and control the abatement of public nuisances as defined in this ordinance by treating by approved and recommended means which he determines to be necessary to prevent as fully as possible the spread of disease, fungus or the insect pests or vectors known to carry such disease fungus.
 - ii. Whenever the Director, after inspection or examination, shall determine that a public nuisance as herein defined exists on public property in the Town, he shall immediately abate or cause the abatement of such nuisance in such manner as to destroy or prevent as fully as possible the spread of disease, fungus or the insect pests or vectors known to carry such disease fungus.
- f. Notice.
 - i. When the Director determines with reasonable certainty that a public nuisance exists upon private premises, he shall immediately serve or cause to be served, personally or by certified mail, upon the owner of such property, if he can be found, or upon the occupant thereof, written notice of the existence of such nuisance and of a time and place for a review of the Director's findings before the Town Administrator, not less than thirty (30) days after service of such notice, on the abatement action to be taken. Such notice shall describe the nuisance and recommended procedures for its abatement and shall further state that unless the owner shall abate the nuisance in the manner specified in the notice or shall appear at the review hearing before the Town Administrator to show that such nuisance does not exist or does not endanger the health of trees in the Town, the Director shall cause the abatement thereof at the expense of the property served. If the owner cannot be found, such notice shall be given by publication in a newspaper of general circulation in the Town.

- ii. If, after review held pursuant to this ordinance, it shall be determined by the Town Administrator that a public nuisance exists, he shall forthwith order the immediate abatement thereof. Unless the property owner abates the nuisance as directed within thirty (30) days after such hearing or files an appeal before the Town of Beloit Board of Adjustment within said time, the Director shall proceed to abate the nuisance and cause the costs thereof to be assessed against the property in accordance with the procedures provided in this ordinance. The Town Administrator may extend the time allowed to the property owner for the abatement work but not to exceed thirty (30) additional days.
- iii. If the property owner wishes to appeal the order of the Town Administrator, he shall file a notice of appeal with the Town of Beloit Board of Adjustment.
- g. Treatment of Infected Trees.
 - i. Whenever the Director shall determine that any tree or part thereof is infected with disease, fungus or is in a weakened condition, he may cause all trees within a one thousand-foot (1,000) radius thereof to be treated by a means or method approved by the Town Board as being effective against the disease, fungus or insect.
 - ii. When appropriate warning notices and temporary "No Parking" notices have been given, and posted, the Town shall not allow any claim for damages to any vehicle caused by such spraying operations.
- h. Cost of Tree Care.
 - i. The cost of abatement of a public nuisance or treatment of trees or wood at the direction of the Director, if the nuisance tree or wood is located on public property, shall be borne by the Town.
 - ii. The cost of abating a public nuisance or treating trees or wood located on private premises, when done at the direction and under the supervision of the Director, shall be assessed to the property on which such nuisance tree or wood is located, as follows:
 - A. The Director shall keep a strict account of the cost of such work or treatment and the amount chargeable to each lot and/or parcel and shall report such work, charges, description of lands to which charged, and names and addresses of the owners of such lands to the Town Board on or before the 15th day of October each year.
 - B. Upon receiving the Director's report, the Town Board shall hold a public hearing on such proposed charges, giving at least fourteen (14) days' notice of the time, place and purpose of such hearing to interested persons by publication in a newspaper of general circulation in the Town and by mail to the owner of each property proposed to be charged. Each property owner shall be notified of the amount proposed to be assessed against his premises and the work for which such charge is being made.
 - C. After the hearing, the Town Board shall affirm, modify and affirm, or disapprove such assessments by resolution and shall cause a copy thereof to be published. Upon the adoption of such resolution, assessments made thereby shall be deemed final.
 - D. The Town Finance Director/Treasurer shall mail notice of the amount of such final assessment to each owner of the property assessed at his last known address, stating that, unless paid within thirty (30) days of the date of the notice, such assessment shall bear interest at the rate of six percent (6%) per

annum and will be entered on the tax roll as a delinquent tax against the property, and all proceedings in relation to the collection, return and sale of the property for delinquent real estate taxes shall apply to such assessment.

- E. The Town hereby declares that, in making assessments under this ordinance, it is acting under its police power, and no damages shall be awarded to any owner for the destruction of any diseased or infested tree or wood or part thereof.
- F. The amount chargeable against any parcel or lot in any year under this ordinance shall not exceed ten percent (10%) of the assessed value of the premises exclusive of improvements as shown on that year's tax roll. The portion of any assessment in excess of such percentage amount shall be charged to the Town and paid out of general funds.

i. Prohibited Acts and Penalties.

- i. Any person who does any of the following acts within the Town of Beloit shall, upon conviction thereof, forfeit not less than Ten Dollars (\$10.00) nor more than Five Hundred Dollars (\$500.00), together with the costs of prosecution, and in default of payment thereof shall be imprisoned in the county jail or house of correction until such costs and forfeitures are paid, but not exceeding sixty (60) days:
 - A. Transports any bark-bearing wood, bark or material on public streets or highways or other public premises without first securing the written permission of the Director.
 - B. Interferes with or prevents any acts of the Director or his agents, representatives or employees while they are engaged in the performance of duties imposed by this ordinance.
 - C. Refuses to permit the Director or his duly authorized representative, agent or employee to enter upon his premises at reasonable times to exercise the duties imposed by this ordinance.
 - D. Permits any public nuisance to remain on any premises owned or controlled by him when ordered by the Director to abate such nuisance.
 - E. Each day a violation continues hereunder shall constitute a separate offense.

11.08 CLEANUP OF SPILLED OR ACCIDENTALLY DISCHARGED WASTES.

- 1. Cleanup Required. All persons, firms or corporations delivering, hauling, disposing, storing, discharging or otherwise handling potentially polluting substances, solid or liquid such as, but not limited to, the following: fuel oil, gasoline, solvents, industrial liquids or fluids, milk, grease trap and septic tank wastes, sewage sludge, sanitary sewer wastes, storm sewer catch-basin wastes, oil or petroleum wastes, shall immediately clean up any such spilled material to prevent its becoming a hazard to health or safety or directly or indirectly causing pollution to the lakes and streams under the jurisdiction of the Town.
- 2. Notification. Spills or accidental release of hazardous materials or pollutants at a site or of a quantity or nature that cannot adequately be cleaned up by the responsible party or parties shall be immediately reported to the Fire Department so that assistance can be given by the proper agency.

3. Financial Liability. The party or parties responsible for the release, escape or discharge of wastes shall be held financially liable for the cost of any cleanup or attempted cleanup deemed necessary or desirable and undertaken by the Town, or its designated agent, in an effort to minimize the pollution effects of the discharged waste.

11.09 STORAGE OF POLLUTING SUBSTANCES. It shall be unlawful for any person, firm or corporation to store any potentially polluting substances unless such substances are stored in such manner as to securely prevent them from escaping onto the ground surface and/or into any street, sewer, ditch or drainage way, lake or stream within the jurisdiction of the Town of Beloit.

11.10 RECYCLING.

1. Purpose.
 - a. Except as provided herein, no person, including, without limitation, occupants or owners of property or residences within the Town of Beloit shall dispose of recyclable materials within the Town of Beloit without complying with this ordinance.
 - b. The purpose of this ordinance is to promote recycling, composting and resource recovery through the administration of an effective recycling program within the Town of Beloit as such programs are provided for by and under the laws and regulations of the State of Wisconsin. This ordinance is adopted as required and authorized by and under [Section 287.09](#), Wis. Stats.
2. Abrogation, Interpretation and Greater Restrictions. This ordinance is not intended to repeal, abrogate, annul, impair or interfere with any existing rules, regulations, ordinances or permits previously adopted, required or issued pursuant to law. The provisions of this ordinance shall be the minimum requirements of the Town of Beloit and shall not be deemed to be a limitation or repeal of any other power granted or duties imposed by the ordinances of the Town of Beloit or by the laws and regulations of the State of Wisconsin. Where any terms or requirements of this ordinance are inconsistent or conflicting with other ordinances, statutes or administrative regulations, the more strict or stringent requirements or interpretations shall apply. Where the provisions of this ordinance are required by the laws of the State of Wisconsin, or where the provisions of this ordinance may be considered unclear for any reason, the provisions contained herein shall be interpreted in accordance with the then current laws and regulations of the State of Wisconsin in effect at the time the question of interpretation arises.
3. Definitions. For the purposes of this ordinance:
 - a. Bi-metal container. A container that is made primarily of a combination of steel and aluminum.
 - b. Container board. Corrugated paperboard used in the manufacture of shipping container and related products.
 - c. Foam polystyrene packaging. Packaging made primarily from foam polystyrene that satisfies one (1) of the following criteria:
 - i. Is designed for serving food or beverages.
 - ii. Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.
 - iii. Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.

- d. HDPE. High density polyethylene, labeled by the SPI Code #2.
 - e. LDPE. Low density polyethylene, labeled by the SPI Code #4.
 - f. Magazines. Magazines and other materials printed on similar paper.
 - g. Major Appliance. A residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven from which the capacitor has been removed, oven, refrigerator, stove, as well as residential and commercial furnaces, boilers, humidifiers and water heaters.
 - h. Multiple-Family Dwelling. A property containing five (5) or more residential units, including those which are occupied seasonally.
 - i. Newspaper. A newspaper and other materials printed on newsprint.
 - j. Non-residential Facilities and Properties. Commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.
 - k. Office Paper. High grade printing and writing papers from offices in non-residential facilities and properties. Printed white ledger and computer printout are example of office paper generally accepted as high grade. This term does not include industrial process waste.
 - l. Other Resins or Multiple Resins. Plastic resins labeled by the SPI Code #7.
 - m. Person. Any individual, corporation, partnership, association, local governmental unit, state agency or authority or federal agency.
 - n. PETE. Polyethylene terephthalate, labeled by the SPI Code #1.
 - o. Plastic Container. 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.
 - p. PP. Polypropylene, labeled by the SPI Code #5.
 - q. PS. Polyethrene, labeled by the SPI Code #6.
 - r. PVC. Polyvinyl chloride, labeled by the SPI Code #3.
 - s. Recyclable Materials. Lead acid batteries, major appliances, waste oil, yard waste, aluminum containers, corrugated paper or other container board, foam polystyrene packing, 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.
 - t. Solid Waste. Has the meaning specified in [Section 289.01](#), Wis. Stats.
 - u. Solid Waste Facility. Has the meaning specified in [Section 289.01](#), Wis. Stats.
 - v. Solid Waste Treatment. Any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste. "Treatment" includes incineration.
 - w. Waste Tire. A tire that is no longer suitable for its original purpose because of wear, damage or defect.
 - x. Yard Waste. Leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than four (4) inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.
4. Separation of Recyclable Materials Required. All owners and occupants of single family, two, three or four unit residences, multiple family dwellings and non-residential facilities and properties, as defined herein, shall separate the following materials from post-consumer waste:
- a. Lead acid batteries.
 - b. Major appliances.
 - c. Waste oil.

- d. Yard waste.
 - e. Aluminum containers.
 - f. Bi-metal containers.
 - g. Corrugated paper or other container board.
 - h. Foam polystyrene packaging.
 - i. Glass containers.
 - j. Magazines.
 - k. Newspaper.
 - l. Office paper.
 - m. Rigid plastic containers made of PETE (#1) and HDPE (#2).
 - n. Steel containers.
 - o. Waste tires.
 - p. Rigid plastic containers made of PVC (#3), LDPE (#4), PP (#5), PS (#6) and other resins or multiple resins (#7).
5. Curbside Collection; Exceptions.
- a. All owners and occupants of single family, two (2), three (3) or four (4) unit residences, or multiple family dwellings, shall arrange and contract for curbside pick-up by a reclamation hauler licensed by the Town of Beloit, which reclamation hauler shall collect the recyclable materials generated at such residence or dwelling on a regular and periodic basis.
 - b. Those owners or occupants of single family, two, three or four unit residences located within an agriculturally zoned area as defined by the Town of Beloit Zoning Code shall have the option of whether to promote for curbside collection as described above or they may choose to dispose of their recyclable materials as defined and provided for herein at a designated drop-off site.
 - c. The Town Board of the Town of Beloit shall, by resolution, from time to time, designate drop-off sites approved by the Town for purposes of this Ordinance.
6. Condition and Care of Separate Recyclable Materials. To the extent practical, the recyclable materials separated as required above shall be clean and kept free of contaminants such as food residue, 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.
7. Exemption from Separation Requirements. The requirements for the separation of recyclable materials as provided herein do not apply under the following circumstances:
- a. Occupants or owners of single family, two, three and four unit residences, multiple family dwellings and non-residential facilities and properties, as defined herein, that send their post-consumer waste to a processing facility licensed by the State of Wisconsin Department of Natural Resources that recovers the materials specified and required to be recycled in as pure a form as is technically feasible.
 - b. Solid waste which is burned as a supplemental fuel at a facility if less than thirty percent (30%) of the heat input to the facility is derived from the solid waste burned as supplemental fuel.

- c. A recyclable material as specified herein for which a variance has been granted by the State of Wisconsin Department of Natural Resources under either the statutes of the State of Wisconsin or provisions of the Wisconsin Administrative Code.
8. Management of Lead Acid Batteries, Major Appliances, Waste Oil and Yard Waste. Occupants and owners of single family, two, three and four unit residences, multiple family dwellings and non-residential facilities and properties shall manage lead acid batteries, major appliances, waste oil and yard waste by disposing of such recyclable materials at approved drop-off sites within the Town of Beloit or elsewhere, or by compliance with other notices, regulations or ordinances of the Town of Beloit which are currently in existence or which may later be enacted or given.
9. Preparation and Collection of Recyclable Materials. Except as otherwise directed by the Town Board of the Town of Beloit, occupants and owners of single family and two, three and four unit residences shall be required to prepare recyclable materials as defined herein and as described above by complying with the requirements of their Reclamation Hauler or by other notices, regulations or ordinances of the Town of Beloit which are currently in existence or which may later be enacted or given.
10. Responsibilities of Owners or Designated Agents of Multiple Family Dwellings.
- a. Owners or designated agents of multiple family dwellings shall do all the following to recycle the materials specified in Section 11.10(4)(a) through (p):
 - i. Provide adequate, separate containers for the recycle materials.
 - ii. Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
 - iii. Provide for the collection of the materials to a recycling facility.
 - iv. 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.
 - v. The requirements specified above do not apply to the owners or designated agents of multiple family dwellings if the post-consumer waste generated within the dwelling is treated at a processing facility licensed by the State of Wisconsin Department of Natural Resources that recovers for recycling the materials specified in this Section from solid waste in a pure a form as is technically feasible.
11. Responsibilities of Owners or Designated Agents of Non-Residential Facilities and Properties.
- a. Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in Section 11.10(4)(a) through (p):
 - i. Provide adequate, separate containers for the recyclable materials.
 - ii. Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.
 - iii. 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.
 - iv. Notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected, how to prepare materials 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.

- b. The requirements specified in this ordinance do not apply to the owners or designated agents of non-residential facilities and properties if the post-consumer waste generated within the facility or property is treated at a processing facility licensed by the State of Wisconsin Department of Natural Resources that recovers for recycling the materials specified herein from solid waste in as pure a form as is technically feasible.

12. 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 Section 11.10(4)(a) through (p) which have been acceptably separated for recycling, except waste tires which may be burned with energy recovery in a solid waste treatment facility.

13. Enforcement.

- a. Any person violating this ordinance, including, without limitation, the reclamation hauler, occupants and owners, shall be fined not less than Twenty-Five Dollars (\$25.00) nor more than Two Thousand Dollars (\$2,000.00) for each offence. Imprisonment in the County Jail can be ordered only for failure to pay the fine that may be imposed. If imprisonment is ordered, it shall be limited to one (1) day of confinement for Ten Dollars (\$10.00) of fine or fraction thereof. Each day of violation shall constitute a separate offense.
- b. In addition to any other penalty, forfeiture or enforcement provided for herein, the Town of Beloit may enforce this ordinance by:
 - i. Application for injunctive relief,
 - ii. The assessment of the costs of enforcement, including, without limitation, cost of testing materials and sites, the clean-up costs of a contaminated site, reasonable attorney's fees and costs and disbursements, including court costs incurred in enforcement of this ordinance.

11.11 SOLID WASTE AND RECYCLABLE MATERIAL HAULING.

1. To provide for the safety, health and welfare of the citizens of the Town of Beloit, this ordinance is hereby enacted. No person shall engage in the business of hauling or transporting recyclable materials or solid waste, as defined herein, within the Town of Beloit without having first obtained a permit for such hauling or transportation.
2. Definitions. The following definitions are applicable in this ordinance:
 - a. Reclamation Haulers. Any person, partnership, corporation or other legal entity who collects, hauls or transports in any way or manner, recyclable materials, waste, garbage, refuse or bio solids within the Town of Beloit.
 - b. Recyclable Material. Material found in waste for which there exists a commercially demonstrated processing or manufacturing technology which uses the material as raw material. Recyclable materials includes lead acid batteries, major appliances, waste oil, yard waste, aluminum containers, corrugated paper or other container board, foam polystyrene packing, 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.
 - c. Solid Waste. Solid waste has the meaning specified in [Section 289.01](#), Wis. Stats.

3. Transportation of Recyclable Material or Solid Waste. All vehicles used for the transportation of recyclable material or solid waste shall be maintained in a safe, clean and sanitary condition and shall be so constructed, maintained and operated as to prevent spillage of recyclable material or solid waste from such vehicle. All vehicles used for the transportation of recyclable material or solid waste shall be constructed with leak-proof bodies or with covers which shall be an integral part of the vehicle or shall be a separate cover of suitable material with fasteners designed to secure all sides of the cover to the vehicle and shall be secured whenever the vehicle is transporting recyclable material or solid waste or the entire body thereof shall be enclosed with only loading hoppers exposed. No recyclable material or solid waste shall be transported in the loading hoppers.
4. Condition and Care of Separate Recyclable Materials. To the extent practical, the recyclable materials separated as required in this ordinance be clean and kept free of contaminants such as food residue, product residue, oil or grease, or other non-recyclable materials, including, but not limited to, household hazardous waste, medical waste and agricultural chemical containers. This ordinance further requires that recyclable material shall be stored in a manner which protects them from wind, rain and other inclement weather conditions. The reclamation hauler shall inspect the recyclable materials for compliance with the requirements as described above and shall, if deemed necessary, to prevent contamination, refuse to accept or pick up such recyclable materials from any person violating that portion of this ordinance.
5. Disposal of Recyclable Material or Solid Waste. Recyclable material or solid waste shall be deposited at a processing facility or disposal site or area approved by the Town of Beloit or by state or federal laws or regulations which complies with all the requirements of the applicable State of Wisconsin solid waste management laws, rules and regulations.
6. Permit Required. No person shall engage in the business of collecting, hauling or transporting recyclable material or solid waste within the Town of Beloit without first having obtained an annual permit for such activity from the Town of Beloit.
 - a. Application. The person applying for the permit shall specify in the application the name, mailing address and actual business location of the business seeking the permit. All sites to which the person shall haul or transport recyclable material or solid waste shall be identified and described. All vehicles to be used in the transportation of recyclable material or solid waste shall also be listed.
 - b. The Town Clerk shall not approve the application until after the Town of Beloit Police Department or its designee has inspected the vehicles listed in the application and verified that the vehicles are in proper operating condition and in compliance with all requirements of state and federal law, as well as the provision of this ordinance.
 - c. Other Licenses or Permits. The person applying for such permit shall furnish evidence that all licenses or permits required by any applicable state, federal or local law have been issued prior to the issuance of the permit provided for herein. If any state, federal or local license or permit lapses or is suspended or revoked during the term of this permit, then this permit shall be automatically suspended until the other required licenses or permits are reinstated.
 - d. Permit. The permit shall be issued for a period of one (1) year or applicable part thereof. All permits shall expire on June 30 of each year. The person shall pay an annual fee that

shall be determined from time to time by resolution of the Town Board. A copy of the permit identifying the vehicle being used shall be retained with the vehicle and shall be available for display to any person requesting display of such permit upon request.

7. Insurance.

- a. 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 Beloit 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 Dollars (\$1,000,000.00) for bodily injury per occurrence and One Hundred Thousand Dollars (\$100,000.00) for damage to property. If required by state law, such person shall also carry appropriate worker's compensation insurance.
- b. The Town of Beloit shall be named as an additional insured on any such public liability insurance. Additionally, such insurance shall provide that the Town of Beloit 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.

8. 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 Beloit a Hold Harmless Agreement in which the person applying for the permit agrees to save and hold the Town of Beloit, its agents or employees harmless from all liabilities of any kind or nature whatsoever which may arise as a result of the person being issued a permit as described herein. Such Hold Harmless Agreement shall be executed prior to the issuance of the permit.

9. Requirements for Reclamation Haulers. All persons who obtain a permit as provided herein are, by the terms of this ordinance, a reclamation hauler. Such reclamation haulers shall be required to do the following:

- a. File a report with the Town Clerk on a quarterly basis on or before the fifteenth (15th) day of March, June, September and December of each year, which report shall be prepared on forms provided or approved by the Town of Beloit, and which forms shall report and describe the following:
 - i. Where the reclamation hauler has transported any of the recyclable material required to be collected under the provisions of this ordinance.
 - ii. If required or necessary, the amount of tonnage of each type of recyclable materials hauled by the reclamation hauler within the reporting period.
 - iii. The fees paid by the reclamation hauler to a solid waste facility or facilities for the dumping or disposal of the Recyclable Materials at such facility.
 - iv. Any other information which shall reasonably be required by the Town of Beloit to comply with the requirements of the laws of the State of Wisconsin.
- b. All reclamation haulers, who have a permit granted under this ordinance, shall be required to accept and pick up all recyclable materials and solid waste except as otherwise provided in this paragraph. Reclamation haulers shall have the option to, but shall not be required to, accept and pick up waste oil, lead acid batteries, yard waste, tires and major appliances. Failure or refusal of a reclamation hauler to accept and pick up properly prepared, non-contaminated, recyclable materials and solid waste shall cause such reclamation hauler to lose or forfeit its permit to do business in the Town of Beloit.

10. Enforcement.

- a. For determining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the Town of Beloit or the Town of Beloit may inspect recyclable materials separated for recycling, post-consumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas or multiple family dwellings and non-residential facilities and properties. The records of the reclamation hauler shall be sufficient to permit the authorized officer, employee or authorized representative of the Town of Beloit or Town of Beloit to determine whether the reclamation hauler has complied with the terms and conditions of this ordinance.
- b. No person shall refuse access to any authorized officer, employee or authorized representative of the Town of Beloit or the Town of Beloit who requests access for purposes of inspection as indicated herein. No person may obstruct, hamper or interfere with such inspection.
- c. Any person violating this ordinance, including without limitation, the reclamation hauler, occupants and owners, shall be fined not less than One Hundred Dollars (\$100.00) nor more than Two Thousand Dollars (\$2,000.00) for each offense. Imprisonment in the County Jail can be ordered only for failure to pay the fine that may be imposed. If imprisonment is ordered, it shall be limited to one (1) day of confinement for Ten Dollars (\$10.00) of fine or fraction thereof. Each day of violation shall constitute a separate offense.
- d. In addition to any other penalty, forfeiture or enforcement provided for herein, the Town of Beloit may enforce this Chapter by:
 - i. Application for injunctive relief,
 - ii. The assessment of the costs of enforcement, including, without limitation, cost of testing materials and sites, the clean-up costs of a contaminated site, reasonable attorney's fees and costs and disbursements, including court costs incurred in enforcement of this ordinance.