

No. 351, A.]

[Published July 12, 1957.]

**CHAPTER 328**

AN ACT to repeal and recreate 59.07 (52) (b) and 67.04 (1) (w) of the statutes, relating to the disposal of waste materials in counties having a population of 500,000 or more.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 59.07 (52) (b) of the statutes is repealed and recreated to read:

59.07 (52) (b) Engage in the function of the destruction or disposal of waste by providing dumpage facilities; acquire lands by purchase, lease,

donation or right of eminent domain within such county and use the lands as dumpage sites for depositing, salvaging, processing, burning or otherwise disposing of the waste, and acquire land by purchase, lease or donation outside such county for said purposes where state and local regulations permit; construct and equip incinerators and other structures to be used for disposal of waste; maintain, control and operate dumpage sites; maintain, control and operate incinerators for burning such materials; utilize or dispose of by sale or otherwise heat or power reclaimed from incinerator facilities; sell all salvageable waste materials and by-products; levy a tax to create a working capital fund to maintain and operate dumpage facilities, construct, equip and operate incinerators and other structures for disposal of wastes; charge or assess reasonable fees to persons making use of such sites, incinerators or other structures for the disposal of waste; make charges approximately commensurate with the cost of services rendered to any municipality using the county waste disposal facilities; authorize payment to any municipality, in which county waste disposal facilities, including incinerators, are located, to cover the reasonable cost of fire fighting services rendered to such county when the occasion demands such service; contract with private collectors and municipalities and transporters to receive and dispose of waste other than garbage at dumpage and incinerator sites; levy taxes to provide funds to acquire sites and to construct and equip incinerators and other structures for disposal of wastes; adopt and enforce ordinances, rules and regulations necessary for the orderly conduct of providing such dumpage facilities and services and provide forfeitures for the violation thereof. The charges for waste disposal services shall be determined by the board and shall include a reasonable charge for depreciation. In the determination of the charges the board shall give full consideration to any fees directly collected for the service. Waste disposal charges shall be apportioned pursuant to s. 70.63 to the respective municipalities receiving the service. The depreciation charges shall create a reserve for future capital outlays for waste disposal facilities. Before acquiring in such county any site to be used for dumping or the erection of an incinerator or other structure for the disposal of waste, a public hearing shall be held following notice of hearing by publication at least once each week for 3 successive weeks in the official newspaper of the county, or if there be none, a newspaper of general circulation in the county. The term "waste" as used in this paragraph includes, without restriction because of enumeration, garbage, ashes, municipal, domestic, industrial and commercial rubbish, waste or refuse material. The powers conferred by this paragraph are declared to be necessary to the preservation of the public health, welfare and convenience of the county.

SECTION 2. 67.04 (1) (w) of the statutes is repealed and recreated to read:

67.04 (1) (w) In counties having a population of 500,000 or more, to acquire lands and improve the same by providing facilities including the construction of incinerators for the disposal of waste as defined in s. 59.07 (52) (b).

Approved July 5, 1957.