

Chapter 58

SOLID WASTE*

*Cross references--Buildings and building regulations, ch. 14; refuse, garbage and rubbish storage requirements for property maintenance, § 14-160; utilities, ch. 74.

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ARTICLE I.

IN GENERAL

Sec. 58-1. Town contract for garbage/recyclables pickup.

The town board shall contract for the weekly removal of garbage, refuse and recyclables from single-family and two-family to four-family dwellings. There is established a fee for the removal of garbage/refuse/ recyclables from single-family and two to four family properties. Such fee shall be the per unit charge made to the town by the firm providing such removal to the town by contract and shall be paid monthly by the town. The cost of such contract shall be a budgetary item included in the town's general tax levy.

(Ord. No. 94-3, § 1(1.01), 5-9-1994)

Secs. 58-2--58-30. Reserved.

ARTICLE II.

RECYCLING

DIVISION 1.

GENERALLY

Sec. 58-31. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bimetal container means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.

Container board means corrugated paperboard used in the manufacture of shipping containers and related products.

Foam polystyrene packaging means packaging made primarily from foam polystyrene that satisfies one of the following criteria:

- (1) Is designed for serving food or beverages.
- (2) Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.

- (3) Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.

HDPE means high density polyethylene, labeled by the SPI code #2.

LDPE means low density polyethylene, labeled by the SPI code #4.

Magazines means magazines and other materials printed on similar paper.

Major appliance means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, stove or hot water heater.

Multiple-family dwelling means a property containing five or more residential units, including those which are occupied seasonally.

Newspaper means newspaper and other materials printed on newsprint.

Nonresidential facilities and properties means commercial, retail, industrial, institutional and governmental facilities and properties. The term "nonresidential facilities and properties" does not include multiple-family dwellings.

Office paper means high grade printing and writing papers from offices in nonresidential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. The term "office paper" does not include industrial process waste.

Other resins or multiple resins means plastic resins labeled by the SPI code #7.

Person includes any individual, corporation, partnership, association, local governmental unit, as defined in Wis. Stats. § 66.0131(1)(a), state agency or authority or federal agency.

PETE means polyethylene terephthalate, labeled by the SPI code #1.

Plastic container means 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.

Postconsumer waste means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in Wis. Stats. § 241.01(7), waste from construction and demolition of structures, scrap automobiles or high-volume industrial waste, as defined in Wis. Stats. § 289.01(17).

PP means polypropylene, labeled by the SPI code #5.

PS means polystyrene, labeled by the SPI code #6.

PVC means polyvinyl chloride, labeled by the SPI code #3.

Recyclable materials means lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; 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 bimetal containers.

Solid waste has the meaning specified in Wis. Stats. § 289.01(33).

Solid waste facility has the meaning specified in Wis. Stats. § 289.01(35).

Solid waste treatment means any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste. The term "treatment" includes incineration.

Waste tire means a tire that is no longer suitable for its original purpose because of wear, damage or defect.

Yard waste means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than four inches in diameter. The term "yard waste" does not include stumps, roots or shrubs with intact root balls. (Ord. No. 94-3, § 1(1.10), 5-9-1994)

Cross reference--Definitions generally, § 1-2.

Sec. 58-32. Abrogation and greater restrictions.

It is not intended by this article to repeal, abrogate, annul, impair or interfere with any existing rules, regulations, ordinances or permits previously adopted or issued pursuant to law, other than Ordinance No. 92-3. However, whenever this article imposes greater restrictions, the provisions of this article shall apply. (Ord. No. 94-3, § 1(1.04), 5-9-1994)

Sec. 58-33. Interpretation.

In their interpretation and application, the provisions of this article shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the statute. Where any terms or requirements of this article may be inconsistent or conflicting, the more restrictive requirements shall apply. Where a provision of this article is required by statute, or by a standard in Wis. Admin. Code ch. NR 544, and where the ordinance provision is unclear, the provision shall be interpreted in light of the statute and the Wis. Admin. Code ch. NR 544 standards in effect on the date of the adoption of the ordinance from which this article is derived, or in effect on the date of the most recent text amendment to this article.

(Ord. No. 94-3, § 1(1.05), 5-9-1994)

Secs. 58-34--58-50. Reserved.

DIVISION 2.

ADMINISTRATION AND ENFORCEMENT*

*Cross reference--Administration, ch. 2.

Sec. 58-51. Enforcement.

(a) Refusal to separate recyclables in compliance with the terms of this article shall be cause for the town's refuse collector to refuse to pick up such garbage or refuse. It shall be the responsibility of the property owner to properly dispose of any garbage or refuse not collected by the town's refuse collector due to failure to separate recyclables.

(b) For purposes of ascertaining compliance with the provisions of this article, any authorized officer, employee or representative of the town may inspect recyclable materials separated for recycling, postconsumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and nonresidential facilities and properties, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to any authorized officer, employee or authorized representative of the town who requests access for purposes of inspection and who presents appropriate credentials. No person may obstruct, hamper or interfere with such an inspection.

(c) Any person who violates a provision of this article may be issued a citation by local law enforcement officers or other designated person to collect forfeitures. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this subsection.

(d) Penalties for violating this article may be assessed as follows:

(1) Any person who violates section 58-63 or section 58-66 may be required to forfeit \$50.00 for a first violation, \$200.00 for a second violation and not more than \$2,000.00 for a third or subsequent violation, plus the costs of prosecution.

(2) Any person who violates a provision of this article, except section 58-63 or section 58-66, may be required to forfeit not less than \$10.00 nor more than \$1,000.00 for each violation, plus costs of prosecution.

(Ord. No. 94-3, § 1(1.22), 5-9-1994)

Sec. 58-52. Administration.

The provisions of this article shall be administered by the town board.
(Ord. No. 94-3, § 1(1.08), 5-9-1994)

Sec. 58-53. Purpose.

The purpose of this article is to promote recycling, composting and resource recovery through the administration of an effective recycling program as provided in Wis. Stats. § 287.11 and Wis. Admin. Code ch. NR 544.
(Ord. No. 94-3, § 1(1.02), 5-9-1994)

Sec. 58-54. Statutory authority.

This article is adopted as authorized under Wis. Stats. § 287.09(1)(a).
(Ord. No. 94-3, § 1(1.03), 5-9-1994)

Sec. 58-55. Applicability.

The requirements of this article apply to all persons within the town.
(Ord. No. 94-3, § 1(1.07), 5-9-1994)

Sec. 58-56. Separation of recyclable materials.

Occupants of single-family and two-unit to four-unit residences, multiple-family dwellings and nonresidential facilities and properties shall separate the following materials from postconsumer waste:

- (1) Lead acid batteries.
- (2) Major appliances.
- (3) Waste oil.
- (4) Yard waste.
- (5) Aluminum containers.
- (6) Bimetal containers.
- (7) Corrugated paper or other container board.
- (8) Foam polystyrene packaging.
- (9) Glass containers.

- (10) Magazines.
 - (11) Newspaper.
 - (12) Office paper.
 - (13) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS and other resins or multiple resins
 - (14) Steel containers.
 - (15) Waste tires.
- (Ord. No. 94-3, § 1(1.11), 5-9-1994)

Sec. 58-57. Separation requirements exempted.

The separation requirements of section 58-56 do not apply to the following:

- (1) Occupants of single-family and two-unit to four-unit residences, multiple-family dwellings and nonresidential facilities and properties that send their postconsumer waste to a processing facility licensed by the state department of natural resources that recovers the materials specified in section 58-56 from solid waste in as pure a form as is technically feasible.
- (2) Solid waste which is burned as a supplemental fuel at a facility if less than 30 percent of the heat input to the facility is derived from solid waste burned as supplemental fuel.
- (3) A recyclable material specified in subsections 58-56(5) through (15) for which a variance has been granted by the state department of natural resources under Wis. Stats. § 287.11(2m), or Wis. Admin. Code NR § 544.14.

(Ord. No. 94-3, § 1(1.12), 5-9-1994)

Sec. 58-58. Care of separated recyclable materials.

To the greatest extent practicable, the recyclable materials separated in accordance with section 58-56 shall be clean and kept free of contaminants such as food or product residue, oil, grease or other nonrecyclable 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.

(Ord. No. 94-3, § 1(1.13), 5-9-1994)

Sec. 58-59. Management of lead acid batteries, major appliances, waste oil and yard waste.

Occupants of single-family and two-unit to four-unit residences shall manage these items as follows:

- (1) Lead acid batteries shall be placed curbside or taken to a retail store which accepts batteries for recycling.
 - (2) Major appliances shall be placed curbside. Doors should be removed from refrigerators, freezers and ovens.
 - (3) Waste oil shall be placed curbside in plastic containers with a screw-on top.
 - (4) Yard waste shall be placed curbside periodically upon notice to occupants by the town.
- (Ord. No. 94-3, § 1(1.14), 5-9-1994)

Sec. 58-60. Preparation and collection of recyclable materials.

(a) Except as otherwise directed by the town, occupants of single-family and two-unit to four-unit residences shall do the following for the preparation and collection of the separated materials specified in subsections 58-56(5) through (15):

- (1) Aluminum containers, bimetal containers, glass containers, plastic containers made of PTE and HDPE, and steel containers shall be cleaned of debris and placed in clear plastic bags or other town approved container, separate from paper recyclable materials provided in subsection (a)(2) of this section.
- (2) Dry paper shall be placed in clear plastic bags or other town approved container. Dry paper includes magazines, office paper, newspapers, phone books, cardboard boxes and mixed paper.
- (3) Waste tires shall be set curbside, each household is limited to disposal of two tires per week. Tires must be removed from rims.
- (4) Large corrugated cardboard boxes and sections (appliance, furniture boxes, etc.) shall be set out empty and free of wood, styrofoam and plastic packing materials. Other corrugated cardboard boxes shall be flattened and tied.
- (5) Foam polystyrene packaging and plastic containers made of PVC, LDPE, PP, PS and other resins or multiple resins shall not be included with recyclable materials until such time as the variance on recycling those

materials is lifted by the state department of natural resources and the town gives notice that those materials are to be included with recyclable materials.

(b) All recyclables are to be set curbside separated from other refuse, by 6:00 a.m. of the day designated by the town for collection, but no earlier than 24 hours prior to the scheduled pickup.

(Ord. No. 94-3, § 1(1.15), 5-9-1994)

Sec. 58-61. Responsibilities of owners or designated agents of multiple-family dwellings.

(a) Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in subsections 58-56(5) through (15):

- (1) Provide adequate, separate containers for the recyclable materials.
- (2) Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
- (3) Provide for the collection of the materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.
- (4) 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.

(b) The requirements specified in subsection (a) of this section do not apply to the owners or designated agents of multiple-family dwellings if the postconsumer waste generated within the dwelling is treated at a processing facility licensed by the state department of natural resources that recovers for recycling the materials specified in subsections 58-56(5) through (15) from solid waste in as pure a form as is technically feasible.

(Ord. No. 94-3, § 1(1.16), 5-9-1994)

Sec. 58-62. Responsibilities of owners or designated agents of nonresidential facilities and properties.

(a) Owners or designated agents of nonresidential facilities and properties shall do all of the following to recycle the materials specified in subsections 58-56(5) through (15):

- (1) Provide adequate, separate containers for the recyclable materials.

- (2) Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.
- (3) 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.
- (4) Notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected, how to prepare 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.

(b) The requirements specified in subsection (a) of this section do not apply to the owners or designated agents of nonresidential facilities and properties if the postconsumer waste generated within the facility or property is treated at a processing facility licensed by the state department of natural resources that recovers for recycling the materials specified in subsections 58-56(5) through (15) from solid waste in as pure a form as is technically feasible.

(Ord. No. 94-3, § 1(1.17), 5-9-1994)

Sec. 58-63. 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 subsections 58-56(5) through (15) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

(Ord. No. 94-3, § 1(1.18), 5-9-1994)

Sec. 58-64. Nonrecyclable materials.

All nonrecyclable materials shall be grouped together and placed in one or more plastic garbage bags or covered garbage cans weighing not more than 70 pounds for garbage collection purposes. Nonrecyclable materials shall include the following:

- (1) *Glass.* All pyrex glass, window glass, light bulb glass, mirrors, broken glass and china shall be considered nonrecyclable glass.
- (2) *Paper.* All waxed paper, waxed cardboard, envelopes with gummed labels and envelopes with plastic windows shall be considered nonrecyclable paper.
- (3) *Other garbage and refuse.* All other garbage and refuse not qualifying as recyclable material.

(Ord. No. 94-3, § 1(1.19), 5-9-1994)

Sec. 58-65. Items not accepted.

Items which will not be collected are as follows:

- (1) Earth, rocks, concrete, construction and demolition materials, and trees or parts thereof, except as stated in section 58-59(4).
- (2) Hazardous, toxic or infectious materials, including any items recognized as special waste by the state.
(Ord. No. 94-3, § 1(1.20), 5-9-1994)

Sec. 58-66. Collection by unauthorized person.

From the time of placement at the curb by anyone of the categories described in this article for collection by the town in accordance with the terms hereof, items shall be and become the property of the town or its authorized agent. It shall be a violation of this section for any person unauthorized by the town to collect or pick up or cause to be collected or picked up any such items during the 24-hour period commencing at 6:00 p.m. on any day preceding a day designated for collection. Any and each such collection in violation hereof shall constitute a separate and distinct offense.
(Ord. No. 94-3, § 1(1.21), 5-9-1994)

Secs. 58-67--58-100. Reserved.

ARTICLE III.

LITTERING*

***Cross reference--**Streets, highways and other public places, ch. 62.

Sec. 58-101. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Litter means any materials that are not commonly found upon the property on which they are deposited. Examples of litter regulated under this article are, but are not limited by this list, as follows: Garbage, refrigerators, stoves and other household appliances, furniture, rags, rubbish, brush, stumps, logs, leaves, automobile parts or bodies, carcasses, parts of carcasses, kitchen refuse, human refuse, papers, newspapers, magazines, cardboard and any other materials of like nature and substance.
(Ord. No. 85-4, § 1(2), 6-10-1985)

Cross reference--Definitions generally, § 1-2.

Sec. 58-102. Penalties.

Any person who violates this article shall be subject, upon conviction, to section 1-8.

(Ord. No. 85-4, § 6, 6-10-1985)

Sec. 58-103. Littering prohibited.

No person shall throw any glass, refuse or waste, filth or other litter upon the streets, alleys, highways, public parks or rights-of-way of the town or upon any private property or upon the surface of any body of water within the town. Further any matter that is foreign to such areas is considered litter.

(Ord. No. 85-4, § 1(1), 6-10-1985)

Sec. 58-104. Drive-in stands, etc., waste.

Any person owning or leasing lands abutting on any state, county or town highway in the town and operating thereon ice cream or custard stands, drive-in restaurants or any other similar type business that results in waste materials, shall take all steps as may be necessary to prevent any waste materials to clutter or strew the highways. Waste is included in litter defined in section 58-101 and specifically includes paper napkins, soda cups, paper plates and like materials. The person owning or leasing such lands shall keep such business location clear of any such waste as described in this article on the public highways within 250 feet of the land upon which such business is located if such waste appears to have resulted from the customer use of such lands.

(Ord. No. 85-4, § 2, 6-10-1985)

Sec. 58-105. Rubbish on highways.

No person shall throw, leave or deposit any weeds, sod, brush or other waste or rubbish in any public highway right-of-way in the town.

(Ord. No. 85-4, § 3, 6-10-1985)

Sec. 58-106. Foreign substances on highways.

No person shall place or cause to be placed upon any private or public highways in the town any foreign substances or material which is or may be injurious to any vehicle or to any part thereof. No operator of any vehicle shall throw, deposit or permit to be thrown or deposited from such vehicle any type of debris or waste type material.

(Ord. No. 85-4, § 4, 6-10-1985)

Sec. 58-107. Spilling loads.

No operator of any vehicle transporting waste or foreign materials on the private or public highways in the town shall permit any waste or foreign materials to be spilled from such vehicles on or along the highways.

(Ord. No. 85-4, § 5, 6-10-1985)