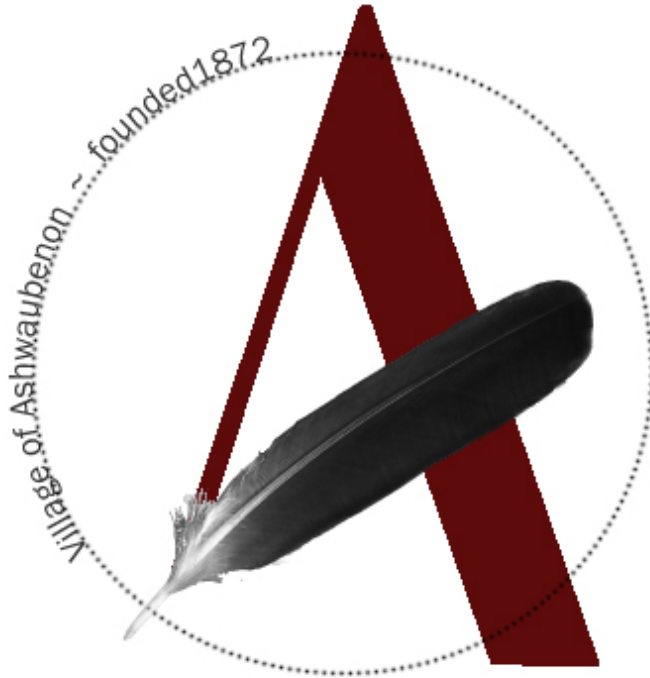


Village of Ashwaubenon

Municipal Code Book

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Printed for:
Chapter 18 - Solid Waste

Municipal Code Book

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Chapter 18 - Solid Waste

Article 1 - In General

18-1-1 Definitions

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

Collecting and transporting service means a municipal or privately operated agency, business, or service for collecting or transporting solid waste for disposal.

Department means the village department of public works.

Nonresidential properties means commercial, retail, industrial, institutional, manufacturing, and governmental facilities and properties.

Sanitary landfill means a method of disposing of solid waste on land without creating nuisances or hazards to public health or safety, but utilizing the principles of engineering to confine the solid waste to the smallest practical volume, and by covering it with a layer of earth at the conclusion of each day's operation or at such more frequent intervals as may be necessary.

Solid waste means solid waste consisting of garbage, refuse, and other discarded or salvageable material, including waste material resulting from domestic use, public service activities, commercial, manufacturing, and industrial operations. Solid waste consists of the following categories:

1. *Residential waste.* Garbage, refuse, ashes, and other waste including, but not limited to, metal, glass, paper, wood, rags, plastic, rubber, cloth, cans, bottles, litter, leaves, shrubbery, tree trimming, branches, trunks and stumps, grass clippings, brush, and small quantities of construction and/or demolition waste.
2. *Commercial waste.* Wastes resulting from the operation of business enterprises including, but not limited to, offices, stores, restaurants, mobile home parks, and similar businesses.
3. *Industrial waste.* Wastes resulting from industrial processes and operations.
4. *Manufacturing waste.* Waste resulting from manufacturing processes and operations.
5. *Garbage.* Waste resulting from the handling, cooking, processing, preparation, serving, storage, and consumption of food, including animal, fish, fowl, fruits, vegetables, or other matter which is subject to decomposition, decay, putrefaction, and the generation of offensive and noxious gases or odors.
6. *Refuse.* Miscellaneous combustible and noncombustible, nonrecyclable waste material resulting from residential and plastic, papers, ashes, glass, lawn and garden waste, metals, rubber, street waste, wood, cloth, litter, leaves, shrubbery, brush and cardboard.
7. *Bulky waste.* Discarded articles of such size as are not normally collected with residential waste including, but not limited to, appliances, furniture, plumbing fixtures, windows, and doors, but all of which would be considered residential wastes.
8. *Construction and/or demolition waste.* Waste resulting from building construction or demolition, alteration, or repair, including excavated material, remodeling, and other waste such as concrete,

stone, asphalt, sod, earth, dirt, and brick, except as indicated in section 18-32

9. *Hazardous and/or toxic wastes.* Waste material or substances which, during normal storage or handling, may be a potential cause of harm, sickness, or death, such as explosives, petroleum products, medical or pharmaceutical materials, corrosive chemicals, poisonous or pathogenic substances, pesticide chemicals, radioactive materials, toxic materials, and all other similar harmful substances whether in solid, liquid, or gaseous form.
10. *Nauseous and/or offensive wastes.* Those wastes that are unwholesome or have an unpleasant smell or are otherwise nauseous and/or offensive, such as manure, filth, slops, carcasses, carrion, meat, fish, entrails, hides and hide scrapings, paint, kerosene, oily or greasy substances, and objects that may cause injury to any person or animal or damage to vehicles such as barbed wire, briar thorns, or similar materials.
11. *Sewage plant refuse.* Debris collected on the primary screens of the sewage treatment plant consisting of sticks, rags, etc.
12. *Recycle waste.* That portion of miscellaneous combustible and noncombustible waste material resulting from residential and commercial activities that can be recovered through processes to regain that material for human use including, but not limited to, the following:
 - a. *Yard waste.* The term "yard waste" means leaves, grass clippings, garden debris, and brush, including clean woody vegetative material no greater than six inches in diameter. The term "yard waste" does not include stumps, roots, or shrubs with intact root balls.
 - b. *Paper.* The term "paper" means that portion of paper which remains in substantially original condition at the time of disposal so that material is suitable for commercial-grade recycling. The term "paper" does include magazines, books, and other physical media for written materials and cardboards. Paper is not suitable for recycling purposes when in a state which makes separation unreasonable or unduly expensive for reasons which include, but are not limited to, the following:
 1. The paper has been put to another use, such as wrappings for other wastes, and is thus rendered unfit for commercial recycling; and
 2. The paper is no longer flat and folded to the approximate dimensions of its original condition.
 - c. *Major appliances.* Major appliances are residential or commercial air conditioners, clothes dryers, clothes washers, dishwashers, freezers, microwave ovens, ovens, refrigerators, or stoves.
 - d. *Comingled.* Comingled recyclables are glass bottles and jars which contain a food or beverage product, aluminum beverage cans, plastic containers made of polyethylene terephthalate (PET) or high density polyethylene (HDPE), and steel and bimetal cans which contained a food or beverage product.
 - e. *Waste tire.* Waste tires are tires that are no longer suitable for their original purpose because of wear, damage or defect.

Solid waste disposal operation means the site, facility, operating practices, and maintenance thereof for the utilization, processing, or final disposal of solid waste including, but not limited to, at a sanitary transfer station, incineration, composting, reduction, shredding, compression, salvage, and resource recovery.

Solid waste transport site means a facility intended to collect and accept solid waste from solid waste

collection vehicles which compacts and transfers that waste to large transfer trailers for transport to the sanitary transfer station or other disposal facilities.

(Code 2006, § 8.08; Ord. No. O5-1-97, 5-27-1997; Ord. No. O5-1-03, 5-27-2003)

18-1-2 Penalty

Except as otherwise provided, any person who shall violate any provision of this Chapter or any order, rule or regulation made under this chapter shall be subject to a penalty as provided in Chapter 1, Section 1-13.

(Code 2006, § 8.15)

Article 2 - Collection and Disposal

18-2-24 Placement of Grass Clippings and Vegetable Vines

- (A) Grass clippings and vegetable vines shall not be picked up by the village public works department in the months of April, May, June, July, August and September. The village will continue to pick up leaves and grass in October and November.
- (B) Permitted items for dropoff by village residents only from property located within the village shall include brush, grass clippings, leaves and garden waste for disposal from April through September and shall deliver them to the rear of the village garage located on Collaer Court, or wherever directed to by the operations superintendent. All items must be unbagged. No garbage, trash or other nongrass clipping materials shall be placed in such disposal area.
- (C) Permitted items for pickup at the village garage by village residents only for use within the village limits, when available, shall be wood chips, mulch, black dirt, sand and gravel.
- (D) No person shall place nor rake leaves into the street or gutter. Leaves shall be raked to the parkway.

(Code 2006, § 8.09; Ord. No. O5-4-89, 5-23-1989; Ord. No. O1-2-92, 1-28-1992; Ord. No. O10-4-05, § 8.09, 10-24-2005)

18-2-25 Residential and Commercial Waste

Residential and commercial waste shall be collected by the department of public works from all residential properties, provided that such waste is properly handled, prepared, contained, stored, and located in conformance with this article and rules and regulations established and publicized by the operations superintendent. Residential waste collection shall be provided once per week at no charge for an average 65- or 95-gallon container as provided by the village.

(Code 2006, § 8.08(A)(1))

18-2-26 Yard Waste Dropoff

Yard waste may be dropped off by residents at no charge at the village yard waste dropoff site.

- (A) *Regulations.*

- (1) No bags or reusable containers may be disposed of at the dropoff site.
 - (2) Persons transporting yard waste shall cover or otherwise contain the waste in such a manner as to prevent scattering or dumping of yard waste in transport.
 - (3) The hours of operation for dropoff site shall be established, published and/or posted by the department of public works.
- (B) *Prohibited.* Landscaper/lawn care businesses are prohibited from utilizing the dropoff site to dispose of yard waste generated by such operations as well as prohibited from removing any compost, yard waste, sand, dirt, woodchips or other natural material from the dropoff site.

(Code 2006, § 8.08(A)(3); Ord. No. O4-2-09, § 1, 4-14-2009; Ord. No. O2-7-2012, § 1, 2-28-2012)

18-2-27 Recyclable Waste - Conditions for Collection

Recyclable waste is to include comingled recyclables and paper and shall be collected by the department of public works for all residential properties, up to and including four dwelling units, provided that such waste is properly separated, handled, prepared, contained, stored, and located in conformance with this article and rules and regulations established and publicized by the operations superintendent. Curbside recycling is mandatory, and residents will be required to comply when they are served by a recycling route. Residents will be notified prior to being served with recycling collection. Recycling waste collection shall be provided once every two weeks to each household at no charge for one 65- or 95-gallon container. The container must be one which was provided by the village or a replacement purchased from the village. Recycling waste shall be placed out for collection separated three feet from other solid waste containers on the regular refuse collection day.

(Code 2006, § 8.08(A)(2))

18-2-28 Separation from Solid Waste

- (A) *Requirements.* Occupants of single-family and two- to four-unit residences, multifamily dwellings and nonresidential facilities and properties shall separate the following recyclables from solid waste:
- (1) Lead acid batteries;
 - (2) Major appliances/white goods;
 - (3) Waste oil;
 - (4) Yard waste, including but not limited to corn silks, sunflower plants, rose plants, grass, and leaves;
 - (5) Aluminum containers;
 - (6) Bi-metal containers;

- (7) Corrugated paper or other container board;
 - (8) Foam polystyrene packaging;
 - (9) Glass containers;
 - (10) Magazines;
 - (11) Newspapers;
 - (12) Office paper;
 - (13) Rigid plastic containers made of PETE and HDPE;
 - (14) Rigid plastic containers made of PVC, LDPE, PP, PS, and other resins or multiple resins;
 - (15) Steel containers;
 - (16) Waste tires; and
 - (17) Large structural materials that cannot be placed in the solid waste collection container.
- (B) *Exemptions.* The separation requirements of subsection (A) of this section do not apply to the following:
- (1) Occupants of single-family and two- to four-unit residences, multiple-family dwellings and nonresidential facilities and properties that send their solid waste to a processing facility licensed by the state department of natural resources that recovers the materials specified in subsection (A) of this section 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 waste item specified in subsection (A)(1)—(16) of this section for which a variance has been granted by the department of natural resources under Wis. Stats. § 159.11(2m), or Wis. Admin. Code § NR 544.14.

(Code 2006, § 8.08(A)(4))

18-2-29 Buildings with Five or More Dwelling Units

- (A) Recyclable waste shall not be collected from buildings containing five or more dwelling units. Owners of these buildings shall be responsible to provide collection and disposal of recyclable waste which will be banned from landfills as provided in Wisconsin Act 335 (Wis. Stats. Ch 287). Items included in Wisconsin Act 335 are: aluminum containers, corrugated paper or other containers, magazines, or other material printed on similar paper, newspaper or other material printed on newsprint, office paper, rigid plastic containers, steel containers, bi-metal steel/aluminum containers for carbonated and malt beverages. All owners or designated agents of these buildings are required to do all of the following:
- (1) Notify tenants in writing at the time of renting or leasing the dwelling and at least semiannually thereafter about the established recycling program;
 - (2) Provide adequate, separate containers to tenants for the separation of recyclable waste included in the 1995 ban;
 - (3) Provide for the collection and recycling of recyclable materials separated from solid waste by the tenants, and the delivery of the materials to a recycling facility; and
 - (4) Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet processing requirements, collection methods or sites, relocations and hours of operation and a contact person, including a name, address and telephone number.
- (B) All owners of these buildings are required to comply with state statutes which ban the items listed above from landfills and incineration.
- (C) The requirements specified in subsection (A) of this section do not apply to the owners or designated agents of multifamily dwellings if the solid waste generated within the dwellings is treated at a processing facility licensed by the department of natural resources that recovers for recycling the materials specified in section 18-27(A)(5)—(16) from solid waste in as pure a form as is technically feasible.

(Code 2006, § 8.08(A)(5))

18-2-30 Nonresidential Facilities or Properties to Comply

- (A) Recycling laws apply not only to residential properties but also nonresidential facilities and properties. All nonresidential facilities or properties are required to separate the materials subject to Wis. Stats. chs. 287 and 289 which bans said material from landfills.
- (B) Owners or designated agents of nonresidential facilities and properties shall do all of the following to the materials specified in section 18-27(A)(5)—(16):
- (1) Notify in writing, at least semiannually, all users, tenants and occupants of the properties about the established recycling program;
 - (2) Provide adequate, separate containers for the collection of recyclable materials;

- (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; and
 - (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.
- (C) The requirements specified in subsection (B) of this section do not apply to the owners or designated agents of nonresidential facilities and properties if the solid waste generated within the facilities or property is treated at a processing facility licensed by the state department of natural resources that recovers for recycling the materials specified in section 18-27(A)(5)—(16) from solid waste in as pure a form as is technically feasible.

(Code 2006, § 8.08(A)(6))

18-2-31 Authority of Operations Superintendent

The operations superintendent is hereby authorized to control the collection, removal, and hauling of solid waste in the village in conformity with the administrative regulations in sections 18-32 to 18-36.

(Code 2006, § 8.08(A)(8))

18-2-32 Certain Types of Solid Waste Not Subject to Collection

The following types of solid waste shall not be collected by the village:

- (A) Industrial waste;
- (B) Manufacturing waste;
- (C) Hazardous and/or toxic wastes;
- (D) Nauseous and/or offensive waste;
- (E) Sewage plant refuse;
- (F) Batteries;
- (G) Tires;
- (H) Waste oil;
- (I) Medical and infectious waste;
- (J) Appliances containing freon; and

- (K) Televisions, computers, any digital device or electronic item that contains a circuit board.

(Code 2006, § 8.08(A)(8)(a); Ord. No. O2-2-11, § 1, 2-8-2011)

18-2-33 Preparation for Collection

- (A) Residential and commercial solid waste, including miscellaneous refuse, may be mixed and placed in a common container. Yard waste and recyclables are prohibited from being mixed with other waste.
- (B) Residential refuse and garbage shall be wrapped, packaged, and/or bundled and drained of any liquid.
- (C) Recyclable material such as glass, plastic, bottles, paper, tin and aluminum cans may be comingled and placed in one recycle cart. Loosely shredded paper must be placed in brown paper bags.
- (D) To the greatest extent practicable, the recyclable materials separated from solid waste shall be clean and kept free of contaminants such as food, product residue, oil or grease, or other nonrecyclable materials. Cardboard must be broken down to slide out of the recycle cart.
- (E) Branches, limbs, and cuttings from trees, shrubs, and the like shall be cut in less than eight-foot lengths when set out for collection. No brush will be picked up by the village when generated from vacant property or new building construction if said property is owned by a home builder or developer or from any contracted job. If said brush is not disposed of properly by the owner or contractor, the village will dispose of it and charge the property owner the actual cost.
- (F) Bulky material, white goods, or other materials too large to be deposited in the collection containers provided by the village, such as appliances, furniture, building and demolition waste, excavated material, including, but not limited to, sand, clay or other earth, and broken concrete, bricks and rubble will not be taken on regular scheduled collection. Large quantities of construction and/or demolition waste shall be disposed of as provided for in section 18-38(E). The village will designate the first full week of each month of the year for village-wide additional garbage, rubbish and bulk waste and brown goods collection. During this week the village will collect up to one cubic yard of garbage, rubbish, deck and building debris, and brown goods without charge. The term "brown goods" means furniture, mattresses, etc.

- (1) Additional waste placed at the curb such as excess garbage, rubbish, decks, building debris and brown goods of one cubic yard during the first full week of each month will be picked up at no charge. Outside the designated pick-up time, a fee will be charged as follows:

TABLE 18-2-33
Charges for Solid Waste Collection Services In Excess of Normal Weekly Services

	Garbage Bags	Cement and Dirt	Rubbish	Decks and Buildings
1 - 4 yds.	\$25.00	\$25.00	\$25.00	\$50.00
4 - 6 yds.	\$50.00	\$50.00	\$50.00	\$75.00
6 - 8 yds.	\$75.00	\$100.00	\$75.00	\$100.00
8 - 10 yds.	\$100.00	\$150.00	\$100.00	\$150.00

Brown goods are defined as furniture, mattresses, etc. - \$25.00

White goods are defined as appliances, excluding any digital device or electronic item that contains a circuit board. - \$25.00

- (2) Collection of white goods at any time or brown goods collected other than the first full week of any given month is considered a special pickup and will be charged respectively following the pickup.
- (G) Hot cinders, ashes, or any smoldering embers shall not be placed in any collection. Ashes shall not be placed in cardboard or paper containers, solid waste containers or recycling carts, but shall only be placed in plastic bags for a type and composition suitable for handling. All ashes shall be in containers, and no ashes placed on the ground will be shoveled therefrom by the collection crew.

(Code 2006, § 8.08(A)(8)(b); Ord. No. O2-2-11, § 2, 2-8-2011)

18-2-34 Solid Waste - Containers

- (A) The village shall provide all single-family, duplex, triplex and fourplex residential units with 65-gallon or 95-gallon rollout solid waste containers. The property owner will be charged a one-time cost for this container.
- (B) All containers for the storage of solid waste shall be maintained in such a manner as to prevent the creation of a nuisance to public health and safety.
- (C) Any container deemed defective or otherwise inadequate by the operations superintendent shall be replaced at the owner's expense within one week's time following notification by the village.
- (D) Any defective container not replaced subsequent to the notification shall result in the issuance of a citation.

(Code 2006, § 8.08(A)(8)(c))

18-2-35 Recycling Containers

- (A) One recycling container shall be provided by the village to each household unit, provided there are no more than four units in a building. The containers will have a minimum capacity of 65 or 95 gallons.
- (B) The container shall remain with the household unit, and any replacement container must be purchased from the village for a charge equal to the village's cost.

(Code 2006, § 8.08(A)(8)(d))

18-2-36 Storage and Collection

- (A) *Sanitary Storage of Solid Waste by Owner or Occupant.* The owner and/or occupant of any premises shall be responsible for proper and sanitary storage of all solid waste accumulated at the premises until collected by the collecting and transporting service. Waste must be stored out of view from roadway but is allowed to be stored on side of residence.
- (B) *Commercial Waste.* On the scheduled day of collection, commercial solid waste shall be properly prepared and placed at the curblin. No collection will be made on private property. If waste stored on private property is not disposed of properly, the village will see that proper disposal is made and charge the property owner the actual cost of said disposal.
- (C) *Residential Waste.* Residential waste shall be properly prepared and placed at the curblin. Pickups shall not be made in the alley adjoining residential property. No collection shall be made on private property.
- (D) *Recyclable Waste.*
 - (1) *Storage.* Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions. Recyclable wastes shall be properly prepared and placed for collection at the curblin three feet away from solid waste containers and recyclable carts and any structure prohibiting automated pickup. Recyclable waste collection shall be made on the same day as regular solid waste collection.
 - (2) *Pickups.* Pickups shall not be made on residential private property, or in the alley adjoining residential property. No collection shall be made on nonresidential property.
- (E) *Pickups.* Pickups shall not be made at the rear of the residence or back door unless approved by the village street operations supervisor and confirmed that a hardship exists due to physical disability.
- (F) *Pickup Times.* Any solid waste, when placed out for collection, shall be out by 7:00 a.m. on the scheduled day of collection, but shall not be placed out more than 12 hours before collection day and shall be removed not more than 12 hours after collection day. Failure to comply may result in the issuance of a citation.
- (G) *Large Items.* Items too large or otherwise unsuitable for storage containers shall be stored in a nuisance-free manner consistent with regulations established by the operations superintendent.

- (H) *Village Property.* All solid waste placed out for collection becomes village property upon being collected.
- (I) *Storing of Containers.* Garbage and recycling containers shall not be stored during the time period between collection days, in the front yard, nor in front of any building face that fronts a roadway.
- (J) *Prior Approval Needed for Any Variance.* There shall be no variance from this section without the prior approval of the operations superintendent.
- (K) *Enclosures.* No owner or occupant of any building shall place or store any solid waste in front or alongside any building or any corner lot along the side of any building facing the abutting street except with the approval by the site plan review committee or for the purpose of lawful collection in compliance with this article. On or before June 30, 2005, all collectible solid wastes from all properties, excluding one-family, two-family and three-family dwellings, shall be stored in an enclosed structure or building. All enclosures or structures shall be constructed with a concrete or asphalt floor/base, and shall be gated, four-sided and constructed of opaque material sufficient to ensure the waste and container is impervious to view from the exterior of the four sides and approved by the site plan review committee (SPRC). The wall of the structure shall be of a height equal to one foot taller than the solid waste container, but in no event exceed eight feet in height, and shall be maintained in a neat and orderly manner.

(Code 2006, § 8.08(A)(8)(e); Ord. No. O8-5-03, 8-26-2003; Ord. No. O5-2-04, 5-11-2004; Ord. No. O10-5-04, 10-25-2004; Ord. No. O8-2-07, § 1, 8-14-2007; Ord. No. O4-1-10, § 1, 4-13-2010; Ord. No. O2-2-11, § 3, 2-8-2011)

18-2-37 Payment

All charges by the village for additional residential or commercial collections, brush pickups, and bulk pickups must be paid by 30 days after the billing date or said charge will become a lien on the property according to Wis. Stats. § 66.0627, and will be added to that year's taxes with interest.

(Code 2006, § 8.08(A)(9))

18-2-38 Transportation

- (A) *Materials Not to Create Nuisance.* No person shall transport any material in any vehicle unless the vehicle is operated and constructed so that the contents shall not blow, scatter, leak, or spill upon streets or alleys or otherwise create a nuisance.
- (B) *Collection Vehicles.* All vehicles or conveyers, whether publicly or privately owned, used for the collection or transportation of solid waste shall not be kept in any street, alley, or public place, or upon any private premises within the village longer than is reasonably necessary to collect the solid waste except by permission of the operations superintendent.
- (C) *Permission Needed for any Nonemployee to Transport Waste Materials.* No person, except employees of the department in the regular performance of duty, shall collect or transport waste materials on any street or alley without the permission and supervision of the operations superintendent.

(Code 2006, § 8.08(B))

18-2-39 Solid Waste Disposal

- (A) *Approved Disposal.* Following collection, all solid waste shall be disposed of under the direction of the operations superintendent in a manner approved by him with the concurrence of the county health department and the Brown County Solid Waste Authority in conformance with the state department of natural resources, solid waste disposal standards under terms approved by the village board.
- (B) *Prohibitions on Disposal of Recyclable Wastes 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 18-27(A) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.
- (C) *Burning of Solid Waste.* No person shall burn any solid waste outdoors at any time within the village.
- (D) *Prohibitions.* No person in the village shall deposit, throw, place, or leave any solid waste upon any street, court, lane, alley, business, square, public enclosure, vacant lot, house yard, body of water, or any place except in a container herein required. No person shall upset or turn over the contents of any waste containers in any street, alley and other public place. No person shall remove any waste from containers on private premises without the consent of the occupant, owner or lessee of the premises, and no person shall remove any waste from a container which has been set out on public right-of-way for collection. No person shall remove any waste from public trash receptacles placed on public property.
- (E) *Disposal of Construction and/or Demolition Waste.* All construction and/or demolition waste shall be disposed of by the owner, builder or contractor at the county transfer station site or other licensed landfill site. Construction and/or demolition waste of one cubic yard or less shall not be collected by the village from one property when said waste is generated from large construction and/or demolition projects. Excavated material consisting of sand, clay, or other earth and broken concrete, brick or rubble free of debris may be issued for filling private property as herein provided.
- (F) *Disposal of Industrial and/or Manufacturing Waste.* Industrial and/or manufacturing waste shall be disposed of by the owner or occupant at the county transfer station site or other licensed landfill site.

(Code 2006, § 8.08(C)(1)—(6))

18-2-40 Dead Animals

- (A) *Small Animals.* The owner or custodian of dead dogs, cats, and other animals weighing less than 100 pounds shall notify the humane officer, who shall arrange to have such animals removed.
- (B) *Large Animals.* The owner or custodian of dead animals weighing over 100 pounds shall be required to deliver such dead animals to the county transfer station at their own cost. Dead animals weighing over 100 pounds shall be brought to the county transfer station site promptly after death. If any owner or custodian of a dead animal refuses to bring such animal to the county transfer station site within 24 hours after death thereof, the operations superintendent may arrange for the collection and disposal of such animal; and all costs of collection, including truck service and any other expense, shall be charged against him as a special tax and collected in the same manner as other taxes are collected.

(Code 2006, § 8.08(C)(7))

18-2-41 Disposal of Animal Offal and Other Offensive Wastes

Animal offal, the droppings from pet animals, manure, and night soil shall not be collected by the village collection service. It shall be the responsibility of the owner of such animals to dispose of such waste in a sanitary manner.

(Code 2006, § 8.08(C)(8))

18-2-42 Disposal of Infectious Material

The removal of wearing apparel, bedding, or other refuse from homes or other places where highly infectious or contagious diseases have prevailed shall be performed under the supervision of the health commissioner. Such refuse shall not be placed in containers for regular collection with normal solid waste.

(Code 2006, § 8.08(C)(9))

18-2-43 Explosive Material

No person shall place or deposit any explosive material such as dynamite, dynamite caps, shotgun shells, rifle cartridges, gunpowder, gasoline, or similar material in a container for collection or disposal at any dumping grounds, private or municipal. Residents must contact the department of public works sanitation for the proper disposal procedure.

(Code 2006, § 8.08(C)(10))

18-2-44 Doubt of Proper Disposal

When any person is in doubt as to the proper preparation, handling, and disposal of any type of solid waste, he shall contact the department of public works sanitation for information concerning such handling and disposal.

(Code 2006, § 8.08(C)(11))

18-2-45 Authority of Operations Superintendent to Regulate

The operations superintendent shall make reasonable rules for the regulation and administration of this article as may be found necessary for the proper storage, collection, removal, and disposal of solid waste in the village. A collection schedule for all areas of the village shall be prepared and advertised so that all persons will know the correct collection day. Such rules shall be available for public inspection at the office of the operations superintendent.

(Code 2006, § 8.08(D))

18-2-46 Enforcement

- (A) *Authority.* The operations superintendent shall enforce the provisions of this article and see that all violations are promptly abated and a citation issued if necessary. The chief of public safety and health commissioner shall give attention throughout the village of any violation of this article and promptly report to the operations superintendent in writing every violation within the village which comes to their attention.

(B) *Special Penalties.* If the owner, occupant, or lessee of any premises neglects or refuses to clean up and remove from such premises all solid waste when so ordered by the health commissioner, such owner, occupant or lessee shall be liable to maximum penalty as provided by section 18-2. If such accumulation occurs on any street, alley or public thoroughfare, such solid waste may be collected under the direction of the operations superintendent, and the entire cost thereof shall be assessed against the abutting property. If said cost is not paid within 30 days, it will be added to the taxes as a special charge and lien on the property according to Wis. Stat. 66.0627

(C) *Failure to Comply.*

- (1) The operations superintendent may refuse to furnish collection service of solid waste to any person not complying and refusing to comply with this article and the rules and regulations made by the operations superintendent for the collection and disposal of solid waste.
- (2) When services of the collection of solid waste have been withdrawn by the operations superintendent from any person for failure to comply with such rules and regulations, resulting in an accumulation of solid waste on his premises which is offensive or a public nuisance, that person may be prosecuted under any ordinances of the village regulating the same.

(Code 2006, § 8.08(E))

18-2-47 Penalty

Any person who violates any provisions of this article or who shall fail or refuse to obey any order issued under this article shall be subject to a forfeiture. Such forfeiture shall be not less than \$100.00 nor more than \$2,000.00, together with the costs of such action. Each day of violation, disobedience, omission, neglect, or refusal shall be a separate offense. This section shall not preclude the village from maintaining any appropriate action to prevent or remove a violation of this article.

(Code 2006, § 8.08(F))

Article 3 - Recycling

18-3-68 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. § 159.11, and Wis. Admin. Code Ch. NR 544.

(Code 2006, § 8.11(2); Ord. No. 11-01-93, 11-23-1993)

18-3-69 Statutory Authority

This article is adopted as authorized under Wis. Stats. Chs. 287 and 289.

(Code 2006, § 8.11(3); Ord. No. 11-01-93, 11-23-1993)

18-3-70 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. However, whenever this section imposes greater restrictions, the provisions of this article shall apply.

(Code 2006, § 8.11(4); Ord. No. 11-01-93, 11-23-1993)

18-3-71 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 state statutes. Where any terms or requirements of this article may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision is required by the state statutes or by a standard in Wis. Admin. Code Ch. NR 544 and where a provision is unclear, the provision shall be interpreted in light of the state statutes and 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 Code.

(Code 2006, § 8.11(5); Ord. No. 11-01-93, 11-23-1993)

18-3-72 Applicability

The requirements of this article shall apply to all persons within the village.

(Code 2006, § 8.11(6); Ord. No. 11-01-93, 11-23-1993)

18-3-73 Administration

The provisions of this article shall be administered by the public works department.

(Code 2006, § 8.11(7); Ord. No. 11-01-93, 11-23-1993)

18-3-74 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:

- (A) *Bi-metal container* means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.
- (B) *Container board* means corrugated paperboard used in the manufacture of shipping containers and related products.
- (C) *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; and/or
- (3) Consists of rigid material shaped to hold and cushion a packaged article in a shipping container.
- (D) *HDPE* means high density polyethylene, labeled by SPI Code No. 2.
- (E) *LDPE* means low density polyethylene, labeled by SPI Code No. 4.
- (F) *Magazines* means magazines and other materials printed on similar paper.
- (G) *Major appliance* means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator or stove.
- (H) *Multiple-family dwelling* means a property containing five or more residential units, including those which are occupied seasonally.
- (I) *Newspaper* means a newspaper and other materials printed on newsprint.
- (J) *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.
- (K) *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.
- (L) *Other resins or multiple resins* means plastic resins labeled by the SPI Code No. 7.
- (M) *Person* includes any individual, corporation, partnership, association, local governmental unit, as defined in Wis. Stat. § 66.0131(1)(a), state agency or authority or federal agency.
- (N) *PETE* means polyethylene terephthalate, labeled by SPI Code No. 1.
- (O) *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.
- (P) *Post-consumer waste* means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in Wis. Stat. § 144.61(5), waste from construction and demolition of structures, scrap automobiles or high volume industrial waste, as defined in Wis. Stats. § 144.44(7)(a)1.
- (Q) *PP* means polypropylene, labeled by SPI Code No. 5.
- (R) *PS* means polystyrene, labeled by SPI Code No. 6.

- (S) *PVC* means polyvinyl chloride, labeled by SPI Code No. 3.
- (T) *Recyclable materials* means and includes 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 bi-metal containers.
- (U) *Solid waste* has the meaning specified in Wis. Stat. § 144.01(15).
- (V) *Solid waste facility* has the meaning specified in Wis. Stat. § 144.43(5).
- (W) *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.
- (X) *Treatment* means and includes incineration.
- (Y) *Waste tire* means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
- (Z) *Yard waste* means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than six inches in diameter. The term "yard waste" does not include stumps, roots or shrubs with intact root balls.

(Code 2006, § 8.11(9); Ord. No. 11-01-93, 11-23-1993)

18-3-75 Separation of Recyclable Materials

Occupants of single-family and two- to four-unit residences, multiple-family dwellings and nonresidential facilities and properties 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, HDPE, PVC, LDPE, PP, PP, PS and other resins or multiple resins;
- (N) Steel containers; and
- (O) Waste tires.

(Code 2006, § 8.11(10); Ord. No. 11-01-93, 11-23-1993)

18-3-76 Separation Requirements Exempted

The separation requirements of section 18-75 do not apply to the following:

- (A) Occupants of single-family and two- to four-unit residences, multiple-family dwellings and nonresidential facilities and properties that send their post-consumer waste to a processing facility licensed by the state department of natural resources that recovers the materials specified in section 18-75 from solid waste in as pure a form as is technically feasible.
- (B) Solid waste burned as a supplemental fuel at a facility if less than 30 percent of the heat input to the facility is derived from the solid waste burned as supplemental fuel.
- (C) A recyclable material specified in section 18-75(5)—(15) for which a variance has been granted by the department of natural resources under Wis. Stats. § 159.11(2m) or Wis. Admin. Code § NR 544.14.

(Code 2006, § 8.11(11); Ord. No. 11-01-93, 11-23-1993)

18-3-77 Care of Separated Recyclable Materials

To the greatest extent practicable, the recyclable materials separated in accordance with section 18-75 shall be clean and kept free of contaminants such as food or product residue, oil or 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.

(Code 2006, § 8.11(12); Ord. No. 11-01-93, 11-23-1993)

18-3-78 Management of Lead Acid Batteries, Major Appliances, Waste Oil and Yard Waste

Occupants of single-family and two- to four-unit residences, multiple-family dwellings and nonresidential facilities and properties shall manage lead acid batteries, major appliances, waste oil and yard waste as follows:

- (A) *Lead acid batteries.* Lead acid batteries shall be returned to the dealer from which bought.
- (B) *Major appliances.* Refrigerators, freezers, air conditioners and dehumidifiers shall be taken to the county transfer station to be recycled. Other appliances will be picked up by the village, if the seller of new appliances will not take it.
- (C) *Waste oil.* Waste oil shall be returned to an oil dealer or taken to the waste oil dropoff tank at the village recycle center on Collaer Court.
- (D) *Yard waste.* Yard waste shall be taken to the compost dropoff pile at the village recycle center on Collaer Court.

(Code 2006, § 8.11(13); Ord. No. 11-01-93, 11-23-1993)

18-3-79 Preparation and Collection of Recyclable Materials

Except as otherwise directed by the village public works department, occupants of single-family and two- to four-unit residences shall do the following for the preparation and collection of the separated materials specified in section 18-75(5)—(15):

- (A) Aluminum containers shall be placed in the cart for recycling;
- (B) Bi-metal containers shall be placed in the cart for recycling;
- (C) Corrugated paper or other container board shall be cut down to a maximum size of two feet by two feet and placed at the curb in the cart with recyclables;
- (D) Foam polystyrene packaging shall be placed in the garbage until accepted by the recycling center, then put in the recycling cart;
- (E) Glass containers shall be rinsed and cleaned and placed in the recycling cart;
- (F) Magazines shall be bundled, bagged or boxed and placed at the curb with recycling cart;
- (G) Newspaper shall be bundled and placed at curb with recycling cart;
- (H) Office paper shall be bundled and placed at curb with recycling cart;
- (I) Rigid plastic containers shall be prepared and collected as follows:
 - (1) Plastic containers made of PETE, including soda bottles, shall be rinsed, flattened and placed in a recycling cart;

- (2) Plastic containers made of HDPE, including milk jugs, shall be rinsed and flattened and placed in a recycling cart;
- (3) Plastic containers made of PVC shall be placed in the garbage;
- (4) Plastic containers made of LDPE shall be placed in the garbage;
- (5) Plastic containers made of PP shall be placed in the garbage; and
- (6) Plastic containers made of PS shall be placed in the garbage;
- (J) Steel containers shall be rinsed and placed in a recycling cart; and
- (K) Waste tires shall be taken to a tire dealer or to the west side county transfer station for recycling.

(Code 2006, § 8.11(14); Ord. No. 11-01-93, 11-23-1993)

18-3-80 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 section 18-75(5)—(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 semiannually 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; and
 - (4) Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meeting 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 post-consumer waste generated within the dwelling is treated at a processing facility licensed by the department of natural resources that recovers for recycling the materials specified in section 18-75(5)—(14) from solid waste in as pure a form as is technically feasible.

(Code 2006, § 8.11(15); Ord. No. 11-01-93, 11-23-1993)

18-3-81 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 section 18-75(5)—(15):
- (1) Provide adequate, separate containers for the recyclable materials;
 - (2) Notify in writing, at least semiannually, 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; and
 - (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 post-consumer 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 section 18-75(5)—(15) from solid waste in as pure a form as is technically feasible.

(Code 2006, § 8.11(16); Ord. No. 11-01-93, 11-23-1993)

18-3-82 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 18-75(5)—(15) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

(Code 2006, § 8.11(17); Ord. No. 11-01-93, 11-23-1993)

18-3-83 Enforcement

- (A) For the purpose of ascertaining compliance with the provisions of this section, any authorized officer, employee or representative of the public works department may inspect recyclable materials separated for recycling, post-consumer 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 public works department who requests access for purposes of inspection and who presents appropriate credentials. No person may obstruct, hamper or interfere with such an inspection.
- (B) Any person who violates a provision of this section may be issued a citation by the director of public works or their designee 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.

(C) Penalties for violating this article shall be assessed as follows:

- (1) Any person who violates section 18-82 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 third or subsequent violation.
- (2) Any person who violates a provision of this article, except section 18-82, may be required to forfeit not less than \$10.00 nor more than \$1,000.00 for each violation.

(Code 2006, § 8.11(18); Ord. No. 11-01-93, 11-23-1993)

18-3-84 Unauthorized Removal of Recyclable Material

No person shall pick up or remove any recyclable material, such as aluminum cans, from recycling bins that are placed at the curb for recycling. The penalty for violating this Section shall be \$200.00 plus court costs.

(Code 2006, § 8.11(19); Ord. No. 11-01-93, 11-23-1993; Ord. No. 07-1-94, 7-26-1994)