

## Chapter 227

### SOLID WASTE

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**[HISTORY: Adopted by the Village Board of the Village of Albany as indicated in article histories. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Hazardous materials -- See Ch. 153.

Junk dealers -- See Ch. 161.

Littering -- See Ch. 169.

Nuisances -- See Ch. 194.

Abandoned and junked vehicles and appliances -- See Ch. 257.

#### ARTICLE I

##### Pollution Abatement

[Adopted 5-11-1992 as Title 8,  
Ch. 2 of the 1992 Code]

#### § 227-1. Cleanup of spilled or accidentally discharged wastes.

A. 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 village.

B. 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 Village Clerk-Treasurer so that assistance can be given by the proper agency.

C. 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 village, or its designated agent, in an effort to minimize the pollutional effects of the discharged waste.

### **§ 227-2. 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 drainageway, lake or stream within the jurisdiction of the Village of Albany.

## ARTICLE II

### **Refuse and Disposal Collection**

[Adopted 5-11-1992 as Title 8, Ch. 3 of the 1992 Code;  
amended 12-12-1994 by Ord. No. 02-94]

### **§ 227-3. 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 W.S.A. s. 159.11 and Ch. NR 544 Wis. Adm. Code. The recycling program is a joint venture with the Village of Albany and the Town of Albany, with the Village of Albany being listed as the responsible unit.

### **§ 227-4. Statutory authority.**

This article is adopted as authorized under W.S.A. s. 159.09(3)(b) and the Village Board of the Village of Albany.

### **§ 227-5. 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 article imposes greater restrictions, the provisions of this article shall apply.

### **§ 227-6. 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 Wisconsin 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 of this article is required by Wisconsin Statutes, or by a standard in Ch. NR 544, Wis. Adm. Code, and where the article provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Ch. NR 544 standards in effect on the date of the adoption of this article, or in effect on the date of the most recent text amendment to this article.

### **§ 227-7. Applicability.**

The requirements of this article apply to all persons within the Village of Albany and the Town of Albany.

### **§ 227-8. Administration.**

The provisions of this article shall be administered by the Village of Albany and Town of Albany.

### **§ 227-9. Refuse disposal and recycling.**

A. Definition. The following definitions shall be applicable in this section:

DECIDUOUS MATERIALS -- Yard wastes, such as leaves, grass clippings, flowers and other similar vegetation, but specifically excludes sod, dirt, twigs, fruit, vegetables and other similar material.

NEWSPRINT -- That portion of newspapers (newspapers and advertising circulars normally accompanying newspapers) or periodicals and advertising circulars printed on newsprint which remain in substantially original condition at the time of disposal such that the material is suitable for commercial-grade recycling. Newsprint does not include the paper commonly used in the production of magazines, books and other physical media for written material or paper which is not suitable for recycling purposes or is 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 waste, and is thus rendered unfit for commercial recycling.

(2) The paper is no longer flat and folded to the approximate dimensions of its original condition.

(3) The paper is mixed in with commercial or municipal litter or refuse as a result of the failure of citizen or business invitees to separate newspapers from other discarded materials outdoors or in publicly accessible areas of buildings.

(4) The paper has been damaged or altered by any other means so as to make recycling impossible or duly difficult.

B. Required recycling. Each residence, residential unit, place of business, industry, commerce or other place providing goods or services of any type within the Village of Albany and the Town of Albany shall cooperate in the mandatory recycling of garbage and refuse by following the provisions of this section. No person shall deliver to or place into or cause to be delivered to or placed into or at the Joint Recycling Center any material, except recyclable material, and only in such manner as set forth herein.

C. Recycling facility. Recyclables shall be brought to the Joint Drop-Off Recycling Center during business hours designated by the Joint Recycling Committee. The Center is located at the corner of Ogden Avenue and Briggs Drive in the Village of Albany.

D. Recyclable materials. All recyclable material shall be separated from other garbage and refuse and be separated from nonrecyclable material when deposited for recycling. Recyclable materials shall consist of:

- (1) Glass. Brown glass, green glass and clear glass shall be rinsed, clean, unbroken and have covers and caps removed; labels may stay on. Also included: canning jars, Pyrex and ceramic dishes and containers, and window glass.
- (2) Cans. All aluminum, tin, steel, copper and brass cans shall be rinsed, have labels removed and be flattened, except that aerosol paint and oil cans shall not be recycled.
- (3) Plastics. All plastics shall be rinsed. Plastics #1-#7 are being accepted. All household plastic containers, including cottage cheese containers, margarine tubs, microwave dishes, Styrofoam cups and containers and ice cream pails (with metal handles removed).
- (4) Newsprint. All newsprint shall be bundled pursuant to Subsection E below.
- (5) Cardboard. Cardboard of all types shall be flattened and bundled.
- (6) Magazines. All magazines shall be bagged or bundled.
- (7) Office paper; junk mail. All paper shall be bagged or bundled.
- (8) Aluminum. All products made of aluminum, including aluminum cans, foil, wrappers, pie pans and containers for prepared dinners or other foods, screen frames and lawn chairs, shall be clean and flattened.
- (9) Motor oil. Motor oil shall be placed in a container with a tightly fitting lid and delivered to the Recycling Center.
- (10) Waste tires. Must be delivered to the Recycling Center with a payment designated by the Joint Recycling Committee. Payment to be made at the time of delivery to the caretaker.
- (11) Major appliances. May be delivered to the Recycling Center with a payment designated by the Joint Recycling Committee. Payment to be made at the time of delivery to the caretaker.
- (12) Acid battery. May be delivered to the Recycling Center.
- (13) Other designated materials. Other materials may be designated as recyclable, depending on market conditions.

E. Nonrecyclable materials designated.

- (1) Nonrecyclable materials shall include the following:
  - (a) Glass. All light bulbs and mirrors shall be considered nonrecyclable.
  - (b) Plastics. Plastic wraps, grocery or garbage bags shall be considered nonrecyclables.

(c) Paper. All waxed paper and waxed cardboard shall be considered nonrecyclables.

(d) Other materials. All other garbage and refuse not qualifying as recyclable materials.

(2) Listed recyclable and nonrecyclable materials may change with recommendation from the Joint Recycling Committee. The Joint Recycling Committee retains the right to review and list recyclable and nonrecyclable items.

F. Newsprint recycling.

(1) No person shall dispose of newsprint with refuse, except for such newsprint rendered unfit for recycling. This subsection shall apply to all persons, governmental operations and business, commercial, retail and industrial enterprises, however organized and of whatever type.

(2) Newsprint shall not be placed in containers with other refuse or garbage.

(3) Such newsprint placed for recycling shall become the property of the village or its collection agent.

G. Mandatory separation of materials for composting. No person shall dispose of deciduous materials, such as grass clippings and leaves, with other refuse that may be lawfully deposited. Composted material shall be disposed of in such locations as established by the Village Board.

H. Care of separated recyclable materials. To the greatest extent practicable, the recyclable materials separated in accordance with Subsection B 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.

I. Nondisposable materials.

(1) It shall be unlawful for any person to place for disposal at the dropoff center any of the following wastes:

- (a) Hazardous waste.
- (b) Toxic waste.
- (c) Chemicals.
- (d) Explosives or ammunition.
- (e) Large quantities of paint.
- (f) Dead animals.
- (g) Trees and stumps.

- (h) Gravel and concrete.
- (i) Construction debris.
- (j) Animal or human waste.

(2) The aforementioned materials shall be disposed of in the manner prescribed by federal or state laws.

J. Hospital/medical wastes. It shall be unlawful for any person to place for collection any pathogenic hospital or medical wastes. Such items as needles and syringes may be disposed of as long as they follow the State of Wisconsin adopted rules effective November 1, 1994, regarding the packaging, treatment and disposal of sharps, including household sharps.

K. Building waste. All waste resulting from remodeling, construction or removal of building, roadway or sidewalk shall be disposed of by the owner, builder or contractor. Building materials of any kind will not be disposed of by the village. Building materials shall not be burned at the construction site.

L. Alteration of recyclable materials. It shall be unlawful to intentionally alter recyclable materials so as to render them as nonrecyclable material.

M. Title to refuse and recyclable materials. In the absence of an agreement to the contrary, title to the refuse and recyclable material placed for disposal shall vest in the Village/Town of Albany or its authorized agent as soon as it is placed for recycling/collection. It shall be a violation of this chapter for any person unauthorized by the village/town to collect or pick up or cause to be collected or picked up any recyclable materials that are placed or left for disposal at the dropoff center or by any authorized private entity. Any and each such unauthorized collection or scavenging of recyclable materials in violation hereof shall constitute a separate and distinct offense punishable as provided for herein.

N. 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 Subsection D which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

O. Enforcement.

(1) For the purpose of ascertaining compliance with the provisions of this section, any authorized officer, employee or representative of the Village of Albany or Town of Albany 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 Village/Town of Albany who requests access for purposes of inspection and who presents appropriate credentials. No person may obstruct, hamper or interfere with such an inspection.

(2) Any person who violates a provision of this section may be issued a citation by the Albany Police Department 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.

(3) Penalties for violating this section may be assessed as follows:

(a) Any person who violates Subsection N may be required to forfeit \$50 for a first violation, \$200 for a second violation and not more than \$2,000 for a third or subsequent violation.

(b) Any person who violates a provision of this section except Subsection N may be required to forfeit not less than \$10 nor more than \$1,000 for each violation.

### **§ 227-10. Dumping permit.**

A. Persons seeking to deposit refuse in the County Landfill shall first obtain a dumping permit from the Clerk-Treasurer. The fee for such permit shall be \$15 per ton of refuse to be disposed of in the County Landfill. Such permit will be good for up to 30 days.

B. Persons intending to use a dumpster shall first notify the Clerk-Treasurer and pay requisite fees.

C. Refuse collectors shall obtain a refuse collector's license for an annual fee of \$10.

### **§ 227-11. Refuse collection.**

A. Definitions. For the purpose of this section, the following terms shall have the meanings indicated:

GARBAGE -- All items which are not recyclable, not burnable or of the compost nature, and all kinds of organic kitchen waste resulting from the preparation or consumption of food and all decayed or spoiled food products from any source whatsoever, but shall not include bodily waste, with the exception of disposable diapers.

GARBAGE BAG -- Yellow plastic bags specifically designated for the purpose of garbage collection, approved by the Village Board and sold by the Village of Albany, or green plastic bags specifically designated for the purpose of garbage collection, approved by the Town Board and sold by the Town of Albany, for the purpose of garbage collection and which is tightly sealed by wire, cord or a plastic sealing-lock.

RECYCLABLES -- Items such as aluminum cans, newspapers, cardboard, glass of any color, plastic milk bottles, PET (Polyethylene terephthalate) bottles and used motor oil designated to be separated from garbage/trash for the purpose of salvage and reuse or for sale or other transfer to others for such salvage and reuse.

STANDARD GARBAGE/TRASH CONTAINER -- A galvanized metal or heavy plastic canister with a tightly fitting cover which is animal/rodent proof.

TRASH -- Waste products such as wire or metal of any kind, magazines, plastics, china, crockery, ashes or other nongarbage waste material which results from the normal operation of a household, but not including bodily waste. Large cartons or crates shall constitute

trash if such cartons or crates are broken down to a size suitable for handling by the garbage collector and are compacted into a specified plastic bag or dumpster. Brush and branch clippings or cutting and tree limbs shall not constitute trash for the purpose of collection.

B. Garbage districts. Three garbage districts, all of which are subject to the provisions of this section, are hereby established as follows:

(1) Residential. Village garbage collection shall be compulsory for all residents of the village living in dwellings composed of not more than eight dwelling units under one roof or housing development.

(2) Commercial. This shall include all business establishments and occupants of dwelling units of more than eight units under one roof or one housing development.

(3) Industrial. This shall be the ordinary understanding of businesses classified as industrial.

C. Storage of garbage.

(1) Every household or occupant of any dwelling or place of business within the Village of Albany shall provide one or more standard garbage/trash containers of sufficient capacity to contain all garbage/trash that may accumulate between dropoff times and which shall be secure from animals and/or rodents.

(2) Those qualifying under commercial and industrial categories may have and maintain dumpsters and may arrange for hauling by themselves or by persons for hire. Refer to Subsection G(1). The user or hauler must pay the tipping fee at the landfill established by Green County.

D. Containers required. Every household or occupant of any dwelling or place of business within the village must purchase garbage bags from the Village Clerk-Treasurer at a price established by the Village Board for such bags from time to time unless the user qualifies for the use of a dumpster as set forth in this section.

E. Private collectors. No person or business shall engage in the collection or removal of garbage or refuse within the village limits of the Village of Albany unless they are employed by the Village of Albany or unless they have received permission to do so by the Village Board and have received a permit or license as a collector from the Village Clerk-Treasurer, which fee shall be set from time to time by the Village Board.

F. Collection of garbage and trash.

(1) All garbage/trash shall be transmitted by every household or occupant of any dwelling or place of business classified as residential to a site specified by the Village Board in the Village of Albany and placed in a dumpster or container provided by the Village of Albany. The Village of Albany will retain the right to review and list acceptable items for recycling.

(2) The Village of Albany will provide transportation or removal of said garbage/trash from the village site to the Green County Landfill.

(3) Commercial dumpsters may be temporarily placed in any district during construction on that property for remodeling and construction waste. Dumpsters can stay no

longer than 90 days from the date of the Building Permit issued for this purpose in a residential district. A village of Albany Dump Permit is not required for this use.

G. Charges.

(1) The cost of garbage bags which must be purchased from the Village of Albany shall be at a scale of rates fixed from time to time by the Village Board. The rate for dumpsters in commercial and industrial districts shall be at a scale of rates fixed from time to time by the Village Board. In the event that for any reason the village cannot require the purchase of garbage bags or shall be unable to purchase the same for any reason, then, in lieu thereof, the Village Board may require the purchase of a sticker to be applied on each garbage bag which is the equivalent and the same as the cost of said bags, and it shall be unlawful to place in the village dumpsters any garbage bag not purchased from the village or having an appropriate sticker placed on said bag.

(2) All charges established by the Village Board for the purchase of garbage and/or for garbage and refuse collection which shall become delinquent shall be a direct lien upon the property served in accordance with the statutes of the State of Wisconsin and may be levied as a charge against the real estate.

H. Items which will not be accepted. Materials which are not garbage/trash which will not be accepted at the Village Recycling Center shall include logs, earth, sod, rock, concrete by-products of building demolition or remodeling, such as plaster, lath, boards, scap lumber, shingles and roofing materials, and similar materials.

I. Duty of officers. It shall be the duty of the Chief of Police, all police officers, the Health Officer and the Public Works Superintendent to strictly enforce the provisions of this section and see that all violations thereof are promptly abated and the violators thereof prosecuted, and to sign complaints as the complaining witness and to appear and testify as to any violation of this section.

J. Penalty. Any person, firm or corporation failing to comply with any of the provisions of this section shall, upon conviction thereof, forfeit not less than \$10 nor more than \$100, together with the costs of prosecution and any applicable penalty assessment, and if such forfeiture, costs and assessment are not paid, may be added to the tax roll as a delinquent charge against the property being serviced. Any person, village resident or township resident dumping at any residence in the Village of Albany or any dumpster of any business or industry in the Village of Albany shall, upon conviction thereof, forfeit not less than \$50 nor more than \$200, together with the costs of prosecution and any applicable penalty assessment.

K. Health Officer may enter and inspect premises. The Health Officer of the Village of Albany may at all reasonable times upon duly executed written complaint of any person showing reasonable cause, or in conformance with the duties of his officer, enter into and inspect any place or vehicle to ascertain health conditions and to carry out the provisions of this section.