

ORDINANCE 90-TS- 11

GARBAGE AND REFUSE DISPOSAL

An ordinance adopted by the Town Board of the Town of Lafayette, Chippewa County, Wisconsin on May 21, 1990 and establishing rules and regulations for the licensing of garbage haulers and for the disposal of garbage and other refuse is hereby repealed and recreated to read as follows:

Section (1) DEFINITION. The words "garbage" and "waste" as used in this section shall include waste from the preparation of food for homes, hotels and eating places, rejected food supplies, refuse from animal and vegetable matter, refuse and waste food from hotels, markets, stores and dwellings, manure and litter from horses, cattle, poultry and other animals and fowl and all other refuse or rubbish and waste material, paper wastes and trash which, if thrown or deposited as herein prohibited tends to create a danger to public health, safety and welfare.

Section (2) GARBAGE HAULERS SHALL HAVE LICENSE AND INSURANCE. No person, corporation, or other business entity shall engage in the business of hauling garbage within the Town of Lafayette without having first procured a license from the Town Clerk for that purpose. The annual fee for such a license for any such business shall be \$600.00 per garbage hauler. Each garbage hauler shall also procure liability insurance in the sum of at least \$1,000,000.00 for bodily injury and \$100,000.00 property damage. Proof of such insurance shall be made to the Town Clerk before issuance of a license hereunder.

Section (3) LIMITATIONS AND CONDITIONS OF LICENSES. No more than one license shall be issued to any one person, partnership, firm or corporation, as a business, either directly or indirectly. All operators licensed under this ordinance shall provide a minimum of one pickup per week. The Clerk shall not issue any licenses with 100 numbers. All garbage, refuse and waste collected by licensed haulers within the Town shall be hauled only to such disposal sites as are approved and licensed by the State of Wisconsin, Department of Natural Resources.

Section (4) GARBAGE HAULING LICENSES CONDITIONAL. All garbage hauling licenses shall comply with the ordinances of the Town, the State Statutes, and the rules, regulations and orders of the County Health Officer and State Department of Health and Social Services relating to the collection, hauling and disposal of garbage and waste.

Section (5) TERM OF LICENSE ONE YEAR: APPLICATION AND ISSUANCE.

- (a) Garbage hauling licenses shall be issued for one year commencing on March 1. Applications for garbage hauling licenses shall be made to the Town Clerk in writing and shall be referred by the Clerk to the Town Chairman, who shall thereupon make such investigation as he/she deems necessary regarding the applicant's equipment, manner of operation and compliance with applicable laws, rules, regulations and orders. Upon completing the investigation, the Town Chairman shall

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file his/her report with the Clerk, along with the recommendation that the license be issued or denied. The report and recommendation of the Town Chairman shall be referred to the Town Board and, if approved by the Board, the Clerk shall issue the license upon payment of the fee to the Town Treasurer.

- (b) The Town Board may revoke or suspend any license or permit issued under this ordinance for cause after hearing and on 3 days' notice to the holder thereof. No person whose license or permit has been revoked shall again be issued such license or permit within one year from the date of the revocation. A violation of the rules or regulations of the State of Wisconsin, Chippewa County, or the Town of Lafayette, may constitute cause for revocation of a Town license.
- (c) If a plan of municipal garbage collection is adopted, the Town Board may terminate any license issued hereunder, without hearing, on 30 days' written notice to the license holder that any such collection is being established.

Section (6) DUTIES OF OCCUPANTS: DISPOSAL AND PROHIBITED PLACEMENT.

- (a) The occupant of every residence or place of business within the Town of Lafayette shall provide a garbage can, trash can or other suitable receptacle for garbage and waste no larger than 35 gals., and so constructed that it can be kept tightly covered to keep the odor in and to exclude insects and vermin, for the purpose of temporary storage of garbage and waste. Every such container shall be kept tightly closed and the contents shall be removed and disposed of by hauling away at least once a week. No person shall place garbage or any container in which garbage is placed or any other waste or refuse of any kind, or at any time, within the public right-of-way of any street or alley or within the front yard setback areas. The Town Board may authorize the placing of specific refuse in such prohibited areas on designated days for Town pickup.
- (b) If a garbage hauler licensed under this ordinance installs a new system for collection of garbage from its customers involving the use of a new container or receptacle for garbage and waste, such receptacle or container shall be first tested by the hauler who shall report his findings to the Town Board for approval of the receptacle or container for use in the system of collection. The use of such receptacle or container after approval by the Town Board shall be on a voluntary basis only with the customers of the licensed hauler. If such containers have received the approval of the Town Board, the customers of the hauler who are occupants of residences within the Town not serviced by an alley may place such container or receptacle in which garbage is placed along the curb line or on the boulevard in areas which are not serviced by alleys for collection on collection day. If such occupants reside in a

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block or area served by an alley, collection shall be from the alley only.

- (c) The use of prepaid plastic bags is authorized by mutual agreement between customer and garbage hauler. Prepaid plastic bags shall be kept in a garbage can, trash can or other suitable receptacle for garbage and waste, so constructed that it can be kept tightly covered or sealed to keep odor in and to exclude insects and vermin, for the purpose of temporary storage of garbage and waste. Such bags may be placed outside of the receptacle for a period not to exceed 12 hours prior to pickup by the garbage hauler. The prepaid bag shall be a minimum of 2 millimeters in thickness. The name of the garbage hauler shall be stenciled on the bag, or the prepaid plastic bags color coded, to identify the hauler, and the code shall be listed with the Clerk. This provision shall be approved annually by the Town's Board no later than the month of January. If no action is taken by the Town Board, this provision shall remain in force.

Section (7) GARBAGE TRUCKS. No person shall haul garbage or waste in the Town in any vehicle other than a truck or trailer so constructed that there will be no dripping, dropping, scattering or leaking of material therefrom along the streets, alleys or highways of the Town. No person engaged in the business of collecting and hauling garbage or waste in the Town shall use for that purpose any vehicle not equipped with a cover approved by the Town Chairman, nor shall any such person fail or neglect to make use of such cover at all times in such manner as the Town Chairman shall determine to be reasonably necessary to protect the public health. No person shall use any garbage truck for any purpose other than that of collecting and transporting garbage or waste by the most direct route to a licensed landfill or transfer station; nor shall any person leave any garbage truck parked in any street, alley or public place in the Town longer than may be reasonably necessary for the purpose of collecting garbage.

Section (8) GARBAGE TO BE HAULED TO DESIGNATED SITE. No person transporting garbage or waste from within the Town shall deposit the same at any place other than a licensed landfill or transfer station.

Section (9) SCATTERING GARBAGE OR WASTE PROHIBITED. No person shall throw out or distribute, or suffer or permit to be thrown out or distributed, any garbage or waste, either upon his own premises or elsewhere within the Town. This subsection is intended to prohibit the careless dropping of garbage or waste from vehicles and trailers as well as the intentional placing, throwing out or distributing thereof, including the placing of garbage or waste originating from private residences or business establishments in containers located on public streets, sidewalks and in public parks.

Section (10) SEVERABILITY. Every provision of this ordinance shall be considered separate and separable from the other provisions hereof. The invalidity of any section, clause, provision, or portion hereof shall not affect the validity of any other section, clause, provision, or portion.

THIS ORDINANCE SHALL TAKE EFFECT UPON PASSAGE AND PUBLICATION AS REQUIRED BY LAW.

Approved this 21st day of may, 1990.

Wesley A. Bederson
Supervisor

Lawrence J. Wilkerson
Supervisor

I certify that the foregoing ordinance was duly adopted by the Town Board of the Town of Lafayette on the 21st day of may, 1990; that the same was published as a Class 1 Notice, as defined by Chapter 985, Wis. Stats., on the 26th day of may, 1990, and that copies thereof were posted in at least three (3) public places within the Town of Lafayette likely to give notice to the public.

Dated this 21st day of may, 1990.

Louis Gruenauer
Town Clerk