CHAPTER 9

PICKUP OF GARBAGE AND RECYCLABLES

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3-9-1 TITLE. Pickup of Garbage and Recycling Ordinance for the Town of Lake Mills.

3-9-2 PURPOSE. The purpose of this ordinance is for the control and pick up of garbage and to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in s. 287.11, Wis. Stats., and ch. NR 544, Wis. Adm. Code.

3-9-3 STATUTORY AUTHORITY. This ordinance is adopted as authorized under s. 287.09(3)(b), Wis. Stats. It is not intended by this ordinance 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 ordinance imposes greater restrictions, the provisions of this ordinance shall apply.

3-9-4 ABROGATION AND GREATER RESTRICTIONS. It is not intended by this ordinance 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 ordinance imposes greater restrictions, the provisions of this ordinance shall apply. The Town of Lake Mills Board reserves the right to designate solid waste materials as recyclable or currently collected materials as no longer recyclable in accordance with State law and to either add or delete them from any collection services provided by the municipality or its contractors. The municipality shall provide written notice to its service recipients of this declaration.

3-9-5 INTERPRETATION. In their interpretation and application, the provisions of this ordinance 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 ordinance may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this ordinance is required by Wisconsin Statutes, or by a standard in ch. NR 544, Wis. Adm. Code, and where the ordinance 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 ordinance, or in effect on the date of the most recent text amendment to this ordinance.

3-9-6 SEVERABILITY. Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

3-9-7 APPLICABILITY. The requirements of this ordinance apply to all persons within the Town of Lake Mills.

3-9-8 ADMINISTRATION. The provisions of this ordinance shall be administered by the Town Board of the Town of Lake Mills.

3-9-9 EFFECTIVE DATE. The provisions of this ordinance shall take effect on on passage and publication of this ordinance.

3-9-10 DEFINITIONS. For the purpose of this ordinance:

1) "Bi-metal container" means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.
2) "Container board" means corrugated paperboard used in the manufacture of shipping containers and related products.
3) "Foam polystyrene packaging" means packaging made primarily from foam polystyrene that satisfies one of the following criteria:

a) Is designed for serving food or beverages.
b) Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.
c) Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.

4) "Glass Container" means a glass bottle, jar or other packaging container used to contain a product that is the subject of a retail sale and does not include ceramic cups, dishes, oven ware, plate glass, safety and window glass, heat-resistant glass such as pyrex, lead based glass such as crystal, or TV tubes.
5) "HDPE" means high density polyethylene, labeled by the resin code # 2.
6) "LDPE" means low density polyethylene, labeled by the resin code # 4.
7) "Magazines" means magazines and other materials printed on similar paper.
8) "Major appliance" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, furnace, boiler, dehumidifier, water heater or stove.
9) "Multiple-family dwelling" means a structure containing 5 or more residential units, including units that are occupied seasonally.
10) "Newspaper" means a newspaper and other materials printed on newsprint.
11) "Non-residential facilities and properties" means commercial, retail, industrial, institutional and government facilities and properties. Non-residential facilities and properties includes any location at which goods or services are provided or manufactured, including locations under construction, demolition, or remodeling, or used for special events such as fairs, festivals, sport venues, conferences, and exhibits. This term does not include multiple family dwellings.
12) "Office paper" means a variety of high-grade printing and writing papers. This term does not include industrial process waste, newspaper or packaging.
13) "Other resins or multiple resins" mean plastic resins labeled by the resin code # 7.
14) "Person" includes any individual, corporation, limited liability company, partnership, association, local government unit, as defined in s. 66.0131(1)(a), Wis. Stats., state agency or authority or federal agency.
15) "PETE" or "PET" means polyethylene terephthalate, labeled by the resin code # 1.
16) "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.
17) "Postconsumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in s. 291.01(7) Wis. Stats.,

waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in s. 289.01(17)., Wis. Stats.

18) "PP" means polypropylene, labeled by the resin code # 5.
19) "PS" means polystyrene, labeled by the resin code # 6.
20) "PVC" means polyvinyl chloride, labeled by the resin code # 3.
21) "Recyclable materials" 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.
22) "Solid waste" has the meaning specified in s. 289.01(33), Wis. Stats.
23) "Solid waste facility" has the meaning specified in s. 289.01(35), Wis. Stats.
24) "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. "Treatment" includes incineration.
25) "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
26) "Yard waste" means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than 6 inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

3-9-11 SERVICE: Garbage shall be picked up not less than once a week and recyclables shall be picked up every other week or as established by contract with the service provider. Pickup will be made curbside or roadside except for handicapped residents who may request doorway pickups. There will be no additional charge for doorway pickups for handicapped residents. Solid waste shall be placed in containers provided by the contracted waste-hauler and the container is to be placed curbside on the designated waste pickup day. Recyclables shall be placed in containers provided by the contracted recycling hauler- and the- container is to be placed curbside on the designated recycling pickup day. There will be a minimum of one day for bulk pickup for each residence in the manner established by service contract. Materials shall be prepared per the service providers requirements.

3-9-12 SEPARATION OF RECYCLABLE MATERIALS. Occupants of single family and 2-to-4-unit residences, multiple-family dwellings and non-residential 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) Bi-metal 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

3-9-13 *SEPARATION REQUIREMENTS EXEMPTED. The separation requirements of s. 3-9-12 do not apply to the following:

1) Occupants of single family and 2-to-4-unit residences, multiple-family dwellings and non-residential facilities and properties that send their postconsumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in s.3-9-12 from solid waste in as pure a form as is technically feasible.
2) Solid waste which is burned as a supplement fuel at a facility if less than 30 % of the heat input to the facility is derived from the solid waste burned as supplement fuel.
3) A recyclable material specified in s.3-9-12(5) through (15) for which a variance has been granted by the Department of Natural Resources under s. 287.11(2m), Wis. Stats., or s. NR 544.14, Wis. Adm. Code.
4) Putting lithium or rechargeable batteries into curbside trash or recycling carts is strictly prohibited due to severe fire hazards in collection trucks and facilities
   a) Find local collection sites, retailer programs, or Clean Sweep events via the Battery Network or the Wisconsin DNR Household Battery Guide.

3-9-14 CARE OF SEPARATED RECYCLABLE MATERIALS. To the greatest extent practicable, the recyclable materials separated in accordance with s. 3-9-12 shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other non-recyclable 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.

3-9-15 MANAGEMENT OF LEAD ACID BATTERIES, MAJOR APPLIANCES, WASTE OIL AND YARD WASTE. Occupants of single family and 2-to-4-unit residences, multiple-family dwellings and non-residential facilities and properties shall manage lead acid batteries, major appliances, waste oil, and yard waste as follows:

1) Lead acid batteries shall be collected at curbside at a scheduled bulk pick up.
2) Major appliances shall be collected at curbside at a scheduled bulk pick up.
3) Waste oil shall be collected at curbside at a scheduled bulk pick up.
4) Yard waste shall be collected as determined by the Town Board per the service contract.

3-9-16 PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS.

Materials shall be collected only through the collection method designated by the Town and its' contracted service provider. Inclusion as a recyclable material does not require curbside collection unless provided for in the service contract.

3-9-17 RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF MULTIPLE-FAMILY DWELLINGS.

1) Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in s. 3-9-12(5) through (15):
   a) Provide adequate, separate containers for the recycling program established in compliance with the ordinance. The number of recycling containers shall equal or be greater than the number of trash containers and at least one of the following shall be met:
      i. The minimum total volume of recycling container space is equal to 20 gallons per week per dwelling unit.
      ii. The ratio of trash container volume to recycling container volume is at most 2:1.
      iii. An alternative method that does not result in the overflow of a recycling container during the time period between collection of materials and delivery to a recycling facility.
   b) Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
   c) 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.
   d) Notify tenants which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, and locations of drop-off collection sites to recycle materials not collected on-site.
2) The requirements specified in 1) 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 Department of Natural Resources that recovers for recycling the materials specified in s. 3-9-12(5) through (15) from solid waste in as pure a form as is technically feasible.

3-9-18 RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF NON-RESIDENTIAL FACILITIES AND PROPERTIES.

1) Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in s. 3-9-12(5) through (15):

(a) Provide adequate, separate containers for the recycling program established under this section. The total volume of recycling containers shall be sufficient to avoid overflow during the time period between collection of materials and delivery to a recycling facility.

(b) Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.

(c) 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.

(d) Notify users, tenants and occupants which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, and locations of drop-off collection sites to recycle materials not collected on-site.

2) The requirements specified in 1) do not apply to the owners or designated agents of non-residential facilities and properties if the postconsumer waste generated within the facility or property is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in s. 3-9-12(5) through (15) from solid waste in as pure a form as is technically feasible.

3-9-19 **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 s. 3-9-12 (5) through (15) that have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

3-9-20 **HAULER RULES:** No person or corporation shall engage in the business of hauling recyclables within the Town of Lake Mills without being licensed by the Department of Natural Resources under Section NR 502.06, Wis. Administrative Code. Any contractor operating in the Town of Lake Mills shall not transport for processing any recyclables to a processing facility unless the contractor notifies the municipality which facility they are using and, by January 1, 1995, the facility has self-certified with the Wisconsin Department of Natural Resources under Section NR 544.16, Wis. Administrative Code. Haulers may not deposit in a landfill or burn in a solid waste facility any recyclable material generated in the Town of Lake Mills that has been separated for recycling. Haulers shall maintain recyclable materials in marketable condition.

3-9-21 **HAULER RIGHTS:** The hauler has the right to reject or leave at the curb any recyclable material that is not prepared according to the specifications in this ordinance or in education material provided by the contractor to the service recipients. Materials may also be left if not separated from solid waste, placed in the proper container, or are not designated recyclable materials for collection. The hauler also has the right to refuse to pick up any solid waste if it contains recyclable containers and material, in such cases, the hauler or attendant shall notify the generator of the materials about the reasons for rejecting the items in writing.

3-9-22 **HAULER RECORDS**: The recycling haulers and processors operating the Town of Lake Mills are required to maintain records and report in writing to the Town Clerk at least once each year. Reports shall include the amount of solid waste and recyclables processed and/or marketed by item type for the Town of Lake Mills; and the final disposal location of solid waste and recyclable material. Failure to report shall be cause for the municipality to revoke any license or sever any contract with the hauler/processor.

3-9-23 **TOWN BOARD RIGHTS**: For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee, or representative of the Town of Lake Mills 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 kep1 confidential when necessary to protect proprietary information. No person may refuse access to any authorized officer, employee, or authorized representative of the Town of Lake Mills who request access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.

3-9-24 **COST OF SERVICE:** The cost for garbage and recyclable pickup shall be as contracted by the Town of Lake Mills for each family unit. A family unit is defined as a place of habitation occupied by a normal single family or a combination of persons who may be considered as equivalent to single family unit for the purposes of this Section. The owner of the premises shall be billed annually as a special charge by which the Town of Lake Mills will add to the proper amount, for garbage and recyclable collection, to the real estate property tax bill of the owner. Pursuant to Section 66.06(16) Wis. Stats.

3-9-25 **PRORATED COST OF SERVICE**: The annual garbage and recycling service fee will be charged to the occupant of a new residence or the occupant of an existing residence, that was vacant for a period of time, on a prorated basis for the first and partial year-occupancy. The prorated-annual garbage and recycling service fee will be calculated starting from the date when garbage and recycling service commences at the residence. The-Town of Lake Mills Treasurer will bill

the resident of the property the prorated annual garbage and recycling service fee, if the fee is not paid in a timely manner the fee will be assessed on the next year's real estate property-tax-bill of the owner. Pursuant to Section 66.06(16) Wis. Stats.

3-9-26 **ENFORCEMENT.**

1) Garbage and recyclables not prepared or placed in compliance with this ordinance shall not be collected.
   a. Any garbage or recyclables that are rejected by the collector shall be removed from where it is placed within 24 hours of the time said garbage or recyclable was scheduled for pickup.
   b. It shall be unlawful for any person to deposit, throw; or place any residential or commercial garbage or rubbish of any kind on or within any public street, alley park, sidewalk, gutter, or other public place on or within any private property or premises.
   c. No person shall place for collection any garbage or recyclables at the curbside or roadside of private property not owned or occupied by that person.
   d. It shall be unlawful for any person to disturb, remove, or carry away garbage or recyclable material that has been placed for collection.
   e. It shall be unlawful for any person to place for disposal any of the following wastes: Hazardous and toxic wastes, chemicals, explosives, flammable liquids, paint, trees and stumps, construction debris, carcasses or medical wastes. See Town Ordinance 3-2; Section 3-2-2 (7) for definition of Medical Wastes and Section 3-2-5 (A) for proper method for the disposal of Medical Waste, to eliminate injury to collection personnel.
2) For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the Town of Lake Mills may inspect garbage and recyclable materials separated for recycling, postconsumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and non-residential 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 of Lake Mills who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.
3) Any person who violates a provision of this ordinance may be issued a citation by the Town of Lake Mills 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 paragraph.

3-9-27 **PENALTIES** Penalties for violating this ordinance may be assessed as follows:

1) Any person who violates s. 1.18 may be required to forfeit $50 for a first violation, $200 for a second violation, and not more then $2000 for a third or subsequent violation.

2) Any person who violates a provision of this ordinance, except s. 1.18, may be required to forfeit not less than $10 or more than $1000 for each violation.

Amended December 10, 200

Amended July 12, 2022

Amended Nov 10, 2026

PASSED AND ADOPTED by the Town Board of the Town of Lake Mills, Jefferson County, Wisconsin on this 10 day of November, 2026.

Adopted this 10 day of November, 2026.

Attest: _____

Robin Untz, Town Clerk

_____

Kyle Kulow, Chairperson

_____

Tracy Brandel, Supervisor I

_____

John Thode, Supervisor II