

Chapter 4
WASTE MANAGEMENT ORDINANCE

EFFECTIVE: November , 1991

The Town Board of the Town of Dewey, Portage County, Wisconsin do ordain as follows:

4.1 PURPOSE. The purpose of this ordinance shall be to maintain and protect public health and sanitation by removal of solid waste, recyclable waste and non-recyclable waste from all residences in the Town of Dewey, to eliminate disposal of solid waste along the streets, roads, and other public and private properties in and near the Town of Dewey, and to provide a comprehensive town recycling program.

4.2 STATUTORY AUTHORITY. The Town Board of the Town of Dewey has the specific statutory authority, powers, and duties, pursuant to specific sections in Chapter 144, (1990) Wisconsin Statutes, and sections of this ordinance to regulate and control in the Town of Dewey, persons engaged in certain uses or activities, and to enforce, by penalty, the provisions of this ordinance.

4.3 DEFINITIONS. The following definitions shall be applicable in this ordinance:

(A) ALUMINUM CANS.

(B) BAGS. Plastic bags designed for garbage, with sufficient wall strength to maintain physical integrity when lifted by the top, securely tied at the top for collection, with a capacity not to exceed there (30) gallons and a loaded weight not to exceed fifty (50) pounds.

(C) BULKY WASTE. Items whose size precludes or complicates their handling by normal collection, processing or disposal methods.

(D) CONTAINERS

(1) Non-Recyclable containers: Container provided by contractor (95 gallons or larger). Container provided by residential owner shall be made of plastic, metal, or fiberglass with a capacity not to exceed thirty three(33)gallons, a loaded weight of no more than fifty(50) pounds, a tight-fitting lid, and handles of adequate strength for lifting.

(2) Recyclable container: Container shall be provided by the municipality. Container provided by residential owner shall be clearly marked "recyclables".

(E) CONTRACTOR. The individual, firm, or partnership performing non-recyclable waste and recyclable waste collection and disposal under contract with the Municipality.

(F) DEMOLITION WASTE. That portion of solid waste from the repair, remodeling, construction or reconstruction of buildings, such as lumber, roofing and sheathing scraps, rubble, broken concrete, asphalt, plastic, conduit, pipe, wire, insulation, and other like materials resulting from the demolition of buildings and improvements.

(G) DWELLING UNIT. A Place of habitation occupied by a normal single family unit or combination of persons who may be considered as equivalent to a single family unit for the purpose of this ordinance.

(H) COMMERCIAL UNIT. Commercial units shall be all property other than residential units and shall include, but not be limited to restaurants, motels, campgrounds, taverns, and mobile home parks.

(I) COLLECTION POINT. Shall be at the end of the driveway near the mailbox.

(J) HAZARDOUS WASTE. Radioactive, volatile, highly flammable explosive, toxic, or hazardous materials shall include, but not be limited to any amount of waste listed or characterized hazardous by the United States Environmental Protection Agency or any State Agency pursuant to the Resource Conservation and Recovery Act of 1976, as amended, and applicable State Law.

(K) 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 wastes, and is thus rendered unfit for commercial recycling.

(2) The paper is not 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 a citizen or a business to separate newspapers from other discarded materials outdoor or in publicly accessible areas or buildings.

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

(L) RESIDENTIAL UNIT. Shall mean an individual household capable of independent habitation by a family unit. A single family dwelling shall be considered to be one (1) residential unit, multi-family dwelling shall be considered to be multiple residential, the number of residential units to equal the number of family units to be housed therein.

(M) SCAVENGING. The uncontrollable removal of materials at any point in solid waste management.

(N) SOLID WASTE. For the purposes of this ordinance, means putrescent animal and vegetable waste resulting from the handling preparation, cooking and consumption of food and non-putrescent solid waste generated by any person occupying a dwelling. Solid waste includes both recyclable and non-recyclable waste, but does not include waste generated in the production of goods, hazardous waste as defined in Chapter 144.61 (5) of the Wisconsin Statutes and any amendments thereto, waste from construction and demolition of structures, scrap automobiles, and industrial waste.

(1) Non-Recyclable Solid Waste. Means all putrescentable and nonputrescent solid waste for which there exists no commercially demonstrated method of resource recovery and includes such materials as Pyrex glass, window glass, light bulbs, mirrors, styrofoam items, waxed paper, garbage and other household wastes.

(2) Recyclable Solid Waste. Means materials in waste for which there exists a commercially demonstrated processing or manufacturing technology which used the material as a raw material.

(O) SPECIAL HAUL ITEMS. Body waste, dead animals, large vehicle parts, tires, rugs, appliances, furniture, large equipment, and bulky construction/demolition waste shall be considered items subject to special haul services, and charges, and are not considered residential waste subject to regular weekly collection.

(P) YARD WASTE. That part of solid waste consisting of leaves, grass clippings, sawdust and twigs, shrubs and brush less than one (1) inch in diameter.

4.4 MANDATORY RECYCLING.

(A) Each residence, and/or residential unit shall cooperate in the mandatory recycling of solid waste by following the provisions of this ordinance. No person shall mix with non-recyclable waste for collection by the Municipality's authorized collection service, any material except recyclable material and only in such manner as set fourth herein.

(B) The authorized collector shall provide roadside collection of recyclables from residential units once per month. (All residences shall be required to separate recyclables according to different types of material.)

(C) All commercial units shall be required to recycle. Commercial units shall contract individually for their waste removal and recycling service. They shall be subject to penalties and fines as listed in section 4.19 below. They shall be required to show proof of services upon request by the Municipality.

4.5 RECYCLABLE MATERIAL. All recyclable solid waste shall be separated from non-recyclable solid waste. Recyclable materials shall be left for collection by the Municipality's authorized collection service by following proper preparation procedure set forth in this ordinance. Recyclable materials shall be placed according to the authorized collection schedule in containers at the roadside. (Refer to Article 4.3(D)) Recyclable materials shall consist of the following:

- (A) Glass: Brown glass, green glass, and clear glass which shall be rinsed, clean, unbroken, and have covers, caps and labels removed.
- (B) Cans: All aluminum, tin, steel, copper, and other metal cans shall be rinsed and have labels removed, except that aerosol, paint and oil cans may not be recycled.
- (C) Plastics: Plastic bottles shall be rinsed and have any metal or plastic rings/caps removed. Plastic bottles with handles left for collection shall be tied together with string or placed in container. Plastic numbers 1 or 2 are recyclable.
- (D) Cardboard: Corrugated cardboard shall be flattened, bundled and tied in two directions in bundles not to exceed ten (10) inches in height. Waxed cardboard may not be recycled.
- (E) Magazines: Magazines shall be bundled in bundles not to exceed ten (10) inches in height and securely tied in two directions.
- (F) Newsprint: All newsprint shall be bundled pursuant to sub-section (4.6) below:
- (G) Aluminum: Cans
- (H) Batteries: Car and truck batteries only.
- (I) Waste Oil: Means internal combustion engine lubricant which is uncontaminated by water, gasoline, antifreeze or other materials. Oil should be put in a sturdy capped one to five gallon container and clearly marked.

4.6 NEWSPRINT RECYCLING.

- (A) No person shall dispose of newsprint with non-recyclable solid waste, except for such newsprint rendered unfit for recycling.
- (B) Newsprint left for collection and recycling shall be bundled with heavy string or cord, securely tied in both directions. No newsprint bundled for recycling shall exceed the height of ten (10) inches. Alternatively, newsprint may be recycled in any other lawful manner.

4.7 NON-RECYCLABLE MATERIALS. Non-recyclable materials shall include the following:

- (A) Glass: All Pyrex (heat resistant) glass, window glass, lead-based crystal, light bulbs, mirrors, ceramic items, plate glass and china shall be considered non-recyclable.
- (B) Plastics: Rigid cottage cheese containers, plastic wrap, egg cartons, melmac type plastics, and all forms of styrofoam shall not be placed with recyclable materials, but shall be disposed of in the manner prescribed for other non-recyclable solid waste.
- (C) Glossy Paper: All waxed paper, waxed cardboard, envelopes with gum labels, glossy paper, and envelopes with plastic windows shall be considered non-recyclable paper.
- (D) Other Materials: All other garbage and solid waste not qualifying as recyclable materials.

4.8 DISPOSAL OF NON-RECYCLABLE SOLID WASTE.

- (A) Non-recyclable solid waste shall be separated from recyclable solid waste for collection by the Municipality's authorized collection service. The collector shall provide roadside collection of non-recyclable solid waste from residential units once a week.
- (B) It shall be the duty of every occupant, tenant, or proprietor of any residential unit to use containers provided by the contractor or provide waste containers capable of holding all waste which would ordinarily accumulate on such premises between the times of successive collections. The owner of any multiple dwelling shall furnish or require the tenant

thereof to furnish proper waste containers if not provided by the contractor. Waste containers located at multiple dwellings shall be marked so as to indicate the residential unit to which they belong.

4.9 NON-DISPOSABLE MATERIALS. These materials shall be disposed of in the manner prescribed by federal or state laws. It shall be unlawful for any person to place for collection any of the following wastes:

Hazardous wastes.

Toxic wastes

Chemicals

Explosives or ammunition

Flammable liquids

Large quantities of paint (over 5 gallons)

Tires

Dead animals

Trees and stumps.

Gravel and concrete

Construction debris

Animal or human waste

Hot ashes (ashes that are fully extinguished and dry may be left for collection in non-combustible containers).

4.10 BUILDING WASTE. All demolition waste resulting from remodeling, construction, or removal of a building, roadway, or driveway shall be disposed of by the owner, builder, or contractor. Building materials of any kind will not be disposed of by the Municipality or its collection service.

4.11 YARD WASTE. Yard waste shall not be placed for solid waste collection. It shall be individually composted or delivered to the contractor for disposal, or delivered to someone else for decomposing. Any compost pile in the Township of Dewey shall be limited to twenty-five (25) cubic yards.

4.12 ALTERATION OF RECYCLABLE MATERIALS. It shall be unlawful to intentionally alter recyclable materials so as to render them as non-recyclable materials.

4.13 RESTRICTION ON TIME OF PLACEMENT. All containers for non-recyclable solid waste or recyclable solid waste that are placed adjacent to the public street for collection as designated by the collector shall be placed adjacent to the public street not earlier than twenty-four (24) hours before the regular collection time and shall be removed within twenty-four (24) hours of the regular collection time.

4.14 SOLID WASTE FROM OUTSIDE THE TOWN. It shall be unlawful to bring solid waste from outside of the Town limits into the Town for disposal by the Town unless specifically authorized by agreement with the Town Board.

4.15 TITLE TO NON-RECYCLABLE AND RECYCLABLE SOLID WASTE.

(A) In the absence of an agreement to the contrary, title to the non-recyclable and recyclable solid waste placed for collection and disposal by the Municipality or its agents shall be vested in the Town as soon as it is placed for collection. It shall be a violation of this ordinance for any person unauthorized by the municipality to collect or pick up or cause to be collected or picked up any solid waste that are placed for disposal by the Municipality or by any authorized agent. Any and each such unauthorized collection or scavenging of any solid waste in violation hereof shall constitute a separate and distinct offense punishable as provided for herein. Nothing herein shall be construed to allow the scavenging, removal, transportation, or resorting of solid waste which has been placed for disposal under this

ordinance. Any such scavenging or separation of solid waste that has been placed for disposal by the producer of said solid waste shall be deemed a violation of this ordinance.

(B) This ordinance shall not prohibit the actual producers of solid waste or the owners of residential units or non-residential units upon which solid waste have been accumulated from personally collecting, conveying, and disposing of solid waste, provided such producers or owners do not violate the intent of this ordinance.

4.16 SOLID WASTE ACCUMULATION WHEN A NUISANCE. The accumulation or deposit of solid waste in or upon any lot or land or any public or private place within the Town of Dewey shall not be allowed to accumulate. Violation will result in the occupant and/or owner being notified to clean up his/her area. Violations will result in the owner being prosecuted under the provisions of this ordinance.

4.17 IMPROPER PLACEMENT. No person shall deposit, throw, or place any solid waste in any park, lane, street, public grounds or public place within the Municipality, nor place any solid waste upon any private property not owned by such person.

4.18 INTERFERENCE WITH AUTHORIZED COLLECTOR. No person other than an authorized collector shall collect or interfere with any solid waste after it shall have been put into a solid waste container and deposited in the proper place for the collector, nor shall any unauthorized person molest, hinder, delay or in any manner interfere with an authorized solid waste collector in the discharge of their duties.

4.19 VIOLATIONS, PENALTIES:

(A) Any person who shall violate and be found guilty of the following provisions, Section 4.4 (C), Section 4.14, Section 4.15 (A), Section 4.16, Section 4.17, or Section 4.18 above shall be subject to a forfeiture of \$100.00 for the first offense and \$250.00 for the second and subsequent offenses.

(B) Any person who shall violate any other provisions of this ordinance shall be subject to a penalty which shall be as follows:

(1) First Offense. Any person found in violation of any provision other than those listed above as a first offender shall receive a warning notice requiring compliance.

(2) Second Offense. Any person found in violation of any provision other than those listed above shall receive a warning notice requiring compliance and may be subject to have solid waste in violation of the provisions herein not collected.

(3) Subsequent Offenses. Any person found guilty of violating any part of this ordinance, except those listed above, who has previously been notified of being in violation or been convicted of violating the same section of the ordinance within one year shall, upon conviction thereof, be subject to having solid waste in violation of the provisions herein not collected and be subject to a \$100 fine.

(C) Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this ordinance shall preclude the Municipality from maintaining any appropriate action to prevent or remove a violation of any provision of this ordinance.

(D) The Municipality shall be responsible for enforcing the provisions of Section 4.19 (B)(1) and 4.19(B)(2) "S" No. 2, Letters "a" & "b". The Municipality shall request the Portage County Sheriff's Department to issue citations for any of the other violations of this ordinance.

4.20 SPECIAL COLLECTIONS FOR VIOLATIONS. If any entity, including those receiving collection from a private firm, is found in violation of the collection and/or storage requirements of this ordinance, and fail to comply with a notification and/or citation, the Municipality shall be empowered to order a special collection to remove such violation. The person shall be notified of such special collection and the charges thereof. The special collection shall be made; and if billing is unpaid, the bill shall be considered a lien on the

property and shall be placed on the tax roll. A person shall not use the special collection provision of this ordinance to circumvent requirements for collection by private firm.

4.21 PAYMENT.

(A) Garbage fees will be placed on the tax roll.

4.22 SEVERABILITY. If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstance is invalid or unconstitutional such invalidity or of this ordinance which can be given effect without the invalid or unconstitutional provisions or applications.

4.23 The Township of Dewey Board reserves the right to amend or repeal this ordinance as the Town Board deems necessary.