

Ordinance No.5

An Ordinance to Manage Solid Waste and Recyclable Waste Disposal in the Town of Dewey

Section 1 – Title and Purpose

This ordinance is entitled an Ordinance to Manage Solid Waste and Recyclable Waste Disposal in the Town of Dewey. The purpose of this ordinance shall be to maintain and protect the 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 the disposal of solid waste along the streets, roads, and other public and private properties in the Town of Dewey, and to provide a comprehensive town recycling program.

Section 2 – Statutory Authority

The Town Board of the Town of Dewey, Portage County, Wisconsin, has the specific statutory authority, powers, and duties, pursuant to specific sections in Ch.287, (1997) 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.

Section 3 – Adoption of Ordinance

The Town Board, by this Ordinance, adopted on proper notice with a quorum and roll call vote by a majority of the Town Board present and voting, provides the authority for the Town Board to manage solid waste and recycling disposal in the Town of Dewey. A Public Hearing was held before the adoption of this Ordinance and notice of the hearing was given by publication of a Class 1 Notice, under Ch. 985, Wis. Stats.

Section 4 – Definitions

The following definitions shall be applicable in this ordinance:

- (A) Aluminum Cans – All cans produced from aluminum such as soda, beer, etc.
- (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 thirty (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) Collection Point – Shall be at the end of the driveway.

- (E) 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.
- (F) Containers -
- (1) Non-Recyclable Container – Container provided by the contractor (95 gallons or larger).
 - (2) Recyclable Container – Container provided by the contractor (95 gallons or larger).
- (G) Contractor – The individual, firm, or partnership performing non-recyclable waste and recyclable waste collection and disposal under contract with the Town.
- (H) 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.
- (I) 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 for the purpose of this ordinance.
- (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 any applicable State Law.
- (K) Mixed Paper – Shall include newspaper, magazines, office paper, and other materials printed on similar paper.
- (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 uncontrolled removal of materials at any point in the solid waste management.
- (N) Solid Waste – Shall mean 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 ss. 291.01(7), Wis. Stats., and any amendments thereto, waste from construction and demolition of structures, scrap automobiles, and industrial waste.
- (1) Non-Recyclable Waste – Means all putrescent and non-putrescent solid waste for which there exists no commercially demonstrated method of resource recovery and includes such materials as Pyrex glass, window glass, mirrors, Styrofoam items, waxed paper, garbage and other household waste.
 - (2) Recyclable Waste – Means materials in waste for which there exists a commercially demonstrated processing or manufacturing technology which used the material

as a raw material. This list shall include items listed in ss. 287.07(4), Wis. Stats., as may be amended from time to time. **This term is synonymous with 'recyclable materials.'**

- (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.

Section 5 – Mandatory Recycling

- (A) Each residence, residential unit, and commercial unit shall cooperate in the mandatory recycling of solid waste by following the provisions of this ordinance. No person shall mix non-recyclable waste with recyclable waste as set forth herein.
- (B) The authorized collector shall provide roadside collection of recyclable waste from residential units on a bi-weekly basis. All recyclable materials to be collected by the authorized collection service can be co-mingled and placed loose in the container provided.
- (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 the penalties and fines as listed in Section 19 and Section 20 below. They shall be required to show proof of services upon request by the Town or County.

Section 6 – Recyclable Materials

All recyclable waste shall be separated from non-recyclable waste. Recyclable waste shall be left for collection by the Town's authorized collection service by following proper preparation procedures set forth in this ordinance. Recyclable materials shall be placed according to the authorized collection schedule in containers at the roadside (refer to Section 4 (F)(2)).

Recyclable materials for road-side collection shall consist of the following:

- (A) Glass, Bottles and Jars – Brown glass, green glass, and clear glass which shall be rinsed, clean, unbroken, and have covers, caps and labels removed.
- (B) Cans – All aluminum and steel cans shall be rinsed, except that aerosol, paint and oil cans may not be recycled.
- (C) Plastics Bottles and Jugs– Plastic bottles and jugs shall be rinsed and have any metal rings or caps removed.
- (D) Cardboard – Corrugated cardboard shall be flattened and shall not exceed the diameter of the curbside recycling container. Wax cardboard may not be recycled.
- (E) Mixed Paper – Shall be left loose in the bin.

The following are recyclable waste items that shall be recycled at a drop-off facility:

- (1) Antifreeze, Used Oil, Oil Filters
- (2) Batteries
- (3) Mixed Rigid Plastics
- (4) Electronics

- (5) Scrap Metal
- (6) Bulbs, Lamps, Ballasts
- (7) Tires
- (8) Appliances

Residents should contact either the Portage County Solid Waste Department for details regarding the drop-off service they provide for these items or the Town's authorized collection service for details on scheduling the pickup of these items. Both services will charge a fee for some of these items and the resident is responsible for that fee.

Section 7 – Non-Recyclable Materials

Non-recyclable materials shall include the following:

- (A) Glass – All Pyrex (heat resistant) glass, lead-based crystal, mirrors, ceramic items, plate glass and china shall be considered non-recyclable.
- (B) Plastics – Plastic wrap, egg cartons, dishes, 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 waste.
- (C) Glossy Paper – All waxed paper or cardboard shall be considered non-recyclable paper.
- (D) Other Materials – All other garbage and waste not qualifying as recyclable materials.

Section 8 – Disposal of Non-Recyclable Waste

- (A) Non-recyclable waste shall be separated from recyclable waste for collection by the Town's authorized collection service. The collector shall provide roadside collection of non-recyclable 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 the container provided by the contractor, (Refer to Section 4 (F)(1)), capable of holding all waste which would ordinarily accumulate on such premises between the times of successive collections. The owner of any multiple dwellings 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.

Section 9 – Non-Disposable Materials

These materials shall be disposed of in a manner prescribed by federal or state laws. It shall be unlawful for any person to place for collection any of the following items:

- (A) Hazardous waste
- (B) Toxic waste
- (C) Chemicals
- (D) Explosives or ammunition
- (E) Flammable liquids
- (F) Large quantities of paint (over 5 gallons)
- (G) Tires

- (H) Dead animals
- (I) Trees or stumps
- (J) Gravel or concrete
- (K) Construction debris
- (L) Animal or human waste
- (M) Hot ashes (ashes that are fully extinguished a minimum of forty-eight (48) hours and dry may be left for collection in non-combustible containers).

Section 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 Town or its collection service.

Section 11 – Yard Waste

Yard waste shall not be placed for solid waste collection. It shall be the individual's responsibility to compost or deliver to a compost site the yard waste for disposal. Any individual's compost pile in the Town shall be limited to twenty-five (25) cubic yards. The Town will offer a compost site at its property at 3550 Oakwood Drive.

Section 12 – Alteration of Recyclable Materials

It shall be unlawful to intentionally alter recyclable waste so as to render it as non-recyclable waste.

Section 13 – Restriction on Time of Placement

All Non-Recyclable and Recyclable Containers 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 after the regular collection time.

Section 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.

Section 15 – Title to Non-Recyclable and Recyclable Waste

- (A) In the absence of an agreement to the contrary, title to the non-recyclable and recyclable waste placed for collection and disposal by the Town or its authorized collection service 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 Town to collect or pick up or cause

to be collected or picked up any solid waste that are placed for disposal by the Town or by its authorized collection service. 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 the solid waste, provided such producers or owners do not violate the intent of this ordinance.

Section 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.

Section 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 Town, nor place any solid waste upon any private property not owned by such person.

Section 18 – Interference with Authorized Collector

No person other than an authorized collector shall collect or interfere with any solid waste after it has 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.

Section 19 – Violations/Penalties

- (A) Any person, partnership, corporation, or other legal entity that fails to comply with Section 5 (C), Section 14, Section 15 (A), Section 16, Section 17, or Section 18 of this Ordinance shall be subject to the forfeitures found in the Cash Deposit Schedule which is found in Ordinance No.2. In addition to the forfeitures found in the Cash Deposit Schedule, each violator upon conviction shall pay any mandated fees, costs, surcharges, and assessments for each violation.
- (B) Any person, partnership, corporation, or other legal entity that fails to comply with any other provisions of this ordinance shall be subject to a penalty which shall be as follows:

- (1) First Offense – Any violator of any provision other than those listed in 5.19(A) above, as a first time offender shall receive a warning notice requiring compliance.
 - (2) Second Offense – Any violator of any provision other than those listed in 5.19(A) above, shall receive a warning notice requiring compliance and may be subject to having solid waste in violation of the provisions herein not collected.
 - (3) Subsequent Offenses – Any person, partnership, corporation, or other legal entity that fails to comply with the provisions 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 (1) year shall, upon conviction thereof, be subject to having solid waste in violation of the provisions herein not collected and be subject to the forfeitures found in the Cash Deposit Schedule which is found in Ordinance No.2. In addition to the forfeitures found in the Cash Deposit Schedule, each violator upon conviction shall pay any mandated fees, costs, surcharges, and assessments for each violation.
- (C) Each day a violation exists or continues constitutes a separate offense under this ordinance.
- (D) Nothing in this ordinance shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of this ordinance.

Section 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 fails to comply with a notification and/or citation, the Town 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 a private firm.

Section 21 – Payment

The fee for the solid waste and recyclable collection service authorized by the Town will be placed on the tax roll.

Section 22 – Severability

The provisions of this ordinance shall be deemed severable and it is expressly declared that the Town would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provisions of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be deemed affected.

Section 23 – Effective Date

This ordinance shall become effective upon its publication and/or posting in the manner set forth in s. 60.80, Wis. Stats.

Adopted this day of

By the Town Board of the Town of Dewey, Portage County

Maurice King, Chairperson

Dennis Meis, Supervisor

Leroy Pukrop, Supervisor

Attest: _____
Angela Lochinger, Clerk