

TITLE 8

Health and Sanitation

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CHAPTER 1

Health and Sanitation

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SEC. 8-1-1 RULES AND REGULATIONS.

The Town Board may make reasonable and general rules for the enforcement of the provisions of this Chapter and for the prevention of the creation of health nuisances and the protection of the public health and welfare and may, where appropriate, require the issuance of licenses and permits. All such regulations shall have the same effect as ordinances, and any person violating any of such regulations and any lawful order of the Town Board shall be subject to the general penalty provided for in this Code.

SEC. 8-1-2 HEALTH NUISANCES; ABATEMENT OF.

- (a) **Defined.** A health nuisance is any source of filth or cause of sickness.
- (b) **Duty to Abate.** The Town Board shall abate health nuisances pursuant to Chapter 823, Wis. Stats., which is adopted by reference and made a part of this Section.

State Law Reference: Chapter 823, Wis. Stats.

SEC. 8-1-3 DEPOSIT OF DELETERIOUS SUBSTANCES PROHIBITED.

No person shall deposit or cause to be deposited in any public street or on any public ground or on any private property not his own any refuse, garbage, litter, waste material or liquid or any other objectionable material or liquid. When any such material is placed on the person's own private property, it shall be properly enclosed and covered so as to prevent the same from becoming a public nuisance.

SEC. 8-1-4 DESTRUCTION OF NOXIOUS WEEDS.

- (a) Unless delegated to the county, the Town Clerk shall annually on or before May 15th publish as required by state law a notice that every person is required by law to destroy all noxious weeds on lands in the Town which he owns, occupies or controls. A joint notice with other towns or municipalities may be utilized.
- (b) If the owner or occupant shall neglect to destroy any weeds as required by such notice, then the Weed Commissioner of the Town shall give five (5) days' written notice by mail to the owner or occupant of any lands upon which the weeds shall be growing to the effect that the said Weed Commissioner after the expiration of the five (5) day period will proceed to destroy or cause to be destroyed all such weeds growing upon said lands and that the cost thereof will be assessed as a tax upon the lands upon which such weeds are located under the provisions of Sec. 66.96, Wis. Stats. In case the owner or occupant shall further neglect to comply within such five (5) day notice, then the Weed Commissioner shall destroy such weeds or cause them to be destroyed in the manner deemed to be the most economical method and the expense thereof, including the cost of billing and other necessary administrative expenses, shall be charged against such lots and be collected as a special tax thereon.

SEC. 8-1-5 REGULATION OF LENGTH OF LAWN AND GRASSES.

- (a) **Purpose.** This Section is adopted due to the unique nature of the problems associated with lawns, grasses and noxious weeds being allowed to grow to excessive length in the Town of Amberg.
- (b) **Public Nuisance Declared.** The Town Board finds that lawns, grasses and noxious weeds on non-agricultural lots or parcels of land, as classified under the Zoning Code, governing the Town, within the Town of Amberg which exceed twelve (12) inches in length adversely affect the public health and safety of the public in that they tend to emit pollen and other discomforting bits of plants, constitute a fire hazard and a safety hazard in that debris can be hidden in the grass, interferes with the public convenience and adversely affects property values of other land within the Town. For that reason, any non-agricultural lawn, grass or weed on a lot or other parcel of land which exceeds twelve (12) inches in length is hereby declared to be a public nuisance, except for property located in a designated floodplain area and/or wetland area, or in a water detention area or established drainage ways.
- (c) **Nuisances Prohibited.** No person, firm or corporation shall permit any public nuisance as defined in Subsection (b) above to remain on any premises owned or controlled by him/her within the Town.
- (d) **Inspection.** The Weed Commissioner or his/her designee shall inspect or cause to be inspected all premises and places within the Town to determine whether any public nuisance as defined in Subsection (b) above exists.

- (e) **Abatement of Nuisance.** If the Weed Commissioner shall determine with reasonable certainty that any public nuisance as defined in Subsection (b) above exists, he shall immediately cause written notice to be served that the Town proposes to have the lot grass or lawn cut so as to conform with this Section.
- (f) **Due Process Hearing.** If the owner believes that his grasses or weeds are not a nuisance, he/she may request a hearing before the Town Board. The request for said hearing must be made in writing to the Town Clerk's office within the five (5) days set forth in the Weed Commissioner's notice. Upon application for the hearing, the property owner must deposit a \$25.00 bond. If a decision is rendered in the property owner's favor, the \$25.00 will be returned to the property owner. If the property owner fails to appear for the hearing or if the decision is rendered against the property owner, the deposit shall be forfeited and applied to the cost of Town personnel abating the nuisance, if necessary. When a hearing is requested by the owner of the property, a hearing by the Town Board shall be held within seven (7) days from the date of the owner's request. The property in question will not be mowed by the Town until such time as the hearing is held by the Town Board. At the hearing, the owner may appear in person or by his/her attorney, may present witnesses in his own behalf and may cross-examine witnesses presented by the Town as well as subpoena witnesses for his/her own case. At the close of the hearing, the Town Board shall make its determination in writing specifying its findings, facts, and conclusions. If the Town Board determines that a public nuisance did exist, the Town Board shall order the Weed Commissioner to mow the property in question unless the property has been mowed by the owner within forty-eight (48) hours of the Town Board's decision. If the owner does not abate the nuisance within the described forty-eight (48) hours, the Weed Commissioner shall cause the same nuisance to be abated and cost in excess of the forfeited fee assessed accordingly.
- (g) **Option To Abate Nuisance.** In any case where the owner, occupant or person in charge of the property shall fail to cut his/her lawn, grass or weeds as set forth above, then, and in that event, the Town may elect to cut said lawn, grass or weeds as follows:
- (1) The written notice required in Subsection (e) shall inform said person that in the event of his/her failure to abate the nuisance within the prescribed time, the Town shall abate the same and the cost thereof shall be assessed to the property owner as a special charge.
 - (2) The Town shall cut or cause to be cut all grass and weeds from the subject's property and shall charge the expenses of so doing at a rate as established by resolution by the Town Board. The charges shall be set forth in a statement to the Town Clerk who, in turn, shall mail the same to the owner, occupant or person in charge of the subject premises. If said statement is not paid in full within thirty (30) days thereafter, the Town Clerk shall enter the charges in the tax roll as a special tax against said lot or parcel of land, and the same shall be collected in all respects like other taxes upon real estate, or as provided under Sec. 66.615(3)(f), Wisconsin Statutes.

SEC. 8-1-6 RODENT CONTROL.

- (a) **Definitions.** The following definitions shall be applicable in this Section:
- (1) **Owner or Manager** -- Whenever any person or persons shall be in actual possession of or have charge, care or control of any property within the Town, as executor, administrator, trustee, guardian or agent, such person or persons shall be deemed and taken to be the owner or owners of such property within the true intent and meaning of this Section and shall be bound to comply with the provisions of this Section to the same extent as the owner, and notice to any such person of any order or decision of the Building Inspector or his/her designee shall be deemed and taken to be a good and sufficient notice, as if such person or persons were actually the owner or owners of such property, except that whenever an entire premises or building is occupied as a place of business, such as a store, factory, warehouse, rooming house, junk yard, lumber yard or any other business under a single management, the person, firm or corporation in charge of such business shall be considered the owner or manager.
 - (2) **A Rodent-Proof Container** shall be a container constructed of concrete or metal, or the container shall be lined with metal or other material that is impervious to rodents, and openings into the container such as doors shall be tight-fitting to prevent the entrance of rodents.
 - (3) **Rodent-Proofing** shall consist of closing openings in building foundations and openings under and around doors, windows, vents and other places which could provide means of entry for rodents, with concrete, sheet iron, hardware cloth or other types of rodent-proofing material approved by the Town.
 - (4) **Rodent Harborage** shall mean any place where rodents can live and nest without fear of frequent molestation or disturbance.
 - (5) **Hardware Cloth** shall mean wire screening of such thickness and spacing as to afford reasonable protection against the entrance of rodents.
 - (6) **Rodent** shall mean all nuisance animals.
- (b) **Elimination of Rodent Harborages.** Whenever accumulations of rubbish, boxes, lumber, scrap metal, car bodies or any other materials provide rodent harborage, the person, firm or corporation owning or in control of such materials shall cause the materials to be removed or the materials shall be stored so as to eliminate the rodent harborage. Lumber boxes and similar materials shall be neatly piled. These piles shall be raised at least a foot above the ground.
- (c) **Elimination of Rodent-Feeding Places.** No person, firm or corporation shall place, or allow to accumulate, any materials that may serve as a food for rodents in a site accessible to rodents. Any waste material that may serve as food for rodents shall be stored in rodent-proof containers. Feed for birds shall be placed on raised platforms, or such feed shall be placed where it is not accessible to rodents.
- (d) **Extermination.** Whenever rodent holes, burrows or other evidence of rodent infestation are found on any premises or in any building within the Town, it shall be the duty of the owner or manager of such property to exterminate the rodents or to cause the rodents to be exterminated. Within ten (10) days after extermination, the owner or manager shall cause all of the rodent holes or burrows in the ground to be filled with earth or other suitable material.

- (e) **Rodent-Proofing.** It shall be the duty of the owner or manager of any building in the Town of Amberg to make such building reasonably rodent-proof, to replace broken basement windows and, when necessary, to cover the basement window openings with hardware cloth or other suitable material for preventing rodents from entering the building through such window openings.

SEC. 8-1-7 COMPOSTING.

- (a) **Purpose and Intent.** The purpose of this Section is to promote the recycling of yard wastes and certain kitchen wastes through composting and to establish minimum standards for proper compost maintenance.
- (b) **Definitions.** "Composting" shall mean the controlled biological reduction of organic waste to humus. Yard waste shall mean the organic waste produced from the growing, trimming, and removal of grass, branches (not exceeding 1" in diameter) bushes, shrubs, plants, leaves and garden debris. Kitchen waste shall be any uncooked plant matter not contaminated by or containing meat, fish and/or dairy products.
- (c) **Maintenance.** All compost piles shall be maintained using approved composting procedures to comply with the following requirements:
 - (1) All compost piles shall be enclosed in a free standing compost bin. Each compost bin shall be no larger in volume than one hundred twenty-five (125) cubic feet, and shall be no taller than forty-two (42) inches.
 - (2) All compost bins shall be so maintained as to prevent the attraction or harborage of rodents and pests. The presence of rodents in or near a compost bin shall be cause for the Town to proceed under Section 8-1-6.
 - (3) All compost bins shall be so maintained as to prevent unpleasant odors.
 - (4) No compost bin shall be allowed to deteriorate to such condition as to be a blighting influence on the surrounding property or neighborhood or Town in general.
 - (5)
 - a. All compost bins shall be located not less than three (3) feet from a property line or principal building or dwelling and three (3) feet from any detached accessory building.
 - b. A variance from these setback requirements may be applied for if the property owner(s) can show a hardship exists which prohibits compliance. In addition, any variance application must include a signed written approval of the variance request from the adjacent property owner(s). Variances can be granted by the Zoning Administrator on an annual basis upon the proper application being submitted by the property owner(s). Screening and/or fencing of compost bins may be required as a condition of a variance being granted.
 - (6) No compost bin shall be located in any yard except a rear yard, as defined in the Zoning Code governing the Town, unless a variance is granted by the Board of Appeals.
 - (7) Those composting bins which existed prior to the adoption of this Section shall be given one (1) year to comply with the requirements set forth herein.
- (d) **Ingredients.**
 - (1) No compost bin shall contain any of the following:
 - a. Lakeweeds;
 - b. Cooked food scraps of any kind or type;
 - c. Fish, meat or other animal products;

- d. Manures;
- e. Large items that will impede the composting process.
- (2) Permitted ingredients in a compost bin shall include the following:
 - a. Yard waste;
 - b. Coffee grounds and used tea leaves;
 - c. Uncooked plant matter not contaminated by or containing meat, fish, and/or dairy products;
 - d. Commercial compost additives.
- (e) **Owner Responsibility.** Every owner or operator shall be responsible for maintaining all property under his or her control in accordance with the requirements of this Section.

SEC. 8-1-8 UNHEALTHY, HAZARDOUS OR UNSIGHTLY MATERIALS ON PUBLIC OR PRIVATE PROPERTY.

- (a) **Inspections.** Whenever the Town Constable, Building Inspector, Fire Inspector or other authorized Town enforcement official shall, upon inspection of any premises within the Town of Amberg find that there is deposited, placed, stored or remaining on said premises any garbage, junk, rubbish, rubble, trash, abandoned, outmoded or non-salable merchandise or parts, accumulation of grease or food wastes in a grease trap or other place or depository which presents a risk of clogging or blocking a sewer system, or any other unhealthy, hazardous or unsightly materials or thing which create a fire or health hazard, or which is detrimental to the appearance, neatness and cleanliness of the immediate neighborhood or the Town of Amberg in general, such official shall issue his/her written order to the owner and/or occupant of the premises to remove said garbage, junk, rubbish, rubble or trash, abandoned, outmoded, or non-salable merchandise or parts, accumulation of food wastes, or other unhealthy, hazardous or unsightly materials or things. Said written order shall provide that such removal shall be accomplished within ten (10) days after service of said order upon the owner or occupant of the premises involved. Such written order, in addition to specifying and describing the material or things to be removed, shall also set forth on the face thereof the provisions of Subsection (b).
- (b) **Appeal.** Any person feeling himself aggrieved by any order of a Town official under this Section may, within ten (10) days from the date of receipt of such order, appeal such order to the Town Board.
- (c) **Exceptions.** Nothing contained in this Section shall be construed to prohibit the depositing of rubbish, rubble, junk, trash, abandoned, outmoded or nonsalable merchandise or parts or unsightly materials or things which are:
 - (1) Lawfully sited pursuant to the Zoning Code and operated in a manner not constituting a nuisance; or
 - (2) Temporarily deposited due to an emergency; or
 - (3) Materials temporarily placed during construction; or
 - (4) Collected and piled for immediate collection and disposal by the Town or by private means.
- (d) **Nonconforming Uses.** It shall not be a defense to the provisions of this Section that the owner or occupant of the premises involved has a nonconforming use under the provisions of the Zoning Code, but the provisions of this Section shall be complied with notwithstanding that the owner or occupant of any given premises is using or occupying such premises under a valid nonconforming use.

CHAPTER 2

Pollution Abatement

- 8-2-1 Cleanup of Spilled or Accidentally Discharged Wastes
- 8-2-2 Storage of Polluting Substances

SEC. 8-2-1 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 Town.
- (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 Fire Department 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 Town, or its designated agent, in an effort to minimize the pollutional effects of the discharged waste.
- (d) **Reimbursement for Hazardous Material Emergency Action.**
 - (1) Any person who possessed or controlled a hazardous substance that was discharged or who caused the discharge of a hazardous substance shall reimburse the Town of Amberg for actual, reasonable and necessary expenses incurred by the Town of Amberg for any emergency action taken under, and consistent with, Sec. 166.22(3), Wis. Stats., whether such action be taken by the Town of Amberg or another entity on its behalf or direction.
 - (2) Reimbursement as provided under Subsection (d)(1), above, will be accomplished as provided by Sec. 166.22(5), Wis. Stats., by the Marinette County Board of Supervisors, or by local emergency government officials.
 - (3) Terms not defined above shall have the meaning referred to in Sec. 166.22(1), Wis. Stats.

SEC. 8-2-2 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 Town of Amberg.

CHAPTER 3

Recycling

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SEC. 8-3-1 TITLE.

This Chapter shall be referred to as the Recycling Ordinance for the Town of Amberg.

SEC. 8-3-2 PURPOSE AND AUTHORIZATION.

- (a) **Purpose.** The purpose of this Chapter is to promote recycling, composting and resource recovery through the administration of an effective recycling program, as provided in Sec. 159.11, Wis. Stats., and Ch. NR 544, Wis. Adm. Code.
- (b) **Statutory Authority.** This Chapter is adopted and authorized under Sec. 159.09(3)(b), Wis. Stats.
- (c) **Abrogation and Greater Restrictions.** It is not intended by this Chapter 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 Chapter imposes greater restrictions, the provisions of this Chapter shall apply.
- (d) **Interpretation.** In its interpretation and application, the provisions of this Chapter 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 Chapter may be inconsistent or conflicting, the more restrictive requirements or interpretations shall apply. Where a provision of this Chapter is required by the Wisconsin Statutes, or by a standard in Ch. NR 544, Wis. Adm. Code, and where the Chapter provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and Ch. NR 544, Wis. Adm. Code, standards in effect on the date of the most recent text amendment to the Chapter.

SEC. 8-3-3 APPLICABILITY AND ADMINISTRATION.

- (a) **Applicability.** The requirements of this Chapter apply to all persons within the limits of the Town of Amberg.
- (b) **Administration.** The provisions of this Chapter shall be administered by the Town Board of the Town of Amberg.

SEC. 8-3-4 DEFINITIONS.

- (a) For purposes of this Chapter, the following definitions are utilized:
 - (1) **"Bi-metal Container"**. A container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.
 - (2) **"Container Board"**. Corrugated paper board used in the manufacture of shipping containers and related products.
 - (3) **"Foam Polystyrene Packaging"**. Packaging made primarily from foam polystyrene that satisfied one (1) 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; or,
 - c. Consists of rigid materials shaped to hold and cushion the package article in a shipping container.
 - (4) **"HDPE"**. High density polystyrene, labeled by the SPI Code #2.
 - (5) **"LDPE"**. Low density polystyrene, labeled by the SPI Code #4.
 - (6) **"Magazines"**. Magazines and other materials printed on similar paper.
 - (7) **"Major Appliances"**. A residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, oven, refrigerator, stove, furnaces, boilers, dehumidifiers, water heaters, and microwave ovens (with the capacitor removed).
 - (8) **"Multiple-Family Dwelling"**. A property containing five (5) or more residential units, including those which are occupied seasonally.
 - (9) **"Newspapers"**. A newspaper or other materials printed on newsprint.
 - (10) **"Non-Residential Facilities and Properties"**. Commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple-family dwelling.
 - (11) **"Office Paper"**. High grade printing and writing papers from offices and nonresidential facilities and properties. Printed while ledger and computer printout are examples of office paper generally accepted as high grade. This term does not include industrial processed waste.
 - (12) **"Other Resins or Multiple Resins"**. Plastic resins labeled by SPI Code #7.
 - (13) **"Person"**. Any individual, corporation, partnership, association, local government unit, as defined in Sec. 66.229(1), Wis. Stats., state agency or authority or federal agency.
 - (14) **"PETE"**. Polyethylene terephthalate labeled by the SPI Code #1.
 - (15) **"Plastic Container"**. An individual, separate, rigid plastic bottle, can, jar or carton, except for a blister pack, that is ordinarily used to contain a product that is the subject of a retail sale.
 - (16) **"Post-Consumer Waste"**. Solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in Sec. 144.61(5), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high volume industrial wastes, as defined in Sec. 144.44(7)(a)(1), Wis. Stats.

- (17) **"PP"**. Polypropylene, labeled by the SPI Code #5.
- (18) **"PS"**. Polystyrene, labeled by the SPI Code #6.
- (19) **"PVC"**. Polyvinyl chloride, labeled by the SPI Code #3.
- (20) **"Recyclable Materials"**. 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, including those made of PETE, HDPE, PVC, LDPE, PP, PS, and mixed or other resins or multiple resins, steel containers, waste tires; and bi-metal containers.
- (21) **"Solid Waste"**. The meaning specified in Sec. 144.01(15), Wis. Stats.
- (22) **"Solid Waste Facility"**. The meaning specified in Sec. 144.43(5), Wis. Stats.
- (23) **"Solid Waste Treatment"**. Any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste.
- (24) **"Steel Container"**. A container made of steel and used for storage of liquid or dry matter.
- (25) **"Waste Tire"**. A tire that is no longer suitable for its original purpose because of wear, damage or defect.
- (26) **"Yard Waste"**. Leaves, grass clippings, yard and garden debris and brush, including cleaned woody vegetative material no greater than six (6) inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

SEC. 8-3-5 MANDATORY RECYCLABLE MATERIALS.

- (a) **Separation of Recyclable Materials.** Occupants of single family and two (2) to four (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) Newspapers.
 - (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.

- (b) **Separation Requirements Exempted.** The separation requirements of Subsection (a) above do not apply to the following:
 - (1) Occupants of single family and two to four unit residences, multiple family dwellings and non-residential facilities and properties that send their post-consumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in Subsection (a)(5)-(15) from solid waste in as pure a form as is technically feasible.
 - (2) Solid waste which is burned as a supplemental fuel at a facility if less than thirty percent (30%) of the heat input to the facility is derived from the solid waste burned as supplemental fuel.
 - (3) Recyclable materials specified in Subsection (a)(5)-(15) for which a variance has been granted by the Department of Natural Resources under Sec. 159.11(2m), Wis. Stats., or Sec. NR 544.14, Wis. Adm. Code.
- (c) **Care of Separated Recyclable Materials.** To the greatest extent practicable, the recyclable materials separated in accordance with Subsection (a) above shall be free and kept free of contaminants such as food or product residue, oil, grease or other 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 or other inclement weather conditions.

SEC. 8-3-6 PREPARATION, COLLECTION AND MANAGEMENT OF RECYCLABLE MATERIALS.

- (a) **Management of Lead Acid Batteries, Major Appliances, Waste Oil, Waste Tires and Yard Waste.**
 - (1) Occupants of single family and two to four unit residences, multiple family dwellings and non-residential facilities and properties shall manage lead acid batteries, major appliances, waste oil, waste tires and yard waste as follows:
 - a. Lead acid batteries shall be disposed of in accordance with State law by each individual in the Town of Amberg.
 - b. Major appliances shall be disposed of in accordance with State law by each individual in the Town of Amberg.
 - c. Waste oil shall be disposed of in accordance with State law by each individual in the Town of Amberg.
 - d. Yard waste shall be disposed of in accordance with State law by each individual in the Town of Amberg.
 - (2) Information on disposing of items listed in Subsection (a)(1) above and all items listed in Subsection (b) below will in the educational material available to all residents.
- (b) **Preparation and Collection of Recyclable Materials.** Except as otherwise directed by the Town Board of Amberg, occupants of single family and two (2) to four (4) unit residences shall do the following for the preparation and collection of the separated materials specified in Section 8-3-6(a)(5)-(15) and put them out for curbside pickup on the days designated by the Town Board of the Town of Amberg.
 - (1) Aluminum containers shall be washed and completely free of food products and may be crushed.
 - (2) Bi-metal containers shall be rinsed and should be crushed.

- (3) Corrugated paper or other container board shall be flattened and stacked.
- (4) Foam polystyrene packaging, in absence of DNR variance, shall be clean and bundled.
- (5) Glass containers shall be clean and metal and plastic rings and caps removed. Clear, brown and green glass is acceptable. No mirrors, windows, light bulbs or ceramics accepted.
- (6) Magazines and other materials printed on similar paper shall be boxed, bundled or in a sturdy paper bag.
- (7) Newspapers and other materials printed on newsprint shall be contained in a box or bundled.
- (8) Office paper shall be contained in a box, paper bag or bundled.
- (9) Plastic shall be clean. All types of plastic are accepted and need to be sorted by type and label.
- (10) Steel containers shall be washed, labels removed and crushed if possible.
- (11) Waste tires shall be disposed of in accordance with State law.
- (c) **Variations Issued by Department of Natural Resources.** If a variance is granted for any of the 1995 banned items, the part of this Chapter that deals with those items will be delayed for the period dictated by the DNR.
- (d) **Right to Reject Materials.** The hauler has the right to reject any recyclable material that is not prepared according to the specifications in this Chapter or in the educational material provided by the contractor. Materials can also be refused 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 any solid waste if it contains recyclable containers and materials.
- (e) **Responsibilities of Owners or Agents of Multi-Family Dwellings.**
 - (1) Owners or designated agents of multi-family dwellings shall do all of the following to recycle the materials specified in Section 8-3-6(a)(5)-(15):
 - a. Provide adequate, separate containers for the recyclable materials.
 - b. Notify in writing, at the time of renting or leasing, and at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.
 - c. Provide for collection of the materials separated from the solid waste by the users, tenants and occupants and the delivery of the material to a recycling facility.
 - d. Notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.
 - (2) The responsibility specified in this Subsection (e) does not apply to the owners or designated agents of multi-family dwellings if the post-consumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling materials specified in Section 8-3-6(a)(5)-(15) from solid waste in as pure a form as is technically feasible.
- (f) **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 Section 8-3-6(a)(5)-(15):

- a. Provide adequate, separate containers for the recyclable materials.
 - b. Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about established recycling programs.
 - 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 of reasons to reduce and recycle, which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.
- (2) The requirements specified in Subsection (f)(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 Section 8-3-6(a)(5)-(15) from solid waste in as pure a form as is technically feasible.
- (g) **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 Section 8-3-6(a)(5)-(15), which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.
- (h) **Collection of Recyclables.** No recyclable material shall be left at the recycling facility unless an attendant is on duty.

SEC. 8-3-7 PROHIBITIONS ON DISPOSAL OF RECYCLABLE MATERIALS SEPARATED FOR RECYCLING.

No persons may dispose of in a solid waste facility or burn in a solid waste treatment facility any of the materials specified in which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

SEC. 8-3-8 ENFORCEMENT.

- (a) For the purpose of ascertaining compliance with the provisions of this Chapter, any authorized officer, employee or representative of the Town of Amberg may inspect 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 Amberg who requests access for purposed of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.

- (b) Any person who violates a provision of this Chapter may be issued a citation by the Town Board of Amberg 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.
- (c) Penalties for violating this Chapter may be assessed as follows:
 - (1) Any person who violates this Section may be required to forfeit Fifty Dollars (\$50.00) for a first (1st) violation, Two Hundred Dollars (\$200.00) for a second (2nd) violation, and not more than Two Thousand Dollars (\$2,000.00) for a third (3rd) or subsequent violation.
 - (2) Any person who violates a provision of this Chapter, except Section 8-3-8, may be required to forfeit not less than Ten Dollars (\$10.00) nor more than One Thousand Dollars (\$1,000.00) for each violation.

SEC. 8-3-9 PROCESSING FACILITIES.

Any contractor operating in the Town of Amberg shall not transport for processing recyclables to a processing facility unless the contractor notifies the municipality which facility they're using and the facility is approved by the Wisconsin DNR under NR 544.16, Wis. Adm. Code.

SEC. 8-3-10 ANTISCAVENGING OR UNLAWFUL REMOVAL OF RECYCLABLES.

It shall be unlawful for any person, unless under contract with or licensed by the Town of Amberg, to collect or remove any recyclable material that has been deposited or in a container adjacent to a home or nonresidential building for the purposes of collection for recycling.

SEC. 8-3-11 NO DUMPING.

It shall be unlawful for any person to dispose of or dump garbage in any street, alley or other public place within the Town of Amberg or in any receptacles or private property without the owner's consent. No person shall place for collection any garbage at the roadside not owned or occupied by such person.

SEC. 8-3-12 NO BURNING OR BURYING.

It shall be unlawful to burn or bury solid waste and recyclables by residential and nonresidential sectors and at construction sites except open burning shall be permitted only of clean wood and paper products.

SEC. 8-3-13 NONDISPOSABLE MATERIALS.

It shall be unlawful for any person to place for disposal any of the following wastes: Hazardous and toxic wastes, chemical, explosives, flammable liquids, paint, trees and stumps, construction debris, carcasses, medical wastes (unless personal needles which shall be contained in cardboard to eliminate injury to the collection personnel).

SEC. 8-3-14 GARBAGE FROM OUTSIDE OF TOWN.

It shall be unlawful to bring refuse from outside the corporate limits of the Town of Amberg for disposal unless authorized by written agreement with the Town.

SEC. 8-3-15 HAULER LICENSING.

Haulers who collect solid waste or recyclables in the Town of Amberg for storage, treatment, processing, marketing or disposal shall obtain and maintain all necessary municipal and state permits. Licenses and approvals prior to collecting any materials in the Town of Amberg.

SEC. 8-3-16 REPORTING REQUIREMENTS.

The recycling haulers and processors operating in the Town of Amberg are required to maintain records and report in writing to the Town of Amberg Clerk monthly. The reports shall include: the amount of recyclables collected and transported by item type from the Town of Amberg, the amount of recyclables processed and or marketed by item type from the Town of Amberg, and the final disposal location of recyclable material. Failure to report shall be cause for the municipality to revoke any license or sever any contract with the hauler.

SEC. 8-3-17 ESTABLISHMENT OF FEES.

The Town of Amberg shall establish for service recipients fees for the payment of collection services for solid waste and recyclables.