

SUBCHAPTER 3: SOLID WASTE COLLECTION & MANDATORY RECYCLING
ORDINANCE

**SUBCHAPTER 3: SOLID WASTE COLLECTION AND
MANDATORY RECYCLING ORDINANCE**

9.300 **TITLE**

This Subchapter shall be known as the "Town of Lyndon Garbage Ordinance" or the "Garbage Ordinance," except as referred to herein, where it shall be known as "this Subchapter."

9.301 **AUTHORITY**

This Subchapter is adopted pursuant to the powers set forth in § 66.0405 Wis. Stats., and Ch. 287, Wis. Stats.

9.302 **PURPOSE**

The purpose of this Ordinance is to conserve natural resources, to enhance, protect, and improve the environment, to promote the health, safety, and welfare of the Town by establishing minimum standards for the storage, collection, transport, processing, separation, recovery, and disposal of refuse.

9.303 **DEFINITIONS**

The definitions set forth in Chs. 287 and 289 Wis. Stats. (and all amendments thereto) are hereby adopted by reference. (For purposes of convenience only, some statutory definitions have been reprinted herein. Subsequent statutory amendments to such definitions shall apply even though the text of this Ordinance may not have been changed to conform to the amendments. Also for convenience, most defined words have been printed in bold to alert the reader to the definition.) In addition, the following definitions shall apply to this Subchapter:

Bi-Metal Container: A container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.

Brush: Hedge clippings, tree trimmings, branches, twigs, sticks, and other woody material not exceeding six (6) inches in diameter. (*Amended per Ord. 979*)

Clear Bags: Clear, transparent, plastic bags not exceeding 30 gallons. All such bags shall be waterproof, shall be capable of normal handling in hot and cold weather, and shall be of sufficient strength to allow lifting and loading without tearing.

Compost: Organic materials, consisting of grass clippings, leaves and/or debris from stem parts of house/garden plants and flowers, but excluding pine cones, twigs, sticks, branches, or refuse of any kind.

Compost Receptacle: Bio-degradable paper bags not exceeding thirty (30) gallon capacity, as approved by the Town.

Container Board: Corrugated paperboard used in the manufacture of shipping containers and related products.

Dwelling Unit: A structure or that part of a structure which is used or intended to be used as a home, residence, or sleeping place by one person, or by 2 or more persons maintaining a common household, to the exclusion of all others.

Garbage: See 289.01(9) Wis. Stats.

Glass Containers: All clear glass, brown glass, green glass and other colored glass used for bottles, jars and similar containers, but excluding window glass, ceramics, china, blue glass, pyrex, and mirrors.

HDPE: High Density Polyethylene, labeled by the SPI Code #2.

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Industrial Wastes: Liquid or other wastes resulting from any process of industry, manufacture, trade or business or the development of any natural resource.

LDPE: Low Density Polyethylene, labeled by the SPI Code #4.

Magazines: Magazines and other materials printed on similar paper.

Major Appliances: Residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator or stove.

Newspaper: Newspaper (excluding inserts on glossy paper) and other materials printed on newsprint, such as telephone books.

Office Paper: High grade printing and writing papers, including (but not limited to) printed white ledger, computer printout paper, notebook paper, typing paper and similar paper. This term does not include newspaper, cardboard, magazines, soiled or wet paper.

Other Resins or Multiple Resins: Plastic resins labeled by the SPI Code #7.

PETE: Polyethylene Terephthalate, labeled by the SPI Code #1.

PP: Polypropylene, labeled by the SPI Code #5.

PS: Polystyrene, labeled by the SPI Code #6.

PVC: Polyvinyl Chloride, labeled by the SPI Code #3.

Plastic Container: (See 287.01(6) Wis. Stats)

Post-consumer Waste: (See 287.01(7) Wis. Stats).

Recyclable Materials: Lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; containerboard; foam polystyrene packaging; glass containers; magazines; newspaper; office paper; plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins; steel containers; bi-metal containers and waste tires.

Refuse: (See 289.01(28) Wis. Stats.)

Sewage: (See 289.01(31m) Wis. Stats.)

Solid Waste: (See 289.01(33) Wis. Stats.)

Solid Waste Facility: (See 289.01(35) Wis. Stats.)

Solid Waste Treatment: (See 289.01(39) Wis. Stats.)

Steel Containers: All steel containers, tin containers, and other ferrous metal containers.

Waste Tires: A tire that is no longer suitable for its original purpose because of wear, damage, or defect.

Wastewater: (See 289.01(42) Wis. Stats.)

Yard Waste: Leaves, grass clippings, and/or debris from house/garden plants and flowers.

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9.304 COMPLIANCE

No person shall dispose of solid waste or place any solid waste for disposal, removal, or collection by the Town, except in strict conformity with the rules and regulations of this Chapter.

9.305 VARIANCES

Where strict enforcement of this Ordinance may result in undue hardship upon any party, such party may petition the Town for a variance from any portion of this Ordinance over which the Town has control. Said petition shall be in writing and shall state all grounds upon which the variance is requested. Upon a finding of undue hardship, the Town may, in its sole discretion, grant a variance, provided, however, any variance (a) must satisfy the general recycling purposes of this Chapter, (b) may not impose a greater economic burden upon the Town without additional compensation from the Applicant, and (c) may not violate state law. A variance shall be made in writing and shall remain in effect until rescinded by the Town. In granting the variance, the Town may establish such terms and conditions as he deems advisable.

9.306 MANDATORY SEPARATION OF RECYCLABLE MATERIALS

All persons who occupy dwelling units in the Town, including (but not limited to) the occupants of single-family residences, duplexes, condominiums, mobile home parks, and multiple-family apartments, shall separate **recyclable materials** from all other **post-consumer waste** and shall divide the **recyclable materials** into the following-listed categories, with each category placed separately in the following-described containers. To the greatest extent practicable, separated **recyclable material** shall be kept clean and free of contaminants such as food or product residue, oil or grease, or other non-recyclable materials. Containers shall be rinsed out, and lids and labels removed.

<u>Category</u>	<u>Type of Waste</u>	<u>Type of Container</u>
A	Aluminum containers, glass containers, plastic containers (including those made of PETE, HDPE, PVC, LDPE, PP, PS and other resins or multiple resins), steel containers, bi-metal containers and foam polystyrene packaging.	Clear bag , except plastic containers with handles may be placed on a string, instead of in a bag.
B	Container Board	Clear bag , or securely tied into bundles, or securely stacked into a cardboard box, or securely stacked in a grocery bag, none of which shall weigh more than 40 pounds.
C	Newspaper and Office Paper	Clear bag , or securely tied into bundles, or securely stacked into a cardboard box, or securely stacked in a grocery bag, none of which shall weigh more than 40 pounds.
D	Magazines	Clear bag , or securely tied into bundles, or securely stacked into a cardboard box, or securely stacked in a grocery bag, none of which shall weigh more than 40 pounds.
E	All other post-consumer waste.	Clear bags

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9.307 TOWN COLLECTION

- (1) **DWELLING UNITS:** The Town shall collect **recyclable materials** and **post-consumer waste** (except as provided in (2) below) generated by the owners and/or occupants of all dwelling units located in the Town pursuant to this Ordinance, on such dates and at such times as the Town may establish.
- (2) **COMMERCIAL, RETAIL, INDUSTRIAL, EDUCATIONAL, RELIGIOUS AND GOVERNMENTAL FACILITIES:** The owners and/or occupants of commercial, retail, industrial, educational, religious and governmental facilities located in the Town shall provide for the disposal of their own waste, in the manner required by state law.
- (3) **EXCEPTIONS TO COLLECTION:** Unless the hauler agrees otherwise, the following **recyclable materials** will not be collected by the Town, but instead, shall be managed as set forth below:
 - (a) **Lead acid batteries.** Shall be disposed of by the owner at a private waste battery disposal site or at a retail business engaged in the sale of similar batteries.
 - (b) **Major appliances.** Shall be disposed of by the owner at any facility or store which accepts such items, provided all Freon is removed by a person certified to do so.
 - (c) **Waste oil.** Shall be disposed of by the owner at any private waste oil disposal site, or at any automotive repair business which accepts waste oil.
 - (d) **Yard waste.** Shall be disposed of by the owner.
 - (e) **Waste tires.** Shall be disposed of by the owner at any waste tire disposal site, or at any retail business engaged in the purchase of waste tires.
- (4) **PLACEMENT FOR COLLECTION:** All waste collectible by the Town shall be neatly placed in proper collection containers on the owner's driveway adjacent to the road, or in such other location as may be directed by the Town or the waste hauler.
- (5) **TIME:** All waste collectible by the Town shall be placed at the location designated above not more than 24 hours before the scheduled collection time, and all containers and items not collected shall be removed therefrom not later than 24 hours following the scheduled collection time.
- (6) **STORAGE CONTAINERS:** Between the times of collection, all waste shall be placed in storage containers or storage areas which shall be nuisance-free and odor-free, and which shall be strong enough and secure enough to prevent the scattering of waste by weather conditions or animals.

9.308 FEES

- (1) **PER DWELLING UNIT:** An annual Fee for waste collection service shall be charged to landowners for each dwelling unit located on the owner's real estate. The amount of the fee shall be established by separate Resolution of the Board.
- (2) **MOBILE HOME PARKS:** Fees for waste collection services shall be charged to the owner(s) of the mobile home park.
- (3) **EXEMPTIONS:** Fees shall not be charged to businesses and other entities which dispose of their own waste.

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- (4) **PAYMENT TERMS:** Annual bills for waste collection services from April 1 to March 31 of each year shall be sent to each landowner in February. Said bills shall be paid in full on or before March 31 following receipt of the bill. If said bill is not paid when due, a late fee shall be charged, in an amount set by resolution of the Town Board. If said bill remains unpaid by the time the next real estate tax bills are being prepared, the Town shall charge an additional processing fee, in an amount set by resolution of the Town Board, and shall impose the bill, plus all additional fees, as a special charge against the benefited real estate pursuant to §66.0627 Wis. Stats.

9.309 PROHIBITED ACTIVITIES AND NON-COLLECTIBLES

- (1) **DUMPING ON PUBLIC PROPERTY PROHIBITED:** No person shall dispose of or dump **solid waste** upon the roads, ditches, parks or other public property of the Town.
- (2) **DUMPING ON PRIVATE PROPERTY PROHIBITED:** No person shall dispose of or dump **solid waste** upon the property or in the receptacle of another person without the express permission of the owner of the property or receptacle.
- (3) **GARBAGE NOT GENERATED IN THE TOWN:** No person shall dump, deposit, or place for collection in the Town, any **solid waste** not generated within the corporate limits of the Town.
- (4) **SCAVENGING:** No person shall scavenge or remove any **recyclable material** placed for collection by another person without the express, written permission of such other person.
- (5) **BURNING:** No person shall burn **solid waste** in the Town, except for **yard wastes** and clean woody vegetative material. This burning ban shall not apply to entities subject to Ch. ILHR 14, Wis. Admin. Code. (NOTE: All burning at "places of employment" or "public buildings" must comply with Ch. ILHR 14, Wis. Admin. Code.)
- (6) **BURYING GARBAGE:** No person shall bury any **solid wastes** on public or private property in the Town. This section shall not apply to the burying of recognized building materials (e.g. rock, rubble, sand, etc.) in the course of construction.
- (7) **NON-COLLECTIBLE MATERIALS:** The Town shall not collect and it shall be unlawful for any person to place for collection any of the following wastes, except on those limited occasions when the Town specifically authorizes the collection of certain specified items as part of a special garbage collection pursuant to §9.310 below:
- (a) Hazardous waste
 - (b) Toxic waste
 - (c) Hot or warm ashes
 - (d) Chemicals and paint
 - (e) Explosives or ammunition
 - (f) Drain or waste oil
 - (g) Flammable liquids
 - (h) Tires, mufflers, tail pipes, batteries and other car parts exceeding 5 pounds or 6 cubic inches

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- (i) Major appliances commonly known as "white goods" (e.g. stoves, refrigerators, dishwashers, etc.)
- (j) Televisions, stereos and other electronic equipment
- (k) Furniture, mattresses and carpeting
- (l) Demolition and building debris generated from the repair, remodeling, reconstruction or demolition of buildings, such as lumber, roof and sheathing scraps, rubble, broken concrete, asphalt, plaster, PVC conduit and pipe, insulation, etc.
- (m) Animal or human feces (this waste should be disposed of in the sanitary sewer system)
- (n) Pathogenic hospital or medical waste
- (o) Trees, logs, stumps, dirt, etc.
- (p) Pallets
- (q) Bulky items whose large size precludes or complicates their handling by normal collection crews and equipment
- (r) All other non-post-consumer waste

9.310 SPECIAL COLLECTIONS

From time-to-time, the Town Board may authorize and conduct special garbage collections for the purpose of collecting items not regularly collected by the Town.

9.311 ENFORCEMENT AND PENALTIES

- (1) **CHAPTER 25:** Except as otherwise specifically provided in this Chapter, the penalties for a violation of this Chapter shall be as provided in Chapter 25 of this Code.
- (2) **COLLECTION REFUSAL:** In addition to any other penalty provided herein, the Town may refuse to collect and dispose of any and all **solid waste** which violates this Ordinance, and may refuse to collect **solid waste** from any premises which is in violation of this Ordinance.
- (3) **LAND OWNER LIABLE:** When any **solid waste** is found to violate this Ordinance, and when the identity of the **person** responsible for generating or placing such refuse or waste cannot be readily determined, the **owner** of the land upon which such garbage is found, shall be presumed to have committed the violation for purposes of the enforcement of this Ordinance and shall be subject to the applicable penalty.
- (4) **CONSENT TO SEARCH:** Every **person** who places for collection or dumps **solid waste** in the Town, is deemed to have given consent to the Town,
 - (a) To inspect and search such **solid waste**, without a warrant, for the sole purpose of enforcing the provisions of the Chapter; and
 - (b) To remove and keep any and all items found by the Town in its search, which items constitute a violation of this Chapter or which may be used to prove a violation of this Chapter; and

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- (c) To introduce such removed items into evidence in any prosecution for the violation of this Chapter.
- (5) **MULTIPLE VIOLATIONS:** Each violation, and each day a violation continues or occurs, shall constitute a separate offense hereunder. The prosecution of two or more offenses committed by the same violator may be joined into one action, and the prosecution of two or more violators for the same offense may be joined into one action.

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