

**CHAPTER 9
PICKUP OF GARBAGE AND RECYCLABLES**

SECTION

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3-9-1: **PURPOSE:** There is hereby created Section 3-9 for the control and pickup of garbage and recyclables in the Town of Lake Mills. The purpose of this ordinance is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in section s. 159.11, Wis. Stats., and Chapter NR 544, Wis. Administrative Code.

3-9-2: **AUTHORITY:** This ordinance is adopted as authorized under s. 159.09(3)(b), Wis. Stats. It is not intended by this ordinance to repeal, abrogate, annul, impair, or interfere with any existing rules, regulations, ordinances, or permits previously adopted or issued pursuant to law. However, whenever this ordinance imposes greater restrictions, the provisions of this ordinance shall apply.

3-9-3: **INTERPERTATION:** In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any terms or requirements of this ordinance may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this ordinance is required by Wisconsin Statutes, or by a standard in Chapter NR 544, Wis. Administrative Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Chapter NR 544 standards in effect on the date of the adoption of this ordinance, or in effect on the date of the most recent text amendment to this ordinance.

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

The requirements of this ordinance apply to all persons within the Town of Lake Mills.

The provisions of this ordinance shall be administered by the Town Board of the Town of Lake Mills.

The provision of this ordinance shall take effect on passage and publication of this ordinance.

3-9-4: DEFFINITIONS: For the purpose of this ordinance:

- (1) "Bimetal container" means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.
- (2) "Container board" means corrugated paperboard used in the manufacture of shipping containers and related products.
- (3) "Foam polystyrene packaging" means packaging made primarily from foam polystyrene that satisfies one of the following criteria:
 - (a) Is designed for serving food or beverages.
 - (b) Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.
 - (c) Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.
- (4) "HDPE" means high density polyethylene, labeled by the SPI code #2.
- (5) "LDPE" means low density polyethylene, labeled by the SPI code #4.
- (6) "Magazines" means magazines and other materials printed on similar paper.
- (7) "Major appliance" means a residential or commercial air conditioner, furnaces, boilers, dehumidifiers, water heaters, clothes dryers, clothes washers, dishwashers, freezers, microwave ovens, ovens, refrigerators, or stoves from which the capacitor has been removed.
- (8) "Multiple family dwelling" means a property containing five (5) or more residential units, including these which are occupied seasonally.
- (9) "Newspaper" means a newspaper and other materials printed on newsprint.
- (10) "Nonresidential facilities and properties" means commercial, retail, industrial, institutional, and governmental facilities and properties. This term does not include multiple family dwellings.
- (11) "Office paper" means high grade printing and writing papers from offices in nonresidential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. This term does not include industrial process waste.
- (12) "Other resins or multiple resins" means plastic resins labeled by the SPI code #7.
- (13) "Person" includes any individual, corporation, partnership, association, local governmental unit, as defined in s. 66.299(1)(a), Wis. Stats., state agency or authority or federal agency.

- (14) "PETE" means polyethylene terephthalate, labeled by the SPI code #1.
- (15) "Plastic container" means an individual, separate, rigid plastic bottle, can, jar, or carton, except for a blister pack, that is originally used to contain a product that is the subject of a retail sale.
- (16) "Post consumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in s. 144.61(5), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high volume industrial waste, as defined in s. 144.44(7)(a)1., Wis. Stats.
- (17) "PP" means polypropylene, labeled by the SPI code #5.
- (18) "PS" means polystyrene, labeled by the SPI code #6.
- (19) "PVC" means polyvinyl chloride, labeled by the SPI code #3.
- (20) "Recyclable materials" includes lead acid batteries, major appliances, waste oil, yard waste, aluminum containers, corrugated paper or other container board, foam polystyrene packaging, glass containers, magazines, newspaper, office paper, rigid plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins, steel containers, waste tires, and bimetal containers.
- (21) "Solid waste" has the meaning specified in s. 144.01(15), Wis. Stats.
- (22) "Solid waste facility" has the meaning specified in s. 144.43(5), Wis. Stats.
- (23) "Solid waste treatment" means any method, technique, or process that is designed to change the physical, chemical, or biological character or composition of solid waste. "Treatment" includes incineration.
- (24) "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage, or defect.
- (25) "Yard waste" means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than six (6) inches in diameter. This term does not include stumps, roots, or shrubs with intact root balls.

3-9-5: ADMINISTRATION: Garbage shall be picked up every week and recyclables shall be picked up every other week. Pickup will be made curbside or roadside except for handicapped residents who may request doorway pickups. There will be no additional charge for doorway pickups for handicapped residents. Solid waste shall be placed in containers provided by the contracted waste hauler and the container is to be placed curbside on the designated waste pickup day. Recyclables shall be placed in containers provided by the contracted recycling hauler and the container is to be placed curbside on the designated recycling pickup day. There will be a designated day once a month for large materials such as couches and bulky items that do not fit within the containers. These materials shall be broken down into pieces no larger than 4' x 4' and placed at the curbside on the day designated for large item pickup.

Garbage and recyclables not prepared or placed in compliance with this ordinance shall not be collected.

Any garbage or recyclables that are rejected by the collector shall be removed from where it is placed within 24 hours of the time said garbage or recyclable was scheduled for pickup.

It shall be unlawful for any person to deposit, throw, or place any residential or commercial garbage or rubbish of any kind on or within any public street, alley park, sidewalk, gutter, or other public place on or within any private property or premises.

No person shall place for collection any garbage or recyclables at the curbside or roadside of private property not owned or occupied by that person.

It shall be unlawful for any person to disturb, remove, or carry away garbage or recyclable material that has been placed for collection.

It shall be unlawful for any person to place for disposal any of the following wastes: Hazardous and toxic wastes, chemicals, explosives, flammable liquids, paint, trees and stumps, construction debris, carcasses or medical wastes. See Town Ordinance 3-2; Section 3-2-2 (7) for definition of Medical Wastes and Section 3-2-5 (A) for proper method for the disposal of Medical Waste, to eliminate injury to collection personnel.

3-9-6: **COST OF SERVICE:** The cost for garbage and recyclable pickup shall be as contracted by the Town of Lake Mills for each family unit. A family unit is defined as a place of habitation occupied by a normal single family or a combination of persons who may be considered as equivalent to single family unit for the purposes of this Section. The owner of the premises shall be billed annually as a special charge by which the Town of Lake Mills will add to the proper amount, for garbage and recyclable collection, to the real estate property tax bill of the owner. Pursuant to Section 66.06(16) Wis. Stats.

3-9-7: **PRORATED COST OF SERVICE:** The annual garbage and recycling service fee will be charged to the occupant of a new residence or the occupant of an existing residence, that was vacant for a period of time, on a prorated basis for the first and partial year occupancy. The prorated annual garbage and recycling service fee will be calculated starting from the date when garbage and recycling service commences at the residence. The Town of Lake Mills Treasurer will bill the resident of the property the prorated annual garbage and recycling service fee, if the fee is not paid in a timely manner the fee will be assessed on the next year's real estate property tax bill of the owner. Pursuant to Section 66.06(16) Wis. Stats.

3-9-8: **RECYCLING REQUIREMENTS:** Occupants of single family and 2 to 4 unit residences, multiple family dwellings, and nonresidential facilities and properties shall separate the following materials from post consumer waste:

- (1) Lead acid batteries
- (2) Major appliances
- (3) Waste oil
- (4) Yard waste
- (5) Aluminum containers

- (6) Bimetal containers
- (7) Corrugated paper or other container board
- (8) Foam polystyrene packaging
- (9) Glass containers
- (10) Magazines
- (11) Newspaper
- (12) Office paper
- (13) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins.
- (14) Steel containers
- (15) Waste tires

The Town of Lake Mills Board reserves the right to designate solid waste materials as recyclable or currently collected materials as no longer recyclable in accordance with State law and to either add or delete them from any collection services provided by the municipality or its contractors. The municipality shall provide written notice to its service recipients of this declaration.

To the greatest extent practicable, the recyclable materials separated in accordance with Section 3-9-8 shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other non-recyclable materials, including but not limited to household hazardous waste, medical waste, and agricultural chemical containers.

Recyclable materials shall be stored in a manner that protects them from wind, rain, and other inclement weather conditions.

Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and nonresidential facilities and properties shall manage lead batteries, major appliances, waste oil, and yard waste as follows:

- (1) Lead acid batteries shall be placed at the curbside or roadside on designated collection day. Batteries must be whole and not leaking.
- (2) Major appliances shall be recycled by contracting with a licensed hauler, all associated costs will be bore by the person contracting with the hauler.
- (3) Waste oil shall be placed in tightly capped plastic jugs. Oil cannot be mixed with antifreeze, or other substances. Place at curbside or roadside on designated collection day.

- (4) Yard waste shall be composted or managed on or at the site where it originated. The Town Board may at its discretion collect yard waste at curbside in designated sections of the town at certain designated times of the year. The designated areas and days will be noticed in the local paper. Yard waste is to be placed at curbside in clear plastic bags the night before the designated collection day. The cost for the curb side yard waste collection will be placed on the general tax levy of the Town of Lake Mills.

3-9-9: RECYCLING MATERIAL PREPERATION REQUIREMENTS: Except as otherwise directed by the Town Board, occupants of single family and 2 to 4 unit residences shall do the following for the preparation and collection of the separated materials specified in Section 3-9-8 for items (5) through (15).

- (1) Aluminum containers shall be drained thoroughly and placed commingled in the recycling container.
- (2) Bimetal containers shall be rinsed clean, labels removed, ends cut off, and containers flattened. Rounded bottom cans do not need to be flattened. Place commingled in the recycling container.
- (3) Corrugated paper and other container board shall be broken down to 36" x 36" in size or less and placed commingled in the recycling container.
- (4) Foam polystyrene packaging shall be broken down to manageable size and placed in the designated receptacle of an established drop-off site during the days and hours of operation.
- (5) Unbroken glass containers shall be rinsed clean. Remove caps and rings, labels can stay on. Place commingled in the recycling container.
- (6) Magazines shall be placed commingled in the recycling container.
- (7) Newspaper shall be placed commingled in the recycling container.
- (8) Office paper and junk mail shall be placed commingled in the recycling container.
- (9) Rigid plastic containers shall be prepared and collected as follows:
 - (a) Plastic containers made of PETE shall be rinsed clean, caps removed, labels can stay on. Place commingled in the recycling container.
 - (b) Plastic containers made of HDPE shall be rinsed clean, caps removed, labels can stay on. Place commingled in the recycling container.
 - (c) Rigid plastic containers made of PVC, LDPE, PP, PS, and other resins or multiple resins, shall be rinsed clean, caps removed, labels can stay on, and place commingled in the recycling container.
- (10) Steel containers shall be rinsed clean, labels removed, ends cut off and flattened, place commingled in the recycling container.

(11) Waste tires shall be recycled at places that sell and install tires or placed in the designated receptacle of an established drop-off site during the days and hours of operation. All associated costs will be borne by the person recycling the tires.

(A) 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 3-9-8 (5) through (15) which have been separated for recycling except waste tires may be burned with energy recovery in a solid waste treatment facility.

3-9-10: MULTIPLE-FAMILY ^{DWELLING} ~~DEWELING~~ RECYCLING REQUIREMENTS: Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in Section 3-9-8 for items (5) through (15):

- (1) Provide adequate, separate containers for the recyclable materials.
- (2) Notify tenants in writing at the time of renting or leasing, the dwelling and at least semiannually thereafter about established recycling program.
- (3) Provide for the collection of the materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.
- (4) Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the 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.

The requirements specified in (1) do not apply to the owners or designated agents of multiple-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 the materials specified in Section 3-9-8 for items (5) through (15) from solid waste in as pure a form as is technically feasible.

3-9-11: NONRESIDENTIAL FACILITY RECYCLING REQUIREMENTS: Owners or designated agents of nonresidential facilities and properties shall do all of the following to recycle the materials specified in Section 3-9-8 for items (5) through (15):

- (1.) Provide adequate, separate containers for the recyclable materials.
- (2) Notify in writing, at least semiannually, all users, tenants, and occupants of the properties about the established recycling program.
- (3) 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.
- (4) Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the 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.

3-9-12: EXEMPTIONS: The separation requirements of Section 3-9-8 do not apply to the following:

- (1) Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and nonresidential 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 Section 3-9-8 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 30% of the heat input to the facility is derived from the solid waste burned as supplemental fuel.
- (3) A recyclable material specified in Section 3-9-8 (5) through (15) for which a variance has been granted by the Department of Natural Resources under s. 159.11(2m), Wis. Stats., or s. NR 544.14, Wis. Administrative Code.

3-9-13: HAULER RULES: No person or corporation shall engage in the business of hauling recyclables within the Town of Lake Mills without being licensed by the Department of Natural Resources under Section NR 502.06, Wis. Administrative Code.

Any contractor operating in the Town of Lake Mills shall not transport for processing any recyclables to a processing facility unless the contractor notifies the municipality which facility they are using and, by January 1, 1995, the facility has self-certified with the Wisconsin Department of Natural Resources under Section NR 544.16, Wis. Administrative Code.

Haulers may not deposit in a landfill or burn in a solid waste facility any recyclable material generated in the Town of Lake Mills that has been separated for recycling.

Haulers shall maintain recyclable materials in marketable condition.

3-9-14: HAULER RIGHTS: The hauler has the right to reject or leave at the curb any recyclable material that is not prepared according to the specifications in this ordinance Section 3-9-9 or in education material provided by the contractor to the service recipients. Materials may also be left if not separated from solid waste, placed in the proper container, or are not designated recyclable materials for collection. The hauler also has the right to refuse to pickup any solid waste if it contains recyclable containers and material, in such cases, the hauler or attendant shall notify the generator of the materials about the reasons for rejecting the items in writing.

3-9-15: HAULER RECORDS: The recycling haulers and processors operating the Town of Lake Mills are required to maintain records and report in writing to the Town Clerk at least once each year. Reports shall include the amount of solid waste and recyclables processed and/or marketed by item type for the Town of Lake Mills; and the final disposal location of solid waste and recyclable material. Failure to report shall be cause for the municipality to revoke any license or sever any contract with the hauler/processor.


3-9-16: TOWN BOARD RIGHTS: For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee, or representative of the Town of Lake Mills may inspect recyclable materials separated for recycling, post consumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and nonresidential facilities and properties, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to any authorized officer, employee, or authorized representative of the Town of Lake Mills who request access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.

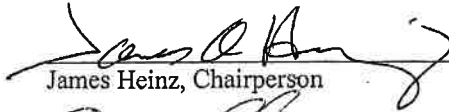
3-9-17: PENALTIES: Any person who violates a provision of this ordinance may be issued a citation by the Town of Lake Mills Police Department. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this paragraph.

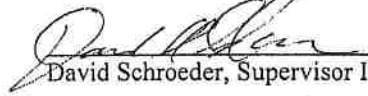
(1) Penalties for violating this ordinance may be assessed as follows:


- (a) Any person who violates Section 3-9-9 (A) may be required to forfeit fifty (\$50) dollars for a first violation, two hundred (\$200) dollars for a second violation, and not more than two thousand (\$2,000) dollars for a third or subsequent violation.
- (b) Any person who violates a provision of this ordinance, except Section 3-9-9 (A) may be required to forfeit not less than ten (\$10) dollars nor more than one thousand (\$1,000) dollars for each violation.

Attest:


Robin Untz, Town Clerk


James Heinz, Chairperson


David Schroeder, Supervisor I


Arlie Wilke, Supervisor II