

**Chapter 54  
SOLID WASTE**

**Article I. General**

Sec. 54.100. Storing of refuse.  
Sec. 54.101. Garbage from outside the town.

**Article II. Disposal**

Sec. 54.102. Definitions.  
Sec. 54.103. Garbage, refuse and waste containers.  
Sec. 54.104. Dumping garbage, refuse and waste.

**Article III. Littering**

Sec. 54.106. Definitions.  
Sec. 54.107. Penalty for violation of article.

**Article IV. Recycling**

Sec. 54.108. Recycling

## ARTICLE I. GENERAL

### Sec. 54.100. Storing of refuse.

Pursuant to section 42.103(3), any accumulation of refuse and/or waste on any premises in the town is declared to be a public nuisance and is prohibited. The owner is responsible for the removal of such accumulation. The remedies for violation of this section are set forth in section 42.101.

### Sec. 54.101. Garbage from outside the town.

No person shall bring refuse for disposal or recyclables from outside the corporate limits of the town unless authorized by agreement with the town. See section. 54.104(2)b.

## ARTICLE II. DISPOSAL

### Sec. 54.102. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning:

1. *Combustible refuse* means discarded, relatively dry, miscellaneous materials, comprising chiefly wood, paper, rags, excelsior, straw, leather, rubber, boxes and sweepings from buildings and similar discarded articles of a combustible nature.
2. *Garbage* means the waste of both animal and vegetable matter that results from the preparation of food in the town, including that from houses, kitchens, hotels, clubs, restaurants and other buildings or that result from the handling of food material at markets, commission houses, butcher shops and similar establishments including, in both cases, natural content of moisture.
3. *Noncombustible waste* means discarded refuse incapable of incineration, such as metal cans, glassware, ground, sod, stone, pottery ware, metallic ware, heavily sanded roofing paper and all other similar types of materials.

**Cross reference**—Definitions and rules of construction generally, § 1.101.

### Sec. 54.103. Garbage, refuse and waste containers.

1. *Generally*. Each owner, tenant or person occupying any dwelling house or other building in the town and producing garbage, refuse and/or waste shall provide and renew when necessary a sufficient number of containers to hold the garbage, refuse and waste accumulating between collections and/or removal to the sanitary landfill without overloading. Containers shall be of metal, rubber, fiberglass or other similar type material and be of substantial construction with tight fitting covers and strong handles on the outsides and shall be watertight and fly proof. All containers shall be maintained by the user in a good, clean and sanitary condition and covers shall be kept tightly on such containers so as to prevent all materials from blowing or spilling from the container. Any container that is defective or has ragged or sharp edges or any defects to injure or hamper the person collecting the waste or that does not meet the requirements of this article must be replaced immediately by a new container.
2. *Multifamily Dwelling Units*. In all multifamily dwelling units (buildings containing more than two (2) residential units) and in all commercial buildings containing more than two (2) business establishments, garbage containers shall be placed and maintained within a three (3)-sided enclosure consisting of a fence of a height no less than two feet higher than the maximum height of the garbage containers. The fence shall be constructed in such a manner so as to prevent paper, debris and other refuse material from being blown through the fence.

The owner of all multifamily dwelling units and all such commercial establishments shall be responsible for the full compliance with the requirements of this article.

**Sec. 54.104. Dumping garbage, refuse and waste.**

1. *Use of containers required.* No owner, tenant, housekeeper, building maintenance person or other person occupying any dwelling or other building or portion of a building in the town shall deposit, throw, place or leave any garbage, refuse or waste upon any street, court, lane, alley, business square, public enclosure, vacant lot, house yard, body of water or any place except in a garbage container required for that purpose except bulky combustible rubbish may be prepared and left for collection or removal to a landfill site as provided in this article. No person shall upset or turn over any contents of any waste container on any street, alley and other public place. No person shall remove any waste from containers on private premises without the consent of the occupant, owner or lessee of the premises and no person shall remove any waste from a container that has been set out for collection unless authorized to do so. In all multifamily dwelling units (buildings containing more than two (2) residential units) and in all commercial buildings containing more than two (2) business establishments, the owner in each instance shall be responsible for the compliance with the requirements of this article.

2. *Prohibited Garbage Deposits.*

a. No person shall deposit or leave any garbage, refuse or waste in any garbage container belonging to another person without first securing permission to use such container for disposal purposes.

b. Garbage containers placed at public waysides, public parks and other public areas within the town are intended to be used for the disposal of garbage, refuse and waste generated at and associated with the use of the public facility being served by such containers. No person shall deposit or leave any garbage, refuse or waste in any public refuse container or at any public wayside or park within the town unless such garbage, refuse or waste was generated upon the premises being served by the container and in connection with the use of the public facility. No public container shall be utilized by any person for the disposal of his garbage, refuse or waste except as authorized in this article unless the town board officially designates a site to be a solid waste collection station by the posting of official signs at the site to that effect.

**ARTICLE III. LITTERING**

**Sec. 54.106. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. *Aircraft* means any structure invented, used or designed for navigation or flight in the air.
2. *Highway* has the meaning given in Wis. Stats. § 340.01(22).
3. *Vehicle* has the meaning given in Wis. Stats. § 340.01(74).
4. *Waters of the state* has the meaning given in Wis. Stats. § 281.01(18).

**Sec. 54.107. Penalty for violation of article.**

1. Except as provided in subsection (2) of this section, a person who does any of the following shall be subject to the general penalty provisions set forth in section 1.109:

a. Deposits or discharges any solid waste on or along any highway, in any waters of the town, on the ice of any waters of the town or on any other public or private property;

- b. Permits any solid waste to be thrown from a vehicle operated by the person;
  - c. Fails to remove within thirty (30) days or otherwise abandons any automobile, boat or other vehicle in the waters of the town;
  - d. Owns an aircraft that has crashed in the waters of the town and fails to remove the aircraft from those waters within thirty (30) days after the crash or within thirty (30) days after the National Transportation Safety Board authorizes its removal, whichever is latest.
2. Subsection (1)(a) of this section does not apply to a person who places solid waste in a receptacle designed for solid waste storage that is located along a highway or on other public or private property.

## **ARTICLE IV. RECYCLING**

### **Sec. 54.108. Recycling Requirements.**

1. *Purpose.* The purpose of this section is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in Wis. Stats. § 287.11 and Chapter NR 544, Wis. Admin. Code.
2. *Construction and interpretation.*
  - a. It is not intended by this section 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 section imposes greater restrictions, the provisions of this section shall apply.
  - b. In their interpretation and application, the provisions of this section 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 section may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this section is required by Wisconsin Statutes, by a standard in Chapter NR 544, Wis. Admin. Code and where the section 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 section or in effect on the date of the most recent text amendment to this section.
3. *Definitions.* For the purpose of this section:
  - a. *Bi-metal container* means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.
  - b. *Container board* means corrugated paperboard used in the manufacture of shipping containers and related products.
  - c. *Foam polystyrene packaging* means packaging made primarily from foam polystyrene that satisfies one of the following criteria:
    - (1) Is designed for serving food or beverages;
    - (2) Consists of loose particles intended to fill space and cushion the packaged article in a shipping container;
    - (3) Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.
  - d. *HDPE* means high density polyethylene, labeled by the SPI code # 2.

- e. *LDPE* means low density polyethylene, labeled by the SPI code # 4.
- f. *Magazines* means magazines and other materials printed on similar paper.
- g. *Major appliance* means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, furnace, boiler, dehumidifier, water heater or stove.
- h. *Multiple-family dwelling* means a property containing 5 or more residential units, including those which are occupied seasonally.
- i. *Newspaper* means a newspaper and other materials printed on newsprint.
- j. *Non-residential facilities and properties* means commercial, retail, industrial, institutional and government facilities and properties. This term does not include multiple family dwellings.
- k. *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. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. This term does not include industrial process waste.
- l. *Other resins or multiple resins* means plastic resins labeled by the SPI code # 7.
- m. *Person* includes any individual, corporation, partnership, association, local government unit, as defined in Wis. Stats. § 66.299(1)(a), state agency or authority or federal agency.
- n. *PETE or PET* means polyethylene terephthalate, labeled by the SPI code # 1.
- o. *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.
- p. *Postconsumer waste* means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in Wis. Stats. § 291.01(7), waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in Wis. Stats. § 289.01(17).
- q. *PP* means polypropylene, labeled by the SPI code # 5.
- r. *PS* means polystyrene, labeled by the SPI code # 6.
- s. *PVC* means polyvinyl chloride, labeled by the SPI code # 3.
- t. *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 bi-metal containers.
- u. *Solid waste* has the meaning specified in Wis. Stats. § 289.01(33).
- v. *Solid waste facility* has the meaning specified in Wis. Stats. § 289.01(35).
- w. *Solid waste treatment* means any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste. "Treatment" includes incineration.

x. *Waste tire* means a tire that is no longer suitable for its original purpose because of wear, damage or defect.

y. *Yard waste* means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than 6 inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

4. *Separation of recyclable materials.* Occupants of single family and two (2) to four (4)-unit residences, multiple-family dwellings, non-residential facilities and properties shall separate the following materials from postconsumer waste:

- a. Lead acid batteries;
- b. Major appliances;
- c. Waste oil;
- d. Yard waste;
- e. Aluminum containers;
- f. Bi-metal containers;
- g. Corrugated paper or other container board;
- h. Foam polystyrene packaging;
- i. Glass containers;
- j. Magazines;
- k. Newspaper;
- l. Office paper;
- m. Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins;
- n. Steel containers; and
- o. Waste tires.

5. *Separation requirements exempted.* The separation requirements of subsection 6 do not apply to the following:

a. Occupants of single family and two (2) to four (4)-unit residences, multiple-family dwellings, non-residential facilities and properties that send their postconsumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in subsection 6 from solid waste in as pure a form as is technically feasible.

b. Solid waste which is burned as a supplement fuel at a facility if less than thirty (30%) of the heat input to the facility is derived from the solid waste burned as supplement fuel.

c. A recyclable material specified in subsection 4 e. through o. for which a variance has been granted by the Department of Natural Resources under Wis. Stats. § 287.11(2m) or NR 544.14, Wis. Admin. Code.

6. *Care of separated recyclable materials.* To the greatest extent practicable, the recyclable materials separated in accordance with this subsection 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 which protects them from wind, rain, and other inclement weather conditions.

7. *Required containers.* One and two-family dwellings. The town will provide to each one-family dwelling, and to each unit of two-family dwellings, one color-coded plastic container which shall be used exclusively for the collection of recyclable materials. The first container will be provided by the town at no cost to each dwelling; subsequent containers must be purchased from the town or the private hauler.

8. *Time of collection.* Recyclable materials shall be placed in approved containers at the curb or roadside on days scheduled with the private hauler. After collection, containers shall be removed from the curb or roadside within 24 hours.

If a private hauler is not contracted with by the town to pick up recyclables, the resident must dispose of recyclable materials by taking the items to locations where recycling receptacles are provided.

9. *Responsibilities of owners or designated agents of multiple-family dwellings.*

a. Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in subsections 4 e. through o.:

(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 semi-annually thereafter about the 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; and

(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.

b. The requirements specified in subsection a. do not apply to the owners or designated agents of multiple-family dwellings if the postconsumer 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 subsections 4 e. through o. from solid waste in as pure a form as is technically feasible.

10. *Responsibilities of owners or designated agents of non-residential facilities and properties.*

a. Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in subsections 4 e. through o.:

(1) Provide adequate, separate containers for the recyclable materials;

(2) Notify in writing, at least semi-annually, 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; and

(4) 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.

b. The requirements specified in subsection 10 a. 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 subsections 4 e. through o. from solid waste in as pure a form as is technically feasible.

11. *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 subsections 4 e. through o. which have been separated for recycling except waste tires may be burned with energy recovery in a solid waste treatment facility.

12. *Enforcement.*

a. For the purpose of ascertaining compliance with the provisions of this section, any authorized officer, employee or representative of the town 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, who requests access for purposes 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 section may be issued a citation by the town to collect forfeitures. The issuance of a citation shall not preclude proceeding under any other section or law relating to the same or any other matter. Proceeding under any other section or law relating to the same or any other matter shall not preclude the issuance of a citation under this paragraph.

c. Penalties for violating this section may be assessed as set forth in section 1.109 of the Code.

*Statutory Authority.* This section is adopted as authorized under Wis. Stats. §§ 287.09(3)(b) and 66.0405.