

## Chapter 234

### SOLID WASTE

[HISTORY: Adopted by the Village Board of the Village of Dickeyville as indicated in article histories. Amendments noted where applicable.]

#### GENERAL REFERENCES

Brush, grass and weeds — See Ch. 112.

Nuisances — See Ch. 194.

Storage of vehicles — See Ch. 269.

#### ARTICLE I

##### Garbage and Unwholesome Matter

[Adopted 1-21-1975 as §§ 8.03 and 8.09 of the 1971 Code]

#### § 234-1. Method of disposal; receptacles.<sup>1</sup>

- A. Disturbance of garbage receptacles prohibited. It shall be unlawful for any person or persons, firm or corporation in any manner to disturb or remove or aid in disturbing or removing any garbage, nauseous substance, ashes, rubbish or refuse after the same has been deposited in containers or otherwise been placed or set aside for collection or removal as required by ordinance.
- B. Enforcement and supervision. The Police Department shall enforce the provisions of this article and superintend the collection of garbage and rubbish.

#### § 234-2. Violations and penalties.

The penalty for violation of any provision of this article shall be a penalty as provided in Chapter 1, § 1-4 of this Code. A separate offense shall be deemed committed on each day on which a violation occurs or continues.

#### ARTICLE II

##### Recycling

[Adopted 1994 (§ 8.10 of the 1971 Code)]

#### § 234-3. Purpose; statutory authority; interpretation.

- A. Purpose. The purpose of this article is to promote recycling, composting and resource recovery through the administration of an effective recycling program, as provided in § 287.11, Wis. Stats., and Ch. NR 544, Wis. Adm. Code.
- B. Statutory authority. This article is adopted and authorized under § 287.09, Wis.

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<sup>1</sup> Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II). Original § 8.03(1), Exposure of Garbage and Unwholesome Matter, which immediately preceded this section, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

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- C. Abrogation and greater restrictions. It is not intended by this article 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 article imposes greater restrictions, the provisions of this article shall apply.
- D. Interpretation. In its interpretation and application, the provisions of this article 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 article may be inconsistent or conflicting, the more restrictive requirements or interpretations shall apply. Where a provision of this article is required by the Wisconsin Statutes or by a standard in Ch. NR 544, Wis. Adm. Code, and where the provision of this article is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and Ch. NR 544 standards in effect on the date of the most recent text amendment to this article.

**§ 234-4. Applicability; unauthorized garbage; effective date.**

- A. Applicability. The requirements of this article shall apply to all persons with the Village of Dickeyville.
- B. Unauthorized garbage.
  - (1) No person shall dispose of or dump garbage in any ditch, street, road or public place within the Village of Dickeyville or in any receptacles or private property without the owner's consent.
  - (2) No person shall bring refuse for disposal and recyclables from outside the Dickeyville Village limits unless authorized by agreement by the Dickeyville Village Board.<sup>2</sup>
- C. Effective date. The provisions of this article shall take effect on the first day of October 1994.

**§ 234-5. Definitions.**

For the purpose of this article, the following definitions are utilized:

**BIMETAL CONTAINER** — A container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.

**CONTAINER BOARD** — Corrugated paper board used in the manufacture of shipping containers and related products.

**FOAM POLYSTYRENE PACKAGING** — Packaging made primarily from foam polystyrene that satisfied one of the following criteria:

- A. Is designed for serving food or beverages;

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<sup>2</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- 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 packaged article in a shipping container.

HDPE — High-density polystyrene, labeled by the SPI Code No. 2.

LDPE — Low-density polystyrene, labeled by the SPI Code No. 4.

MAGAZINES — Magazines and other materials printed on similar paper.

MAJOR APPLIANCE — A residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, furnace, boiler, dehumidifier, water heater and stove.

MULTIPLE-FAMILY DWELLING — A property containing five or more residential units, including those which are occupied seasonally.

NEWSPAPERS — A newspaper or other materials printed on newsprint.

NONRESIDENTIAL FACILITIES AND PROPERTIES — Commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple-family dwellings.

OFFICE PAPER — High-grade printing and writing papers from offices and nonresidential facilities and properties. Printed white ledger and computer printout are examples of office paper and generally accepted as high grade. This term does not include industrial processed waste.

OTHER RESINS or MULTIPLE RESINS — Plastic resins labeled by the SPI Code No. 7.

PERSON — Any individual, corporation, partnership, association, local government unit, as defined in § 66.0131(1)(a), Wis. Stats., state agency or authority or federal agency.

PETE — Polyethylene terephthalate labeled by the SPI Code No. 1.

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.

POST-CONSUMER WASTE — Solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in § 291.01(7), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial wastes, as defined in § 289.01(17), Wis. Stats.

PP — Polypropylene, labeled by the SPI Code No. 5.

PS — Polystyrene, labeled by the SPI Code No. 6.

PVC — Polyvinyl chloride, labeled by the SPI Code No. 3.

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 bimetal containers.

SOLID WASTE — Specified in § 289.01(33), Wis. Stats.

SOLID WASTE FACILITY — Specified in § 289.01(35), Wis. Stats.

SOLID WASTE TREATMENT — Any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste. Treatment includes incineration.

WASTE TIRE — A tire that is no longer suitable for its original purpose because of wear, damage or defect.

YARD WASTE — Leaves, grass clippings, yard and garden debris and brush, including cleaned woody vegetative material no greater than six inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

**§ 234-6. Designation of recyclable materials.**

- A. Separation of recyclable materials. Occupants of single-family and two- to four-unit residences, multiple-family dwellings and nonresidential facilities and properties shall separate the following material from post-consumer waste: lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; bimetal containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspapers; office paper; rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS and other resins or multiple resins; steel containers; and waste tires.
- B. Care of separated recyclable materials. To the greatest extent practicable, the recyclable materials separated in accordance with Subsection A shall be free and kept free of contaminants such as food or product residue, oil or 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 and other inclement weather conditions.
- C. Nondisposable materials. No person shall place for disposal any of the following waste: hazardous and toxic wastes, chemicals, explosives, flammable liquids, paint, trees and stumps, construction debris, carcasses, or medical waste (unless personal needles which shall be contained in cardboard to eliminate injury to collection personnel).
- D. Special material and major appliances. Residents shall contact the hauler when they have major appliances, couches, bulky items and construction materials from household remodeling or repair, and arrangements for collection and payment of the cost of collection shall be made between the resident and the hauler.

**§ 234-7. Management of recyclable materials.**

- A. Management of lead acid batteries, major appliances, waste oil, waste tires and yard waste. Occupants of single-family and two- to four-unit residences, multiple-family dwellings and nonresidential facilities and properties shall manage lead acid batteries, major appliances, waste oil, waste tires and yard waste as follows: contact contractor or licensed handler and make arrangements for pickup.
- B. Preparation and collection of recyclable materials. The separated materials and recyclable materials and post-consumer waste shall be placed at the curb in appropriate containers on designated pickup days. Materials shall be prepared and packaged as follows:
  - (1) Aluminum containers shall be rinsed free of product residue and placed in the approved recycling bin.
  - (2) Bimetal containers shall be rinsed free of product residue and placed in the approved recycling bin.
  - (3) Corrugated paper or other container board shall be free of debris, flattened, stacked and tied to a size no larger than three feet by three feet and placed in the approved recycling bin.
  - (4) Foam polystyrene packaging shall be rinsed free of product residue, placed in a plastic or paper sack, and placed in the approved recycling bin.
  - (5) Glass containers shall be rinsed free of product residue and lids shall be removed. Containers shall be placed in the approved recycling bin.
  - (6) Magazines shall be bundled or bagged separately from other paper products and placed in the approved recycling bin.
  - (7) Newspapers shall be bundled or bagged separately from other paper products and placed in the approved recycling bin.
  - (8) Office paper shall be bundled or bagged separately and placed in the approved recycling bin.
  - (9) Rigid plastic containers shall be rinsed free of product residue and lids shall be removed and discarded and the container shall be placed in the approved recycling bin.
  - (10) Steel containers shall be rinsed free of product residue and labels shall be removed and the container shall be placed in the approved recycling bin.
- C. Responsibilities of owners or agents of multifamily dwellings. Owners or designated agents of multifamily dwellings shall do all of the following to recycle the materials specified in § 234-6A:
  - (1) Provide adequate, separate containers for the recyclable materials.
  - (2) Notify, in writing, at the time of renting or leasing and at least semiannually, all users, tenants and occupants of the properties about the established

recycling program.

- (3) Provide for 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 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.

D. Specified containers.

- (1) Solid waste shall be placed for collection in the container as designated by the Village Board and maintained in a manner to avoid litter.
- (2) Recyclables will be placed in the containers as designated by the Village Board. If there is a greater amount of recyclables than can be contained in the designated bin, those excess materials can be contained in clear plastic bags, marked cardboard boxes, opened containers, or any other appropriate container where waste can be determined and placed on top of or adjacent to the recycling container clearly separated from the garbage.

E. Exemptions. The Village Board reserves the right to designate additional 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 Village of Dickeyville. The Village Clerk-Treasurer shall provide written notice to its service recipients of this declaration through official publication.<sup>3</sup>

**§ 234-8. Solid waste recycling collection fee.** [Amended 8-10-1994] . [Amended December 8, 2008]

The cost requirements under this article shall be apportioned among all residential units and small businesses with three standard trash bags or less in the Village as a user fee and shall be billed and collected bi-monthly as a special fee on the water and sewer bills for each such unit.

**§ 234-9. Prohibitions on disposal of recyclable materials.** [Amended 8-10-1994; 11-9-1994]

No person may dispose of in a solid waste disposal waste facility or burn in a solid waste treatment facility any of the materials specified in § 234-6A which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

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<sup>3</sup>. Editor's Note: Original § 8.10(6), Hauler Specifications, which immediately followed this section, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

**§ 234-10. Enforcement.** [Amended 8-10-1994; 11-9-1994]

- A. Authorized inspection. For the purpose of ascertaining compliance with the provisions of this article, any authorized officer, employee or representative of the Village of Dickeyville may inspect recyclable materials separated for recycling, post-consumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas in 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 Village of Dickeyville who requests access for the purpose of inspection and who presents appropriate credentials. No person may obstruct, hamper or interfere with an inspection.
- B. Penalty. The penalty for violations of any of the provisions of this article shall be the penalty provided in Chapter 1, § 1-4 of the Village Code.