

Chapter 272

SOLID WASTE

[HISTORY: Adopted by the Village Board of the Village of Hustisford 3-28-1994 as Title 8, Ch. 3 of the 1994 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Hazardous materials — See Ch. 189.
Housing standards — See Ch. 193.
Nuisances — See Ch. 229.
Property maintenance — See Ch. 245.
Abandoned vehicles — See Ch. 304.

§ 272-1. Title.

This chapter shall be known as the "Solid Waste Management Ordinance of the Village of Hustisford," hereinafter referred to as "this chapter."

§ 272-2. Purpose and findings.

- A. The purpose of this chapter shall be to maintain and protect public health and sanitation by removal of garbage, rubbish, and other waste material generated in the Village of Hustisford; to eliminate dispersal of garbage, waste, and other waste material along the streets, roads, and other public and private properties in and near the Village of Hustisford; and to provide a comprehensive Village recycling program. The Village of Hustisford finds participation in a mandatory source separation recycling program appropriate in this jurisdiction to conserve available local landfill capacity. The Village further finds it appropriate to participate in both county-wide and state-wide recycling programs to conserve energy, to recycle valuable resources and to protect the public health and welfare and the environment. The Village also finds participation in these programs appropriate to achieve consistency with county-wide recycling policies to ensure that the waste generated in the Village will be able to be delivered to the Department of Natural Resources (DNR) approved landfills and DNR approved material recycling facilities.
- B. The Village Board further finds and ordains that:
 - (1) Improper disposal of household sharp medical waste, such as hypodermic needles, poses a significant health risk to workers in the waste disposal industry;
 - (2) Safe disposal of household sharp medical waste is possible through inexpensive, easily obtained means, without posing an undue burden on users of household sharp medical waste; and
 - (3) Removal of household sharp medical waste from the Village's waste stream is

beneficial to residents of the Village as well as the Village's waste hauler and users of DNR approved landfills.

§ 272-3. Definitions.

The following definitions shall be applicable in this chapter:

COLLECTOR/HAULER — The contractor or entity chosen by the Village Board to handle, transport, and dispose of the solid waste, recyclables and nonrecyclables generated in the Village, or person or persons contracting with waste generators for these services, and who will enforce preparation standards for recyclable materials as well as ensure community compliance with this source separation recycling program.

COMMERCIAL WASTE — Waste of whatever material generated by any industrial or business establishment where any trade, occupation, industry or commerce is conducted.

CORRUGATED CARDBOARD — Heavy-duty kraft paper packaging material with a corrugated medium between two flat paper liners, and does not include paperboard such as for cereal or laundry detergent boxes or holders for six-packs or twelve-packs of beverage cans or bottles.

CURB — The back edge or curb and gutter along a paved street or where one would be if the street was paved and had curb and gutter.

DECIDUOUS MATERIAL — Yard wastes such as leaves, grass clippings, flowers and other similar vegetation, but specifically excludes sod, dirt, fruit, vegetables and other similar material. Also included are clean, woody vegetative material no greater than six inches in diameter and holiday trees, but this does not include tree stumps, extensive root systems or shrubs with intact root balls.

DEMOLITION WASTE — That portion of solid waste from the repair, remodeling, construction or reconstruction of buildings, such as lumber, roofing and sheathing scraps, rubble, broken concrete, asphalt, plaster, conduit, pipe, wire, insulation, and other materials resulting from the demolition of buildings and improvements.

DWELLING UNIT — A place of habitation occupied by a normal single-family unit or a combination of persons who may be considered as equivalent to a single-family unit for the purposes of this chapter.

GARBAGE — Discarded materials resulting from the handling, processing, storage and consumption of food.

GLASS — Glass bottles, jars and containers and does not include window glass, drinking glasses, pyrex, light bulbs or other noncontainer glass.

GOOD FAITH — Reasonable efforts to adhere to the policies, standards and rules of this mandatory source separation recycling program.

HAZARDOUS WASTES or HAZARDOUS SUBSTANCES — Those wastes or substances defined as such in Chs. NR 600 to 690, Wis. Adm. Code (including all amendments provided thereto) or other acts pursuant to authority vested in the Wisconsin

Department of Natural Resources to describe and list materials as such and also includes the meaning of "hazardous waste" or "hazardous substance" as described herein. The term "hazardous waste" includes those solid wastes or substances found in household sharp medical waste [notwithstanding the household waste exclusion provided in Chs. NR 600 to 690, Wis. Adm. Code].¹

HOUSEHOLD SHARP MEDICAL WASTE — Any type of product capable of puncturing or lacerating the skin that is designed or used to treat, diagnose, or prevent a disease or medical condition, including, but not limited to, scalpels and hypodermic needles.

LEAD-ACID BATTERIES — Automotive and related batteries that are comprised of lead plates with an acid electrolyte, and does not include nickel-cadmium batteries, dry cell (flashlight) batteries or batteries used in calculators, watches, hearing aids or similar devices.

MAGAZINE — Includes all magazines or periodicals printed on glossy stock or paper of heavier quality than that commonly recognized as newsprint.²

MAJOR APPLIANCE — A residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, oven, refrigerator, stove, water heater, furnace, boiler, dehumidifier, microwave oven (with capacitor removed), or any other item commonly referred to as a "white good."

METAL CANS — Tin-coated steel cans, bimetal cans, and aluminum cans used for food and other nonhazardous materials, but excluding aerosol cans and cans that held paint, paint-related products, pesticides or other toxic or hazardous substances.

MULTIFAMILY DWELLING — A residential building intended to be the residence of four or more independent family units.

NEWSPRINT — That portion of newspapers (newspapers and advertising circulars normally accompanying newspapers) or periodicals and advertising circulars printed on newsprint which remains in substantially original condition at the time of disposal such that the material is suitable for commercial-grade recycling. "Newsprint" does not include the paper commonly used in the production of magazines, books, and other physical media for written material, or paper which is not suitable for recycling purposes or is in a state which makes separation unreasonable or unduly expensive, for reasons which include, but are not limited to, the following:

- A. The paper has been put to another use, such as wrappings, for other wastes and is thus rendered unfit for commercial recycling.
- B. The paper is no longer flat and folded to the approximate dimensions of its original condition.
- C. The paper is mixed in with commercial or municipal litter or refuse as a result of

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

2. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

the failure of citizen or business invitees to separate newspapers from other discarded materials outdoors or in publicly accessible areas of buildings.

D. The paper has been damaged or altered by any other means so as to make recycling impossible or unduly difficult.

E. The paper is wet.

NONRECYCLABLE MATERIALS — All items of waste not recyclable, except hazardous waste or hazardous substances.

OTHER PAPER — All paper, excluding newsprint materials or materials specifically excepted in the definitions of "newsprint," "magazine" and "corrugated cardboard," but shall include grades of fiber materials with available markets for recycling.

OVERSIZE AND BULKY WASTE — Large items such as furniture, mattresses, carpeting, construction or demolition materials of substantial dimensions, brush and other large items whose proportions are not easily reduced.

PERSON — Any individual, corporation, organization, association, local governmental unit, state agency or authority or federal agency.³

PLASTIC CONTAINER — A blow-molded plastic bottle made of high-density polyethylene (HDPE) or a plastic bottle or jar made of polyethylene terephthalate (PET), but does not include HDPE containers that are blow molded, including but not limited to containers for yogurt, cottage cheese, butter, margarine, ice cream and similar products.

PREPARATION STANDARDS — Criteria provided establishing acceptable good faith limits for the introduction of materials into the source separation recycling program involving either transport to a material recycling center or temporary storage of such materials.

RECYCLABLE MATERIALS — Identified materials meeting preparation standards and shall include the following: newspapers; corrugated cardboard; (unbroken) brown, green and clear container glass; aluminum, bimetal and tin-coated steel cans; blow-molded HDPE and PET plastic containers; tires (regardless of size); used oil; lead-acid batteries; large batteries; and large appliances. "Recyclable materials" further means identified materials meeting preparation standards where economical markets or short-term storage is available and shall include the following: other paper; polystyrene foam; PVC containers; polypropylene containers; HDPE and PET containers other than bottles; types of plastic containers labeled "other"; and other materials determined to have economical markets available.

REFUSE — Combustible and noncombustible materials, including but not limited to paper products, wood, metal, glass, cloth and products thereof in unrecoverable condition; litter and street rubbish, not including yard waste; uncontaminated ashes; and building materials such as wood, concrete, glass, plaster and other intermixed materials produced in the construction or demolition of structures. "Refuse" for purposes of this

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

chapter shall not include oversize and bulky waste.

RESIDENTIAL SOLID WASTE — All solid waste that normally originates in a residential environment from residential dwelling units.

RESIDENTIAL UNIT — Each living unit in the Village of Hustisford designed for permanent living quarters, including single-family dwellings and units in duplexes, triplexes, and multifamily units and each unit in a residential condominium project.

SCAVENGING — The uncontrolled and unauthorized removal of materials at any point in solid waste management.

SHARPS CONTAINER — A container specifically manufactured for the disposal of sharp medical waste.

SOLID WASTE — Garbage, refuse and all other discarded or salvageable solid materials, including solid waste materials, resulting from industrial, commercial and agricultural operations and from community activities, but does not include solids or dissolved material in wastewater effluents or other common water pollutants.

SOLID WASTE STORAGE — Safe, environmentally sound, short-term containment of materials and for recyclables shall involve preserving materials in a condition meeting preparation standards.

TIRES — For collection purposes shall mean rubber tires, from automobiles and light trucks, and other tires whose size is less than 1,100 x 24.5, which are removed from rims.

USED OIL — Any contaminated petroleum-derived or synthetic oil, including but not limited to the following: engine and other mechanical lubricants; hydraulic and transmission fluid; metal-working fluid; and insulating fluid or coolant.

YARD WASTE — Leaves, grass clippings, and yard and garden debris, including clean, woody vegetative material no greater than six inches in diameter and holiday trees, but does not include tree stumps, extensive root systems or shrubs with intact root balls.

§ 272-4. Applicability; materials to be recycled.⁴

- A. Applicability. This chapter shall apply to all persons, entities and appropriate waste-generating activities within the limits of the Village of Hustisford and includes, but is not limited to, all waste generated by all residential and commercial activities.
- B. Materials requiring recycling.
 - (1) Glass, plastic, aluminum and metal recyclables defined by this chapter shall be placed together in a clear recycling bag (see § 272-14C).
 - (2) Newspapers, magazines and corrugated cardboard shall be tied in bundles and placed curbside, adjacent to the clear recycling bag, on dry days only.

§ 272-5. Preparation standards.

⁴. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- A. All recyclable materials shall be separated from other nonrecyclable garbage and refuse. Recyclable materials shall be left for collection by the Village's authorized collector/hauler by placing all recyclable materials in the special recycling containers specified by the Village or the Village's authorized collection service. Recyclable materials shall consist of:
- (1) Glass. Brown glass, green glass and clear glass shall be empty, rinsed, clean and unbroken and have metal covers and caps removed.
 - (2) Cans. All aluminum, tin, steel, copper and other metal cans shall be empty and rinsed, except that aerosol cans may not be recycled.⁵
 - (3) Plastic containers. Plastic containers shall be rinsed and have any metal or plastic rings/caps removed. Plastic containers with handles left for collection by the Village's collection service shall not be tied together and should be placed in the recycling container.
 - (4) Corrugated cardboard. Corrugated cardboard shall be flattened, empty, free of food debris, bundled in eight-inch-high bundles, cut into three-foot by three-foot bundles, and placed beside the recycling container for collection. Waxed cardboard may not be recycled.
 - (5) Newsprint; magazines. All newsprint shall be bundled pursuant to § 272-7 below. Magazines shall be kept separate from newsprint but shall be prepared for recycling in the same manner.
 - (6) Aluminum. At this time, cleaned aluminum cans only shall be accepted.⁶
 - (7) Waste oil. Waste motor oil shall be taken in reusable containers to the Village garage on East Griffith Street or be placed curbside in a nonreturnable container marked "oil" on refuse collection days.
 - (8) Lead-acid batteries. Automotive-type batteries shall be placed curbside adjacent to recyclables. Flashlight batteries, lantern batteries, etc., cannot be recycled.
- B. Furthermore, additional preparation standards may be provided by notice to generators of waste and collectors/haulers or by amendment to this section when other materials become recyclable, dependent upon available economic markets.
- C. Effective January 1, 1996, occupants of single-family and two- to four-unit residences, multiple-family dwellings and nonresidential facilities and properties shall separate the following materials from postconsumer waste unless a variance has been issued by the Wisconsin Department of Natural Resources:
- (1) Foam polystyrene packaging.
 - (2) Plastic containers or bottles made of PVC No. 3, LDPE No. 4, PP No. 5, PS

5. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

6. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

No. 6 and mixed or other plastic resin types No. 7.

§ 272-6. Nonrecyclable materials.

Nonrecyclable materials include the following:

- A. Glass. All pyrex glass, window glass, light bulbs, ceramics, mirrors, broken glass, drinking glasses, chemical bottles, medical containers, laboratory glass and china shall be considered nonrecyclable.
- B. Plastics. Rigid cottage cheese containers, plastic wraps, egg cartons, Melamine-type plastics, plastic oil bottles, plastic cups, film, and hard plastic (toys, pails, etc.) shall be disposed of in the manner prescribed for other nonrecyclable refuse.⁷
- C. Other paper. All waxed paper, waxed cardboard, envelopes with gum labels, glossy paper and envelopes with plastic windows shall be considered nonrecyclable paper.⁸
- D. Other materials. Cardboard-sided juice cans, paint cans, and all other garbage and refuse not qualifying as recyclable materials shall be considered nonrecyclable.⁹

§ 272-7. Newsprint recycling.

- A. No person in the Village of Hustisford shall dispose of newsprint with nonrecyclable refuse, except for such newsprint rendered unfit for recycling. This section shall apply to all persons, governmental operations and business, commercial, retail and industrial enterprises, however organized and of whatever type, if such refuse is to be deposited in a DNR approved landfill.
- B. The Village Board requires all persons using the garbage pickup and disposal services of the Village of Hustisford to remove all newspaper from their other garbage prior to pickup. Newspaper may be placed for disposal, provided that:
 - (1) It is dry and free of all paper and materials not normally included in the newspaper; and
 - (2) It is neatly bundled and tied.
- C. Newsprint shall be tied with string or twine in both directions and be in bundles no larger than eight inches in height or be placed in paper bags.
- D. Newsprint may be recycled in any other lawful manner.
- E. Newsprint shall not be placed in containers with other nonrecyclable refuse or garbage.
- F. All garbage, refuse and other nonrecyclable materials shall be collected, removed

7. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

8. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

9. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

and disposed of pursuant to the Village's agreement with the designated collector/hauler or persons' private agreements with collectors/haulers. Newsprint and other recyclables placed for recycling shall become the property of the Village of Hustisford or its authorized collector.

§ 272-8. Source separation and collection.

The following provisions shall apply to all nonhazardous solid waste generated within the Village of Hustisford:

A. Collection standards.

- (1) Agreement with collector/hauler. All garbage, refuse and other nonrecyclable materials shall be collected, removed and disposed of pursuant to the Village's agreement with the designated collector/hauler or individuals' private agreements with collectors/haulers unless such arrangements are unavailable or not required, in which case persons shall follow these guidelines in their own disposal of the solid waste they generate.
- (2) Placement of garbage. All garbage placed curbside for collection shall be well drained, wrapped and deposited in watertight containers or watertight bags. No container or bag placed for collection shall exceed 35 gallons in capacity or 55 pounds in weight unless dumpsters are available.
- (3) Containers. All refuse and other nonrecyclable materials placed curbside for collection shall be placed in suitable containers of not more than 35 gallons in capacity or 55 pounds in weight unless dumpsters are available. All garbage containers shall be kept in a neat, clean and sanitary condition at all times. All garbage containers for residential units shall be of metal, durable plastic, or other suitable, moisture-resistant materials, including heavy-duty refuse disposal plastic bags. Metal garbage cans shall be of sufficient thickness to resist denting during normal handling by collection crews. Plastic garbage bags shall be securely closed and shall consist of plastic materials not damaged by freezing and not susceptible to melting. They shall be capable of being handled during hot and cold weather without damage during normal handling by collection crews. Plastic bags shall be of sufficient strength to allow lifting and loading of contents without tearing.
- (4) Refusal to collect. Any bag or container placed curbside for collection which contains any recyclable material may be refused by the collector/hauler unless the generator shows good faith. Where dumpsters are used, the collector/hauler may refuse collection from bins containing recyclable materials unless the owner or generator shows good faith.
- (5) Major appliances. The Village shall not provide services or make any special arrangements for collection of major appliances. Such special haul items may be disposed of by contracting directly with private collectors.

B. Yard wastes.

- (1) Yard waste must be collected and disposed of properly within the Village. Grass, leaves and brush shall not be collected with the intent of disposal at DNR approved sanitary landfills. All persons who generate yard waste shall be responsible for appropriate disposal of yard waste from properties owned or occupied by the aforementioned persons. Private disposal of yard waste may include as an option composting on the lot where no nuisance to others occurs.
- (2) The Village of Hustisford has contracted for a dropoff site for compost located at Carroll Brothers Recycling. Dropoff hours will be Monday through Friday from 10:00 a.m. to 4:00 p.m. and Saturdays from 9:00 a.m. to 12:00 noon. The dropoff site will not be open on holidays. It is recommended that residents do not collect grass clippings but allow them to remain on lawns.¹⁰

C. Recyclable materials.

- (1) Separation of recyclable materials.
 - (a) All recyclable materials shall be separated from other solid waste, separating materials between themselves in a system facilitating transport processing, and shall be placed at the curbside for collection as provided herein. Recyclable materials shall meet preparation standards, and persons shall make good faith efforts to ensure recyclables and recycling containers are well-drained and reasonably clean. Residential containers for recyclable materials shall be the clear recycling bags that do not exceed 35 gallons in capacity or 55 pounds in weight when full.¹¹
 - (b) Glass, metal cans and plastic containers shall be separated and placed curbside in a manner facilitating the collector/hauler's collection of these materials and enabling ready identification of the various materials.
 - (c) Newspaper shall be prepared and handled as provided in § 272-7 regarding the recycling of newspaper. Corrugated cardboard shall be flattened and securely tied in bundles or placed in suitable containers facilitating handling and collection. Corrugated cardboard, magazines and newspaper shall not be intermixed, bundled together or mixed with other recyclable materials such as paper.
- (2) Requirements for multifamily dwellings.
 - (a) Owners of multifamily dwellings shall provide adequate containers for the handling and collection of recyclable materials, enabling persons to ensure separation of recyclables and ensuring that recyclables meet preparation standards.
 - (b) Containers shall be clearly designated and marked as to the recyclables

10. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

11. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

contained therein, and containers shall be maintained in a clean, safe and watertight condition. Owners of multifamily dwellings shall exercise good faith to assure that residents and occupants comply with the recycling requirements of this chapter. Owners of multifamily dwellings shall notify tenants at the time of renting or leasing the dwelling and semiannually thereafter of the recycling program provided in this Subsection C.

- (3) Requirements for commercial, retail, industrial, institutional and governmental facilities. The owners of commercial, retail, industrial, institutional and governmental facilities shall provide adequate marked containers for the separate handling and collection of recyclable materials, excluding used oil and major appliances. All owners shall exercise good faith to maintain sufficient, well-kept containers to meet their generator's requirements for recycling purposes. Adequacy and the number of separate marked containers shall be based upon the size of the facility. Small facilities may provide two separate containers, with one container for bundles of newspaper and corrugated cardboard and the other container for other recyclable materials. All owners shall exercise good faith to meet preparation standards for recyclables and shall provide suitable containers for that purpose. Owners of larger facilities shall provide separate containers for each type of recyclable material collected, ensuring sufficient containers to meet all occupants' needs, and shall exercise good faith to assure that occupants comply with recycling requirements of this chapter. Owners shall regularly and periodically notify all users and occupants of the facilities of the recycling program provided in this Subsection C.

§ 272-9. Chipping of brush and wood materials required.

- A. No person in the Village shall dispose of brush, tree branches, wood chips or other wood materials with refuse that is to be deposited in any DNR approved landfill unless such material has been reduced and processed by chipping. This subsection shall apply to all persons and entities which, directly or through the services of the Village or another third party, dispose of solid wastes at any DNR approved landfill and includes all persons, governmental operations and business, commercial, retail and industrial enterprises, however organized and of whatever type. All other persons (nonresidential) subject to this subsection as Dodge County or Village-owned landfill users shall facilitate and provide for the chipping of brush and wood materials.
- B. All material for chipping shall be placed for collection on a date and in such manner as established by the Village Board.
- C. All chipped material placed for collection shall become the property of the Village or its collection agent.

§ 272-10. Nondisposable materials.

- A. Nondisposable materials. It shall be unlawful for any person to place for regular collection any of the following wastes:¹²
- (1) Hazardous waste.
 - (2) Toxic waste.
 - (3) Chemicals.
 - (4) Explosives or ammunition.
 - (5) Large quantities of paint.
 - (6) Dead animals.
 - (7) Trees or stumps.
 - (8) Gravel or concrete.
 - (9) Construction debris.
 - (10) Animal or human waste.
 - (11) White goods (unless as a special haul item).
 - (12) Hot ashes (ashes that are fully extinguished and dry may be left for collection in noncombustible containers).
 - (13) Tires.
 - (14) Appliances.
- B. Disposal. The aforementioned materials shall be disposed of in the manner prescribed by federal or state laws or as provided for herein.
- C. Special haul material. The Village will collect bulk items. Items that are too large for a tagged garbage bag can be set out but require a fee as prescribed in the Village Fee Schedule.¹³ Any items without the appropriate stickers, including garbage bags, will not be collected. Construction/remodeling and demolition debris, appliances and tires will not be collected. Property owners must contract with a private hauler for these services. Village trucks are not available for private use. Dumpsters are available for a fee. Contact the Village Hall.¹⁴

§ 272-11. Household sharp medical waste.

- A. Household sharp medical waste shall not be deposited in any other place or manner in the Village of Hustisford than as hereinafter provided. Acceptable means of disposing of household sharp medical waste include:

12. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

13. Editor's Note: See Ch. A330, Fees.

14. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (1) Disposal in an approved medical waste box, such as a sharps container; or
 - (2) Disposal in a heavy plastic container, such as a laundry soap bottle, provided that the lid is permanently affixed thereto using tape or another means and the container is marked "Medical Waste: Do Not Open."
- B. Collector to refuse pickup of nonconforming household sharp medical waste. The Village's collector shall refuse to pick up any solid waste or recyclables containing household sharp medical waste not separately contained and prepared as provided in this section.

§ 272-12. Building waste. ¹⁵

All demolition waste resulting from the remodeling, construction, or removal of a building, roadway, or sidewalk shall be disposed of by the owner, builder, or contractor.

§ 272-13. Alteration of recyclable materials.

It shall be unlawful to intentionally alter recyclable materials so as to render them as nonrecyclable material.

§ 272-14. Collection of refuse.

A. Placement for collection.

- (1) Residential solid waste shall be accessible to collection crews. Residential solid waste in approved containers shall be placed immediately behind the curb of the public street for collection, or containers shall be placed immediately adjacent to the alley if premises abut on an alley. Yard bulky wastes from residential units shall likewise be placed in a neat, orderly fashion behind the curb. During winter months, solid waste shall not be placed on top of the snowbank, nor shall it be placed in the roadway. The owner shall either shovel out an area behind the curb in which to place his wastes or place them in his driveway. Collection crews will not collect residential solid waste unless it is placed at the curb of a public street. Residential units shall bring their solid waste to the terrace adjacent to the street curb for collection. Should collection crews be unable to discharge the contents of garbage cans into collection vehicles using normal handling procedures, the cans, including contents, will be left at the curbside. The owner shall make provisions to assure that the solid waste therein can be collected on the next collection day. Collection crews will not empty garbage cans by means other than dumping.
- (2) No garbage containers or other containers for refuse other than those of the Village shall be placed, kept, stored or located within the right-of-way of a street or alley; provided, however, that the Village Board may authorize the location of such containers within the public right-of-way at specified places and times when such location is necessary for the expeditious collection and

15. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

disposition of refuse.

B. Time of container placement and removal.

- (1) Receptacles and containers for refuse and rubbish shall be placed in collection locations as designated in Subsection A above prior to 7:00 a.m. of the scheduled collection day, but not more than 24 hours prior to such time.
- (2) All receptacles, bags and containers for refuse and garbage disposal shall be removed from the curbside collection point within 24 hours after the regular collection time.
- (3) Village employees or employees of licensed collectors will not enter any structures to remove garbage or refuse, except by written agreement with the property owner.
- (4) Special collections may be made if ordered by the Building Inspector or Village Board and will be billed to the owner.

C. Household solid waste collection and disposal.

- (1) Service will be on Tuesdays. The costs of this service will be paid for on a user fee basis through a sticker system. Stickers will be able to be purchased covering two sizes of plastic bags. A light blue sticker is to be affixed to bags up to 17 1/2 gallons. A yellow sticker is to be affixed to bags up to 35 gallons. The fee per bag shall be as prescribed in the Village Fee Schedule.¹⁶ The fee for the two different stickers is established by actual costs incurred by the Village for the solid waste program. Stickers will be available at the Village Hall and commercial outlets.¹⁷
- (2) Household garbage at curbside not in bags with the appropriate sticker will not be collected. A weight limit of 55 pounds is set for the thirty-five-gallon bags and 27 1/2 pounds for the seventeen-and-one-half-gallon bags.
- (3) Recyclable items must be handled in compliance with the requirements of this chapter.
- (4) It is required that apartment buildings of five units or more, and commercial establishments generating more than 10 bags of garbage per week, use a dumpster. Dumpsters will be collected by the Village. Customers will be billed monthly.¹⁸

D. Recyclable collection. Recyclables shall be collected pursuant to a schedule approved by the Village Board.

§ 272-15. Refuse from outside Village.

16. Editor's Note: See Ch. A330, Fees.

17. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

18. Editor's Note: See Ch. A330, Fees. Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

It shall be unlawful to bring refuse from outside the Village of Hustisford limits into the Village limits for disposal unless specifically authorized by written agreement with the Village.

§ 272-16. Title to refuse and recyclable materials; pilfering and scavenging.

- A. In the absence of an agreement to the contrary, title to the refuse and recyclable material placed for collection and disposal by the Village or its agents shall vest in the Village of Hustisford as soon as it is placed for collection. It shall be a violation of this chapter for any person unauthorized by the Village to collect or pick up, or cause to be collected or picked up, any recyclable materials that are placed for disposal by the Village or by any authorized agent. Any such and each such unauthorized collection of recyclable materials in violation hereof shall constitute a separate and distinct offense punishable as provided for herein.
- B. Persons shall not pilfer recyclables or disturb recyclables once those materials are placed for collection unless good faith applies. Only persons authorized by the Village or the generator of waste shall collect or handle recyclable materials once those materials have been placed appropriately for collection. Any and each collection by unauthorized persons in violation of this provision shall constitute a separate and distinct offense punishable as provided hereinafter. Nothing herein shall be construed to allow for the scavenging, removal, transportation, or resorting of refuse which has been placed for disposal under this chapter. Any such scavenging or separation of refuse that has been placed for disposal by the producer of said refuse shall be deemed a violation of this chapter.
- C. This chapter shall not prohibit the actual producers of recyclable materials or the owners of residential units or nonresidential units upon which recyclable materials have been accumulated from personally collecting, conveying, and disposing of recyclable materials, provided that such producers or owners do not violate the intent of this chapter.

§ 272-17. Garbage accumulation; declaration of nuisance.

The accumulation or deposit of garbage, trash, or putrescible animal or vegetable matter in or upon any lot or land or any public or private place within the Village which causes the air or environment to become noxious or offensive or to be in such a condition as to promote the breeding of flies, mosquitoes, or other insects, or to provide a habitat or breeding place for rodents or animals, or which otherwise becomes injurious to the public health is prohibited and declared to constitute a nuisance. Refuse areas shall be kept in a nuisance- and odor-free condition. Refuse shall not be allowed to accumulate. A violation will result in the occupant and/or owner being notified to clean up his area, with continued violations resulting in the owner being prosecuted under the provisions of this chapter and other Village ordinances.

§ 272-18. Improper placement.

No persons shall deposit, throw, or place any garbage, offal, dead animals, combustible

refuse or other deleterious matters in any park, lane, alley, street, public grounds, or public place within the Village, nor place any garbage, offal, dead animals or other refuse matter upon any private property not owned by such person without such person's consent. If not deemed noncollectible, these materials may be placed for collection on the owner's property if the same are enclosed in proper vessels or containers which shall be watertight and kept so with tightly fitting covers.

§ 272-19. Interference with authorized collector.

No person other than an authorized collector shall collect or interfere with any waste after it shall have been put into a garbage receptacle and deposited in the proper place for the collector, nor shall any unauthorized person molest, hinder, delay or in any manner interfere with any authorized garbage collector in the discharge of his duties.

§ 272-20. Prohibited practices.

No person, persons or other entity generating waste within the Village shall do any of the following:

- A. Deposit or cause to be deposited any recyclable material at any authorized collection point when the site is closed or not operating.
- B. Deposit or cause to be deposited any waste material, whether recyclable or not, in or upon any public street, public waters, or public grounds in the Village, except at authorized locations within appropriate packaging or placed into appropriate containers during specifically authorized collections if any are provided.
- C. Deposit or cause to be deposited any recyclable materials in any container not specifically intended for the collection of that type or group of recyclable material.
- D. Deposit or cause to be deposited any nonrecyclable material in any container specifically intended for the collection or deposit of recyclable material.
- E. Mix or permit intermixing of recyclable and nonrecyclable materials intended for collection by a collector/hauler or intended to be processed at a material recycling facility.

§ 272-21. Additional services; placement of cost on tax bill; pickup times.

- A. The Village may find that the purposes of this chapter will be better served by limiting collection of waste activities to a minimum, and to that end the Village will contract with an independent contractor to provide waste collection services in accordance with this chapter. If any person needs a service in excess of that provided by such collector/hauler pursuant to the collection contract with the Village, such person is free to contract, at such person's cost, for such additional services as may be required or desired.
- B. As an option, the Village Board shall be authorized, if it so determines, to place the pro rata cost of such collector/hauler's fee for such services on the tax bill for the real property from which such waste is generated. Said amount so placed on the tax

bill for each year in advance of such services and when so placed shall have the same force and effect as real estate taxes and shall be paid as in the same manner as real estate taxes.

- C. The Village and the collector/hauler shall establish pickup times for the collection of collectible wastes.

§ 272-22. Condominiums and multifamily dwellings.

- A. Each condominium association in the Village shall be responsible for establishing compliance with this chapter by the owner of each condominium unit and shall submit its plan for compliance to the Village for approval and shall submit for approval of the Village any changes in such plan. Such plan may provide for the purposes of this chapter. Each condominium unit shall be treated the same as a single residential dwelling, or the entire condominium shall be treated for such purposes as a multifamily dwelling (see the definition of "multifamily dwelling" in § 272-3 of this chapter). In approving such a plan, the Village shall consider which plan under the circumstances would better promote the purpose of this chapter.
- B. Each owner of a multifamily building, with the consent of the Village, shall have the option of treating each unit within said building as a single-family residence or complying with the requirements of § 272-8C, except that duplexes shall be treated as two single-family residences.
- C. Multifamily residences shall comply with the requirements of § 272-14C.

§ 272-23. Commercial buildings.

The owners of commercial, retail, industrial and governmental facilities shall comply with the recycling requirements of this chapter and the solid waste disposal requirements of § 272-14C. Such users shall regularly notify all users of said premises of such facilities, including employees, agents and customers, of county and municipal recycling requirements.

§ 272-24. Agricultural operations.

Nothing in this chapter is intended to apply to the disposal of or the accumulation of agricultural or farm wastes, products or feed accumulated upon property used in the ordinary course of farming.

§ 272-25. Federal and state regulations.

It is expected that, from time to time, federal and state statutes and regulations will require that items other than the items which have been deemed to be recyclable herein shall be recycled. In such event, this chapter shall be deemed to include and shall require such other items to be recyclable hereunder.

§ 272-26. Violations and penalties.

- A. Any person who shall violate any of the provisions of this chapter shall be subject to a penalty which shall be as follows:
- (1) First offense. Any person found in violation of any provision of this chapter as a first offender shall receive a warning notice requiring compliance and may be subject to having refuse in violation of the provisions herein not collected.
 - (2) Second and subsequent offenses. Any person found guilty of violating any part of this chapter who has previously been notified of being in violation or has been convicted of violating the same chapter within one year shall, upon conviction thereof, be subject to a forfeiture as provided in Chapter 1, § 1-3 of this Code.
- B. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this chapter shall preclude the Village from maintaining any appropriate action to prevent or remove a violation of any provision of this chapter.

§ 272-27. Special collections.¹⁹

If any entity, including those receiving collection from a private firm, is found in violation of the collection and storage requirements of this chapter and fails to comply with a notification and/or citation, the Village Board or its designee shall be empowered to order a special collection to remove such violation. The person shall be notified of such special collection and the charges therefor. The special collection shall be made, and if billing plus \$100 is unpaid, the bill shall be considered a lien on the property and shall be placed on the tax bill. A person shall not use the special collection provision of this chapter to circumvent requirements for collection by a private firm.

§ 272-28. Severability.

The provisions of this chapter shall be held to be minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes or pertinent Dodge County ordinances in their interpretation and application. Because this chapter creates a comprehensive, mandatory source separation recycling program in our community, any terms or requirements or interpretations consistent with state and county law shall control. If any provision of this chapter is found to be invalid or unconstitutional, or if the application of this chapter to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this chapter which can be given effect without the invalid or unconstitutional provisions or applications.

¹⁹. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).