

## CHAPTER 22

### SOLID WASTE AND RECYCLABLE COLLECTION

(with amendments through 10-10-2019)

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**22.01 WASTE AND RECYCLING COLLECTION SYSTEM.**

(1) **PURPOSE.** This purpose of this chapter is to require the removal of solid waste and recyclable materials from all properties within the Village and to provide for the collection thereof. The accumulation of solid waste is a public nuisance, and utilization of limited landfill sites for recyclable materials is contrary to the public interest.

(2) **APPLICABILITY OF ORDINANCE.** This chapter shall apply to all persons and entities who dispose of solid waste, recyclables or yard waste within the Village of West Baraboo directly or through the services of a third party.

**22.02 DEFINITIONS.** As used in this chapter, the following definitions shall apply:

(1) **“APPROVED CONTAINER”** means a container approved by a contractor for residential collection of solid waste or recyclables.

(2) **“BULKY WASTE”** means solid waste that will not fit into an approved container. Such items include furniture, rolled carpeting (4ft maximum length), cabinets, countertops, mattresses, box-springs, non-metal doors, wood windows and wooden playground equipment, etc. Items must weigh less than one-hundred (100) pounds and be manageable by one person. Household appliances, electronic waste, tires, automotive and marine batteries, and items banned from Wisconsin landfills are excluded from the curbside bulky waste collection. (Amended 10/10/2019; Ord. 19-11)

(3) **"COLLECTION DAY"** means the date which a contractor has designated to pick up solid waste and recyclables for a specific property.

(4) **"CONTRACTOR"** means a licensed waste hauler with whom the Village or a private party has contracted for the collection of solid waste or recyclables.

(5) **"DWELLING UNIT"** has the same meaning as in section 17.08(27) of the Village Zoning Code.

(6) **“ELECTRONIC WASTE”** means all electronic items banned from Wisconsin landfills. Items include televisions, office equipment, telephones, computer equipment, monitors, microwaves and any others as listed by the Wisconsin Department of Natural Resources at the time of disposal.

(7) **“MULTI-FAMILY DWELLING”** means a residential building consisting of three (3) or more dwelling units.

(8) "OCCUPANT" means the person or entity occupying the property from which the solid waste, recyclables or yard waste is to be collected regardless of who owns the property.

(9) "OWNER" means the owner of the property from which the solid waste, recyclables or yard waste is to be collected.

(10) "RECYCLABLES" means single stream recyclable materials limited to plastics 1-7, glass, cardboard, newspaper, mixed paper, bi-metal cans, tin and aluminum cans. Household Units shall dispose of all recyclables in an approved container. The items considered to be "recyclables" may be changed by the Director of Public Works to add or exclude materials with at least 60 days advance written notice to the public.

(11) "REGULATED WASTE" means waste, including automotive batteries, automotive or fuel oil, tires, medical or chemical waste, for which state or federal law requires a special manner of disposal and prohibits from disposal with ordinary solid waste.

(12) "RESIDENCE" means each dwelling unit in a residential building. For example, a duplex has two separate residences.

(13) "RESIDENT" means the owner and/or the occupant of a residence.

(14) "RESIDENTIAL" means all residential buildings with up to two (2) dwelling units within the Village. Residential excludes multifamily dwellings, businesses, and industries and all other types of property within the Village.

(15) "SOLID WASTE" means municipal solid waste materials generated in the normal and ordinary course by residents within the Village. The term "solid waste" specifically excludes special waste, hazardous waste, electronic waste or other types of materials which require special handling and disposal.

(16) "YARD WASTE" means leaves, grass clippings, garden debris and brush, including clean woody vegetative material no greater than six inches in diameter. This term does not include stumps, roots or shrubs from intact rootballs.

### **22.03 COLLECTION METHODS.**

#### **(1) RESIDENTIAL COLLECTION.**

(a) Exclusive contract. The Village has contracted with a private company to collect and dispose of all solid waste and recyclables for single-family

and two-family dwellings in the Village. This system shall be the exclusive method of public collection and hauling for residential properties except for special collections authorized by the Village Board.

(b) Collection of special items. Residents may contract with third parties for disposal of large items or other materials not required to be collected by the contractor.

(2) NON-RESIDENTIAL COLLECTION.

(a) All classes of properties other than residential shall segregate all solid waste, yard waste, and recyclables for separate disposal.

(b) All solid waste shall be collected and placed in containers designated for that purpose. All recyclable materials shall be collected and disposed of in accordance with the provisions of this chapter and all applicable state and other governmental regulations. The cost of separating, segregating and disposing of solid waste, recyclables and yard waste shall be the responsibility of the property owner. Property owners may contract with third parties for disposal of solid waste, recyclables and yard waste.

(Amended 12-14-2017; Ord. 17-04)

(3) COMMERCIAL WASTE HAULERS.

(a) Any third party hired for the purpose of disposing of solid waste, recyclables or yard waste shall be a waste hauler licensed by the State of Wisconsin.

(b) Village waste hauler permit and fee. Any third party providing waste or recyclables hauling services shall apply for and obtain a permit from the Village Clerk upon forms approved by the clerk and shall pay the fee set forth in the Official Village Fee Schedule.

(Adopted 12-14-2017; Ord. 17-04)

**22.04 GENERAL REGULATIONS.**

(1) CONTAINERS TO BE SECURED. All containers for solid waste and recyclables shall be kept watertight and fly-tight and shall be securely and tightly covered.

(2) **BURNING PROHIBITED.** No person shall dispose of any waste or recyclables within the Village by burning.

(3) **REGULATED WASTE.** No person shall dispose of regulated waste except in a manner permitted by state and federal law.

(4) **OUTSIDE WASTE.** No person or entity shall place, deposit or cause to be deposited for collection any waste or recyclables not generated within the corporate limits of the Village of West Baraboo.

(5) **REMOVAL OF RECYCLABLES OR YARD WASTE.** No person, other than a private refuse hauler under contract for such purpose, or a non-profit organization for fund raising purposes, shall collect or remove yard waste or recyclables which have been placed by any person at a resident's designated collection site.

(6) **DISPOSAL OF SOLID WASTE BY CONTRACTORS.** Contractors shall deliver all solid waste they collect to the contractor's designated disposal site.

## **22.05 REGULATIONS FOR RESIDENTIAL COLLECTION**

(1) **USED OF APPROVED CONTAINERS.**

(a) **Sorting and storage.** All residential solid waste and recyclables shall be sorted and disposed of in approved containers.

(b) **Ownership and maintenance of approved containers.** All approved containers shall, while in the possession and control of the resident, remain the property of the contractor. Residents shall use the containers only for the purposes for which they are intended and shall not alter them other than to mark them for identification. Residents shall be responsible for loss or damage to the containers in excess of ordinary wear and tear.

(2) **LOCATION AND TIME FOR SETTING OUT CONTAINERS.**

(a) Containers shall be placed on a resident's terrace or driveway apron in a manner that gives unobstructed access to the contractor. At no time may any container be placed or left on the street by a resident or the contractor.

(b) Containers may be set out no earlier than 24 hours before the collection day for the residence and must be removed from the terrace or driveway apron no later than 24 hours after collection.

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(c) At any residence where the sole occupant is handicapped and is unable to place the containers at the terrace or driveway apron, the resident may request that the contractor move the containers from their outdoor location, taking them to the contractor's collection vehicle for service and then returning them to the original outdoor location. The contractor shall comply with such requests. If the contractor makes a written request, the resident shall provide some documentation evidencing the hardship.

(d) Spillage and Cleanup. The contractor shall be responsible for and shall clean up any materials spilled by contractor in the course of its collection. Residents shall be responsible for and shall clean up any materials spilled not as a result of the contractor's collection.

(3) COLLECTION DAY. The contractor shall designate the collection date for each residence. For weeks with a holiday, if the collection date falls on or after the holiday that week, the waste will be collected the day after the normal collection date. Collection will not occur on the following holidays: New Year's Day, Memorial Day, Independence Day Labor Day, Thanksgiving Day and Christmas Day.

(4) BULKY WASTE COLLECTION. On a bi-annual basis during the spring and fall of each year, the contractor shall provide a curbside collection of bulky waste during a week mutually acceptable to the contractor and the Village Director of Public Works. (Amended 10/10/2019; Ord. 19-11)

(5) FAILURE TO COMPLY WITH REGULATIONS. If a resident repeatedly fails to comply with the rules in this section concerning the use of approved containers, placement of containers for collection, or nature of the solid waste or recyclables placed in the containers, collection may be suspended for a reasonable period but the residence will continue to incur the collection charge. The resident will be responsible for proper disposal of solid waste and recyclables during the period of suspension.

**22.06 BILLING AND PAYMENT FOR RESIDENTIAL COLLECTION.**

(1) CHARGES FOR WASTE AND RECYCLING COLLECTION.

(a) Collection charge. The Village shall bill each residence an equal amount for solid waste and recyclables collection at a rate to be set by the Village Board.

(b) Responsibility for payment. The owner of the residence shall be ultimately responsible to the Village for payment, but may enter into agreements with occupants to delegate responsibility for payment of all or part of the bill. The owner shall inform the Village if he wishes to have the bills sent directly to the occupant.

(c) Residents of dwelling units located in a building containing a nonresidential use may share the nonresidential user's arrangements for collection of solid waste and recyclables without incurring an additional charge for residential collection. The resident must have the express written permission of the owner of the building or of the business operating the nonresidential use and must give written notice to the Village.

(d) Vacant residences. If a residence is vacant, it shall not be billed for collection service for any period in which the contractor is not charging the Village for service to that residence under the terms of the Village's contract. The owner is responsible for notifying the Village when the residence becomes vacant.

(2) BILLING PRACTICES.

(a) Billing periods. Solid waste and recycling charges provided for in this chapter shall be billed monthly and shall be payable in accordance with the existing rules and regulations of the Village Treasurer.

(b) Payment. Sewer and water service charges shall be payable at the Village office or at any other officially designated location.

(c) Late payment fee. Bills for collection charges levied and assessed in accordance with this chapter shall become due and payable within 20 days after the date of the bill. Bills paid after 20 days shall be subject to a fee as listed in the Official Village Fee Schedule.

**22.07 PENALTY.** Any person who shall violate any of the provisions of this section shall, upon conviction thereof, forfeit not less than \$10 nor more than \$50, together with the costs of prosecution, for the first offense and not less than \$25 nor more than \$100 for

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the second offense within one year, and not less than \$50 nor more than \$500 for the third and each subsequent offense within one year. The one-year period shall be measured from the date of the first violation of this section.