

Title 8 ► Chapter 4

Refuse Disposal and Collection

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Sec. 8-4-1 Title; Collection Service; Recycling.

- (a) **Title.** This Chapter shall be known as the Solid Waste Management Ordinance of the Village of Elmwood, hereinafter referred to as this "Ordinance" or "Chapter."
- (b) **Garbage and Refuse Collection Service.** All garbage and refuse collection service shall be provided by Village personnel or by Village-approved contractors.

Cross-Reference: Title 8, Chapter 4.

Sec. 8-4-2 Purpose.

It is hereby declared to be the purpose and intent of this Chapter to enhance and improve the environment and promote the health, safety and welfare of the Village by establishing minimum standards for the storage, collection, transport, processing, separation, recovery and disposal of solid waste.

Sec. 8-4-3 Definitions.

- (a) The following definitions shall be applicable in this Chapter:
- (1) **Agricultural Establishment.** An establishment engaged in the rearing and slaughtering of animals and the processing of animal products, or orchard and field crops.
 - (2) **Bulky Waste.** Items whose large size precludes or complicates their handling by normal collection, processing or disposal methods. Items shall be cut not to exceed four (4) feet in length and bundled not to exceed fifty (50) pounds per bundle.
 - (3) **Collection.** The act of removing solid waste from the storage area at the source of generation.
 - (4) **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.
 - (5) **Demolition Wastes.** 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.
 - (6) **Disposal.** The orderly process of discarding useless or unwanted material.
 - (7) **DNR.** The Wisconsin Department of Natural Resources.
 - (8) **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.
 - (9) **Garbage.** Includes every refuse accumulation of animals, fruit or vegetable matter, liquid or otherwise, that attends to the preparation, use, cooking, dealing in , or storing of meat, fish, fowl, fruit or vegetables.
 - (10) **Glass.** Glass bottles, jars and containers and does not include window glass, drinking glasses, pyrex, light bulbs or other non-container glass.
 - (11) **Good Faith.** Reasonable efforts to adhere to the policies, standards and rules of this mandatory source separation recycling program.
 - (12) **Hazardous Waste or Hazardous Substance.** Those wastes or substances defined as such in NR 181, Wis. Adm. Code (including all amendments provided thereto) as provided therein pursuant to Sec. 144.62, Wis. Stats., 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. Those solid wastes or substances found in household waste [notwithstanding the household waste exclusion provided in NR 181.12(4)(a), Wis. Adm. Code].

- (13) **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.
- (14) **Industrial Waste.** Means waste material, except garbage, rubbish, and refuse, directly or indirectly resulting from an industrial processing or manufacturing operation.
- (15) **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.
- (16) **Major Appliances.** A residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, stove, water heater or any other item commonly referred to as a white good.
- (17) **Metal Cans.** Tin coated steel cans, bi-metal cans, and aluminum cans used for food and other non-hazardous materials, but excluding aerosol cans and cans that held paint, paint-related products, pesticides or other toxic or hazardous substances.
- (18) **Multi-Family Dwelling.** A residential building intended to be the residence of four (4) or more independent family units.
- (19) **Newsprint.** That portion of newspapers (newspapers and advertising circulars normally accompanying newspapers) or periodicals and advertising circulars printed on newsprint which remain 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, or 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 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.
- (20) **Non-recyclable Material.** All items of waste not recyclable except hazardous waste or hazardous substances.

- (21) **Non-Residential Solid Waste.** Solid waste from agricultural, commercial, industrial, or institutional activities, or a building or group of buildings consisting of four (4) or more dwelling units.
- (22) **Other Paper.** All paper excluding newsprint materials or materials specifically excepted in the definition of "newsprint" and "corrugated cardboard," but shall include grades of fiber materials with available markets for recycling.
- (23) **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.
- (24) **Person.** Any individual, corporation, organization, association, local governmental unit, as defined in Sec. 66.0131, Wis. Stats., state agency or authority or federal agency.
- (25) **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 not blow molded, including but not limited to, containers for yogurt, cottage cheese, butter, margarine, ice cream and similar products.
- (26) **Preparation Standards.** Criteria provided establishing acceptable good faith limits for introduction of materials into the source separation recycling program involving either transport to a material recycling center or temporary storage of such materials.
- (27) **Private Collection Services.** Collection services provided by a person licensed to do same by the DNR.
- (28) **Recyclable Waste.** Waste material that can be remanufactured into usable products and shall include by way of enumeration, but not by way of limitation, glass, plastics, newspaper, cardboard, metals (aluminum, steel, tin, brass, etc.).
- (29) **Refuse.** Includes all waste material, except garbage, rubbish, and industrial waste, and eliminates refuse that is not longer picked up such as: grass, leaves, sticks, tree branches and logs, stumps, stones, cement, boards, furniture or household appliances, garden debris.
- (30) **Residential Solid Waste.** All solid waste that normally originates in a residential environment from residential dwelling units.
- (31) **Residential Unit.** A single family home, duplex, townhouse, condominium or a building with three (3) or less dwelling units.
- (32) **Rubbish.** Includes combustible and noncombustible waste material except garbage, refuse and industrial waste, that is incidental to the operation of a building and shall include by way of enumeration, but not by way of limitation, rags, sweepings and recyclables banned from the landfill.
- (33) **Scavenging.** The uncontrolled and unauthorized removal of materials at any point in solid waste management.
- (34) **Sharps Container.** A container specifically manufactured for the disposal of sharp medical waste.

- (35) **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 waste water effluents or other common water pollutants.
- (36) **Solid Waste Storage.** Safe, environmentally sound short-term containment of materials and for recyclables shall involve preserving materials in a condition meeting preparation standards.
- (37) **Tires.** For collection purposes shall mean rubber tires, from automobiles and light trucks, and other tires whose size is less than 1100 x 24.5, which are removed from rims.
- (38) **Used Oil.** Any contaminated petroleum-derived or synthetic oil concluding, but not limited to, the following: engine and other mechanical lubricants; hydraulic and transmission fluid; metal-working fluid; and insulating fluid or coolant.
- (39) **Yard Waste.** Leaves, grass clippings, yard and garden debris, including clean woody vegetative material no greater than six (6) inches in diameter and holiday trees, but does not include tree stumps, extensive root systems or shrubs with intact root balls.

Sec. 8-4-4 Refuse Storage Areas.

Storage areas shall be kept in a nuisance- and odor-free condition. Litter shall not be allowed to accumulate. Collection crews will not be responsible for cleaning up loose material from any containers which have been ruptured or broken due to wet conditions, animals, vandalism or other causes. The occupant and/or owner shall be responsible for cleaning up this litter. Violations will result in the occupant and/or owner being notified to clean up his/her area with continued violations resulting in the owner being prosecuted under the provision of this and other Village ordinances.

Sec. 8-4-5 Approved Waste and Refuse Containers.

- (a) **General Container Standards.** Suitable containers, of a type approved by the Village, shall be provided by the property owner or tenant in which to store all solid wastes. Containers, in order to be approved, shall provide for efficient, safe and sanitary handling of solid waste. They shall be maintained in a nuisance- and odor-free condition and shall be sufficient to prevent the scattering of contents by weather conditions or animals.
- (b) **Approved Containers.** All containers must be in good condition and be covered. All containers must not be over thirty-two (32) gallon capacity of thirty (30) inches high or fifty (50) pounds in weight. Metal, paper and plastic containers will not be picked up without handles or with covers permanently attached. No grocery paper bags will be

picked up which are being used as a container. Metal garbage cans shall be of sufficient thickness to resist denting during normal handling by collection crews. Only clear plastic garbage bags shall be acceptable. They shall be capable of being handled by collection crews during hot and cold weather without damage during normal handling. Plastic bags shall be of sufficient strength to allow lifting and loading of contents without tearing.

- (c) **Ashes.** Cold, completely extinguished ashes may be left for collection in containers.
- (d) **Illegal Containers.** Illegal containers are: metal barrels and drums, wooden or cardboard barrels, wheelbarrows and other such containers not approved by this Chapter. These containers will not be emptied regardless of contents or weight.

Sec. 8-4-6 Nondisposable Materials.

- (a) It shall be unlawful for any person to place for regular collection any of the following wastes:
 - (1) Hazardous waste;
 - (2) Toxic waste;
 - (3) Chemicals;
 - (4) Explosives or ammunition;
 - (5) Drain or waste oil or flammable liquids;
 - (6) Large quantities of paint;
 - (7) Dead animals;
 - (8) Trees or stumps;
 - (9) Gravel or concrete;
 - (10) Construction debris;
 - (11) Animal or human waste;
 - (12) White goods (unless as a special haul item);
 - (13) Hot ashes (ashes that are fully extinguished and dry may be left for collection in noncombustible containers);
 - (14) Tires and batteries.
- (b) The aforementioned materials shall be disposed of in the manner prescribed by federal or state laws, or as provided for herein.
- (c) Materials that the Village collector will dispose of for a separate fee may be disposed of by special arrangement between the waste generator and said Village collector.

Sec. 8-4-7 Hospital/Medical Wastes.

- (a) **Household Sharp Medical Waste Disposal.**
 - (1) Household sharp medical waste shall not be deposited in any other place or manner in the Village of Elmwood than as hereinafter provided.

- (2) Acceptable means of disposing of household sharp medical waste include:
 - a. Disposal in an approved medical waste box, such as a Sharps container; or
 - b. Disposal in a heavy plastic container, such as a laundry soap bottle, providing that the lid is permanently affixed thereto using tape or another means, and the container is marked "Medical Waste: Do Not Open."
- (b) **Hospital and/or Medical Waste.** Except as otherwise specifically provided in this Chapter, the provisions set forth in NR 526, Wis. Adm. Code, describing and defining regulations with respect to hospital and/or medical waste are hereby adopted and made a part of this Chapter as if fully set forth herein.

Sec. 8-4-8 Building Waste.

All demolition waste resulting from remodeling, construction, or removal of a building, roadway, or sidewalk shall be disposed of by the owner, builder, or contractor. Building materials of any kind will not be disposed of by the Village or its collection service.

Sec. 8-4-9 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. Bulky wastes from residential units shall likewise be placed in neat, orderly fashion behind the curb. During winter months, solid waste shall not be placed on top of the snow bank, 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 he shall place it 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 contents of garbage cans into collection vehicles using normal handling procedures, the cans, including contents, will be left at curb side. 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 disposition of refuse.

- (3) Placement means one stop for each residential unit.
- (b) **Restriction on Time of Placement.**
 - (1) All receptacles and containers for refuse and rubbish and all bundles of rubbish shall be placed in collection locations as designated in Subsection (a) above only after 7:00 p.m. of the evening prior to the regular collection time the following day.
 - (2) All receptacles, bags and containers for refuse and garbage disposal shall be removed from the curbside collection point within twenty-four (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) If the scheduled collection day falls on a holiday, collection will be on the following scheduled working day.
 - (5) Special collections may be made if ordered by the Building Inspector or Village Board and will be billed to the owner.
- (c) **Collection Schedule.** Municipal refuse collection services shall be on a scheduled basis as established by the Village Board. Only those items approved by this Chapter shall be left for collection at curbside.

Sec. 8-4-10 Refuse from Outside the Village.

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

Sec. 8-4-11 Anti-Scavenging Provisions.

- (a) Persons shall not pilfer recyclables or disturb recyclables once those materials are placed for collection. 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 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.
- (b) 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 such producers or owners do not violate the intent of this Chapter.

Sec. 8-4-12 Garbage Accumulation; When a 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. 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 provisions of this and other Village ordinances.

Sec. 8-4-13 Improper Placement.

- (a) **Prohibition.** 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 is enclosed in proper vessels or containers which shall be watertight and kept so with tightly fitting covers.
- (b) **Private Dumps.** It shall be unlawful for any person to use or operate a dump.

Sec. 8-4-14 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.

Sec. 8-4-15 Condominiums.

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 multi-family dwelling. In approving such a plan, the Village shall consider which plan under the circumstances would better promote the purpose of this Chapter.

Sec. 8-4-16 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.

Sec. 8-4-17 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.

Sec. 8-4-18 Violations; Penalties.

- (a) **Penalties.** 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 Section 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 (1) year shall, upon conviction thereof, be subject to a forfeiture as provided in Section 1-1-6.
- (b) **Each Day a Separate Offense.** 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.

Sec. 8-4-19 Improper Transportation.

It shall be unlawful to transport any solid waste in any vehicle which permits the contents to blow, sift, leak or fall therefrom. If the spillage does occur, the collection crew shall

immediately return spilled materials to the collection vehicle and shall properly clean, or have cleaned, the area. All vehicles used for the collection and transportation of solid waste shall be durable, easily cleanable and leakproof, if necessary, considering the type of waste and its moisture content. Collection vehicles shall be cleaned frequently to prevent nuisances and insect breeding and shall be maintained in good repair.