

CHAPTER 63

SOLID WASTE

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CHAPTER 63

SOLID WASTE

SECTION 63.01 Findings.

The Village of Cross Plains finds that reusable materials are currently being needlessly landfilled, and Dane County's available landfill space is rapidly disappearing. Mandatory recycling encourages conservation and reuse of certain materials, saves landfill space and prolongs the life of landfills.

SECTION 63.02 Purpose.

The purpose of this chapter is to require mandatory recycling in order to promote the public health, safety, prosperity and general welfare of the citizens of the Village of Cross Plains, to reduce the amount of recyclable items which are currently placed in landfills and to preserve the environment.

SECTION 63.03 Abrogation and Greater Restrictions.

It is not intended by this chapter to repeal, abrogate, annul, impair or interfere with any existing rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, wherever this chapter imposes greater restrictions, the provisions of this chapter will govern.

SECTION 63.04 Interpretation.

In their interpretation and application, the provisions of this chapter 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 chapter may be inconsistent or conflicting, the more restrictive requirements or interpretations shall control.

SECTION 63.05 Definitions.

For purposes of this chapter, the following words have the following meanings:

- (a) **Collector.** The contractor selected by the Village to collect solid waste.
- (b) **Department.** The State of Wisconsin Department of Natural Resources.
- (c) **Director.** The Village of Cross Plains Director of Public Facilities.
- (d) **Ferrous.** A can made partly or completely of tin.
- (e) **Garbage.** Includes all waste resulting from the use, preparation, cooking, consumption or storage of food.

- (f) **Hazardous Waste.** Any substance or combination of substances, including any waste of a solid, semisolid, liquid or gaseous form, which may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or which may pose a substantial present or potential hazard to human health or the environment because of its quantity, concentration or physical, chemical or infectious characteristics. This term includes, but is not limited to, substances which are toxic, corrosive, flammable, irritants, strong sensitizers or explosives as determined by the Department.
- (g) **Lead Acid Batteries.** Automotive and related batteries that are comprised of lead plates with an acidic electrolyte, and does not include nickel cadmium batteries, dry cell (flashlight) batteries or batteries used in calculators, watches, hearing aids or similar devices.
- (h) **Major Appliance.** A residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, furnace, boiler, dehumidifier, water heater, stove or any other item commonly referred to or referred to herein as a “white good” and any other item that may hereafter be identified, defined or classified as a major appliance by the Department.
- (i) **Multifamily Dwelling.** A dwelling intended to be the residence of three or more families or containing three or more dwelling units.
- (j) **Newspaper.** Matter printed on newsprint but excluding books, magazines, catalogues, glossy paper or similar materials.
- (k) **Nonrecyclable Materials.** Any material other than a recyclable material and includes garbage, rubbish and other solid waste and liquid waste, including but not limited to ashes; plastic material other than the type included in recyclable materials; ceramics; broken glass of all types; blue and flat glass commonly known as “window glass”; Styrofoam; Pyrex; light bulbs; mirrors; china; waxed paper; waxed cardboard; envelopes with gummed labels; glossy paper; and any other material not defined as recyclable for purposes of this chapter, except hazardous waste.
- (l) **Other Paper.** All paper excluding newsprint materials markets for recycling, including recyclable magazines and office paper.
- (m) **Recyclable Materials.** Includes newspapers; other paper; corrugated cardboard; unbroken brown, green and clear container glass; aluminum and ferrous metal cans; recyclable plastic; waste oil; lead acid batteries; major appliances; and metal products, or any other item that may hereafter be identified, defined or classified as a mandatory recyclable material by the Department and which meets preparation standards. “Recyclable materials” shall further mean identified materials meeting preparation standards where economical markets or short-term storage is available, or other materials determined to have economical markets available.
- (n) **Recyclable Plastic.** High-density polyethylene and polyethylene terephthalate plastic containers and specifically means any plastic containers described as

recyclable on the list posted and maintained at the Village Municipal Building by the Village Administrator/Clerk-Treasurer, which list is incorporated herein by reference and is subject to revision and updating at any time.

- (o) **Rubbish.** Includes but is not limited to tree trunks, stumps, tree branches, brush, and other nonrecyclable materials other than garbage or yard waste.
- (p) **Waste Oil.** Any contaminated petroleum-derived or synthetic oil, including but not limited to the following: engine or other mechanical lubricants, hydraulic and transmission fluid, metalworking fluid, and insulating fluid or coolant.
- (q) **Yard Waste.** Includes leaves, grass clippings, yard and garden debris, and other similar or organic materials, but does not include tree trunks, tree stumps, tree branches, brush, root systems or shrubs.

SECTION 63.06 Applicability.

This chapter shall apply to each owner or occupant of any business, industry, place of commerce or other place providing goods or services of any kind, and to each owner or occupant of any single-family residence, two-family residence or multifamily dwelling unit, and to all other covered activities within the corporate limits of the Village of Cross Plains.

SECTION 63.07 Collection of Solid Waste; Handling of Yard Waste.

- (a) **Yard Waste.** No person in the Village shall dispose of deciduous materials, such as yard waste, grass clippings and leaves, with any other refuse that may lawfully be left for curbside collection. Yard waste, such as grass clippings and leaves, may be brought to a collection site designated by the Village, if any, or composted on the property owned by the person.
- (b) **Garbage.** Garbage shall be placed at curbside for collection by the Village at a time designated by the Director of Public Facilities. Garbage containers shall not exceed 30 gallons in capacity or 50 pounds in weight and must be securely closed.
- (c) **Other Waste.**
 - (1) **Rubbish.** Rubbish, including brush, will be collected by the Village only at such times and in accordance with such rules and standards as established by the Director of Public Facilities. Such rules will be posted at the Village Municipal Building and may be revised from time to time as deemed necessary by the Director of Public Facilities.
 - (2) **Other Materials.** It shall be unlawful for any person to place for regular collection any of the following materials: hazardous wastes; toxic wastes; chemicals; explosives or ammunition; drain or waste oil or flammable liquids; large quantities of paint; trees and stumps; gravel and concrete; construction debris; human waste, excluding disposable diapers; major appliances (except as a major haul item and excluding a microwave oven from which the capacitor has been removed); hot ashes; tires; and holiday

trees. These materials shall be disposed of in the manner prescribed by federal or state laws, or as provided herein. 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.

SECTION 63.08 Separation and Placement of Recyclable Materials.

- (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 recycling containers provided by the Village or the Village's authorized collection service. All recyclable materials shall be well drained and clean. The containers for recyclable materials may consist of any securely closing watertight container or bag. No containers shall exceed 30 gallons in capacity or 50 pounds in weight when full. Recyclable materials shall include:
- (1) **Glass.** Brown glass, green glass and clear glass shall be empty, rinsed, clean and unbroken and have metal caps removed.
 - (2) **Cans.** All aluminum, tin, steel, copper and other metal cans shall be empty and rinsed and have labels removed (with ends removed and flattened where possible), except that aerosol, paint and oil cans may not be recycled.
 - (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 be tied together and should be placed next to the recycling container.
 - (4) **Corrugated Cardboard.** Corrugated cardboard shall be flattened, empty, free of food debris, securely bundled in eight- to ten-inch bundles and placed beside the recycling container for collection. Waxed cardboard may not be recycled.
 - (5) **Newspaper.** All newspaper shall be placed in a brown paper bag, such as a grocery sack, for collection.
 - (6) **Aluminum.** All products made of aluminum, including aluminum cans, foils, wrappers, pie pans, and containers for prepared dinners or other foods, screen frames, and lawn chairs, shall be clean and flattened.
 - (7) **Magazines.** Magazines shall be securely tied in bundles not exceeding 10 inches in height or placed in a suitable container for collection.
 - (8) Additional preparation standards may be provided by notice to generators of waste or collectors/haulers or by amendment to this subsection when other materials become recyclable dependent upon available economic markets. Additional items required to be recycled by federal or state law shall be deemed to be included in this chapter and recyclable hereunder.
- (b) **Containers at Multifamily Dwellings.** Owners of multifamily dwellings shall provide containers for the disposal of recyclable materials in one of the following ways:

- (1) **Container for Each Unit.** One container for glass, for aluminum and ferrous cans and for plastic materials shall be provided for each dwelling unit.
 - (2) **Containers for Common Use.** At least two separate and adequately sized containers, one for corrugated cardboard bundles and newspaper bundles and one for other recyclable materials, shall be provided for the common use of all residents of the multifamily dwelling.
 - (3) **Newspaper and Corrugated Cardboard.** Although corrugated cardboard and newspaper may be placed in the same container, they must be separately bundled or packaged. Corrugated cardboard must be securely tied in bundles or packaging not exceeding 18 inches in height. Newspaper must be securely tied in bundles or packaging not exceeding eight inches in height.
 - (4) **Owner's Responsibility.** The containers must be clearly designated and marked and must be maintained by the owners of the multifamily dwellings in a clean and safe condition. The owners of multifamily dwellings shall notify residents at the time they first occupy the unit and on a semiannual basis thereafter that recyclable materials must be placed in the containers provided. The owners of multifamily dwellings shall take such steps as necessary to assure that their residents comply with the recycling requirements of this chapter. An owner of a multifamily dwelling who fails to obtain and assure his residents' compliance with the requirements of this chapter shall be considered in violation of this chapter.
- (c) **Containers at Commercial, Retail, Industrial, Institutional and Governmental Facilities.** The owners of commercial, retail, industrial, institutional and governmental facilities shall provide adequately sized and marked containers for the separate disposal of all recyclable materials. At least one container shall be provided for corrugated cardboard, newspaper, magazines and office paper and one for other recyclable materials. At least annually the owners shall notify all occupants, employees, agents, patrons, customers or other users of the facilities of the Village and county recycling requirements.

SECTION 63.09 Collection Schedule, Standards and Locations.

The Director of Public Facilities shall annually establish a schedule for waste collection. The Director of Public Facilities may vary from or modify the schedule at any time as necessary. The Director of Public Facilities shall also establish and post rules and standards for the collection of certain items and may modify these rules as necessary. The Village Administrator/Clerk-Treasurer shall publish the collection schedule at least once in the spring and fall of each year and, in addition, at any time when the collection schedule is modified. Village collection of waste will be made at curbside only. However, the Director of Public Facilities may authorize a pickup location other than curbside upon request by the owner or occupant of the premises. No items or materials shall be placed at

curbside for Village pickup sooner than 24 hours prior to the scheduled collection times as designated by the Village, and containers shall not remain at the curb line longer than 12 hours after the scheduled pickup.

SECTION 63.10 Ownership of Recyclable Materials.

- (a) All recyclable materials placed out for collection as provided for in this chapter shall, upon such placement, become the property of the Village or the Village's authorized agent.
- (b) Only persons authorized by the Village to collect recyclable materials shall take them from any premises where they have been placed out for Village collection.

SECTION 63.11 Authority of Director of Public Facilities.

- (a) The Director of Public Facilities shall be responsible for the initial enforcement of this chapter.
- (b) The Director of Public Facilities shall prepare rules and standards as necessary for the implementation of this chapter.
- (c) From time to time, as appropriate, the Director of Public Facilities shall prepare and distribute information to the Village residents regarding recycling or the requirements of this chapter.

SECTION 63.12 Materials Not to be Placed or Picked Up.

No person shall place for pickup, nor shall the collector or the Village pick up, any of the following materials:

- (a) Materials that do not comply with one or more of the requirements of this chapter or do not comply with rules or standards established by the Director of Public Facilities.
- (b) Yard waste.
- (c) Garbage or rubbish substantially in excess of one cubic yard of material per week unless greater amounts are authorized in writing by the Village or the Village's authorized agent for collection.
- (d) Any hazardous substances, unless the Director of Public Facilities specifically authorizes such disposal and/or collection.

SECTION 63.13 Violations and Penalties.

Any person who violates or fails to comply with any provision of this chapter shall, upon conviction, forfeit not less than \$50 nor more than \$500, together with the costs of prosecution. Each day or incident of violation shall be a separate offense. Village law enforcement officers are authorized to issue citations for violation of any provision of this

chapter. Compliance may also be obtained by injunctive or other appropriate judicial relief in the same manner as provided in Chapter 23 of this Code.