

VILLAGE OF CROSS PLAINS

ORDINANCE NO. 2022-02

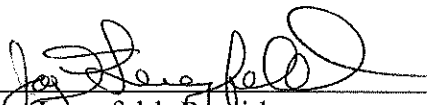
**AN ORDINANCE TO REPEAL AND RECREATE CHAPTER 63 OF THE
VILLAGE CODE OF ORDINANCES CONCERNING SOLID WASTE**


The Village Board of the Village of Cross Plains, Dane County, Wisconsin does hereby ordain as follows:

1. Chapter 63, Solid Waste, is repealed and replaced with the language attached hereto as Exhibit A. The Village Clerk is hereby directed to include the provisions of the attached Exhibit A in the Village Code of Ordinances.

Adopted this 24th day of January, 2022.

VILLAGE OF CROSS PLAINS

By: 
Jay Lengfeld, President

By: 
Bobbi Zauner, Clerk

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.

- (a) 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.
- (b) Whereas Wis. Stats. Chapter 287 entitled "Solid Waste Reduction, Recovery and Recycling" requires timely compliance with various requirements relating to landfills and incineration, it is declared to be the purpose and intent of this article to enhance and improve the environment and promote the health, safety and welfare of the village by establishing standards for the storage, collection, transport, processing, separation, recovery and disposal of garbage and recycling materials in compliance with state law

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 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 63.06 Definitions.

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

- (a) **Building Waste.** That portion of solid waste consisting of wastes from the repair, remodeling or reconstruction of buildings, such as lumber, roofing and sheathing scraps, rubble, broken concrete, asphalt and plaster, conduit pipe, wire insulation, and any other materials resulting from the demolition of buildings and improvements.
- (b) **Collector.** The contractor selected by the Village to collect solid waste.
- (c) **Commercial Units.** All property other than residential dwelling units and includes any trade, business, professional offices, churches, schools, service organizations, apartment buildings of five units or more, boardinghouses, motels or resorts.
- (d) **Department.** The State of Wisconsin Department of Natural Resources.
- (e) **Director.** The Village of Cross Plains Director of Public Facilities.
- (f) **E-Waste.** Shall mean discarded electrical or electronic devices which may be refurbished or scraped. E-waste include, but are not limited to; televisions, monitors, copy machines, computers, laptops, cell phones, networking equipment, VCRs, DVD players, batteries, etc.
- (g) **Garbage.** Shall mean animal and vegetable waste resulting from handling, preparation, cooking and consumption of food.
- (h) **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.
- (i) **Newspaper.** Matter printed on newsprint but excluding books, magazines, catalogues, glossy paper or similar materials.
- (j) **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.

- (k) **Other Paper.** All paper excluding newsprint materials markets for recycling, including recyclable magazines and office paper.
- (l) **Recyclables or Recyclable Materials.** At a minimum newspaper (ONP); corrugated cardboard and paperboard (with the exception of pizza boxes); mixed paper, including magazines, junk mail, and brown Kraft bags; chipboard; other unbleached paper products; coated paper products (i.e. – magazines and catalogs); aluminum cans; steel cans (also known as bi-metal or “tin” cans); glass bottles and jars (only after being rinsed); plastic polyethylene terephthalate (PET) containers; plastic high-density polyethylene (HDPE) containers; plastic low-density polyethylene (LDPE) containers; plastic polypropylene (PP) containers; plastic polyvinyl chloride and (PVC) containers 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.
- (m) **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.
- (n) **Refuse.** All discarded and unwanted putrescible and non-putrescible household and kitchen wastes, including, but not limited to, food, food residues, and materials necessarily used for packaging, storing, preparing, and consuming same, usually defined as “garbage”; and all combustible and non-combustible waste materials resulting from the usual routine of domestic housekeeping, including, but not limited to, plastic containers not included as recyclables; crockery and other containers; cold ashes; furniture, furnishings, and fixtures; textiles and leather; dead domestic animals and domestic animal waste; toys and recreational equipment; and similar items. For the purpose of this ordinance “refuse” and “solid waste” may be used interchangeably
- (o) **Residential Dwelling Unit or Dwelling Units.** means all single-family residences, apartments up to four units, or condominium units. A single-family dwelling shall be counted as one household unit, a two-family dwelling shall be counted as two household units, etc.
- (p) **Rubbish.** Includes but is not limited to tree trunks, stumps, tree branches, brush, and other nonrecyclable materials other than garbage or yard waste.
- (q) **Scavenging.** The uncontrolled removal of materials at any point in solid waste management.
- (r) **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.

- (s) **White Goods.** 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 constituting a major appliance, or any other item that may hereafter be identified, defined or classified as a major appliance by the Department.
- (t) **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 63.07 Collection of Solid Waste; Handling of Yard Waste.

(a) Yard Waste.

- (1) 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.
- (2) Brush limbs shall be piled with all cut ends facing in one direction. Tree limbs shall be eight inches in diameter or less and a maximum of ten feet in length. Tree branch clumps shall be cut narrow enough to go through an 18-inch chipper chute. Grass clippings must be taken to the recycling center, unless a Village-wide yard cleanup is being held pursuant to (5) below. Brush shall be free of dirt, roots, and not have any metal or nails.
- (3) The department of public facilities allots approximately 15 minutes of work by a two-person crew for brush removal at each residence. If the estimated amount of work needed for brush removal will exceed 15 minutes, the resident or property owner will be notified by the Director of their options to remove the remaining brush.

(b) Other Waste.

- (1) **Rubbish.** Rubbish 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.

(c) **Garbage and Refuse.**

- (1) Garbage shall be placed at curbside for collection by the Village at a time designated by the Director of Public Facilities. All garbage and other solid waste shall be stored in a nuisance and odor free condition. Litter shall not be allowed to accumulate. All totes shall be stored either indoors, or in the side yard or rear yard of a lot. No storage of solid waste totes shall be allowed in the front yard of a lot.
- (2) **Approved Containers.** The Village shall only pick up solid waste that is stored in a Village-approved tote. Each residential dwelling unit shall be provided with two totes, one for solid waste disposal and one for the collection of recyclable material. If a tote is damaged so that the tote must be replaced, the resident may obtain a new tote from the Collector for a fee of \$20.00
- (3) **Placement for Collection.** Village-approved totes shall be accessible to collection crews. Residential garbage, refuse and recyclables in approved containers shall be placed immediately behind the curb of the public street or adjacent to alleys for collection. During winter months, solid waste shall not be placed on top of a snow bank nor in the roadway. The owner or occupant shall either shovel out an area behind the curb in which to place his waste or place it in his driveway.
- (4) **Restriction on Time of Placement.**
 - a. All totes shall be placed at the curb no earlier than 24 hours prior to the scheduled date of collection. All totes shall be removed from the curb no later than 12 hours after the date of collection.
 - b. All totes tagged in violation of this section shall be removed from the curbside collection point within 12 hours after the regular collection time.
 - c. Village employees or employees of licensed collectors shall not enter any structures to remove garbage or refuse or to pick up white goods.
 - d. White goods shall not be placed at the curb until arrangements have been made with the Collector or other private contractor for pickup and may not remain at the curb longer than 24 hours.
- (5) **Collection Schedule.**
 - a. The designation of the days of garbage collection shall be made by the Director, and such information shall be advertised. Unless hardship is shown, caused by extreme weather conditions or other hazardous situations, garbage shall be collected from all residential dwelling units weekly.
 - b. The owner or occupant of a new residential dwelling unit shall notify the village clerk that collection of garbage from such place is required.

- (6) **Collection and Disposal of Garbage and Recyclables Other than by Village.** Garbage and recyclables not collected by the village, its residents, its agents, employees or contractors, may be collected and disposed of by private haulers. All vehicles used to transport garbage and recyclables shall be provided with equipment to prevent garbage and recyclables from blowing out of, falling from or otherwise escaping from such vehicle. All haulers shall comply with all applicable local ordinances, and state and federal rules and regulations.

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 toter No containers shall exceed 95 gallons 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..
 - (4) **Corrugated Cardboard.** Corrugated cardboard shall be flattened, empty, free of food debris and placed inside the recycling container for collection. Waxed cardboard may not be recycled.
 - (5) **Newspaper.** All newspaper shall be placed in the container 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 placed in the container.
 - (7) **Magazines.** Magazines shall be place in the 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 (4+units).** 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 residential 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.
 - (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 Clerk 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 Prohibited Activities and Non-collectible Materials.

- (a) **Improper Transportation.** No person shall transport any garbage in any vehicle that permits the contents to blow, sift, leak or fall from the vehicle. If spillage does occur, the collection crew shall immediately return spilled materials to the

collection vehicle and shall properly clean or have cleaned the area. Collection vehicles shall be cleaned frequently to prevent nuisances and insect breeding and shall be maintained in good repair.

- (b) **Scavenging.** No person shall scavenge any garbage placed for collection.
- (c) **Private Dumps.** No person shall use or operate a dump.
- (d) **Non-collectible Materials.** No person shall place for collection any of the following wastes, unless by the parameters prescribed in Section 63.07(b)(2):
 - (1) Hazardous waste.
 - (2) Drain or waste oil or flammable liquids.
 - (3) Tires.
 - (4) Wet, undrained and unwrapped kitchen garbage or offal.
 - (5) Building and demolition waste.
 - (6) Any mattress, sofa, upholstered chair or other furniture.
 - (7) Electronic waste.
- (e) **Depositing on Property of Another.** No person shall deposit, throw or place any garbage on or within any public street, alley, park, sidewalk or other public place or within or upon any private property or premises whether owned, kept or controlled by such person or not, unless permission is obtained from the property owner.

SECTION 63.14 Garbage, Refuse or Recyclables from Outside the Village.

No person shall place, deposit or cause to be deposited for collection any garbage, refuse or recyclables not generated within the corporate limits of the Village.

SECTION 63.15 Mandatory Recycling Requirements - Residential Units.

- (a) **Recyclables Prohibited from Garbage.** Recyclables are prohibited from being commingled in solid waste totes and shall be handled separately and in compliance with this section.
- (b) **Preparation of Recyclables.** All containers are to be rinsed clean and all caps, covers and rings removed.
- (c) **Transporting.** Recyclables shall be transported in a manner that prevents escape of materials. Any escaping materials shall be immediately picked up by the person transporting them. The transporting of all recyclable materials shall comply with all local ordinances, and state and federal rules and regulations.

SECTION 63.16 Same - Commercial Units.

The owner or designated agent of properties containing five or more dwelling units and owners or designated agents of nonresidential facilities and properties shall carry out the following:

- (a) Provide adequate, separate containers for recyclables.

- (b) Notify tenants in writing at the time of renting or leasing and at least semiannually thereafter of the recycling program and requirements of the program.
- (c) Provide for the collection or removal of recyclables separated from solid waste by the tenants and the delivery of recyclables to the local recycling drop-off center or a material recovery facility.
- (d) Notify tenants, including seasonal tenants, of reasons to reduce and recycle; which materials are recyclable; how to prepare recyclable materials; and collection methods or drop-off sites, hours of operation and a contact person or company.

SECTION 63.17 Compliance and Enforcement.

- (a) **Compliance.** The Collector responsible for the collection of solid waste and recyclables shall establish and publicize a procedure for receiving and responding to citizen complaints, including missed collections. A representative of the contractor shall contact the Director to resolve any issues. The Collector shall notify the Director if the Collector notices any citizen violating the terms of this Ordinance.
- (b) **Enforcement.** The Director shall administer the enforcement of this section. Upon receiving notice of a violation by a citizen, the Director shall first attempt to notify the alleged violator in writing of the offense. Upon a second offense by the citizen, the Director may refer the matter to the police department for further investigation, including the issuance of citations.

SECTION 63.18 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.