

CHAPTER 3

Solid Waste Collection

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SEC. 6-3-1 TITLE; COLLECTION SERVICE.

- (a) TITLE. This Chapter shall be known as the Solid Waste Management Ordinance of the Village of Prairie du Sac, Wisconsin, hereinafter referred to as Ordinance or Chapter.
- (b) SOLID WASTE COLLECTION SERVICE. All garbage, recycling and refuse collection service shall be provided by the Village or by persons or firms licensed by the Village to perform such services.
- (c) SUPERVISION. The collection of garbage and refuse as defined herein shall be under the administration of the Director of Public Works, who shall make such regulations as are necessary regarding the collection of garbage and refuse with the approval of the Village Board. The enforcement of health regulations relating to garbage and refuse disposal shall be the responsibility of the Health Office and Building Inspector of the Village of Prairie du Sac.

SEC. 6-3-2 DECLARATION OF POLICY.

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. 6-3-3 DEFINITIONS.

For the purposes of this Chapter, the following words and phrases shall have the meanings given herein unless different meanings are clearly indicated by the context.

- (a) AGRICULTURAL ESTABLISHMENT -- An establishment engaged in an “agricultural use” as that term is defined in section 91.01(2) of the Wisconsin Statutes, as may be amended from time to time.
- (b) APPROVED CONTAINER – A container for storage and/or collection of recyclables, garbage, refuse and/or solid waste approved by the Village.

- (c) BIODEGRADABLE – Capable of being broken down by the action of living things (such as microorganisms).
- (d) BULKY ITEMS -- Items whose large size precludes or complicates their handling by normal collection, processing, or disposal methods; or are too large to fit within the collection receptacle provided by the Village's solid waste collection contractor.
- (e) COLLECTION -- The act of removing solid waste from the storage area at the source of generation.
- (f) CURB -- The back edge of curb and gutter along a paved street or where one would be if street was paved and had curb and gutter.
- (g) DEMOLITION WASTES -- That portion of solid wastes consisting of waste resulting from the demolition, repair, remodeling, construction 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.
- (h) DIRECTOR OF PUBLIC WORKS -- The duly qualified and appointed Village official who is responsible for the administrative management of this Chapter and is responsible for the enforcement of those aspects of this Chapter related to the protection of the health, safety and welfare, and the environment of the municipality.
- (i) DISPOSAL -- The orderly process of discarding useless or unwanted material.
- (j) DNR -- The Wisconsin Department of Natural Resources.
- (k) DUMP -- A land site where solid waste is disposed of in a manner that does not protect the environment.
- (l) DWELLING UNIT -- A place of habitation occupied by a normal single-family unit of a combination of persons who may be considered as equivalent to a single-family unit for the purposes of this Chapter.
- (m) GARBAGE -- Discarded materials resulting from the handling, processing, storage, and consumption of food. (See Ch. 289, Wis. Stats.).
- (n) HAZARDOUS WASTE – Any solid waste identified as hazardous under s. 291.05(2), Wis. Stats.).
- (o) INDUSTRIAL WASTE -- Means waste material, except garbage, rubbish, and refuse, directly or indirectly resulting from an industrial processing or manufacturing operation.
- (p) LITTER -- Solid waste scattered about in a careless manner, usually rubbish.
- (q) 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.
- (r) PERSON – Means an individual, owner, operator, corporation, limited liability company, partnership, association, municipality, interstate agency, state agency or federal agency.
- (s) PRIVATE COLLECTION SERVICES -- Collection services provided by a person licensed to do same by the DNR.
- (t) RECYCLABLES -- Means waste material that can be remanufactured into usable products and shall include by way of enumeration but not by way of limitation, glass, plastics, newspapers, cardboard, metals (aluminum, steel, tin, brass, etc.).
- (u) REFUSE – Means all matters produced from industrial or community life not defined as sewage.
- (v) RESIDENTIAL SOLID WASTE -- All solid waste that normally originates in a residential environment from residential dwelling units.
- (w) RESIDENTIAL UNIT--A single family home, duplex, townhouse, condominium, or a building with three (3) or less dwelling units.
- (x) 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, tin cans, bottles, rags, paper, cardboard, sweepings.

- (y) SCAVENGING--The uncontrolled removal of materials at any point in solid waste management.
- (z) SEWAGE – The meaning specified in Ch. 289, Wis. Stats., as may be amended from time to time, shall apply.
- (aa) SOLID WASTE – The meaning specified in Ch. 289, Wis. Stats., as may be amended from time to time, shall apply.
- (bb) STORAGE --The interim containment of solid waste in an approved manner after generation and prior to collection and ultimate disposal.
- (cc) STORAGE AREAS -- Areas where persons place containers during non-collection days as well as areas where containers are set out on collection day.
- (dd) YARD WASTE – Such material as, by way of enumeration, but not limitation, branches, tree trunks, shrubs, grass clippings, biodegradable yard and garden debris, brush, and any similar vegetative material or substance.

SEC. 6-3-4 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 materials from any containers which have become ruptured or broken due to wet conditions, animals, vandalism, or other cause. The occupant and/or owner shall be responsible for cleaning up this litter. Litter not collected shall not be allowed to accumulate. Violation will result in the occupant and/or owner being notified to clean up his area with refusal to do so or continued violation resulting in the owner being prosecuted under the provision of this and other Village ordinances.

SEC. 6-3-5 APPROVED CONTAINERS.

- (a) APPROVED GARBAGE AND RECYCLING CONTAINERS. The Village shall only collect garbage and recyclables placed for collection in approved containers. An approved container shall be obtained from the Village or by persons or firms licensed by the Village to perform such services. A minimum of one cart for garbage and one cart for recyclables is required for each collection site, unless other arrangements, such as a dumpster, are made and approved by the Director of Public Works or his/her designee.
- (b) APPROVED YARD WASTE CONTAINERS. The Village shall only collect yard waste that is either placed in biodegradable paper yard waste bags or per the instructions of the Director of Public Works or his/her designee.
- (c) DEFECTIVE CONTAINERS. All approved containers incapable of continuing to meet the definition of an approved container because of damage, loss of handles, or other factors, shall be tagged by the collection crew. The collection crew will also leave notification of the defects on the premises. Where approved containers from several residential units are placed for collection at the same location, the garbage cans shall be identified with the address number so ownership can be determined. The occupant and/or owner of the property shall be responsible for the cost to replace, repair defective approved containers.
- (d) ILLEGAL CONTAINERS. Containers not approved will not be emptied regardless of contents or weight.

SEC. 6-3-6 COLLECTION OF REFUSE.

- (a) PLACEMENT FOR COLLECTION. Residential solid waste shall be accessible to collection crews. Garbage and recycling approved containers shall be placed for collection

as designated by the Director of Public Works or his/her designee. Yard waste shall be placed in neat, orderly fashion behind the curb or as designated by the Director of Public Works or his/her designee. Bulky items shall be placed as designated by the Director of Public Works or his/her designee. During winter months, yard waste and approved containers shall not be placed on top of the snowbank. Collection crews will not collect solid waste unless it is placed at the curb of a public street. Solid waste must be brought to the public right-of-way for collection. Should collection crews be unable to discharge contents of approved containers into collection vehicles using normal handling procedures, the containers, 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 approved containers by means other than dumping.

- (b) **RESTRICTION ON TIME OF PLACEMENT.** Garbage, recycling, yard waste, and bulky items shall be placed in collection locations as designated in Subsection (a) above not earlier than twenty-four (24) hours before the regular collection time. All approved containers for refuse and garbage disposal shall be removed from the curbside collection point within twenty-four (24) hours after the regular collection time. Village employees or employees of licensed collectors will not enter any structures to remove garbage, recyclables, yard waste, or bulky items.

SEC. 6-3-7 TITLE TO WASTE

In the absence of an agreement to the contrary, title to items placed for collection shall vest in the Village of Prairie du Sac as soon as it is placed for collection, although this transfer of title shall not confer any liability to the Village for toxic, hazardous, or other prohibited items that were placed for collection and disposed of.

SEC. 6-3-8 PROHIBITED ACTIVITIES AND NON-COLLECTABLE MATERIALS.

- (a) **DEAD ANIMALS.** It shall be unlawful to place any dead animal, or parts thereof, in a container for collection provided, however, this section shall not apply to animal parts from food preparation for human consumption.
- (b) **UNDRAINED FOOD WASTES.** It shall be unlawful to place any garbage or other food wastes in a container for collection unless it is first drained and wrapped.
- (c) **ASHES.** It shall be unlawful to place ashes for collection.
- (d) **IMPROPER PLACEMENT.** It shall be unlawful to place, or allow to be placed, any solid waste upon the roads, streets, public or private property within this municipality contrary to the provisions of this Chapter.
- (e) **COMPLIANCE WITH CHAPTER.** It shall be unlawful to store, collect, transport, transfer, recover, incinerate, or dispose of any solid waste within the boundaries of this locality contrary to the provisions of this Chapter.
- (f) **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 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.
- (g) **INTERFERENCE WITH AUTHORIZED COLLECTOR.** No person other than an authorized collector shall collect or interfere with any solid waste after it shall have been put into the proper place for the collector, nor shall any unauthorized person molest, hinder, delay or in any manner interfere with an authorized collector in the discharge of his duties.

- (h) SCAVENGING. It shall be unlawful for any person to scavenge any solid waste placed for collection.
- (i) PRIVATE DUMPS. It shall be unlawful for any person to use or operate a dump.
- (j) BURNING OF WASTE. It shall be unlawful for any person to burn solid waste in any manner, except as provided elsewhere in this Code of Ordinances.
- (k) FEEDING OF FOOD WASTE TO ANIMALS. It shall be unlawful for any person to engage in the feeding of food waste to animals for commercial purposes.
- (l) NON-COLLECTABLE MATERIALS. It shall be unlawful for any person to place for collection any of the following wastes:
 - (1) hazardous waste,
 - (2) toxic wastes,
 - (3) chemicals,
 - (4) explosives or ammunition,
 - (5) drain or waste oil or flammable liquids,
 - (6) large quantities of paint,
 - (7) tires and automobile parts.
- (m) ANIMAL OR HUMAN WASTES. It shall be unlawful for any person to place animal wastes and/or human wastes for collection not within a plastic bag. These wastes should be disposed of in plastic bags or in the sanitary sewer system. Such items as "kitty litter" may be placed for collection if animal wastes are removed prior to disposal.
- (n) MEDICAL WASTES. It shall be unlawful for any person to place for collection any pathogenic medical wastes. Such items as needles and syringes may be disposed of as long as they are contained to eliminate injury to collection crews.
- (o) BUILDING AND TREE TRIMMING WASTE. All waste resulting from remodeling, construction or removal of a building, roadway, or sidewalk or from commercial tree trimming shall not be placed for collection, and shall be disposed of by the owner, builder or contractor. No license required if done by owner, contractor, or builder.

SEC. 6-3-9 COLLECTION AND REMOVAL PROCEDURES-LICENSING OF GARBAGE AND REFUSE HAULERS.

- (a) MUNICIPAL AUTHORITY.
 - (1) The collection and removal of garbage, recycling, yard waste, and refuse as herein defined is declared to be and is taken over as a municipal function and enterprise in the interests of public health, welfare, safety, and sanitation.
 - (2) All garbage, recycling, yard waste, and refuse as herein defined shall be collected and removed by the Village; and it shall be unlawful for any person, unless employed by the Village, to engage in the collection or removal of such garbage and refuse, whether with or without compensation, without the consent of the Village, obtained in the manner herein provided.
- (b) CONTRACTING FOR COLLECTION SERVICES. The collection, removal and disposition of garbage, recycling, yard waste, and refuse shall be under the supervision, direction and control of the Village Board and Director of Public Works, and may be done directly by the Village or contracts made and awarded to some individual, firm or corporation and let in the manner prescribed in this Section:
 - (1) The specifications for said contract and the provisions thereof shall be prepared at the instance and under the direction of the Administrator, and the contract shall be approved by the Village Board.
 - (2) The Administrator or his/her designee shall advertise for bids for the collection and removal of garbage and recycling and said contract shall be awarded to the lowest responsible bidder, who shall be required to execute a corporate surety bond in the

sum of Three Thousand (\$3,000.00) Dollars for the faithful performance of the terms of such contract. Bid specifications shall be published and bids taken not less than sixty (60) days prior to the termination of the prior contract. Bid documents must include the license requirements and vehicle permit liability provisions of this Chapter.

- (3) Such contract when awarded shall be subject to all of the terms of this Chapter, and such other rules and regulations as will be hereafter adopted, and such contract shall contain a clause regulating the disposition of such garbage and recycling, and may contain such other provisions as meet the approval of the Village Board.
 - (4) No contract shall be awarded to any such applicant unless he/she first files with the Village Administrator in such form as the Village Board may prescribe, satisfactory proof that he or she has, in full force and effect, a public liability insurance policy issued by a company licensed and authorized to do business in the State of Wisconsin, with a minimum limit of \$1,000,000 Bodily Injury & Property Damage combined single limit for General Liability and \$1,000,000 combined single limit for Automobile with an umbrella of at least \$1,000,000 limit..
- (c) **LICENSING OF GARBAGE HAULERS (NON-MUNICIPAL CONTRACTORS).**
- (1) License Required. No person or company not under contract as provided in Subsection (b) shall engage in garbage, recycling, or refuse collection operations within the Village without first obtaining from the Village the license so to do. Applications for such licenses shall be presented to the Village Board upon application forms prepared by the Administrator and shall be accompanied by an annual license fee as stated in the Schedule of Fees.
 - (2) Application; Insurance. The Village Board will consider all such applications filed with the Administrator and shall either give preliminary approval to each application or shall reject the same. In the case of applicants whose applications have received preliminary approval by the Board, no license shall be granted to any such applicant unless he first files with the Village Administrator in such form as the Village Board may prescribe, satisfactory proof that he has, in full force and effect, a public liability insurance policy issued by a company licensed and authorized to do business in the State of Wisconsin, with a minimum limit of \$1,000,000 Bodily Injury & Property Damage combined single limit for General Liability and \$1,000,000 combined single limit for Automobile with an umbrella of at least \$1,000,000 limit..
 - (3) License Expiration. Each license issued thereunder shall expire yearly on December 31st and shall be renewable for the same term and upon the same conditions as provided for in the original issuance thereunder.
- (d) **SUPERVISION.**
- (1) The collection, removal and disposal of garbage, recycling, and refuse shall be conducted under the supervision, direction and control of the Administrator and Director of Public Works or their designee(s) in strict conformity with the provisions of this Section and with such additional rules and regulations as may from time to time be made by the Village Board.
 - (2) If any person is in doubt as to the proper preparation, handling, or disposal of garbage, said person shall communicate with the Village for further information concerning said preparation, handling, or disposal.

SEC. 6-3-10 COLLECTION RATES.

- (a) The charges for garbage, recycling, and refuse collection services shall be adopted by resolution by the Village Board, a copy of which is on file with the Administrator.

- (b) Pursuant to the authority of Sec. 66.0627(2), Wis. Stats., in addition to all other methods provided by law, special charges for garbage, recycling, and refuse collection services imposed under this Chapter may be allocated in whole or in part to the property served. If such special charges are allocated to the property served, unpaid charges shall become a lien on the property against which it is imposed as of the date of the delinquency. Special charges levied as a result of this Section may be collected and enforced in the manner provided by law for the collection and enforcement of other special charges and taxes levied by villages in the State of Wisconsin.

History. Code of Ordinances, 1986. Sec. 6-3-10 Amended, Ordinance No. 1, Series 2016.

SEC. 6-3-11 GARBAGE ACCUMULATION; WHEN A NUISANCE.

The accumulation or deposit of garbage, recycling, 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 other animals, or which otherwise becomes injurious to the public health is prohibited and declared to constitute a nuisance.

SEC. 6-3-12 REFUSE FROM OUTSIDE THE MUNICIPALITY.

It is unlawful for any person, firm or corporation to place, deposit or cause to be deposited, for collection, any waste or refuse not generated within the corporate limits of the Village of Prairie du Sac.

SEC. 6-3-13 ENFORCEMENT.

Any person or entity violating any provision of this Chapter shall be subject to a forfeiture of not less than fifty dollars (\$50.00) and not more than five hundred dollars (\$500.00), plus court costs.