

## CHAPTER 3

### Refuse Disposal and 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) GARBAGE AND REFUSE COLLECTION SERVICE. All garbage 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 Superintendent 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 the rearing and slaughtering of animals and the processing of animal products or orchard and field crops.
- (b) BULKY WASTE--Items whose large size precludes or complicates their handling by normal collection, processing or disposal methods.
- (c) COLLECTION -- The act of removing solid waste from the storage area at the source of generation.

- (d) SUPERINTENDENT OF PUBLIC WORKS--The duly qualified and appointed person 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.
- (e) 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.
- (f) DEMOLITION WASTES--That portion of solid wastes 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.
- (g) DISPOSAL--The orderly process of discarding useless or unwanted material.
- (h) DNR--The Wisconsin Department of Natural Resources.
- (i) DUMP -- A land site where solid waste is disposed of in a manner that does not protect the environment.
- (j) 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.
- (k) GARBAGE -- Includes every refuse accumulation of animals, fruit or vegetable matter, liquid or otherwise, that attends the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit or vegetables.
- (l) HAZARDOUS WASTE -- Those wastes such as toxic, radioactive or pathogenic substances which require special handling to avoid illness or injury to persons or damage to property and the environment.
- (m) INDUSTRIAL WASTE--Means waste material, except garbage, rubbish, and refuse, directly or indirectly resulting from an industrial processing or manufacturing operation.
- (n) LITTER--Solid waste scattered about in a careless manner, usually rubbish.
- (o) 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.
- (p) PERSON--Individuals, firms, corporations, and associations, and includes the plural as well as the singular.
- (q) PRIVATE COLLECTION SERVICES -- Collection services provided by a person licensed to do same by the DNR.
- (r) RECYCLABLE WASTE -- 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.).
- (s) REFUSE--Includes all waste material, except garbage, rubbish and industrial waste, and shall by way of enumeration but not by way of limitation include grass, leaves, sticks, tree branches and logs, stumps, stone, cement, boards, furniture or household appliances, garden debris.
- (t) RESIDENTIAL SOLID WASTE -- All solid waste that normally originates in a residential environment from residential dwelling units.
- (u) RESIDENTIAL UNIT--A single family home, duplex, townhouse, condominium or a building with three (3) or less dwelling units.
- (v) 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.
- (w) SCAVENGING--The uncontrolled removal of materials at any point in solid waste management.

- (x) SOLID WASTE--Garbage, rubbish and other useless, unwanted or discarded material from agricultural, residential, commercial, industrial or institutional activities. Solid waste does not include solid or dissolved material in domestic sewage.
- (y) STORAGE --The interim containment of solid waste in an approved manner after generation and prior to collection and ultimate disposal.
- (z) STORAGE AREAS -- Areas where persons place containers during non-collection days as well as areas where containers are set out on collection day.

SEC. 6-3-4 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 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 continued violation resulting in the owner being prosecuted under the provision of this and other Village ordinances.

SEC. 6-3-5 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 waste except for bulky or certain yard wastes as provided for herein. Containers, in order to be approved, shall provide for efficient, safe and sanitary handling of solid wastes. 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. Approved residential solid waste containers shall consist of metal or plastic containers with tight fitting covers and suitable handles, commonly referred to as garbage cans, or plastic garbage bags which are closed by means of a tie. Approved containers shall be maximum thirty (30) gallon size. Container including contents shall not exceed in weight that which one person can safely lift (fifty [50] pounds). Metal garbage cans shall be of sufficient thickness to resist denting during normal handling by collection crews. Plastic garbage cans shall consist of plastic material not damaged by freezing and not susceptible to melting. They shall be capable of being handled during hot and cold weather without damage during normal handling by collection crews. Plastic bags shall be of sufficient strength to allow lifting and loading of contents without tearing. Each unit will be allowed to dispose of rubbish (not garbage) in small cardboard boxes (no more than nine 9 cubic feet in volume) provided the contents therein are covered and secured, as well as newspapers and magazines, as long as they are tied into bundles a maximum of ten (10) inches high. Should bundles, cardboard boxes and/or contents, because of weather conditions become wet and soaked, they will not be collected, but must be stored by the owner in an approved container for collection on the next collection day. Cardboard boxes will be considered disposable and will not be emptied and returned to the curb. Brush no greater than six (6) feet in length and weighing less than fifty (50) pounds may be placed for collection.
- (c) DEFECTIVE CONTAINERS. All garbage cans 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 garbage cans 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.

- (d) **ILLEGAL CONTAINERS.** Containers not approved consist of 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. 6-3-6      COLLECTION OF REFUSE.

- (a) **PLACEMENT FOR COLLECTION.** 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. Yard and 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 public right-of-way 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.
- (b) **RESTRICTION ON TIME OF PLACEMENT.** 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 not earlier than twenty-four (24) hours before the regular collection time. All receptacles 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. Village employees or employees of licensed collectors will not enter any structures to remove garbage or refuse.

SEC. 6-3-7      TITLE TO WASTE

In the absence of an agreement to the contrary, title to the refuse and solid waste placed for collection by the Village 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 garbage 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 an authorized garbage 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. 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) **HOSPITAL WASTES.** It shall be unlawful for any person to place for collection any pathogenic hospital 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 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 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 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 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 said contract must be approved by the Village Board.
  - (2) The Administrator shall advertise for bids for the collection and removal of garbage and refuse for a period not to exceed five (5) years, 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 refuse, and may contain such other provisions as meet the approval of the Village Board.
  - (4) The Village Board will consider all such applications filed with the Administrator and shall either give preliminary approval to each particular application or shall reject the same. No contract shall be awarded 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, in amounts of not less than One Hundred Thousand (\$100,000.00) Dollars for any person injured or killed and a total sum of Three Hundred Thousand (\$300,000.00) Dollars for more than one person injured or killed, and at least One Hundred Thousand (\$ 100,000.00) Dollars for the injury to or destruction of any property of any person other than such as owned by the licensee, including without limitation because of enumeration, any property owned or operated by the Village of Prairie du Sac, or any public utility installation, structure or other property within the Village of Prairie du Sac.
- (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 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 particular 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, in amounts of not less than One

Hundred Thousand (\$100,000.00) Dollars for any person injured or killed and a total sum of Three Hundred Thousand (\$300,000.00) Dollars for more than one person injured or killed, and at least One Hundred Thousand (\$100,000.00) Dollars for the injury to or destruction of any property of any person other than such as owned by the licensee, including without limitation because of enumeration, any property owned or operated by the Village, or any public utility installation, structure or other property within the Village.

- (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 shall be conducted under the supervision, direction and control of the Administrator and Director of Public Works 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 Administrator for further information concerning said preparation, handling or disposal.

SEC. 6-3-10      COLLECTION RATES.

- (a) The charges for garbage/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 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, 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.