

COVER PAGE FOR RECYCLING & SOLID WASTE COLLECTION AND DISPOSAL

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CHAPTER 6

SOLID WASTE DISPOSAL

6.01 TITLE.

The title of this Ordinance is the Town of New Denmark Solid Waste Disposal Ordinance.

6.02 PURPOSE.

The purpose of this Ordinance is to effectively and efficiently manage the solid waste generation and collection by and of the Town of New Denmark.

6.03 ABROGATION AND GREATER RESTRICTIONS.

It is not intended by this Ordinance to repeal, abrogate, annul, impair or interfere with any existing rules, regulations, Ordinances or permits previously adopted or issued pursuant to law. However, whenever this Ordinance imposes greater restrictions, the provisions of this Ordinance shall apply.

6.04 INTERPRETATION.

In their interpretation and application, the provisions of this Ordinance shall be held to 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 Ordinance may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this Ordinance is required by Wisconsin Statutes, or by a standard in Chapter NR 544, Wis. Adm. Code, standards or its successor chapter and where the Ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and Chapter NR 544 Wis. Adm. Code standards or its successor chapter in effect on the date of the adoption of this Ordinance, or in effect on the date of the most recent text amendment to this Ordinance.

6.05 SEVERABILITY.

Should any portion of this Ordinance be declared unconstitutional or invalid by a court or competent jurisdiction the remainder of this Ordinance shall not be affected.

6.06 APPLICABILITY.

The requirements of this Ordinance apply to all persons and households in the Town of New Denmark.

6.07 ADMINISTRATION.

The provisions of this Ordinance shall be administered by the Town Board of the Town of New Denmark or its designee.

6.08 EFFECTIVE DATE.

These provisions pursuant to NR 544 Wis. Adm. Code shall take effect upon publication.

6.09 DEFINITIONS.

For the purpose of this Ordinance:

"Bi-metal container" means a container for carbonated malt beverages that is made primarily of a combination of steel and aluminum.

"Container board" means corrugated paperboard used in the manufacture of shipping containers and related products.

"Green box" recyclable material facility means recyclable containers placed by the Town, its agents, or its contractors to be used by the service recipients in the Town for the temporary collection of recyclable material.

"HDPE" means high density polyethylene, labeled by the SPI code #2.

"LDPE" means low density polyethylene, labeled by the SPI code #4.

"Magazines" means magazines and other materials printed on similar paper.

"Major appliance" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, furnaces, boiler, dehumidifier, water heater or stove.

"Multiple-family dwelling" means a property containing 3 or more residential units, including those which are occupied seasonally.

"Newspaper" means a newspaper and other materials printed on newsprint.

"Non-residential facilities and properties" means commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwelling.

"Office paper" means high grade printing and writing from offices in non-residential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. This term does not include industrial process waste.

"Other resins or multiple resin" means plastic resins labeled by the SPI code #7.

"Persons" includes any individual, corporation, partnership, association, local government unit as defined on §66.0131(a) Wis. Stats., state agency or authority or Federal authority.

"PETE" means polyethylene terephthalate, labeled by the SPI code #1.

"PP" means polypropylene, labeled by the SPI code #5.

"PS" means polystyrene, labeled by the SPI code #6.

"PVC" means polyvinyl chloride, labeled by the SPI code #3.

"Recyclable materials" includes lead acid batteries, major appliances, waste oil, yard waste, aluminum containers, corrugated paper or other container board, foam polystyrene packaging, glass containers, magazines, newspaper, office paper, rigid plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS and other resins, steel containers, waste tires and bi-metal containers.

"Residential Equivalent Unit (REU)" means a residential living space required to house one family regardless of family size. For example, a duplex would consist of two residential equivalent units.

"Solid waste" has the meaning specified in §289.01(33) Wis. Stats.

"Solid waste facility" has the meaning specified in §289.01(35) Wis. Stats.

"Solid waste treatment" means any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste. "Treatment" includes incineration.

"Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.

"Yard waste" means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than 6 inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

"Recycling contract" shall refer to the Cooperative Agreement with rural municipalities to provide curbside or drop-off recycling center collection of commingled or source separated household recyclables and a materials recovery facility by and between Brown County, State of Wisconsin and the Town of New Denmark dated February 07, 1994.

6.10 SEPARATION OF RECYCLABLE MATERIALS.

Occupants of single family and two (2) to four (4) unit residences, multiple-family dwellings and non-residential facilities and properties shall separate the following materials from post-consumer waste:

Lead acid batteries.

Major appliances.

Waste oil.

Yard waste.

Aluminum containers.

Bi-metal containers.

Corrugated paper or other container board.

Foam polystyrene packaging.

Glass containers.

Magazines.

Newspaper.

Office paper.

Rigid plastic containers made of PETE, HDPE, HVC, LDPE, PP, PS and other resins or multiple resins.

Steel containers.

Waste tires.

The Town Board reserves the right to designate by order in writing, additional solid waste as recyclable materials to be separated by occupants to be collected by the Town or its contractor and to designate, after a variance has been obtained by the Town Board from the DNR under § 287.11(2m) Wis. Stats or its successor provision, currently separated and collected recyclable materials as no longer recyclable material to be separated and/or to be collected by the Town or by its contractors in the Town and to add or delete any of these materials or waste from any recyclable material collection services provided for or contracted by the Town. The Town Board shall provide written notice to known occupants affected by these changes and to any contractor of this written order.

Upon any designation notice to known occupants forwarded by first class mail, the Town or its contractor may reject any recyclable material waste or material determined to no longer be collected by the Town or by its contractor. The Town Board shall direct whether these recyclable materials not to be collected shall be separated from post-consumer waste and how they shall be managed by any occupant of the Town.

6.11 SEPARATION REQUIREMENTS EXEMPTED.

The separation requirements of Section 6.11 do not apply to any occupants of the Town regarding the following:

Occupants of single family and two (2) to four (4) unit residences, multiple-family dwellings and non-residential facilities and properties that send their post-consumer waste to a

processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in Section 6.11 from solid waste in as pure a form as is technically feasible.

Solid waste from these occupants which is burned as a supplemental fuel at a facility if less than 30% of heat input to the facility is derived from the solid waste burned as supplemental fuel.

A recyclable material of these occupants specified in Sections 6.11 (1) e. through o. for which a variance has been granted to the Town by the Wisconsin Department of Natural Resources under §287.11(2m) or §287.07(7)(d), Wis. Stats. or s. NR 544.14 Wis. Adm. Code or their successor provisions.

A recyclable material for which the Town has obtained the above variances from the DNR under §287.11(2m) Wis. Stats or its successor provision, and the Town Board does not require separation of this recyclable material from post-consumer waste.

6.12 CARE OF SEPARATED RECYCLABLE MATERIALS.

To the greatest extent practicable, the recyclable materials separated in accordance with section 6.11 shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other non-recyclable materials, including but not limited to household hazardous waste, medical waste and agricultural chemical containers.

No person may place or deposit for any recyclable material collection by the Town or its contractor in the Town in violation of Section 6.25, any household hazardous waste, medical waste, agricultural pesticide containers, or any other wastes and materials noted in Section 6.25. Recyclable materials separated for recyclable material collection shall be stored by all persons in a manner which protects them from wind, rain, other inclement weather conditions.

No person may place for recyclable material collection in the Town, by the Town, its contractors or by permitted collector, any separated recyclable materials that are unmarketable or contaminated or that are placed and stored for collection in a manner that will cause the material to be declared unmarketable or to be declared contaminated by the Town, its contractor, or by any permittee of the Town, that when placed or deposited for recyclable material collection will create a public nuisance or that will create litter conditions in the Town.

6.13 MANAGEMENT OF LEAD ACID BATTERIES, MAJOR APPLIANCES, WASTE TIRES, WASTE OIL AND YARD WASTE.

Occupants of single family and two (2) to four (4) unit residences, multiple-family dwellings and non-residential facilities and properties, except as otherwise directed by order of the Town Board, shall manage lead acid batteries, major appliances, waste oil, waste tires, and yard waste as follows:

Lead acid batteries, waste tires and waste oil shall not be collected by the Town at the curbside, but shall be disposed of by the person or owner at the Town Drop Off Recycling Center or taken to the Brown County Hazardous Waste Facility.

Major appliances and yard waste shall not be collected by the Town at curbside, but shall be disposed of by person or owner at the Town Drop Off Recycling Center or in accordance with State statute, DNR regulation and Wisconsin Administration Code.

6.14 REPARATION AND COLLECTION OF RECYCLABLE & SOLID WASTE MATERIALS.

The Town shall provide solid waste collection to all residential properties up to and including 3 dwelling units, per lot of record.

Recyclable waste to include commingled and paper shall be collected by the Town for all residential properties up to and including 3 dwelling units, per lot of record, provided such waste is properly separated, handled, prepared, contained stored and located in conformance with this Chapter and the rules and regulations established and publicized by the Public Works Director. Roadside recycling is mandatory and residents are required to comply when they are served by a recycling route. Recycling Waste Collection shall be provided once every two weeks to each household for one container furnished by the Town. Additional containers may be obtained for a fee as set from time to time by resolution of the Town Board. Recycling waste shall be placed out for collection separate from but next to other solid waste on the regular refuse collection day.

All non-residential business establishments and multiple family dwellings units shall be responsible for the disposal of solid waste and recyclable materials in accordance with Section 6.11 of the Town code. The Town shall not provide these services for any business establishment (Commercial, industrial, manufacturing or other), multiple family dwelling units (defined as a dwelling that has more than a three family dwelling unit per lot of record), non-profit organization or other organization. Those business establishments that also have a dwelling unit attached to the building will not be provided with solid waste or recyclable pick-up service from the Town, as such establishments will be considered non-residential unit in accordance with this Ordinance.

Except as otherwise provided by order of the Town Board, occupants of single family and two (2) to three (3) unit residences shall do the following for the proper preparation and proper recyclable material collection of the separated materials specified in Sections 6.11(5) through (14):

A. Magazines or other materials on similar paper, newspapers, or other materials printed on newsprint, office paper and corrugated paper, or other container board (collectively referred to as "paper") shall be separated from other recyclable materials contained by placing in a paper grocery bag or securely tied in both directions with heavy string or cord or any other method approved by the Town of New Denmark or Brown County in accordance with recycling contract and/or any contractor requirements.

B. Aluminum containers, bi-metal containers, foam polystyrene packaging, glass containers, plastic containers and steel containers may be commingled and placed in one container and shall be collected and disposed of in accordance with the recycling contract and/any contract requirements.

C. All recyclables shall be rinsed and free of putritiable substances.

D. All other solid waste not restricted by this Ordinance, considered "hazardous" or recyclable, shall be placed in the approved trash cart supplied by the Town for the explicit purpose of garbage collection.

E. Solid waste shall not be placed into trash carts in an unconfined manner but must be contained within a bag of sufficient structural integrity and containment value as to not allow dispersion by wind, accident or during the collection process prior to placement in the trash cart. Under no circumstance are materials to be placed in a loose manner.

6.15 RIGHT TO REJECT MATERIALS.

The Town or its contractor has the right to reject and leave at the curb or roadside, recyclable or solid waste material where these recyclable materials are not prepared according to the specifications of this Ordinance as noted in Section 6.15 of this Ordinance.

6.16 RIGHT TO COLLECT MATERIALS.

No person, unless the persons are exempt under Section 6.12 or unless the persons are provided written permission from the Town Board, may collect for the Town, including any contractor of the Town, any recyclable or solid waste materials if:

the recyclable or solid waste materials are not completely and properly separated from other wastes or other materials.

the recyclable or solid waste materials are not placed for collection in the proper bins, containers or bags.

the recyclable or solid waste materials are contaminated with other wastes or residuals, including those wastes and materials noted in §6.25.

the recyclable or solid waste materials are commingled contrary to §6.15.

the recyclable or solid waste materials are not of a marketable quality or are not placed for collection in a marketable or appropriate condition.

the recyclable materials or solid waste are not generated from the proper sources within the Town.

the person, who placed the recyclable or solid waste materials for collection, is not eligible to receive collection service from the Town or its contractor.

the recyclable or solid waste materials are not placed for collection on the proper dates or times or locations.

the recyclable or solid waste materials are not currently authorized for collection by the Town or its contractor.

Upon rejection of any of these materials or waste, the person authorized to reject the recyclable or solid waste materials; for the Town or its contractor shall provide to the occupant the reasons for the rejection of these materials or waste either in writing or orally. The contractor or any other person authorized or permitted to operate any curbside or roadside recyclable material collection service for the Town or to operate any "green box" recyclable material collection facility for the Town shall provide to the Town, on a monthly basis, a lists of names, in writing, of occupants or other persons, if known, whose recyclable or solid waste materials were rejected for collection and the reason(s) for such rejection.

No person may place or deposit for recyclable or solid waste material collection by the Town or its contractor, unless the person is exempt under Section 6.12 or unless provided written permission by the Town Board, any recyclable or solid waste materials where the recyclable or solid waste materials have not been properly separated from the waste or other materials as required by order of the Town Board, as required by Chapter NR 544 Wis. Adm. Code, or its successor chapter, or as required by this Ordinance and where the recyclable or solid waste materials have not been properly contained in the bags, bins, or other containers as required by order of the Town Board or by this Ordinance.

6.17 RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF MULTIPLE-FAMILY DWELLINGS.

Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in Sections 6.11(5) through (14) and to supply a means for disposal of other solid waste as approved or disapproved in §6.11(5) through (14):

- A. Provide adequate, separate, containers for the recyclable and solid waste materials.
- B. Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
- C. Provide for the recyclable material collection of the materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.

Provide for the solid waste material collection of all other materials generated by the tenants as approved or disapproved for collection in Sections 6.11(5) through (14) and the delivery of the materials to a recycling facility.

Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.

The requirements specified in A (1) do not apply to the owners or designated agents of multiple-family dwellings if the post consumer waste generated within the dwelling is treated as a processing facility licensed by the Wisconsin Department of Natural Resources that recovers for recycling the materials specified in Sections 6.11(5) through (14) from solid waste in as pure a form as is technically feasible.

6.18 RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF NON-RESIDENTIAL FACILITIES AND PROPERTIES.

Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in Sections 6.11(5) through (14): and to supply a means for disposal of other solid waste as approved or disapproved in Sections 6.11(5) through (14) :

- A. Provide adequate, separate, containers for the recyclable and solid waste materials.
- B. Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
- C. Provide for the recyclable material collection of the materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.
- D. Provide for the solid waste material collection of all other materials generated by the tenants as approved or disapproved for collection in Sections 6.11(5) through (14) and the delivery of the materials to a recycling facility.
- E. Provide users, tenants and occupants the reasons to reduce and recycle, which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company including a name, address and telephone number.

The requirements specified in A do not apply to the owners or designated agents of non-residential facilities and properties if the post consumer waste generated within the facility or property is treated at a processing facility licensed by the Wisconsin Department of Natural Resources that recovers for recycling the materials specified in Sections 6.11(5) through (14) from solid waste in as pure a form as is technically feasible.

6.19 PROHIBITIONS OF DISPOSAL OF RECYCLABLE OR SOLID WASTE MATERIALS SEPARATED FOR RECYCLING.

No persons may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the recyclable materials specified in §6.11(5) through (15) which have been separated in the Town for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

6.21 PERMITTING.

No person may engage in the use operation or business of collecting solid waste or recyclable material for consideration within the Town without being licensed or permitted by the DNR under NR 502.06 Wis. Adm. Code or its successor provision.

No person may engage in the use, operation or the business of collecting solid waste, hazardous waste, recyclable material or other material noted in §6.25 for consideration within the

Town without being permitted by the Town pursuant to this Ordinance. This required Town permit provision shall include any persons contracted by the Town to provide for recyclable material collection services for the Town and for its occupants.

6.22 ANTI-SCAVENGING OR UNLAWFUL REMOVAL OF SOLID WASTE MATERIALS.

No person, unless under contract with the Town, unless under permit by the Town Board or unless provided written permission by the Town Board, may collect or remove any recyclable material that has been deposited or placed for material collection.

6.23 RECYCLABLE MATERIAL/SOLID WASTE FROM OUTSIDE THE TOWN.

No person, unless provided written permission by the Town Board, may deposit or place for recyclable or solid waste material collection by the Town or its contractor at any location in the Town, any recyclable materials, wastes, or other materials, where these materials, wastes, or other materials have been generated from sources outside the Town.

This provision shall not apply to any recyclable or solid waste material properly placed on public or private land by any person in any Town authorized recyclable or solid waste material containers established for and permitted by the Town Board for general public deposit of recyclable or solid waste material.

6.24 NO DUMPING OF RECYCLABLE OR SOLID WASTE MATERIALS.

No person, unless provided written permission by the Town board, may litter, dispose, discharge or dump any recyclable or solid waste material in any road, highway, road right-of-way, waters, street, alley or other public land or location, within the Town unless it is deposited or placed properly for collection in the proper bags, bins, receptacles or containers in the proper manner, date, time and location specified in this Ordinance or as authorized and specified by the Town Board.

A. No person, unless provided permission by the owner or occupant of the land, shall litter, dispose, discharge or dump any recyclable or solid waste material on private land.

B. No person shall litter or permit any recyclable or solid waste material to be thrown from a vehicle operated by that person in the Town.

This provision shall not apply to any recyclable or solid waste material, clean and not contaminated, placed on public land or private land in the Town by any person in any authorized recyclable or solid waste material containers established for and permitted by the Town Board for general public deposit of recyclable or solid waste material.

6.25 NON-COLLECTABLE MATERIALS.

No person, unless provided written permission by the Town Board, may deposit or place for any recyclable or solid waste material collection by the Town or by its contractor, at any

location in the Town any of the following recyclable materials, wastes, residuals, and other materials:

hazardous waste, including household hazardous wastes.

toxic wastes.

free liquid in any containers, including paints and solvents.

pesticides, excluding non-agricultural pesticide containers if properly cleaned, not contaminated, and if approved by the Town Board for separation and for recyclable material collection.

medical wastes.

asbestos.

sludge wastes.

industrial or commercial wastes from any industrial or commercial facility or operation.

waste from pollution control equipment.

residue and debris from clean-up of a chemical discharge or chemical residue and debris from any facility or operation using chemicals in any commercial, agricultural or industrial processes.

ash waste.

hazardous and toxic demolition and construction wastes and demolition and construction wastes containing asbestos.

bio-medical wastes.

septage (human or otherwise) wastes.

animal fecal wastes.

dead animals.

brush or trees.

wood treated with chemical preservatives.

explosive material.

contaminated recyclable material as determined by the Town Board or its contractor.

No person may, in any recyclable or solid waste material collection, knowingly collect for the Town any of the above noted wastes, materials, contaminated recyclable materials and any other recyclable materials which are not of marketable quality or which are placed for recyclable material collection in an unmarketable condition, unless provided written permission by the Town Board. This prohibition shall apply to any contractor for the Town.

6.26 REPORTING REQUIREMENTS.

Any person permitted by or contracted by the Town to collect for consideration, any recyclable material for the Town or other persons in the Town shall be required as a provision of the contract or as a condition of the Town recyclable collection permit to maintain appropriate records for the Town and to report in writing to the Town Clerk at least annually by February 28 of each year sufficient and accurate information and data related to the amount, weight and type of recyclable material, waste and other material collected by the contractor or by the permittee in the Town for the Town or for any occupants in the Town in the previous year. The information and data to be provided shall be sufficient in detail to allow the Town to meet the recyclable material collection, compliance and data requirements established for the Town in NR 544 Wis. Adm. Code or its successor chapter. The annual report may, at a minimum, specifically require from the contractor or permittee:

the amount, weight and type of recyclable material, waste and other material collected in the Town for the Town or for other occupants in the Town.

the amount, weight and type of recyclable material processed or marketed for the Town or for other persons and the amount, weight and type of recyclable material for the Town or for other occupants in the Town rejected for processing or marketing. This shall include weight slips.

the amount, weight, type and final disposal or treatment location for any recyclable material, contaminated recyclable material, waste or other material collected in the Town for the Town or for other occupants which was later disposed or treated in any solid waste disposal facility or solid waste treatment facility.

Failure by any contractor of the Town or any person with a Town recyclable material collection permit to file the above noted information, data and reports with the Town Clerk in an accurate and timely manner, shall be cause for the Town Board to seek enforcement or penalties, to revoke any permit and/or terminate any contract with the contractor or permittee.

6.27 OWNERSHIP OF MATERIAL AND EQUIPMENT.

Any recyclable or solid waste material, waste or other material not rejected by the Town, its employees, agents or by any of its contractors in its recyclable or solid waste material collection at any Town recyclable material collection facility or curbside collection point, unless previously rejected by the Town, its employees, its agents or by any of its contractors, shall become the property of the Town, unless the Town has a contract to the contrary with the contractors.

The recyclable material, waste, or other material deposited for collection at any curbside or roadside collection location, shall, upon its collection by any contractor of the Town, become the property of the contractor unless the Town has a contract to the contrary with the contractor.

Each residential equivalent user shall be assigned one bin for recycling, and one trash cart for garbage. The cost of the trash cart will as set from time to time by resolution of the Town board or as incorporated into the fee structure for solid waste management and pick-up. Town residents may purchase an additional recycling bin for a fee as set from time to time by resolution of the Town board.

Additional trash carts are not allowed, however residents may request the largest cart size offered.

Replacement and repairs for normal wear and tear to the trash carts shall be the responsibility of the Town.

The Town reserves the right to charge the resident for repairs or replacement in cases of loss, negligence, and/or abuse.

All bins, carts, and receptacles are the property of the Town and are to remain at the residence to which they have been assigned upon transfer of real estate.

6.28 RECYCLABLE AND SOLID WASTE MATERIAL COLLECTION SCHEDULE.

The Town Board may establish the dates and times of authorized placement and collection for waste materials, or other materials where these materials or wastes are to be collected in the Town, by the Town, by any contractor of the Town or by any permitted collector of the Town. The Town Clerk shall publish a notice in the official newspaper and also provide written notice by 1st class mail to every known occupant in the Town of the collection schedule.

6.29 SPECIFIED CONTAINERS/SPECIFIED LOCATIONS, TIMES AND DATES FOR COLLECTION.

No person, unless provided written permission by the Town Board, may deposit or place for collection, at curbside or roadside, any material that exceed any requirement as set forth in the vendor contract and/or any contractor requirements.

No person may place for collection any eligible material or collection receptacle at any collection point prior to 36 hours in advance of the scheduled collection time. Materials placed after 6 am of the scheduled pickup day are not guaranteed collection. Ineligible materials and receptacles must be removed from plain view prior to 36 hours after collection occurs unless granted a special provision by the Town. Such special provision will be specific to the occupant and is not transferable.

No person shall place a trash cart within 4 feet of a recycling bin, street sign, fire number, mailbox, or any other permanent or non-permanent object. If feasible, a trash cart is to be placed on one side of the driveway and the recyclables bin on the other side of the driveway. Carts and

bins shall be placed no greater than 4 feet from the edge of the pavement and in no instance shall placement be on the traveled road surface.

6.31 REGULATIONS/NOTICE TO OCCUPANTS.

The Town Board may establish any orders, permits, rules and regulations necessary to administer and enforce this Ordinance and to provide a proper, safe and efficient recyclables and solid waste collection program for the Town. The Town Board shall provide to the known occupants receiving recyclables and solid waste material collection services by the Town or its contractors a written notice of these orders, permits, rules and regulations by first class mail to the last known address, annually on or before January 01 of each year along with, at a minimum, the following information:

the type, amount, times and dates for the recyclable material collection services and the eligibility requirements for collection by the Town or its contractor, if any.

the name, address and phone number of the person to receive complaints or concerns for the Town related to recyclable material collection services and facilities.

the specific requirements for proper placement, proper separation and proper containment of recyclable material.

the specific wastes and materials not to be placed for collection and the reasons for possible refusal by the Town or its contractor not to collect certain recyclable materials, wastes and materials.

the maximum amount in weight or volume of recyclable materials to be placed for collection per scheduled collection period.

any other information deemed relevant to the occupants by the Town Board, including any possible penalties for violation of this Ordinance.

6.32 GENERAL REGULATORY PROVISIONS.

No person in the Town may:

Continue to place for recyclable material collection at any location in the Town any unauthorized recyclable materials, wastes or other materials after receipt of written warning notice by certified mail or personal service from the Town Board or its designee, that the specific recyclable materials, wastes or other materials will not be collected by the Town, its contractor, and/or any permitted collector and the person therefore may not continue to place for recyclable material collection in the Town these unauthorized wastes or materials.

Place, discharge, litter or deposit in the Town for collection, storage, treatment, processing or disposal any recyclable materials, any wastes or other materials at any temporarily closed or permanently closed "green box" recyclable material collection facility or other closed recycled material or waste storage, treatment, processing or disposal facility. This provision shall include any placement, littering, discharge or deposit by any person on any public or private land

in the Town of any recyclable materials, wastes or other materials where the materials or wastes were not authorized for placement by the owner or occupant of the land where the materials or wastes were placed.

Place for solid waste, hazardous waste or other material collection in the Town by the Town, its contractor, permittee collector or any other person any recyclable material, where the person is not exempt under §6.12, where these recyclable materials should have been properly separated and where these recyclable materials should have been placed for only recyclable material collection as required under NR 544 Wis. Adm. Code or its successor chapter or as required under this Ordinance.

6.33 FEES AND VOLUME BASED RATES.

The Town Board may establish fee charges for occupants of the Town for the payment of recyclable and solid waste material collection services. Fees may be assessed on a per occupant basis or Residential Equivalent Unit (REU), with or without differential rates for seasonal or full-time occupant services. Fees for such service shall be as set from time to time by resolution of the Town Board.

The Town Board may establish volume based fee or Residential Equivalent Unit (REU) charges for occupants for the payment of recyclable and solid waste material collection services. Fees may be assessed on each container or each bag placed or deposited by occupants for collection by the Town or its contractor with the fee charge, the method of payment and the time and location for payment determined by the Town Board. If the Town and its occupants do not comply with NR 544.04(6), Wis. Adm. Code or its successor chapter related to demonstrating separation for recycling of at least 25% by volume or by weight of the total solid waste collected within the Town, then the Town Board shall require a volume based fee system that meets the requirements of NR 544.04(6) Wis. Adm. Code or its successor chapter. Fees for such service shall be as set from time to time by resolution of the Town Board.

Annually the fee, as established by resolution of the Town Board, shall be collected by placing a special charge on the tax roll for the coming year, except that in 2005, the fee for the last quarter of 2005 and the fee for 2006 shall be placed on the tax roll for the 2005 levy year.

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

6.34 ENFORCEMENT/RULES OF CONSTRUCTION/CITATIONS.

Inspection.

A. For the purpose of ascertaining compliance with the provisions of NR 544 Wis. Adm. Code or its successor chapter and compliance with this Ordinance, any authorized officer, employee or representative of the Town, may pursuant to §66.0119 Wis. Stats. or its successor chapters and pursuant to NR 544 Wis. Adm. Code or its successor provisions, inspect recyclable and solid waste materials in the Town separated for recycling, inspect post-consumer waste in the Town intended for disposal, inspect any recyclable material collection locations and any other collection facilities and collection vehicles in the Town, including any collection areas for single family,

B. Two (2) to four (4) residential dwelling units, multiple family dwelling units and non-residential facilities and properties that are controlled by any occupants, any contractor of the Town, any permittee collector, or any other person participating in any recycling activity in the Town, any solid waste disposal facilities and solid waste treatment facilities and, in addition, inspect any records relating to recyclable materials activities of any occupants, any contractor for the Town, any permitted collectors or other persons in the Town. These records shall be kept confidential by the Town Board when necessary to protect proprietary information.

C. No persons who have permits issued under this Ordinance for recyclable and solid waste material collection may refuse access to any records or property controlled by that person related to these recyclable materials activities in the Town, to any authorized officer, employee or authorized representative of the Town who requests access to the records or property for purposes of this inspection, and who presents appropriate credentials. In addition, no persons with these permits may obstruct, hamper, or interfere with any such authorized inspection.

D. Occupants of the Town and any person with permits issued by the Town providing recyclable and solid waste material collection services in the Town shall cooperate fully with the Town Board or its designees in any inspection of their facilities or properties. The Town Board or its designees shall provide to occupants or other persons twenty-four (24) hours oral or written notice prior to inspection of the records, facilities, or properties unless the Town Board, by order, declares that inspections with less or no notice are necessary to insure compliance by the occupants or these persons.

6.35 PENALTIES.

A. Any person who violates a provision of this Ordinance may be issued a citation by the Town pursuant to this Ordinance to collect forfeitures. The issuance of a citation shall not preclude proceeding under any Ordinance or law relating to the same or any other matter. Proceeding under any other Ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this paragraph.

B. Penalties for violating this Ordinance may be assessed as follows:

Any person who violates a provision of this Ordinance, except Section 6.19, may be required to forfeit not less than \$10 or more than \$1,000. In addition, the person shall be responsible for the costs of prosecution and in default of payment of such forfeiture and costs of prosecution; he/she may be imprisoned in the County Jail until said costs and forfeiture are paid, but not to exceed thirty (30) days for each violation.

Any person who violates Section 6.19 may be required to forfeit \$50 for the first violation, \$200 for the second violation, and not more than \$2,000 for a third or subsequent violation in addition to costs of prosecution. In addition, the person shall be responsible for the costs of prosecution and in default of payment of such forfeiture and costs of prosecution, he/she may be imprisoned in the County Jail until said costs and forfeiture are paid, but not to exceed thirty (30) days for each violation.

Citations for violations of this Ordinance may be issued as noted in this Ordinance.

The Town Board may seek injunctive relief, when appropriate.

These penalties shall not be construed to abrogate any minimum or maximum penalties prescribed by the laws of the State of Wisconsin.

Each day a violation exists is a separate offense.

Any person shall be requested by Ordinance or by order of the Town Board to obtain or maintain a permit under this Ordinance and who is required to post a bond as a condition of the permit may be required to forfeit the permit and the bond to reimburse the Town for any costs or expenses reasonably incurred by the Town to revoke the permit, to insure compliance with the Ordinance, to enforce violations of this Ordinance or insure compliance with conditions of the permit, including reasonable attorney fees.