

## **CHAPTER 4**

### **Solid Waste Management**

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#### **SEC. 8-4-1        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 City by establishing minimum standards for the storage, collection, transportation, processing, separation, recovery and disposal of solid waste.

#### **SEC. 8-4-2        INTERPRETATION**

In their interpretation and application, the provisions of this ordinance 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 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. Administrative Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Chapter NR 544 standards 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.

**SEC. 8-4-3            DEFINITIONS.**

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number.

- (a) **Collection** means the process of collecting, removing, transporting and storing solid waste prior to disposal.
- (b) **Collector** means any city employee, licensed hauler, contractor hired by the City to collect and/or transport solid waste either to a processing center or a municipal waste landfill as defined in §289.01(22)Wis. Stats., or other person authorized by this ordinance to collect solid waste.
- (c) **Curbside** means the terrace of the street at a Residential Unit or place of business of a customer.
- (d) **Customer** means a person who generates solid waste to be picked up, collected and removed.
- (e) **Demolition Wastes** means 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.
- (f) **Disposal** means the process of discarding solid waste or selling and delivering recyclable waste to a plant for processing and recovery.
- (g) **DNR** means the Wisconsin Department of Natural Resources.
- (h) **Hazardous Waste** means those wastes defined in §289.01(12) Wis. Stats. as amended.
- (i) **Litter** means solid waste dispersed over an unenclosed area in a random manner.
- (j) **Multiple-Family Dwelling** means a property containing 5 or more residential units, including those which are occupied seasonally.
- (k) **Non-Residential Facilities and Properties** means commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple-family dwellings.
- (l) **Person** means individuals, firms, corporations and associations, and includes the plural as well as the

singular.

- (m) **Processing Center** means any location where recyclable waste is collected, separated, assembled or converted into a salable or usable product.
- (n) **Recyclable Waste** means those wastes described in §287.07 Wis. Stats., as amended.
- (o) **Residential Unit** means a dwelling or structure that is primarily used as an abode including a single-family residence, a duplex, a triplex and a fourplex, but excluding structures having more than four separate apartments. Each apartment in a duplex, triplex and fourplex shall constitute a separate Residential Unit.
- (p) **Residential User** means the owner or occupant of a Residential Unit who is (1) receiving residential water service from the Thorp Water Department; (2) currently being billed by the Thorp Water Department. In addition, Residential User may include any person who requests solid waste collection services provided that the quality and quantity of the solid waste is substantially identical to household waste and the city approves the request.
- (q) **Scavenging** means the uncontrolled removal of solid waste at any point in solid waste management.
- (r) **Solid Waste** has the meaning specified in §289.01(33), Wis. Stats., as amended.
- (s) **Solid Waste Facility** has the meaning specified in §289.01(35), Wis. Stats., as amended.
- (t) **Storage** means the temporary containment of solid waste after generation and prior to collection or disposal.

**SEC. 8-4-4 SOLID WASTE STORAGE, COLLECTION, AND CARE.**

- (a) **Litter and Public Nuisance Prohibited.** It shall be unlawful for any person to store any solid waste in the City in a manner or location where it is or may become a public nuisance or create litter. The storage of solid waste constitutes a public nuisance when it causes the air or environment to become noxious or offensive, or it promotes the breeding of flies, mosquitoes or other insects, or it provides a habitat or breeding place for rodents or other animals, or it otherwise becomes injurious to public health or safety.
- (b) **Consent of the Owner.** It shall be unlawful for any person to place or cause to be placed any solid waste on any

premises in the city without the consent of the owner or occupant of the premises.

- (c) **Improper Placement.** It shall be unlawful for any person to deposit or allow to be deposited any solid waste on the streets or alleys in the City.
- (d) **Scavenging.** It shall be unlawful for any person to scavenge any solid waste placed for collection.
- (e) **Burning of Waste.** It shall be unlawful for any person to burn solid waste in any manner, except as provided in Title 8 Chapter 5 of these Ordinances.
- (f) **Disposal of Solid Waste.** It shall be unlawful for any person to dispose of, or cause to be disposed, non-recyclable solid waste at a place other than a facility licensed by the State of Wisconsin to accept such solid waste. Compliance with this provision is presumed when solid waste is collected by a collector.
- (g) **Curbside Collection.** It shall be unlawful for any person to place at the curbside any storage container more than 12 hours prior to, or not remove a storage container from the curbside more than 24 hours after, the scheduled collection of solid waste.
- (h) **Solid Waste Generated Outside the City.** It shall be unlawful for any person to place, deposit or cause to be deposited, for collection, any solid waste not generated within the corporate limits of the City of Thorp.
- (i) **Separation of Recyclable Waste.** It shall be unlawful for any person to mix or combine recyclable waste with other solid waste and place the same for collection and disposal. Every person generating recyclable waste shall separate recyclable waste from other solid wastes.
- (j) **Care of Separated Recyclable Waste.** Recyclable waste shall be stored in manner which protects them from contamination, wind, rain, snow, and other inclement weather conditions.
- (k) **Right to Reject Materials.** Collectors have the right to reject or leave at the curb any solid waste that is not prepared according to the specifications in education material provided by the collector to its customers. Recyclable waste may also be left if not separated from solid waste, placed in the proper container, or are not designated recyclable waste for collection. The collector also has the right to refuse to pick up any solid waste if it contains recyclable waste. In such cases, the collector shall notify the customer about the reasons for rejecting the items, either in writing or verbally.

- (1) **Collection of Recyclable Waste.** Collectors that, for valuable consideration, collect solid waste from the curbside of its residential customers, also shall offer to pick up, collect the recyclable waste described in Section 8-4-5(c) of this Ordinance from the curbside of its residential customers at least twice each month and shall:
  - (1) Develop and implement a system of processing and marketing of recyclable waste collected within the city.
  - (2) Develop and implement an accurate system of record-keeping and documentation meeting the requirements of the DNR and the common council, which shall document, at a minimum, the quantities of recyclable waste collected, processed and sold, and the prices and buyers of recyclable waste. Promptly upon request, a collector shall furnish to the city clerk, the information necessary for the city clerk to complete the DNR reports concerning the collection and disposal of recyclable waste in the city.
  - (3) Develop and distribute public educational and instruction materials describing the Recyclable Waste that the Collector will collect at the Curbside and the Collector's requirements for separation and preparation of such Recyclable Waste.

**SEC. 8-4-5        PREPARATION AND DISPOSAL OF RECYCLABLE WASTE.**

- (a) **Yard Waste.** Yard waste may lawfully be disposed as follows:
  - (1) By depositing yard waste at any authorized city compost site;
  - (2) By depositing leaf waste on the terrace at the time when the City is making curbside leaf collections;
  - (3) By composting; or
  - (4) By burning, provided the person has complied with Title 8, Chapter 5 of these Ordinances.
- (b) **Lead Acid Batteries, Major Appliances, Waste Oil, and Waste Tires.** Lead acid batteries, major appliances, waste oil and waste tires may lawfully be disposed of as follows:
  - (1) By presenting the lead acid batteries, major appliances, waste oil and waste tires to area retail businesses that collect the same for recycling;
  - (2) By having major appliances available for collection by

the city, and paying the fee, if applicable.

(3) By delivering waste oil or waste tires to the city garage, and paying the fee, if applicable.

- (c) **Other Recyclable Waste.** All other recyclable waste shall be placed in separate recycling containers and placed curbside for collection or otherwise delivered to a processing center.

#### **SEC. 8-4-6            COLLECTION CHARGES**

- (1) **Authority.** The City Council shall have the authority to establish and collect fees for the collection of solid waste by City personnel or other persons authorized by the City.
- (2) **Solid Waste.**
- (a) Residential Users. Residential Users shall be charged a quarterly fee based on the City's cost of curbside collection of their solid waste. Temporary disconnection of water service shall not affect the charges imposed under this section.
- (b) Other Classes of Users. See Section 8-4-7.
- (3) **Non-Payment.** Charges levied in accordance with this section shall be a debt due to the City and shall be a lien upon the property. If this debt is not paid it shall be deemed delinquent. This debt may then be recovered by civil action in the name of the City against the property owner, the person or both. If delinquent payments are not received by November 1st of the calendar year, a ten (10%) percent charge shall be added to delinquent bills. Thereafter, if payment is not received prior to November 15th, the delinquent bill will be forwarded to the county for placement on the succeeding tax roll.

**SEC. 8-4-7            DUTIES OF OWNERS OR DESIGNATED AGENTS OF  
MULTIPLE-FAMILY DWELLINGS AND NON-RESIDENTIAL  
FACILITIES AND PROPERTIES.**

- (a) Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in this chapter:
  - (1) Provide adequate, separate containers for the recyclable materials.
  - (2) Notify the tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
  - (3) Provide for the collection of materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.
  - (4) 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, location and hours of operation, and a contact person or company, including a name, address and telephone number.
- (b) Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in this chapter:
  - (1) Provide adequate, separate containers for the recyclable waste.
  - (2) Notify in writing at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.
  - (3) Provide for the collection of the recyclable waste separated from the solid waste by the users, tenants and occupants and the delivery of the recyclable waste to a recycling facility.
  - (4) Notify the users, tenants and occupants 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, location and hours of operation, and a contact person or company, including a name, address and telephone number.

**SEC. 8-4-8 ABATEMENT OF PUBLIC NUISANCES.**

- (a) **Enforcement.** The Chief of Police, the Director of Public Works and other persons designated by the Common Council shall make periodic inspections, and inspections upon complaint to insure that the provisions of this Chapter are not violated. No action shall be taken under this Section to abate a public nuisance unless the inspecting officer shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and has satisfied himself that a nuisance does in fact exist.
- (b) **Summary Abatement.** If the inspecting officer shall determine that a public nuisance exists within the City and that there is a great and immediate danger to public health or safety, the Mayor may direct the proper officer to cause the same to be abated and charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.
- (c) **Abatement After Notice.** If the inspecting officer shall determine that public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health or safety, he shall serve notice on the person causing or maintaining the nuisance to remove the same within ten (10) days. If such nuisance is not removed within such ten (10) days, the proper officer shall cause the nuisance to be removed as provided in Subsection (b).
- (d) **Other Methods Not Excluded.** Nothing in this Chapter shall be construed as prohibiting the abatement of public nuisances by the City or its officials in accordance with the laws of the State of Wisconsin.

**SEC. 8-4-9 COST OF ABATEMENT.**

In addition to any other penalty imposed by this Chapter for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the City shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, and may be assessed against the real estate as a special charge.

State Law Reference: Sec. 66.60(16) Wis. Stats.



**SEC. 8-4-10        PENALTIES.**

- (a) Any person who violates Section 8-4-5(b) (1), (2) and (3) of this ordinance or §159.07(1m) may be required to forfeit \$50 for a first violation, may be required to forfeit \$200 for a 2nd violation and may be required to forfeit not more than \$2,000 for a 3rd or subsequent violation.
- (b) Any person who violates Section 8-4-5(a) of this ordinance or §159.07(2) or §159.08 may be required to forfeit \$50 for the first violation, may be required to forfeit \$200 for a 2nd violation and may be required to forfeit not more than \$2,000 for a 3rd or subsequent violation.
- (c) Any person who violates Section 8-4-4 of this ordinance, Section 8-4-5(c) of this ordinance or §159.07(3) and (4) before January 1, 1997, is not subject to penalty. After December 31, 1996, any person who violates Section 8-4-4 of this ordinance, Section 8-4-4(a) or §159.07 (3) and (4) may be required to forfeit \$50 for the first violation, may be required to forfeit \$200 for a 2nd violation and may be required to forfeit not more than \$2,000 for a 3rd or subsequent violation.

**SEC. 8-4-11        EXEMPTIONS**

Separation requirements of this chapter do not apply to the following:

- (a) Persons who send their waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in this chapter from solid waste in as pure a form as is technically feasible.
- (b) Solid waste which is burned as a supplemental fuel at a facility if less than 30% of the heat input to the facility is derived from the solid waste burned as supplemental fuel.
- (c) A recyclable material specified in this chapter for which a variance has been granted by the Department of Natural Resources under §159.11(2m), Wis. Stats., or s. NR 544.14, Wis. Administrative Code.