

SOLID WASTE AND GARBAGE DISPOSAL: LICENSING AND REGULATION

10.01 DEFINITIONS

The following definitions shall apply under this Chapter:

- (1) "Co-mingled Recyclables" are all recyclable waste placed in one cart/container.
- (2) "Garbage" means discarded materials resulting from the handling, processing, preparation, storage, cooking, and consumption of food, and discarded animal feces.
- (3) "Hazardous substance" means any substance or combination of substances which may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or which may pose a substantial present or potential hazard to human health or the environment. This term includes, but is not limited to, pesticides and substances which are toxic, corrosive, flammable, irritants, strong sensitizers, explosives, pathological wastes, or radioactive materials, as determined by the Department of Natural Resources of the State of Wisconsin.
- (4) "Major appliance" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven (with condenser removed), oven, refrigerator, stove, furnace, boiler, dehumidifier, water heater, or trash compactor.
- (5) "Medical waste" means infectious waste and those containers, packages, and materials that contain infectious waste or that are from a treatment area and are mixed with infectious waste.
- (6) "Refuse" means all matter produced from industrial or community life, subject to decomposition, not defined as sewage or waste water. As applied to recycling, this term does not include appliances, stones, concrete, dirt, plaster, tires, batteries, anti-freeze, automotive engine waste oil, yard waste, or building and demolition materials.
- (7) "Single Stream Recycling: is the collection of all commingled recyclable materials.
- (8) "Solid waste" has the meaning specified in Wis. Stats. Sec 144.01(15).
- (9) "Yard waste" means leaves, grass clippings, yard and garden debris, brush, and any other clean, woody vegetative material no greater than three (3) inches in diameter. This term does not include yard and garden debris in brush in excess of three (3) inches in diameter, stumps, roots, or shrubs with intact root balls.
- (10) "Bi-metal container" means a container for carbonated or malt beverages that are made primarily of a combination of steel and aluminum.
- (11) "Container board" means corrugated paperboard used in the manufacture of shipping containers and related products.
- (12) "HDPE" means high density polyethylene plastic containers marked by the SPI Code Number 2.

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- (13) "LDPE" means low density polyethylene plastic containers marked by the SPI Code Number 4.
- (14) "Mixed or other plastic resin types" means plastic containers marked by the SPI Code Number 7.
- (16) "Multiple family dwelling" means property containing five (5) or more residential units, including those which are occupied seasonably.
- (17) "Non-residential facilities and properties" means commercial, retail, industrial, institutional, and governmental facilities and properties. This term does not include multiple family dwellings.
- (18) "Person" includes any individual, corporation, partnership, association, local government unit as defined in Wis. Stats. Chapter 66.299(1)(a), state agency or authority, or federal agency.
- (19) "PETE" means polyethylene terephthalate plastic containers marked by the SPI Code Number 1.
- (20) "Post consumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste as defined in Wis. Stats. Chapter 144.61(5) from construction and demolition of structures, scrap automobiles, or high volume industrial waste as defined in Wis. Stats. Chapter 144.44 (7)(a)(1).
- (21) "PP" means polypropylene plastic containers marked by the SPI Code Number 5.
- (22) "PS" means polystyrene plastic containers marked by the SPI Code Number 6.
- (23) "PVC" means polyvinylchloride plastic containers marked by the SPI Code Number 3.
- (24) "Recyclable materials" or "recyclables" include major appliances, aluminum containers, corrugated paper or other container board, foam polystyrene packaging, glass containers, magazines, newspapers, office papers, plastic containers (including those made of PETE, HDPE, PVC, LDPE, PP, PS, and mixed or other plastic resin types), steel containers, bi-metal containers, lead acid batteries, waste oil, waste tires, and yard waste.
- (25) "Solid waste facility" has the meaning specified in Wis. Stats. Chapter 144.43.
- (26) "Waste oil" means used or dirty oil drained from internal combustion engines in machinery or vehicles.
- (27) "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage, or defect.
- (28) "Container" is a receptacle designed for the purpose or curbside collection of recyclable materials. Acceptable containers are provided to each residential unit by the Town.

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- (29) "Contractor" is the person, corporation, or partnership performing solid waste and recyclable materials collection and processing under this Chapter.
- (30) "Residential unit" means a space which constitutes a separate household occupied by a person or group of persons. Each residential space on a farm or other property containing more than one (1) such space shall be considered a residential unit. Properties containing more than four (4) residential units are considered commercial and are not included. A residential unit shall be considered occupied when domestic light and power services are supplied thereto.
- (31) "Producer" means the person whose ultimate use of a product results in solid waste being generated, whether recyclable or not.
- (32) "Lead acid battery" means a battery containing lead acid used to store electric energy for use in machinery or vehicles that require energy storage capability utilizing such batteries.
- (33) "Salvageable material" means discarded material no longer of value as intended, but which is stored or retained for salvage, sale, or future reuse.
- (34) "Collection and transportation service" shall include municipal or private agencies, businesses, or services for the collecting or transporting of solid wastes for disposal purposes.

10.02 PURPOSE

The purpose of this ordinance is to govern the storage, collection, transportation, and disposal of solid wastes by any person within the Town of Neenah and to promote recycling, composting, and resource recovery through the administration of an effective recycling program.

10.03 SOLID WASTE

- (1) **General Conditions.** All solid wastes stored, collected, transported, or disposed of in the Town of Neenah shall be stored, collected, transported, and disposed of in said Town in a manner that is consistent with the standards established in this Section.
- (2) **Solid Waste Storage**
 - (a) The owner and occupant of any premises, business establishment, or industry shall be responsible for the sanitary storage of all solid waste accumulated at that premises, business establishment, or industry.
 - (b) Garbage and similar waste shall be stored in durable, rust resistant, nonabsorbent, water-tight, rodent proof, and easily cleanable containers, with close-fitting, fly-tight covers and having adequate handles or bails to facilitate handling or disposal of garbage bags. See Subsection 7.06(3)(e) herein.
 - (c) Refuse shall be stored in durable containers, except that where garbage or similar waste is stored in combination with refuse, the storage containers shall meet the requirements for garbage containers.

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- (d) Objects too large or otherwise unsuitable for storage containers shall be stored in a manner which is free of nuisance. See Chapter 7.06(3)(o) herein.

(3) **Collection and Transportation of Solid Wastes**

- (a) Except as provided otherwise by this Section, the owner and occupant of any premises, business establishment, or industry collecting or transporting solid wastes in the Town of Neenah shall be responsible for the satisfactory collection and transportation of all solid wastes accumulated at the premises, business establishment, or industry to such disposal site, unless arrangements for such purposes have been made with a collecting and transporting service holding a license in the Town.
- (b) Vehicles or containers used for the collection and transportation of garbage and similar waste, or refuse containing such materials, shall be covered, leak proof, durable, and of easily cleanable construction, and shall be maintained in reasonably clean and good repair.
- (c) Vehicles or containers used for the collection and transportation of any solid wastes shall be loaded and moved in such a manner that the contents will not fall, leak, or spill there from, and shall be covered when necessary to prevent blowing of materials. In addition, solid waste materials such as wood or paper shavings, paper cuttings, paper, cardboard and synthetic packing materials, and newspapers shall be bound or tied so that blowing of such materials by the wind will be prevented.

(4) **Disposal of Solid Wastes.** Except as provided in this Subsection, no person shall dispose of any solid wastes in the Town of Neenah at any site or facility unless it is operated or licensed by the Town. Licensing shall not be required for the following sites, but they shall be operated and maintained in a manner free of nuisance:

- (a) Sites used for the disposal of solid waste from a single family or household, a member of which is the owner, occupant, or lessee of the property site.
- (b) A farm on which only animal wastes resulting from the operation of the farm are disposed of.
- (c) Sites for the exclusive disposal of spoils from gravel or quarry operations, foundry sand, or earth removed from building excavations.

Site licenses by the Town of Neenah shall be maintained and operated in conformity with this Section and all applicable statutes and administrative rules and regulations of the State of Wisconsin. The operation of a solid waste disposal site shall be in accordance with requirements and recommendations as set forth by qualified geologists and shall stand inspections by such experts on a periodic basis as determined by the Town Board. A screening fence is required along the fence line and any road right-of-way with rapid growing trees to provide a satisfactory blind of natural foliage.

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- (5) **Licenses for Private Disposal Sites.** Except as provided in Subsection (4) of this Section, it shall be unlawful for any person, municipality, or government, other than the Town of Neenah or Winnebago County, to establish, maintain, conduct, or operate a solid waste disposal operation in the Town without first obtaining an annual license from the Town Board. All permits for such collecting and transporting services shall be effective for one year, commencing on the 1st day of October of such year, and shall terminate the 30th day of September of the following year. Persons, municipalities, or other governmental units desiring such licenses shall make application therefore annually, and at least fifteen (15) days prior to the 1st day of October of each year, except that initial applications shall be made thirty (30) days prior to the desired effective date.
- (a) License fee for each solid waste disposal operation: Refer to the Town of Neenah fee schedule
 - (b) The owner or operator of any solid waste disposal site shall furnish evidence of insurance for area residents against pollution of their wells and file with the town clerk a certificate of adequate insurance (amount set by the Town Board) for public liability.
 - (c) In event of the sale, transfer, or lease of any solid waste disposal sites, all future owners or operators are bound by this Section.
 - (d) Town Board may order monitoring wells to be put on any solid waste disposal site by the owner or operator, as recommended by geologists, and/or soil tests.
 - (e) The Town Board may revoke any license if it finds that the solid waste disposal site is not operated in conformity with this Section.
 - (f) Each application shall be accompanied by a plan of operation which shall include procedures to be undertaken in accordance with this Section.
- (6) **Penalties.** Violations of provisions of this Section shall be subject to forfeitures as follows: \$1,500.00 for the first violation, \$2,000.00 for the second violation, and \$3,000.00 for the third or any subsequent violation within a twelve (12) month period, plus the costs of prosecution. Each day that such a violation continues to exist shall constitute a separate violation.

10.04 Recycling

(1) **Recyclable Waste**

- (a) **Separation of Recyclable Materials.** Occupants of single family and two to four unit residences, multiple family dwellings, and non-residential facilities and properties shall separate the following materials from post consumer waste:
 - 1. Major Appliances.
 - 2. Aluminum containers.

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3. Bi-metal containers.
4. Corrugated paper and other container board.
5. Foam polystyrene packaging.
6. Glass containers.
7. Magazines or other materials printed on similar paper.
8. Newspapers or other materials printed on newsprint.
9. Office paper.
10. Plastic containers made of PETE, HDPE, PVC, ZDPE, PP, PS, and mixed or other plastic resin types.
11. Steel containers.
12. Waste tires.
13. Waste oil.
14. Yard waste.
15. Lead acid batteries.

(b) **Separation requirements exempted.** The separation requirements of Subsection (6)(b) above do not apply to the following:

1. Occupants of single family and two to four 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 Subsection (6)(b) above from solid waste in as pure a form as is technically feasible.
2. Solid waste which is burned as a supplemental fuel at a facility if less than thirty percent (30%) of the heat input to the facility is derived from the solid waste burned as supplemental fuel.
3. Recyclable material specified in Subsection (6)(b) above for which a variance or exemption has been granted by the Department of Natural Resources under Wis. Stats. Sections 159.07(7)(d) or 159.11(2)(m), or the Wis. Admin. Code Chapter NR 544.14.

(c) **Care of separated recyclable materials.** To the greatest extent practicable, the recyclable materials separated in accordance with Subsection (6)(b) above shall be clean and kept free of contaminants such as food or produce residue, oil or grease, or other non-recyclable materials, including but not limited to household

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hazardous waste, medical waste, agricultural chemical containers, and other non-recyclable solid waste. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions.

(d) **Preparation in collection of recyclable materials.** Except as otherwise directed by Winnebago County or its Solid Waste Management Board, occupants of single family and two to four unit residences shall do the following for the preparation and collection of the separated materials as specified in Subsection (6)(b) above:

1. Aluminum containers shall be cleaned of all product residues, commingled in recycling bins approved by the Town with other recyclable items, and placed at curbside for collection.
2. Bi-metal containers shall be cleaned of all product residues, commingled in recycling bins approved by the Town with other recyclable items, and placed at curbside for collection. All labels shall first be removed.
3. Corrugated paper and other container boards shall be flattened not to exceed dimensions allowed by recycling facility and placed in acceptable containers at curbside for collection.
4. Glass containers shall be cleaned of all product residues, commingled in recycling bins provided by the Town with other recyclable items, and placed at curbside for collection. All labels, caps, and lids must be removed and discarded along with garbage.
5. Magazines or other materials printed on similar paper may be kept separate from newspapers and other solid waste and tied in bundles not to exceed fifty (50) pounds or placed in brown paper bags and placed at curbside for collection. These materials must be contained in some manner.
6. Newspaper or other materials printed on newsprint may be kept separate from magazines and other solid waste, tied in bundles not to exceed fifty (50) pounds or placed in brown paper bags, and placed at curbside for collection. These materials must be contained in some manner.
7. Plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other plastic containers made of mixed or other plastic resin types shall be cleaned of all product residues, placed in recycling bins approved by the Town and commingled with other recyclable items, and placed at curbside for collection.
8. Foam polystyrene packaging shall be cleaned of all product residues, placed in recycling bins approved by the Town commingled with other recyclable items, and placed at curbside for collection.
9. Many items are also required to be recycled in accordance with State Law. These items include lead acid batteries, major appliances, waste

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oil, and waste tires. It is the responsibility of the producer of such waste to properly dispose of these items at the producer's cost or face penalties imposed by Wisconsin State Law, which may include fines and/or imprisonment.

- a. Lead Acid Batteries may be deposited at the Winnebago County Landfill.
- b. Appliances and electronics may be deposited at the Winnebago County Landfill.
- c. Waste oil may be deposited at the Winnebago County Landfill.
- d. Waste tires may be deposited at the Winnebago County Landfill.
- e. Yard waste may be deposited at the Winnebago County Landfill.

(e) **Responsibilities of Owners or Designated Agents of Multiple Family Dwellings.** Owners or designated agents of multiple family dwellings shall do all of the following for recycling the materials specified in Subsection (6)(b) above:

1. Provide adequate, separate containers for the recyclable materials.
2. Notify tenants in writing at the time of renting or leasing the facilities or properties and at least semi-annually thereafter about the established recycling program.
3. Provide for the collection of the 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, locations, and hours of operation, and a contact person or company, including a name, address, and telephone number.
5. The requirements specified above do not apply to the owners or designated agents of non-residential facilities and properties if the post consumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in Subsection (6)(b) above from solid waste in as pure of form as is technically feasible.

(f) **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 for recycling the materials specified in section (6)(b).

1. Provide adequate, separate containers for the recyclable materials.

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2. Notify tenants in writing at the time of renting or leasing the facilities or properties and at least semi-annually thereafter about the established recycling program.
 3. Provide for the collection of the 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, locations and hours of operation, and a contact person or company, including a name, address, and telephone number.
 5. The requirements specified above do not apply to the owners or designated agents of non-residential facilities and properties if the post consumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in Subsection (6)(b) above from solid waste in as pure of form as is technically feasible.
- (g) **Prohibitions on disposal of recyclable materials.** No person may dispose of in a solid waste disposable facility or burn in a solid waste treatment facility any of the materials specified in Subsection (6)(b) above which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.
- (h) **Applicability.** The requirements of this Section apply to all persons within the Town of Neenah, Winnebago County, Wisconsin.
- (i) **Administration.** The provisions of this Section shall be administered by the Town Board or its designee.
- (j) **Hauler licensing.** No person or corporation shall engage in the business of hauling recyclables within the Town of Neenah without being licensed by the Department of Natural Resources under Wis. Admin. Code Chapter NR 5.02.06.
- (k) **Processing Facilities.** Any contractor operating in the Town of Neenah shall not transport for processing any recyclable to a processing facility unless that facility has been self-certified with the Wisconsin Department of Natural Resources under Wisconsin Administrative Code Section NR 544.16.
- (l) **Burning or Burying.** It shall be unlawful to burn or bury recyclable materials other than yard waste by residential and non-residential sectors and at construction sites. Open burning shall be permitted only in accordance with the applicable burning ordinance as set forth by the Town.
- (m) **Non-disposable materials.** It shall be unlawful for any person to place for disposal any or the following wastes: Hazardous and toxic waste, chemicals, explosives, flammable liquids, paint, trees and stumps, construction debris,

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carcasses, or medical waste (except personal needles which shall be contained in cardboard to eliminate injury to collection personnel).

- (n) **Recyclables from outside the municipality.** It shall be unlawful to bring solid waste for recycling from outside the corporate limits into the Town of Neenah unless authorized by agreement with the Town.
- (o) **Established Fees.** The municipality shall determine the cost for regular and special recycling collection and user fees to cover those costs. Fees shall be assessed as a line item on taxes pursuant to Wis. Stats. Chapter 66.6016 on a yearly basis for up to no more than two (2) cubic yards from a single producer on a collection day from residential units and churches.
- (p) **Ownership of recyclables.** Title to recyclables shall pass to Winnebago County when placed in the Town's contractor's collection vehicle, removed by contractor from the container, or removed by contractor from the residential unit, whichever occurs last.
- (q) **Exemptions.** The Town Board reserves the right to designate additional solid waste materials as recyclable where currently collected materials are no longer recyclable in accordance with State law and to either add or delete them from any collection services provided by the municipality or its contractors. The Town Board, in cooperation with its contracted hauler, shall establish the times and routes of collection of recyclables. Written notice of the collection schedule shall be provided at least once per year and upon approval of proposed changes shall be given either in writing or by publication.
- (r) **Special Items.** Materials such as couches and bulky items and other items not otherwise provided for in this ordinance shall be disposed of by contacting a Wisconsin licensed hauler or by personal delivery to the Winnebago County Landfill.
- (s) **Enforcement**
 1. Any authorized officer, employee, or representative of the Town of Neenah may inspect recyclable materials separated for recycling, collection sites and facilities, collection vehicles, collection areas of multiple family dwellings, non-residential facilities and properties, and any records relating to recycling activities, for the purpose of ascertaining compliance with the provisions of this Section.
 2. Any person who violates a provision of this Section may be issued a citation by an authorized officer of the Town of Neenah to collect forfeitures. The issuance of a citation shall not preclude proceeding under any other 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.
 3. Penalties for violating this Section may be assessed as follows:

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- a. Any person who violates Subsection (6)(d) of this Section may be required to forfeit fifty dollars (\$50.00) for a first violation, \$200.00 for a second violation, and not more than \$2,000.00 for a third or subsequent violation.
- b. Any person who violates a provision of this Section, except Subsection (6)(d), may be required to forfeit not less than fifty dollars (\$50.00) nor more than \$200.00, together with the cost of prosecution. Each day in which a violation of this Section occurs shall constitute a separate offense and is punishable hereunder.

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