

HEALTH AND SANITATION

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9.01 SOLID WASTE DISPOSAL.

(1) DEFINITIONS. (Ord. #746 9/17/91, Ord. #793 12/6/94)

- (a) Garbage – Any solid waste not defined as a recyclable, yard waste, brush, building debris or hazardous waste, which waste can be land filled under applicable Wisconsin law.
- (b) Building Debris – All waste resulting from construction, repair or demolition of structures or buildings, exclusive of recyclables.
- (c) Solid Waste Generator – Any person, organization or entity that generates solid waste, including both owners, tenants, or other occupants of residential, commercial, industrial or other property within the City of Chilton.
- (d) Automated Containers – Containers provided by the City of Chilton for use in curbside collection of garbage.

(2) GARBAGE DISPOSAL. Garbage shall be disposed of in one of the two following described methods:

- (a) AUTOMATED CONTAINERS. (Ord. #754 1/7/92) The City will provide weekly curbside collection of garbage. Any solid waste generator who desires to use curbside collection must subscribe to an approved container provided by the City. A user fee shall be paid by the subscriber to the City, the method and amount of billing to be determined by the City. Only garbage may be placed in the automated containers and all garbage to be disposed of through curbside collection must be placed in the automated containers. The automated containers will be emptied once per week by the City's licensed waste hauler. The automated container shall be placed at the curb line in the direction indicated on the container after 2:00 p.m. on the day before collection and before 5:00 a.m. on the collection day and all containers and unacceptable materials shall be removed from the street right-of-way on the same day of collection. Automated containers and unacceptable materials shall be removed from the street right-of-way prior to 12:00 midnight the day of collection. If the subscriber has not removed the container or unacceptable materials, the Director of Public Works shall contact the property owner to inform him/her that if the materials are not removed within 24 hours, the Director of Public Works shall have the materials relocated or removed at the owner's expense. If the owner is so notified once during any given year, no further notification shall be required upon subsequent occurrence and the Director of Public Works shall have the container and/or materials relocated or removed within 24 hours after the pickup date. The expense thereof shall be paid by the owner at a rate of \$25.00 per incident. If for any reason the cost thereof exceeds the revenues realized at such rate, the rate shall then be the actual cost to the City for removal and disposal of such materials. The

Director of Public Works shall, keep an accurate account of the expenses for relocating and/or removing containers or unacceptable materials and shall report the same to the City Clerk/Treasurer, who shall annually prepare a statement of the expense so incurred which shall be entered in the tax roll as a special tax against said property and the same shall be collected in all respects like other taxes upon real estate.

- (b) PRIVATE CONTRACT. Any solid waste generator may contract directly with a licensed waste hauler for the disposal of garbage. Disposal of garbage through the use of dumpsters shall be by private contract.
 - (c) No person shall dump any garbage or debris on any public or private property without the permission of the property owner. (Ord. #1096 11/6/12)
- (3) GENERAL PROHIBITION. No solid waste shall be disposed of in any manner other than as prescribed in this chapter.

9.02 RECYCLING. (Ord. #793 12/6/94, Ord. #1127 1/19/16)

- (1) PURPOSE. The purpose of this ordinance is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in Wisconsin Statutes Sec. 287.11 and Chapter NR 544, Wis. Administrative Code.
- (2) 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.
- (3) 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.
- (4) SEVERABILITY. Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.
- (5) APPLICABILITY. The requirements of this ordinance apply to all persons within the City of Chilton.

- (6) ADMINISTRATION. The provisions of this ordinance shall be administered by the City of Chilton Public Works Director.
- (7) DEFINITIONS. For the purposes of this ordinance:
- (a) “Bi-metal container” means a container for carbonated or malt beverages that are made primarily of a combination of steel and aluminum.
 - (b) “Container board” means corrugated paperboard used in the manufacture of shipping containers and related products.
 - (c) “Foam polystyrene packaging” means packaging made primarily from foam polystyrene that satisfies one of the following criteria:
 - 1. Is designed for serving food or beverages.
 - 2. Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.
 - 3. Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.
 - (d) “HDPE” means high-density polyethylene, labeled by the SPD code #2.
 - (e) “LDPE” means low-density polyethylene, labeled by the SPE code #4.
 - (f) “Magazines” means magazines and other materials printed on similar paper.
 - (g) “Major appliance” means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, furnace, boiler dehumidifier, water heater or stove.
 - (h) “Multiple-family dwelling” means a property containing 5 or more residential units, including those which are occupied seasonally.
 - (i) “Newspaper” means a newspaper and other materials printed on newsprint.
 - (j) “Non-residential facilities and properties” means commercial, retail, industrial and governmental facilities and properties. This term does not include multiple family dwellings.
 - (k) “Office paper” means high-grade printing and writing papers 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.

- (l) “Other resins or multiple resins” means plastic resins labeled by the SPI Code #7.
- (m) “Person” includes any individual, corporation, partnership, association, local governmental unit, as defined in Wisconsin Statutes Sec. 66.0131 state agency or authority or federal agency.
- (n) “PETE” means polyethylene terephthalate, labeled by the SPI code #1.
- (o) “Plastic container” means an individual, separate, rigid plastic bottle, can, jar or carton, except for a blister pack, that is originally used to contain a product that is the subject of a retail sale.
- (p) “Post consumer waste” means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in Wisconsin Statutes 289.01, waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in Wisconsin Statutes 289.01.
- (q) “PP” means polypropylene, labeled by the SPI code #5.
- (r) “PS” means polystyrene, labeled by SPI code #6.
- (s) “PVC” means polyvinyl chloride, labeled by the SPI code #3.
- (t) “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 or multiple resins; steel containers; waste tires; and bi-metal containers.
- (u) “Solid waste” has the meaning specified in WI Statute 895.517 (1) (e)
- (v) “Solid waste facility” has the meaning specified in WI Statute 895.517 (1)(d)
- (w) “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.
- (x) “Waste tire” means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
- (y) “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.

- (z) Recycling Container – Containers provided by the City of Chilton for use in curbside collection of recycling. (Ord. #1127 1/19/16)

(8) SEPARATION OF RECYCLABLE MATERIALS. Occupants of single family and 1 to 3 unit residences, multiple-family dwellings and non-residential facilities and properties shall combine the following materials from post consumer waste:

- (a) Lead acid batteries
- (b) Major appliances
- (c) Waste oil
- (d) Yard waste
- (e) Aluminum containers
- (f) Bi-metal containers
- (g) Corrugated paper or other container board
- (h) Foam polystyrene packaging
- (i) Glass containers
- (j) Magazines
- (k) Newspaper
- (l) Office paper
- (m) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins
- (n) Steel containers
- (o) Waste tires

(9) EXEMPT PROPERTY. The separation requirements of section (8) do not apply to the following:

- (a) Occupants of single family and 2 to 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 s. (11) 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 s. (e) through (o) for which a variance has been granted by the Department of Natural Resources under s.159.11(2m), Wis. Stats., or s. NR 544.14, Wis. Administrative Code.

(10) CARE OF COMBINED RECYCLABLE MATERIALS. To the greatest extent practicable, the recyclable materials combined in accordance with s. (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. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions.

(11) MANAGEMENT OF LEAD ACID BATTERIES, MAJOR APPLIANCES, WASTE OIL, YARD WASTE, AND TIRES. (Ord. #1038 12/2/08)

Lead acid batteries, major appliances, waste oil, yard waste, and tires are banned from the landfill. Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties shall manage lead acid batteries, major appliances, waste oil and yard waste as follows:

- (a) Lead Acid Batteries shall be disposed of properly. Disposal costs are the responsibility of the generator.
- (b) Major appliances shall be disposed of properly. Any major appliance containing Freon (refrigerators, freezers, air conditioners, etc.) must have the Freon removed by a responsible vendor. Microwave ovens must have the capacitor removed and then can be disposed of in the landfill. Pickup and disposal costs are the responsibility of the generator.
- (c) Waste Oil shall be disposed of properly. Disposal costs are the responsibility of the generator.
- (d) Yard waste shall be recycled on site where generated (i.e., composting or chipping) or disposed of by using one of the following two methods:
 1. Drop-Off Center. Generators of yard waste may take them to the designated area at the city garage located on Maple Street. Yard waste must be emptied from all containers, and the containers, including bags, removed. Nothing other than yard waste may be disposed of behind the city garage at the drop-off center.
 2. Curbside Collection. Generators of brush that are unable to transport it to the city garage drop-off site may call City Hall for curbside pickup before 10:00 a.m. on Mondays. If a holiday falls on a Monday, the curbside collection will be done on the succeeding workday. (Yard waste is no longer collected)
- (e) Tires shall be disposed of by hauling them to a responsible vendor or arranging for a pickup. Pickup and disposal costs are the responsibility of the generator.

- (12) **PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS.**
Recyclable materials shall be co-mingled for curbside collection. Recyclables are subject to the same curbside placement and removal provisions as provided in 9.01.
- (13) **RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF MULTIPLE-FAMILY DWELLINGS.**
- (a) Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in section. (11)(e) through (o):
1. Provide adequate, separate containers for the recyclable materials.
 2. Notify 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 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.
- (b) The requirements specified in (a) do not apply to the owners or designated agents of multiple-family dwellings 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 section. (11)(e) through (o) from solid waste in as pure a form as is technically feasible.
- (14) **RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF NON-RESIDENTIAL FACILITIES AND PROPERTIES.**
- (a) Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in section. (11) (e) through (o).
1. Provide adequate, separate containers for the recyclable materials.
 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 materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility.
4. Notify users, tenants and occupants of 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.

- (b) 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 Department of Natural Resources that recovers for recycling the materials specified in section (11) (e) through (o) from solid waste in as pure a form as is technically feasible.

(15) PROHIBITIONS ON DISPOSAL OF RECYCLABLE MATERIALS COMBINED FOR RECYCLING.

No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the recycling materials defined in this chapter 9.02 (7).

(16) ENFORCEMENT.

- (a) For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the City of Chilton may inspect recyclable materials combined for recycling, post-consumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwelling and non-residential facilities and properties, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to any authorized officer, employee or authorized representative of the City of Chilton who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.

9.03 HUMAN HEALTH HAZARDS.

Pursuant to the authority granted to the City under sec. 254.58 of the Wisconsin Statutes, the provision of sec. 254.59 of the Wisconsin Statutes providing for the abatement or removal of human health hazards on private premises is incorporated herein by reference.

9.04 COMPULSORY CONNECTION TO SEWER OR WATER

- (1) All buildings used for human habitation in the City and located adjacent to a sewer and water main, or in a block through which the systems extend, shall be connected to the City water and sewer system in the manner prescribed by the Director of Public Works.
- (2) If any person fails to comply for more than 10 days after notice in writing to connect onto the City system, the City may cause connection to be made, and the expense thereof shall be assessed as a special tax against the property, pursuant to WI Statute 281.45.

9.05 PENALTY.

Any person who shall violate any provision of this chapter shall be subject to the penalty provided by Sec. 20.04 of this Code.