

ORDINANCE NO. 5-90

The Town Board of the Town of Hartland (hereinafter called Town), Shawano County, Wisconsin, does ordain as follows:

SECTION I. DEFINITIONS

(A) "Solid waste" means garbage, rubbish, and all other discarded or salvageable solid materials, including solid waste materials resulting from industrial, commercial, agricultural operations and from domestic use and public service activities.

(B) "Garbage" means putrescible (capable of becoming putrid by rotting) animal and vegetable wastes resulting from the handling, preparation, cooking, storage and consumption of food.

(C) "Refuse" means non-putrescible solid wastes consisting of both combustible and non-combustible waste such as - but not limited to - paper, cardboard, cans, bottles, glass, plastic, metals, rubber, wood, cloth, litter, yard waste and brush.

(D) "Yard waste" means grass clippings, leaves, garden debris, and brush, but not including stumps or tree limbs over 2 inches in diameter.

(E) "Bulky waste" means discarded articles of such size as are not normally collected with domestic wastes, such as - but not limited to - appliances, windows and doors, but customarily considered normal household waste.

(F) "Construction and demolition waste" means substantial wastes resulting from building construction, repairs, alteration or demolition, and including - but not limited to - concrete, asphalt, stone, siding, roofing supplies, brick, or dirt.

(G) "Toxic or hazardous wastes" means concentrations of solid wastes such as pesticides, acids, car batteries, oil paints, solvents, caustics, pathological wastes, radioactive materials, flammable or explosive materials and similar chemicals and harmful wastes which require special handling and disposal to protect and conserve the environment.

(H) "Domestic waste" means garbage, refuse, ashes, but not including yard waste, bulky waste, construction and demolition waste, and not including commercial, agricultural, or industrial waste. Domestic waste is intended to include only garbage, refuse, and small amounts of construction and demolition materials normally generated by a household including furniture and small appliances.

SECTION II. WASTE COLLECTION

(A) GENERAL PROVISIONS

1. The town shall enter into a contract for collection and removal of domestic wastes on a regular basis.

2. Domestic wastes, not including hot ashes, shall be collected once every two weeks, or such other schedule later adopted by the Town Board, by the Town or its contractor, from all residences or dwelling units provided such waste is properly handled, contained, stored and located in conformance with this ordinance, state and federal law.

3. The Town will not provide waste collection services to industrial or commercial enterprises, hereafter called business establishments. At present, a farm where a residence is located and occupied is not considered a business establishment for collection of domestic waste. Each business establishment shall make its own separate arrangements to remove or have removed all domestic waste, solid waste, garbage, bulky waste, construction or demolition waste, and hazardous wastes.

4. No person, property owner, or business establishment in the Town shall accumulate or allow to accumulate on property controlled or owned by them any solid waste, garbage, refuse, bulky waste, construction or demolition materials, or hazardous wastes and shall provide for the timely removal and disposal of such wastes where not herein provided for by the Town.

5. No person shall operate a vehicle to haul any waste materials on any public highway in the Town unless such vehicle is so constructed, loaded and covered to prevent its contents from dropping, sifting, leaking, or otherwise escaping therefrom.

(B) COLLECTION

1. Domestic waste, not including hot ashes and furniture, to be picked up shall be placed within 10 feet of the roadside not earlier than 6 p.m. of the day preceding collection day, and not later than 6:30 a.m. on collection day. All empty containers shall be removed from the roadside by 8 p.m. of the collection day.

2. All waste shall be placed in plastic bags or covered containers provided by the property owner, which shall not exceed 33 gallons or 50 pounds in weight. The top of containers shall be the widest part of the container. All containers shall have external handles.

3. No bags or containers shall be placed in front of mailboxes nor within three feet of the traveled portion of a road and shall not be placed in such a way as to interfere with traffic use of the road, or cause any safety hazard.

4. Arrangements for collection of waste other than domestic wastes may be made by the property owner or occupant with a contract hauler. However, toxic or hazardous wastes will never be transported to the City of Shawano landfill site, or a site later chosen by this Town.

5. The collection day(s) shall be determined by the Town Board. The Town is authorized to include informative notices concerning any waste collection matters when mailing out property tax bills, and other times as the board directs.

(C) CLASSES OF PLACES

1. There shall be two classes of places:

- (a) Residences or dwelling units;
- (b) Business establishments.

(D) CHARGES FOR DOMESTIC WASTE COLLECTION

1. The cost of domestic waste removal from residences and dwelling units, as determined in this ordinance, are hereby characterized as a rendered service to property, and authorized as a special charge against the property served, to be placed upon the real estate tax bill and collected along with said taxes each year, where payment in full has not been made prior to printing and calculation of said bills. This commences with the 1990 tax year. (In Angelica, commencement date is 1991) (In Hartland, this procedure is used only in 1990)

2. The cost of pickup and removal as set out in such contract shall be the amount charged against each property, as authorized by Town Board action. The Town Board keeps the right to revise said charges, and sets the rate for 1990 service at \$4 per month. (No 1990 rate is set in Angelica.) (The Hartland rate for 1990 is \$36 total, not calculated by months.)

SECTION III. USE OF THE TOWN SANITARY LANDFILL SITE.

(A) Due to new regulations being promulgated by the federal Environmental Protection Agency (EPA), the Town has taken action to close its past and present landfill(s) for the acceptance of all wastes defined herein. Any use of said area(s) for continued disposal of any waste without express written permission of the Town Board, or its representative designated by Board action, is in violation of this ordinance.

(B) The Town recognizes that some limited use of former or present landfill site(s) may be allowed under federal and state regulations, either for a yard waste burn site, or recycling purposes, or perhaps another purpose not yet realized, and this ordinance does not hinder Town actions to obtain such authority to so operate. To the extent any action is authorized by the Town Board by separate action, any activity allowed by that action, whether by the Town or its residents, is not in conflict with this ordinance. No set program is permanently established by this ordinance at time of passage.

(C) The Town landfill has been closed to the public, and no more waste shall be deposited therein except as allowed by express Board action.

SECTION IV. ENFORCEMENT.

Any person who shall violate any provision of this ordinance shall, upon conviction thereof, forfeit not less than \$50.00, nor more than \$500.00, together with the costs of prosecution. Each violation and day said violation continues shall constitute a separate offense. If any violation involves or requires cleanup expense, the Town and Court is further authorized to pass any such cost to the person(s) responsible. When used by the Town, and authorized by separate ordinance, citations may be used for enforcing provisions of this ordinance.

SECTION V. SEVERABILITY.

If any provision(s) of this ordinance is declared invalid or unconstitutional, such ruling shall not affect other portions, provisions, or applications of this ordinance which can be given separate effect.

Passed on: 21 May 90

Vote for: X against:

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William F. Lyske

Chairperson

Dale W. Mason

Supervisor

Ruben Buchholz

Supervisor