

Chapter 407

SOLID WASTE

[HISTORY: Adopted by the Village Board of Trustees of the Village of Hixton 10-6-1987 (Title 6, Ch. 3, of the 1987 Code of Ordinances). Amendments noted where applicable.]

§ 407-1. Title.

This chapter shall be known as the "Solid Waste Management Ordinance of the Village of Hixton," hereinafter referred to as "ordinance" or "chapter."

§ 407-2. 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 Village by establishing minimum standards for the storage, collection, transport, processing, separation, recovery and disposal of solid waste.

§ 407-3. Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings given herein unless different meanings are clearly indicated by the context.

AGRICULTURAL ESTABLISHMENT — An establishment engaged in the rearing and slaughtering of animals and the processing of animal products or orchard and field crops.

BULKY WASTE — Items whose large size precludes or complicates their handling by normal collection, processing or disposal methods.

COMMERCIAL UNIT — All property other than residential units and shall include boardinghouses, motels and resorts.

CURB — The back edge or curb and gutter along a paved street or where one would be if the street was paved and had curb and gutter.

DEMOLITION WASTES — That portion of solid wastes consisting of 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.

DISPOSAL — The orderly process of discarding useless or unwanted material.

DNR — The Wisconsin Department of Natural Resources.

DUMP — A land site where solid waste is disposed of in a manner that does not protect the environment.

DWELLING UNIT — A place of habitation occupied by a normal single-family unit or a combination of persons who may be considered as equivalent to a single-family unit for the purposes of this chapter.

GARBAGE — Includes every refuse accumulation of animals, fruit or vegetable matter, liquid or otherwise, that attends the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit or vegetables originally used for foodstuffs.

HAZARDOUS MATERIALS OR POTENTIALLY POLLUTING SUBSTANCE WASTE — Those wastes, such as toxic, radioactive or pathogenic substances, which require special handling to avoid illness or injury to persons or damage to property and the environment.

INDUSTRIAL WASTE — Waste material, except garbage, rubbish and refuse, directly or indirectly resulting from an industrial processing or manufacturing operation.

LITTER — Solid waste scattered about in a careless manner, usually rubbish.

NONRESIDENTIAL SOLID WASTE — Solid waste from agricultural, commercial, industrial or institutional activities or a building or group of buildings consisting of four or more dwelling units.

PERSON — Individuals, firms, corporations and associations, and includes the plural as well as the singular.

PRIVATE COLLECTION SERVICES — Collection services provided by a person licensed to do same by the DNR.¹

REFUSE — Includes all waste material, including garbage, rubbish and industrial waste, and shall, by way of enumeration but not by way of limitation, include grass, leaves, sticks, tree branches and logs, stumps, stone, cement, boards, furniture or household appliances, and garden debris.

RESIDENTIAL SOLID WASTE — All solid waste that normally originates in a residential environment from residential dwelling units.

RESIDENTIAL UNIT — An individual household capable of independent habitation by a family unit. A single-family dwelling shall be considered to be one residential unit; multifamily dwelling shall be considered to be multiple residential units, the number of residential units to equal the number of family units to be housed therein. Residential units shall not include boardinghouses, motels or resorts.

RUBBISH — Includes combustible and noncombustible waste material, except rocks, concrete, bricks and similar solid materials, plaster or dirt, that is incidental to the operation of a building and shall include, by way of enumeration but not by way of limitation, tin cans, bottles, rags, paper, cardboard, and sweepings.

SCAVENGING — The uncontrolled removal of materials at any point in solid waste management.

1. Editor's Note: Original Sec. 6-3-3(q) of the 1987 Code of Ordinances, the definition for "recyclable waste," which immediately followed this definition, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

SOLID WASTE — Garbage, rubbish and other useless, unwanted or discarded material from agricultural, residential, commercial, industrial or institutional activities. Solid waste does not include solid or dissolved material in domestic sewage.

STORAGE — The interim containment of solid waste in an approved manner after generation and prior to collection and ultimate disposal.

STORAGE AREAS — Areas where persons place containers during noncollection days as well as areas where containers are set out on collection day.

§ 407-4. Refuse storage areas.

Storage areas shall be kept in a nuisance- and odor-free condition. Litter shall not be allowed to accumulate. Collection crews will not be responsible for cleaning up loose materials from any containers which have become ruptured or broken due to wet conditions, animals, vandalism or other cause. The occupant and/or owner shall be responsible for cleaning up this litter. Litter not collected shall not be allowed to accumulate. Violation will result in the occupant and/or owner being notified to clean up his area with continued violation resulting in the owner being prosecuted under the provisions of this and other Village ordinances.

§ 407-5. Approved waste and refuse containers.

- A. General container standards. Suitable containers of a type approved by the Village shall be provided by the property owner or tenant in which to store all solid waste except for bulky or certain yard wastes as provided for herein. Containers, in order to be approved, shall provide for efficient, safe and sanitary handling of solid wastes. They shall be maintained in a nuisance- and odor-free condition and shall be sufficient to prevent the scattering of contents by weather conditions or animals.
- B. Approved containers. All garbage created, accumulated or produced shall be deposited in containers of a type approved by the Village Board. Each container for a residential unit shall be equipped with suitable handles and tight-fitting covers, shall be watertight and shall have the capacity of not less than five gallons and not more than 30 gallons. All garbage containers shall be kept in a neat, clean and sanitary condition at all times. All garbage containers for residential units shall be of metal, durable plastic or other suitable, moisture-resistant materials, including heavy-duty refuse disposal plastic bags, and shall not exceed 30 gallons' capacity. Other containers for multifamily residential units (such as dumpsters) may be used with the express approval of the Village Board. Containers, including contents, shall not exceed in weight that which one person can safely lift (50 pounds). Metal garbage cans shall be of sufficient thickness to resist denting during normal handling by collection crews. Plastic garbage bags must be closed with a tie and shall consist of plastic material not damaged by freezing and not susceptible to melting. They shall be capable of being handled during hot and cold weather without damage during normal handling by collection crews. Plastic bags shall be of sufficient strength to allow lifting and loading of contents without tearing.
- C. Householder to provide containers. It shall be the duty of every occupant, tenant and proprietor of any residential unit to provide, and at all times keep in a suitable place readily accessible to the garbage collector, garbage containers capable of holding all garbage

which would ordinarily accumulate on such premises between the times of successive collections. The owner of any multiple dwelling shall furnish or require the tenant thereof to furnish proper garbage containers. Garbage containers located at multiple dwellings shall be marked so as to indicate the residential unit to which they belong.

- D. Ashes. Cold, completely extinguished ashes may be left for collection in cardboard containers.
- E. Illegal containers. Containers not approved include metal barrels and drums, wooden or cardboard barrels, wheelbarrows and other such containers not approved by this chapter. These containers will not be emptied regardless of contents or weight.

§ 407-6. Collection of refuse.

A. Placement for collection.

- (1) Residential solid waste shall be accessible to collection crews. Residential solid waste in approved containers shall be placed immediately behind the curb of the public street for collection. Yard and bulky wastes from residential units shall likewise be placed in neat, orderly fashion behind the curb. During winter months, solid waste shall not be placed on top of the snowbank, nor shall it be placed in the roadway. The owner shall either shovel out an area behind the curb in which to place his wastes or he shall place it in his driveway. Collection crews will not collect residential solid waste unless it is placed at the curb of a public street. Residential units shall bring their solid waste to the public right-of-way for collection. Should collection crews be unable to discharge contents of garbage cans into collection vehicles using normal handing procedures, the cans, including contents, will be left at curbside. The owner shall make provisions to assure that the solid waste therein can be collected on the next collection day. Collection crews will not empty garbage cans by means other than dumping.
- (2) No garbage containers or other containers for refuse other than those of the Village shall be placed, kept, stored or located within the right-of-way of a street or alley; provided, however, that the Village Board may authorize the location of such containers within the public right-of-way at specified places and times when such location is necessary for the expeditious collection and disposition of refuse.

- B. Restriction on time of placement. All receptacles and containers for refuse and rubbish and all bundles of rubbish shall be placed in collection locations as designated in Subsection A above only after 6:00 p.m. on the evening prior to the regular collection time the following day. All receptacles, bags and containers for refuse and garbage disposal shall be removed from the curbside collection point within 24 hours after the regular collection time. Village employees or employees of licensed collectors will not enter any structures to remove garbage or refuse, except by written agreement with the property owner.

§ 407-7. Prohibited activities and noncollectable materials.

- A. Dead animals. It shall be unlawful to place any dead animal, or parts thereof, in a container for collection; provided, however, this subsection shall not apply to animal parts from food

preparation for human consumption.

- B. Undrained food wastes. It shall be unlawful to place any garbage or other food wastes in a container for collection unless it is first drained and wrapped.
- C. Ashes. It shall be unlawful to place hot ashes for collection. (See § 407-5D.)
- D. Improper placement. It shall be unlawful to place, or allow to be placed, any solid waste upon the roads, streets, public or private property within the Village contrary to the provisions of this chapter.
- E. Compliance with chapter. It shall be unlawful to store, collect, transport, transfer, recover, incinerate or dispose of any solid waste within the boundaries of the Village contrary to the provisions of this chapter.
- F. Improper transportation. It shall be unlawful to transport any solid waste in any vehicle which permits the contents to blow, sift, leak or fall therefrom. If spillage does occur, the collection crew shall immediately return spilled materials to the collection vehicle and shall properly clean, or have cleaned, the area. All vehicles used for the collection and transportation of solid waste shall be durable, easily cleanable and leakproof, if necessary, considering the type of waste and its moisture content. Collection vehicles shall be cleaned frequently to prevent nuisances and insect breeding and shall be maintained in good repair.
- G. Interference with authorized collector. No person other than an authorized collector shall collect or interfere with any garbage after it shall have been put into a garbage receptacle and deposited in the proper place for the collector, nor shall any authorized person molest, hinder, delay or in any manner interfere with an authorized garbage collector in the discharge of his duties.
- H. Scavenging. It shall be unlawful for any person to scavenge any solid waste placed for collection.
- I. Private dumps. It shall be unlawful for any person to use or operate a dump.
- J. Burning of waste. It shall be unlawful for any person to burn solid waste in any manner, except as provided elsewhere in this Code.²
- K. Noncollectible materials. It shall be unlawful for any person to place for collection any of the following wastes:
 - (1) Hazardous materials or potentially polluting substance waste;
 - (2) Toxic waste;
 - (3) Chemicals;
 - (4) Explosives or ammunition;
 - (5) Drain or waste oil or flammable liquids;
 - (6) Large quantities of paint;

2. Editor's Note: See Ch. 198, Burning, Open.

(7) Tires.

- L. Animal or human wastes. It shall be unlawful for any person to place animal wastes and/or human wastes for collection. These wastes should be disposed of in plastic bags or in the sanitary sewer system. Such items as "kitty litter" may be placed for collection if animal wastes are removed prior to disposal.
- M. Hospital wastes. It shall be unlawful for any person to place for collection any pathogenic hospital wastes. Such items as needles and syringes may be disposed of as long as they are contained to eliminate injury to collection crews.
- N. Building waste. All waste resulting from remodeling, construction or removal of a building, roadway or sidewalk shall be disposed of by the owner, builder or contractor.

§ 407-8. Garbage accumulation; when nuisance.

The accumulation or deposit of garbage, trash or putrescible animal or vegetable matter in or upon any lot or land or any public or private place within the Village which causes the air or environment to become noxious or offensive or to be in such a condition as to promote the breeding of flies, mosquitoes or other insects, or to provide a habitat or breeding place for rodents or other animals, or which otherwise becomes injurious to the public health is prohibited and declared to constitute a nuisance.

§ 407-9. Refuse from outside municipality.

It is unlawful for any person, firm or corporation to place, deposit or cause to be deposited, for collection, any waste or refuse not generated within the corporate limits of the Village.