

## Title 8 ► Chapter 2

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# Pollution Abatement

- 8-2-1** Cleanup of Spilled or Accidentally Discharged Wastes
- 8-2-2** Storage of Polluting Substances

### **Sec. 8-2-1 Cleanup of Spilled or Accidentally Discharged Wastes.**

- (a) **Cleanup Required.** All persons, firms, or corporations delivering, hauling, disposing, storing, discharging or otherwise handling potentially polluting substances, solid or liquid, such as, but not limited to, the following: fuel oil, gasoline, solvents, industrial liquids or fluids, milk, grease trap and septic tank wastes, sewage sludge, sanitary sewer wastes, storm sewer catch-basin wastes, oil or petroleum wastes, shall immediately clean up any such spilled material to prevent its becoming a hazard to health or safety or directly or indirectly causing pollution to the lakes and streams under the jurisdiction of the Village.
- (b) **Notification.** Spills or accidental release of hazardous materials or pollutants at a site or of a quantity or nature that cannot adequately be cleaned up by the responsible party or parties shall be immediately reported to the Village Clerk-Treasurer so that assistance can be given by the proper agency.
- (c) **Financial Liability.** The party or parties responsible for the release, escape or discharge of wastes shall be held financially liable for the cost of any cleanup or attempted cleanup deemed necessary or desirable and undertaken by the Village, or its designated agent, in an effort to minimize the pollutional effects of the discharged waste.

### **Sec. 8-2-2 Storage of Polluting Substances.**

It shall be unlawful for any person, firm or corporation to store any potentially polluting substances unless such substances are stored in such manner as to securely prevent them from escaping onto the ground surface and/or into any street, sewer, ditch or drainageway, lake or stream within the jurisdiction of the Village of Elk Mound.



## Title 8 ► Chapter 3

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# Refuse Disposal and Collection

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### **Sec. 8-3-1 Title.**

This Chapter shall be known as the Solid Waste Management Ordinance of the Village of Elk Mound, hereinafter referred to as this "Ordinance" or "Chapter."

### **Sec. 8-3-2 Purpose.**

- (a) The purpose of this Chapter shall be to maintain and protect public health and sanitation by removal of garbage, rubbish, and other waste material generated in the in the Village of Elk Mound, to eliminate dispersal of garbage, waste, and other waste material along the streets, roads, and other public and private properties in and near the Village of Elk Mound.

- (b) The Village Board further finds and ordains that:
  - (1) Improper disposal of household sharp medical waste, such as hypodermic needles, poses a significant health risk to workers in the waste disposal industry;
  - (2) Safe disposal of household sharp medical waste is possible through inexpensive, easily obtained means, without posing an undue burden on users of household sharp medical waste; and
  - (3) Removal of household sharp medical waste from the Village's waste stream is beneficial to residents of the Village as well as the Village's waste hauler and users of County landfills.

### **Sec. 8-3-3 Definitions.**

- (a) The following definitions shall be applicable in this Chapter:
  - (1) **Collector/Hauler.** The contractor or entity chosen by the Village Board to handle, transport, and dispose of the solid waste, recyclables and non-recyclables generated in the Village, or, person or persons contracting with waste generators for these services, and will enforce preparation standards for recyclable materials as well as ensure community compliance with this source separation recycling program.
  - (2) **Commercial Waste.** Waste of whatever material generated by any industrial or business establishment where any trade, occupation, industry or commerce is conducted.
  - (3) **Corrugated Cardboard.** Heavy duty Kraft paper packaging material with a corrugated medium between two (2) flat paper liners, and does not include paperboard such as for cereal or laundry detergent boxes or holders for six-packs or twelve-packs of beverage cans or bottles.
  - (4) **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.
  - (5) **Deciduous Material.** Yard wastes such as leaves, grass clippings, flowers and other similar vegetation, but specifically excludes sod, dirt, twigs, fruit, vegetables and other similar material. Also included are clean woody vegetative material no greater than six (6) inches in diameter and holiday trees, but does not include tree stumps, extensive root systems or shrubs with intact root balls.
  - (6) **Demolition Wastes.** That portion of solid waste from the repair, remodeling construction or reconstruction of buildings, such as lumber, roofing and sheathing scraps, rubble, broken concrete, asphalt, plaster, conduit, pipe, wire, insulation, and other materials resulting from the demolition of buildings and improvements.
  - (7) **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.
  - (8) **Garbage.** Discarded materials resulting from the handling, processing, storage and consumption of food.

- (9) **Glass.** Glass bottles, jars and containers and does not include window glass, drinking glasses, pyrex, light bulbs or other non-container glass.
- (10) **Good Faith.** Reasonable efforts to adhere to the policies, standards and rules of this mandatory source separation recycling program.
- (11) **Hazardous Waste or Hazardous Substance.** Those wastes or substances defined as such in NR 181, Wis. Adm. Code (including all amendments provided thereto) as provided therein pursuant to Sec. 144.62, Wis. Stats., or other acts pursuant to authority vested in the Wisconsin Department of Natural Resources to describe and list materials as such and also includes the meaning of "hazardous waste" or "hazardous substance" as described herein. Those solid wastes or substances found in household waste [notwithstanding the household waste exclusion provided in NR 181.12(4)(a), Wis. Adm. Code].
- (12) **Household Sharp Medical Waste.** Any type of product capable of puncturing or lacerating the skin that is designed or used to treat, diagnose, or prevent a disease or medical condition, including, but not limited to, scalpels and hypodermic needles.
- (13) **Multi-Family Dwelling.** A residential building intended to be the residence of four (4) or more independent family units.
- (14) **Non-recyclable Material.** All items of waste not recyclable except hazardous waste or hazardous substances.
- (15) **Other Paper.** All paper excluding newsprint materials or materials specifically excepted in the definition of "newsprint" and "corrugated cardboard," but shall include grades of fiber materials with available markets for recycling.
- (16) **Oversize and Bulky Waste.** Large items such as furniture, mattresses, carpeting, construction or demolition materials of substantial dimensions, brush and other large items whose proportions are not easily reduced.
- (17) **Person.** Any individual, corporation, organization, association, local governmental unit, as defined in Sec. 66.229(1), Wis. Stats., state agency or authority or federal agency.
- (18) **Refuse.** Combustible and non-combustible materials including, but not limited to: paper products, wood, metal, glass, cloth and products thereof in unrecoverable condition; litter and street rubbish not including yard waste; uncontaminated ashes; and building materials such as wood, concrete, glass, plaster and other intermixed materials produced in construction or demolition of structures. "Refuse" for purposes of this Chapter shall not include "oversize or bulky waste".
- (19) **Residential Solid Waste.** All solid waste that normally originates in a residential environment from residential dwelling units.
- (20) **Residential Unit.** Each living unit in the Village of Elk Mound designed for permanent living quarters, including single-family dwellings and units in duplexes, triplexes, and multi-family units and each unit in a residential condominium project.
- (21) **Scavenging.** The uncontrolled and unauthorized removal of materials at any point in solid waste management.

- (22) **Sharps Container.** A container specifically manufactured for the disposal of sharp medical waste.
- (23) **Solid Waste.** Garbage, refuse and all other discarded or salvageable solid materials, including solid waste materials, resulting from industrial, commercial and agricultural operations, and from community activities, but does not include solids or dissolved material in waste water effluents or other common water pollutants.
- (24) **Solid Waste Storage.** Safe, environmentally sound short-term containment of materials and for recyclables shall involve preserving materials in a condition meeting preparation standards.
- (25) **Tires.** For collection purposes shall mean rubber tires, from automobiles and light trucks, and other tires whose size is less than 1100 x 24.5, which are removed from rims.

### **Sec. 8-3-4 Nondisposable Materials.**

- (a) It shall be unlawful for any person to place for regular collection any of the following wastes:
  - (1) Hazardous waste;
  - (2) Toxic waste;
  - (3) Chemicals;
  - (4) Explosives or ammunition;
  - (5) Drain or waste oil or flammable liquids;
  - (6) Large quantities of paint;
  - (7) Dead animals;
  - (8) Trees or stumps;
  - (9) Gravel or concrete;
  - (10) Construction debris;
  - (11) Animal or human waste;
  - (12) White goods (unless as a special haul item);
  - (13) Hot ashes (ashes that are fully extinguished and dry may be left for collection in noncombustible containers);
  - (14) Tires;
  - (15) Holiday trees;
  - (16) Bedding and furniture;
  - (17) Appliances.
- (b) The aforementioned materials shall be disposed of in the manner prescribed by federal or state laws, or as provided for herein.
- (c) Materials that the Village collector will dispose of for a separate fee may be disposed of by special arrangement between the waste generator and said Village collector.

**Sec. 8-3-5 Hospital/Medical Wastes.****(a) Household Sharp Medical Waste Disposal.**

- (1) Household sharp medical waste shall not be deposited in any other place or manner in the Village of Elk Mound than as hereinafter provided.
- (2) Acceptable means of disposing of household sharp medical waste include:
  - a. Disposal in an approved medical waste box, such as a Sharps container; or
  - b. Disposal in a heavy plastic container, such as a laundry soap bottle, providing that the lid is permanently affixed thereto using tape or another means, and the container is marked "Medical Waste: Do Not Open."

**(b) Collector to Refuse Pickup of Non-Conforming Household Sharp Medical Waste.**

The Village's collector shall refuse to pick up any solid waste or recyclables containing household sharp medical waste not separately contained and prepared as provided in this Section.

**Sec. 8-3-6 Building Waste.**

All demolition waste resulting from remodeling, construction, or removal of a building, roadway, or sidewalk shall be disposed of by the owner, builder, or contractor. Building materials of any kind will not be disposed of by the Village or its collection service.

**Sec. 8-3-7 Alteration of Recyclable Materials.**

It shall be unlawful to intentionally alter recyclable materials so as to render them as nonrecyclable material.

**Sec. 8-3-8 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 or containers shall be placed immediately adjacent to the alley if premises abut on an alley. Yard 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 snow bank, 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 terrace adjacent to the street curb for collection. Should

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- collection crews be unable to discharge contents of garbage cans into collection vehicles using normal handling procedures, the cans, including contents, will be left at curb side. 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.**
- (1) Receptacles and containers for refuse and rubbish shall be placed in collection locations as designated in Subsection (a) above prior to 7:00 a.m. of the scheduled collection day, but not more than twenty-four (24) hours prior to such time.
  - (2) All receptacles, bags and containers for refuse and garbage disposal shall be removed from the curbside collection point within twenty-four (24) hours after the regular collection time.
  - (3) 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.
  - (4) If the scheduled collection day falls on a holiday, collection will be on the following scheduled working day.
  - (5) Special collections may be made if ordered by the Building Inspector or Village Board and will be billed to the owner.

**Sec. 8-3-8 Refuse From Outside the Village.**

It shall be unlawful to bring refuse from outside the Village of Elk Mound limits into the Village limits for disposal unless specifically authorized by written agreement with the Village.

**Sec. 8-3-10 Garbage Accumulation; When a 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 animals, or which otherwise becomes injurious to the public health, is prohibited and declared to constitute a nuisance. Refuse areas shall be kept in a nuisance-and odor-free condition. Refuse shall not be allowed to accumulate. Violation will result in the occupant and/or owner being notified to clean up his area, with continued violations resulting in the owner being prosecuted under provisions of this and other Village ordinances.

**Sec. 8-3-11 Improper Placement.**

No persons shall deposit, throw, or place any garbage, offal, dead animals, combustible refuse or other deleterious matters in any park, lane, alley, street, public grounds, or public place within the Village, nor place any garbage, offal, dead animals or other refuse matter upon any private property not owned by such person without such person's consent. If not deemed noncollectible, these materials may be placed for collection on the owner's property if the same is enclosed in proper vessels or containers which shall be watertight and kept so with tightly fitting covers.

**Sec. 8-3-12 Interference with Authorized Collector.**

No person other than an authorized collector shall collect or interfere with any waste after it shall have been put into a garbage receptacle and deposited in the proper place for the collector, nor shall any unauthorized person molest, hinder, delay or in any manner interfere with any authorized garbage collector in the discharge of his duties.

**Sec. 8-3-13 Contracting with Collector/Hauler.**

- (a) The Village may find that the purposes of this Chapter will be better served by limiting collection of waste activities to a minimum and to that end the Village will contract with an independent contractor to provide waste collection services in accordance with this Chapter. If any person needs a service in excess of that provided by such collector/hauler pursuant to the collection contract with the Village, such person is free to contract, at such person's cost, for such additional services as may be required or desired.
- (b) The Village Board shall be authorized, if it so determines, to place the pro-rata cost of such collector/hauler's fee for such services on the tax bill for the real property from which such waste is generated. Said amount so placed on the tax bill for each year in advance of such services and when so placed shall have the same force and effect as real estate taxes and shall be paid as in the same manner as real estate taxes.
- (c) The Village and the collector/hauler shall establish pickup times for the collection of collectible wastes.

**Sec. 8-3-14 Condominiums and Multi-Family Dwellings.**

- (a) Each condominium association in the Village shall be responsible for establishing compliance with this Chapter by the owner of each condominium unit, and shall submit its plan for compliance to the Village for approval and shall submit for approval of the Village any changes in such plan. Such plan may provide for the purposes of this Chapter. Each

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condominium unit shall be treated the same as a single residential dwelling or the entire condominium shall be treated for such purposes as a multi-family dwelling. In approving such a plan, the Village shall consider which plan under the circumstances would better promote the purpose of this Chapter.

- (b) Each owner of a multi-family building, with the consent of the Village, shall have the option of treating each unit within said building as a single-family residence or comply with the requirements of this Chapter, except that duplexes shall be treated as two (2) single-family residences.

**Sec. 8-3-15 Commercial Buildings.**

The owners of commercial, retail, industrial and governmental facilities shall provide adequate separate containers for the disposal of recyclable materials as defined herein and shall regularly notify all users of said premises of such facilities, including employees, agents and customers of county and municipal recycling requirements.

**Sec. 8-3-16 Agricultural Operations.**

Nothing in this Chapter is intended to apply to the disposal of or the accumulation of agricultural or farm wastes, products or feed accumulated upon property used in the ordinary course of farming.

**Sec. 8-3-17 Federal and State Regulations.**

It is expected that from time to time federal and state statutes and regulations will require that items other than the items which have been deemed to be recyclable herein shall be recycled. In such event, this Chapter shall be deemed to include and shall require such other items to be recyclable hereunder.

**Sec. 8-3-18 Violations; Penalties.**

- (a) Any person who shall violate any of the provisions of this Chapter shall be subject to a penalty which shall be as follows:
  - (1) **First Offense.** Any person found in violation of any provision of this Section as a first offender shall receive a warning notice requiring compliance and may be subject to having refuse in violation of the provisions herein not collected.
  - (2) **Second and Subsequent Offenses.** Any person found guilty of violating any part of this Chapter who has previously been notified of being in violation or has been convicted of violating the same Chapter within one (1) year shall, upon conviction thereof, be subject to a forfeiture as provided in Section 1-1-6.

- (b) Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Chapter shall preclude the Village from maintaining any appropriate action to prevent or remove a violation of any provision of this Chapter.

### **Sec. 8-3-19 Special Collections for Violations.**

If any entity, including those receiving collection from a private firm, is found in violation of the collection and storage requirements of this Chapter and fails to comply with a notification and/or requirements of this Chapter and fails to comply with a notification and/or citation, the Village Board or its designee shall be empowered to order a special collection to remove such violation. The person shall be notified of such special collection and the charges therefor. The special collection shall be made, and if billing plus Fifty Dollars (\$50.00) is unpaid, the bill shall be considered a lien on the property and shall be placed on the tax bill. A person shall not use the special collection provision of this Chapter to circumvent requirements for collection by a private firm.

### **Sec. 8-3-20 Severability.**

The provisions of this Chapter shall be held to be minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes or pertinent Dunn County Ordinances in their interpretation and application. Because this Chapter creates a comprehensive, mandatory source separation recycling program in our community, any terms or requirements or interpretations consistent with state and county law shall control. If any provision of this Chapter is found to be invalid or unconstitutional, or if the application of this Chapter to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not effect the other provisions or applications of this Chapter which can be given effect without the invalid or unconstitutional provisions or applications.



## Title 8 ► Chapter 4

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# Recycling

### **8-4-1** County Recycling Regulations

#### **Sec. 8-4-1 County Recycling Regulations.**

Dunn County shall serve as the responsible unit for recycling programs serving the Village of Elk Mound. Pertinent county recycling regulations shall be applicable in the Village of Elk Mound.

