

Title 6 HEALTH AND SANITATION.

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Section 6.2.1 Purpose.

The purpose of this ordinance is to regulate the collection, dumping and disposal of garbage, rubbish, refuse and recyclable materials by persons or other entities within the Town of Oregon. Because of the possible danger to the health, safety and welfare of the public and due to a deep concern for the environment, such collection, dumping or disposal within the Town of Oregon, shall only be permitted under the terms and conditions set forth below.

Section 6.2.2 Definitions.

- A. Dumping or Disposal - Dumping or disposal includes, but is not limited to, unloading, throwing away, discarding, emptying, abandoning, discharging, burning or burying waste, garbage, refuse, yard waste, rubbish, or sludge on, into or under any property or lands, whether publicly or privately owned within the Town of Oregon.
- B. Waste - Waste is garbage, refuse, rubbish and all other discarded or salvageable material, including waste materials resulting from industrial, commercial and agricultural operations and from domestic and public service activities.
- C. Garbage - Garbage means all waste which rots or decomposes.
- D. Rubbish - Rubbish means all waste which does not easily rot or decompose, nor is considered recyclable. Rubbish specifically excludes yard waste, heavy objects and noncollectible items.
- E. Refuse - Refuse is discarded material including, but not limited to, trash, rubbish, paper, wood, metal, glass, plastic, rubber, cloth, ashes, litter and street rubbish, industrial waste, dead animals, gravel pit and quarry spoils, toxic and hazardous waste, heavy objects, noncollectible items and material and debris resulting from construction or demolition.

F. Yard Waste - Yard waste consists of three (3) categories defined as follows:

1. Yard Debris - Yard debris is nonwoody plant material, including but not limited to garden waste, weeds, fruits, vegetables, flowers, grass clippings, sod and shrubbery clippings of less than six (6) inches in length.
2. Leaves - Leaves are defined as foliage of deciduous trees.
3. Brush - Brush is woody plant material not greater than four (4) inches in diameter and not greater than ten (10) feet in length.

G. Sludge - Sludge is sewage treatment residue in any form.

H. Newspaper - Newspaper means printed matter excluding shiny surface paper and bound publications such as books, magazines, catalogs, phone books or similar publications.

I. Heavy Objects - Heavy Objects include, but are not limited to, major appliances, tires (up to four (4) constitute one large item), mattresses, box springs, and auto or machinery parts over ten (10) pounds in weight or two (2) feet in length.

J. Noncollectible Items - Noncollectible items include, but are not limited to, concrete, construction materials, animal droppings, stumps, stones or cement blocks, televisions, fuel tanks of any type and drums larger than twenty gallons.

K. Recyclable Material - Identified material needing preparation standards, and including the following: newspaper, container board, unbroken brown, green and clear glass containers, metal containers, blow-molded HDPE and PETE containers, waste tires, waste oil, lead-acid batteries, magazines, yard waste, office paper and major appliances. "Recyclable materials" further means identified materials meeting preparation standards where economical markets or short-term storage are available, and shall include the following: other paper, HDPE containers that are not blow-molded, PS containers, PVC containers, PP containers, LDPE containers, other resins or multiple resins, bi-metal containers and other materials determined to have economical markets available.

L. Nonrecyclable material - Nonrecyclable material means all material for which the Town of Oregon or its representative collector cannot establish a present reasonable value for its collection as a recyclable.

M. Residential Unit - An independent household capable of individual habitation by a family unit. A single family dwelling shall be considered to be one residential unit. Multi-family dwellings shall be considered to have multiple residential units, with a number of residential units equal to the number of family units to be housed therein. Residential units shall not include commercial housing businesses, such as motels, boarding houses or resorts.

N. Small Business - Small business means a business producing a maximum of four (4) thirty gallon bags of garbage or the equivalent of four (4) thirty gallon bags of garbage per week.

O. Collector - Collector means the person or entity specifically authorized by the Town Board to collect garbage, rubbish and recyclable materials and to dispose of the same.

P. Lead-acid Batteries - Lead-acid batteries shall mean automotive and related batteries that are comprised of lead plates with an acid electrolyte and does not include nickel-cadmium batteries, dry cell (flashlight) batteries or batteries used in calculators, watches, hearing aids or similar devices.

Q. Tires - Tires for collection purposes shall mean rubber tires, including automobile and light truck tires, whose size is less than 1100 x 24.5.

R. Multi-family dwelling - A dwelling containing four or more residential units, including condominiums, as well as dwelling units occupied seasonally.

S. Bi-metal Container - A container for carbonated or fermented malt beverages that is made primarily of a combination of steel and aluminum.

T. Container Board - Heavy duty Kraft paper packaging material with a corrugated medium between two flat paper liners used in the manufacture of shipping containers and related products, but excluding paper board such as used in cereal or laundry detergent boxes or holders for beverage cans and bottles.

U. Foam Polystyrene Packaging - 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 packaged articles in shipping containers;
3. Consists of rigid materials shaped to hold and cushion packaged articles in shipping containers.

V. Hazardous Waste/Hazardous Substance - An item which requires special handling to avoid illness or injury to persons or damage to property or the environment, as defined in Wis. Admin. Code Chap. NR 181, as amended from time to time pursuant to Wis. Stats. Section 144.62 (1989-1990), or other acts pursuant to authority vested in the Wisconsin Department of Natural Resources to describe and list materials that are hazardous, and further including those solid substances found in household waste.

W. HDPE Plastic - Containers constructed of high density polyethylene, labeled by the SPI Code #2.

X. LDPE Plastic - Containers constructed of low density polyethylene, labeled by the SPI Code #4.

Y. Magazines - Magazines, catalogs, and other material printed on glossy paper.

Z. Major Appliance - A residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, refrigerator, microwave oven, oven, stove, water heater, furnace, boiler, dehumidifier, or any other item commonly referred to as "white goods".

AA. Metal Container - Tin-coated steel cans, bi-metal cans and aluminum cans used for food and other non-hazardous materials, but excluding aerosol cans and cans that held paint, paint related products, pesticides or other toxic or hazardous substances.

BB. Office Paper - High grade printing and writing papers from small businesses and other commercial enterprises. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. This term excludes industrial process waste.

CC. Other Paper - All paper except newspaper, container board, magazines and office paper, but including grades of fiber materials with available markets for recycling.

DD. Other Resins or Multiple Resins - Plastic Materials labeled by the SPI Code #7.

EE. PETE Plastic - Containers constructed of polyethylene terephthalate, labeled by the SPI Code #1.

FF. PP Plastic - Containers constructed of polypropylene, labeled by the SPI Code #5.

GG. PS Plastic - Containers constructed of polystyrene, labeled by the SPI Code #6.

HH. PVC Plastic - Containers constructed of polyvinyl chloride, labeled by the SPI Code #3.

II. Waste Oil - Any contaminated or no longer suitable for use petroleum-derived or synthetic oil including, but not limited to, engine and other mechanical lubricants, hydraulic and transmission fluid, metal working fluid and insulating fluid or coolant. In no even shall waste oil include gasoline.

Section 6.2.3 Curbside Collection.

The Town of Oregon reserves the right to refuse the services of any potential collector based on price, past performance or lack of prior experience. Acceptable collectors must be willing to provide a phone number to residents to call for clarification of curbside collection rules.

Acceptable collectors must also be able and willing to demonstrate, to the Town Board of the Town of Oregon, their adequate understanding of this ordinance.

Curbside collection may be arranged for by an individual resident or a group of residents (subdivision or street). Residential units receiving curbside collection will be subject to all the provisions of this ordinance including those regarding the separation of recyclable materials or prohibition of non-collectible items. Residential units receiving curbside collection will be charged for each bag or can (not to exceed thirty (30) gallons) on non-recyclable materials. The intent is to provide an incentive for residents receiving curbside collection to recycle.

Businesses, commercial enterprises, remodeling and new construction projects, and multi-family dwellings are responsible for the contracting of their own garbage, rubbish and recyclable material collection. Disposal of such waste is specifically banned from the Town of Oregon Recycling Center without the express written permission of the Town Board of the Town of Oregon.

Structures containing more than one and less than three (3) residential units must maintain distinct and separate collection points for each unit which allows the collector to recognize violations or problems in complying with this ordinance by individual residential unit. The collector has the right and responsibility to refuse pickup from those entities violating this ordinance. The collector will provide a printed explanation of why pick up was refused on a particular item by leaving a self adhesive sticker containing an adequate explanation stuck to the item. The sticker will also contain a phone number at the collector's offices where the resident may call for clarification of this ordinance or curbside collection rules.

Section 6.2.4 Town of Oregon Recycling Center (TORC).

The Town of Oregon will operate a recycling center for the purpose of collecting recyclables, non-recyclables, garbage, rubbish and yard waste for those residents who do not receive curbside collection. Residents who receive curbside collection may voluntarily utilize this facility although this action will not abrogate their financial responsibility to their collector.

Any delivery to the TORC will be enclosed as in a trunk, tarped truck or in sealed containers so as to provide for adequate prevention of litter on roads or in the general vicinity of the TORC. Uncovered loads will be refused at the TORC.

The Town of Oregon will staff the TORC and maintain public hours which, at a minimum, will be two Saturdays each month for eight hours each day it is open. Hours or days of operation may be extended at the Town Board's discretion. The Town of Oregon also reserves the right to determine separate schedules for receiving certain materials. Under no circumstances will entities other than employees or agents of the Town of Oregon be permitted in the TORC outside of the posted hours of operation without the expressed written permission of the Town Board.

The Town of Oregon Recycling Center will provide, at a minimum, the following facilities:

1. Collection bins for the separation and collection of newspapers, clear glass bottles and jars, brown glass bottles and jars, PETE and HDPE containers, office paper, container board, metal cans and magazines. If technology allows and cost does not prohibit, the Town of Oregon may opt for the intermingling of recyclable materials.
2. A compactor for the collection of nonrecyclable garbage or rubbish for ultimate delivery to a designated Dane County landfill or other disposal site.
3. A compost pile for the disposal of leaves or yard debris.
4. A collection container for waste oil.
5. A burnpad for brush, clean wood, and sawdust. Dumping of any other yard waste, nonrecyclable paper products, metal, plastic, rubber, glass, chemicals, oil, recyclable material or any other material specifically banned from the burnpad will be in violation of this ordinance.
6. A drop point for scrap metal such as metal paint cans, lawn furniture, small appliances or other metal objects which can be easily lifted. Arrangement for disposal of large deliveries of metal or heavy objects should be made with an individual contractor and cannot be delivered to the TORC.
7. A collection point for tires.
8. A collection point for lead-acid batteries.

The Town of Oregon Recycling Center will charge a fee for each container of garbage or rubbish (not to exceed thirty (30) gallons) placed into the compactor. The Town of Oregon will provide a system to charge residents for such usage which will at least equal the operation cost of the TORC. Monies gained from the sale of recyclables or other materials will be used to defray the total operating costs of the TORC.

Section 6.2.5 Separation of Recyclable Materials.

The Town Board of the Town of Oregon mandates that commencing upon the effective date of this ordinance, provided hereinafter, all entities within the Town of Oregon shall separate recyclable materials from garbage, rubbish, yard waste, heavy objects and non-collectible items.

A. Disposition of Recyclables. Residents who receive curbside pick up will use a method for separating recyclable material from other items in conformity with the rules of the collector. Residents using the TORC will separate all recyclables into the appropriate

bins provided at the TORC. Residents also have the option of delivering recyclable materials to the recycling center of their choice.

B. Disposition of Yard Waste. Brush, leaves and yard debris. Town of Oregon residents will neither receive curbside pick up of yard waste, nor will these items be accepted on the compactor at the TORC. Residents may either: (a) pay a private contractor for the removal of these materials; (b) transport the materials to a Dane County compost site; (c) transport the leaves and yard debris to the TORC composting site; (d) transport brush to the TORC burn pad; (e) compost the materials on their personal compost pile.

C. Disposition of Heavy and Non-collectible items. Heavy or non-collectible items will not be picked up in curbside service nor will they be accepted at the TORC. Town residents may contact wither the Town Hall or their collector for advise in handling these items. When possible Town residents are urged to arrange pick up of old appliances by the seller of new appliances.

Section 6.2.6 Preparation of Recyclable Materials.

Recyclable materials shall be prepared in the following manner, whether the materials are for curbside collection or delivery to the TORC:

A. Newspapers, office paper and magazines shall be dry and bundled in eight to ten inch bundles, boxed or placed in paper sacks.

B. Glass containers shall be empty, unbroken, rinsed and free of metal caps and rings and other contaminants such as window glass, drinking glass, ceramics, pyrex, light bulbs, mirrors, china and similar material.

C. Metal cans shall be rinsed and have labels removed. Metal food cans should have ends removed and be flattened. Soft drink cans should be crushed.

D. Container board shall be dry, flattened, free of food debris and other contaminated materials and bundled into eight to ten inch bundles.

E. Plastic containers shall be rinsed and have metal and plastic rings and tops removed.

F. Lead-acid batteries shall have all caps firmly attached and be free from leaks.

G. Waste oil shall be from motor vehicles, free of contaminants, and in tightly sealed, non-leaking containers.

H. Additional preparation standards may be provided by notice to generators of waste and collectors/haulers, or by amendment to this section of the ordinance when other materials become recyclable depending on available economic markets.

Section 6.2.7 Requirements for Multi-family Dwellings.

A. Owners of multi-family dwellings shall provide adequate, separate containers for handling and collection of recyclable materials enabling tenants to ensure that recyclable materials meet preparation standards. Owners shall provide containers for the complex or sub-units thereof marked for the collection of recyclable material to be shared in common by occupants of the multi-family dwellings. Such containers need not include provisions for major appliances, lead-acid batteries or used oil.

B. Owners of multi-family dwellings shall provide sufficient containers to accommodate the collection of the volume of recyclable materials generated by the occupants of the multi-family dwellings. The number of containers shall be sufficient to enable the handling, transportation and processing requirements of the collector or private hauler.

C. Owners of multi-family dwellings shall clearly mark and designate containers to be used for recyclable materials as required by Town rules and regulations. Such containers shall be maintained in a clean safe and watertight condition.

Section 6.2.7 Notification Required.

A. Owners of rental property shall notify all tenants on move-in, and on a regular basis thereafter at least semi-annually, of Town and Dane County recycling requirements.

B. Owners of commercial, retail, industrial, and governmental facilities will notify all users, including employees, agents and customers, on a regular basis at least semi-annually, of Town and Dane County recycling requirements.

Section 6.2.9 Collection by Unauthorized Entities.

Any recyclable materials placed at curbside for collection or brought to the TORC is the property of the Town of Oregon or the Town's collector or an authorized private collector unless specifically refused by the collector or the TORC. It is unlawful for any person other than those authorized by the Town Board of the Town of Oregon to collect or pick up or cause to be collected or picked up any recyclable materials. Any and each such collection in violation hereof from any recyclable material container shall constitute a separate and distinct offense punishable as hereinafter provided.

Section 6.2.10 Disposal or Dumping Permit.

Except as expressly permitted in this section, no individual or entity shall dump or dispose of waste, garbage, or rubbish within the Town of Oregon unless a permit to engage in such dumping or disposal is first obtained from the Town of Oregon under the conditions prescribed herein.

Exceptions to this requirement are:

- A. Sites used for dumping or disposal of yard waste or garbage from a residential unit or small business providing that such yard waste is placed in suitable composting containers or composted in such a way as not to cause a public or private nuisance.
- B. The use of sanitary privies and what are commonly known as seepage beds or septic tanks, which conform to applicable ordinances of the Town of Oregon or the discharge of waste products into any existing public sewage system located within the Town of Oregon.
- C. A farm on which only animal waste resulting from the operation of the farm are disposed of.
- D. Any dumping operation under the direction and control of the Town of Oregon.

Persons or entities who are permitted by the Town of Oregon to engage in dumping or disposal operations shall do so in a manner which does not constitute a public or private nuisance and in a way so that dust, dirt, and debris will not be carried by the wind across the boundary of the land parcel on which the said operation is taking place. A suitable covering of gravel or dirt shall be placed within a reasonable time so as to make the dumping site compatible with the surrounding property and not to depreciate property values within the immediate area.

A public hearing will be held on any application for a permit to engage in dumping or disposal operations. The application shall be on file with the Town Clerk at least 30 days before the public hearing and include the name and address of the applicant, an explanation of the nature and purpose of the dumping or disposal and a detailed description of the dumping or disposal plan.

A notice of the public hearing shall be given as a Class 3 notice as described in Wisconsin Statutes 985.07 (1989-1990). The cost of such publication shall be deposited by the applicant in advance.

The Town Board reserves the right to require the applicant to post a bond, the condition of which will be that this ordinance shall be observed, that the dumping or disposal plan shall be carried out and any penalties imposed shall be paid. If any part of this ordinance is violated and after a reasonable time, the violation is not corrected, the town of Oregon reserves the right to correct the violation and to charge the expense to the bond. The applicant in making the application for a dumping or disposal permit grants to the town of Oregon the right to go on to the land to carry out the plan, if the applicant fails to do so in a reasonable time, at the owner's or occupant's expense.

Revocation of a dumping or disposal notice may be accomplished upon a published Class 1 notice by the Town of Oregon.

Section 6.2.11 State Law.

Nothing contained herein shall be deemed to limit or restrict the application of any State law or Administrative regulation of any State Agency regulating the subject of this ordinance.

Section 6.2.12 Severability and Conflict.

Should any section, clause or provision of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be invalid.

Section 6.2.13 Fines for Violation.

Any person violating this ordinance shall be fined not less than \$25.00 nor more than \$500.00 for each offense. Fines may be levied in addition to payment for reparation of damages created to or clean up required of public or private property. Agents or employees of the Town of Oregon may opt to issue a warning on first offenses in lieu of a fine depending on the severity of the violation and the violator's willingness to immediately correct violation. Imprisonment in the County Jail can be ordered only for failure to pay fines or reparation expenses and shall be limited to one day of confinement for each \$25.00 of fine or ordered reparation expense.

Any individual, corporation or municipality who places waste, garbage, refuse, yard waste, rubbish, heavy objects, non-collectible items or sludge on either public or private property anywhere within the Town of Oregon limits in a manner not in compliance with this ordinance shall be subject to the fines set forth in this section.

Original Ordinance #35 approved and passed December 2, 1986, posted December 18, 1986.

Ordinance #35 amended by Ordinance #41 February 5, 1991.

Ordinance #41 passed February 5, 1991, posted February 6, 1991, published February 14, 1991.

Ordinance #41 amended by Ordinance #45 December 20, 1994.

Ordinance #45 adopted December 20, 1994, posted December 21, 1994.

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TITLE 6 - CHAPTER 3 Solid Waste Disposal Site.

Section 6.3.1 Use of Site.

Section 6.3.2 Identification of User.

Section 6.3.3 Sticker Identification System.

Section 6.3.4 Hours of Operation.

Section 6.3.5 Sign to be Posted.

Section 6.3.6 Penalty.

Section 6.3.7 Severability.

Section 6.3.1 Use of Site.

No person shall use or deposit any solid waste or refuse at the solid waste disposal site, hereinafter referred to as the "Facility", operated by the Town of Oregon in the Town of Oregon, Dane County, Wisconsin, unless said person is a resident of the Town of Oregon.

Section 6.3.2 Identification of User.

Any user of the facility shall, upon demand by the site attendant, present identification in the form of a valid Wisconsin driver's license showing that said user is a bona fide resident of the Town of Oregon, Dane County, Wisconsin.

Section 6.3.3 Sticker Identification System.

The Town Board may require that each Town of Oregon resident who intends to use the facility obtain from the Town Board, at such times as shall be reasonably prescribed by the Town Board,

a sticker which the resident shall then attach to the windshield of each vehicle in which he intends to transport solid waste or other refuse to the facility. Any vehicle used to transport solid waste or other refuse to the facility shall have a sticker attached to its windshield.

Section 6.3.4 Hours of Operation.

The facility shall be available for use as aforesaid by Town of Oregon residents at such hours as prescribed by the Town Board. No person shall use the facility except during said hours.

Section 6.3.5 Sign to be Posted.

A sign shall be posted at the facility gate stating the terms and conditions of use of the facility as herein prescribed.

Section 6.3.6 Penalty.

Any person who shall violate any provision of this ordinance shall, upon conviction thereof, forfeit not less than \$5.00 nor more than \$200.00 together with the costs of prosecution.

Section 6.3.7 Severability.

The provisions of this ordinance shall be deemed severable and it is expressly declared that the Town Board would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.

Original Ordinance #17 approved, passed, and posted October 7, 1975.