

## Chapter 450

### SOLID WASTE

**[HISTORY: Adopted by the Town Board of the Town of Buchanan 8-17-2010 by Ord. No. 2010-03. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Brush, grass and weeds — See Ch. 225.

Nuisances — See Ch. 404.

Parks and recreation areas — See Ch. 411, Arts. I and II.

Pollution of water — See Ch. 504.

#### ARTICLE I

##### General Provisions

###### § 450-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**SOLID WASTE** — Any of the types of waste described in the definitions that follow.

**BULKY WASTE** — Includes freezers, refrigerators, stoves, clothes washers and dryers, water heaters, televisions, dehumidifiers, humidifiers, water softeners, dishwashers, air conditioners, ovens, microwave ovens, residential and commercial furnaces, boilers and other items as determined by the Town Board.

**COMMERCIAL/INDUSTRIAL WASTE** — Waste resulting from the operation of business enterprises including, but not limited to, offices, stores, restaurants, day cares, nursing homes, light industrial plants and similar businesses. Commercial/industrial waste further includes bulky waste and other waste as determined by the Town Board.

**CONSTRUCTION/DEMOLITION WASTE** — Waste resulting from building construction or demolition, alteration or repair, including excavated material, remodeling and other waste such as concrete, stone, asphalt, sod, earth, dirt and brick. Construction/demolition waste includes other waste as determined by the Town Board.

**CURBSIDE COLLECTION** — The collection of domestic waste, bulky waste, recyclable waste, and yard waste at the curb or from an alley or roadside.

**DOMESTIC WASTE** — All residential waste other than yard waste, commercial/industrial waste, bulk waste, recyclable waste, animal feces, and construction/demolition waste. Domestic waste shall include the following: garbage (defined as waste resulting from the handling, cooking, processing, preparation, serving, storage and consumption of food, including animal, vegetable or other matter which is

subject to decomposition, decay and putrefaction); cold ashes; small quantities of household wood material; rags; cloth, and other waste as determined by the Town Board.

**RECYCLABLE WASTE** — Includes materials banned from landfilling or incineration pursuant to state law, which said items include, but are not limited to, aluminum containers, cardboard (corrugated paper), glass containers, newspapers, plastic containers, tin (bimetal containers), magazines, office paper, steel containers, foam polystyrene packaging, and waste tires. Recyclable waste further includes materials as determined by the Town Board.

**YARD WASTE** — Includes leaves, yard and garden debris and brush, tree material, stumps, roots or shrubs with intact root balls, including clean woody vegetative material.

**§ 450-2. Violations and penalties.**

The penalty for the violation of this chapter shall be as provided in § 1-7.

**ARTICLE II**  
**Storage, Collection and Disposal**

**§ 450-3. Applicability of article.**

Provisions of this article govern the storage, collection, transportation, treatment, utilization, processing and disposal of solid waste by any person for the protection of the environment in the Town.

**§ 450-4. Dumping prohibited.**

No person, firm or corporation owning land, leasing it or having any interest therein whatsoever, which is located in the Town of Buchanan, shall dump or dispose of garbage, rubbish, refuse, liquid or solid waste material including sludge, sewage (excluding animal waste used as a fertilizer) or waste liquids of any kind or nature, on his property or on any property which is located in the Town of Buchanan or permit any other person, firm or corporation to dump or dispose of such garbage, rubbish, refuse, sewage, sludge (excluding animal waste used as fertilizer), waste material of any kind or nature, wastewater or either liquid or solid waste material on his property or on any property in the Town of Buchanan except with licenses issued by the Town Board of the Town of Buchanan and/or Outagamie County and in conformity with the provisions herein set out.

**§ 450-5. Collection of solid waste, yard waste, other waste.**

- A. Commercial/industrial waste and construction/demolition waste. Commercial/industrial waste and construction/demolition waste shall be collected by private contract of the owner. This waste shall be collected in such manner and frequency as needed to protect the public safety and welfare of the Town of Buchanan. The Town may offer and provide for commercial waste collection as approved by the Town Board.
- B. Yard waste. Yard waste shall be collected as set forth in the rules and regulations as established by the Town Board.

- (1) All yard waste shall be separated from all other refuse. Yard waste shall be disposed of or placed for collection only in compliance with rules and regulations as established by the Town Board from time to time. Said rules and regulations shall be available at the Town Hall. Disposal or dumping of yard waste on any public premises or road right-of-way or upon any private lands not in compliance with the Town Board's rules and regulations is hereby prohibited and subject to the penalties of this chapter.
- (2) All brush, branches, cuttings from trees or shrubs shall be placed in an approved container or be tied in bundles not to exceed three feet in length, two feet in diameter, and less than 50 pounds in weight. Yard waste shall be collected as set forth in the rules and regulations as established by the Town Board.
- (3) Yard waste collection as described herein shall be from all residential properties in the Town of Buchanan and shall not include business properties. Any business which produces yard waste shall be responsible for the proper disposal of the yard waste in conformity with the Town of Buchanan Code.

C. Domestic waste.

- (1) Domestic waste shall be collected by the Town from all residences on a weekly basis, provided such waste is properly handled, prepared, contained, stored and located in conformance with this chapter. Further regulations concerning the collection of domestic waste shall be as follows:
  - (a) All domestic waste shall be drained and kept in containers of nonrusty metal, nonbreakable plastic or rubber and of a capacity of not more than 30 gallons. Plastic bags shall be considered an adequate container for the placing of domestic waste for collection at the curb, provided that the bags have a thickness of no less than 1.3 mils, that the bags are intended for such use and are designed to be used for the purpose of collection of domestic waste, and provided that such bags must be properly secured. Unless such bag is designed for purposes of garbage disposal, paper sacks or bags which are not in conformity herewith shall be considered an inadequate container and shall not be picked up. The total weight of each individual container and the material shall not exceed 50 pounds. All containers shall be durable, rust-resistant, nonabsorbent, watertight and rodentproof.
  - (b) Miscellaneous domestic waste comprised of wood, rags, straw, sweepings, etc., from buildings, and similar material, shall be placed in a container of suitable size and weight for handling.
  - (c) Hot cinders, ashes or any smoldering embers shall not be collected.
  - (d) All containers for the storage and collection of domestic waste shall be maintained in such a manner as to prevent the creation of a nuisance to public health and safety.

- (e) Any defective container not replaced subsequent to notification by the Town shall be removed as domestic waste.
  - (f) Other types of containers conforming to the intent of this section and approved by the Town may be used for storage and collection of domestic waste.
  - (g) All containers shall be provided by the owner of the residence.
- (2) The owners of all containers shall keep them clean and in a sanitary condition. Maintenance and repair of all containers shall be the responsibility of the owner.
- (a) Animal feces shall be properly disposed of by wrapping in paper, then placing it in suitable plastic disposable containers.
  - (b) All domestic waste shall be separated from all other waste and placed by the owner at the curb or at the end of the alley or roadside. Stones, concrete, dirt, tires, lead acid batteries, waste oil, antifreeze, medical waste, and hazardous substances are not allowed in the solid waste stream and will be banned materials from landfilling and incineration and shall not be picked up. Any container with such prohibited materials shall not be picked up.
  - (c) The owner and occupant of any residence shall be responsible for proper and sanitary storage of all domestic waste accumulated at that residence until picked up by the collecting and transporting service.
  - (d) Domestic waste shall be prepared for collection and placed at the curb or road side prior to 6:00 a.m. on the scheduled day of collection each week. Any containers, when placed in front of the residence, shall not be placed more than 12 hours before the collection date and shall be removed by 12:00 midnight on the date of collection. Containers left at the curb or road beyond midnight shall be in violation of this chapter.
  - (e) Further rules and regulations concerning the collection, storage and disposal of domestic waste shall be as set forth in the Town Board's rules and regulations, as established by the Town Board from time to time, which said rules and regulations shall be available at the Town Hall and which said rules and regulations shall have full force and effect as a Town ordinance as if fully described at length herein.
- D. Bulky waste. Bulky waste shall be collected only after special arrangements have been made by the owner of the Town residence with the Town for pickup of the bulky waste item. The cost for pickup of bulky waste shall be determined by the Town Board. The resident shall pay the Town directly for the removal of the bulky waste item.
- E. Recyclable waste.

- (1) All recyclable waste shall be separate from all other waste. No recyclable waste item shall be mixed with any other waste (i.e., domestic waste, yard waste, commercial/industrial waste, bulky waste or construction/demolition waste). All recyclable waste shall be clean and kept free of contaminants, such as food or product residue, oil or grease, or other nonrecyclable materials, including but not limited to household hazardous waste, medical waste and agricultural/chemical containers. Recyclable waste shall be stored in a manner which protects it from wind, rain and other inclement weather conditions.
- (2) All recyclable waste shall be prepared for collection and placed at the curbside or roadside prior to 6:00 a.m. on the scheduled day of collection. All recyclable waste shall be placed in a Town-approved container. Any recycling container shall not be placed more than 12 hours before collection day and shall be removed by 12:00 midnight on the day of collection. Recycling containers left at the curb or road beyond midnight shall be in violation of this chapter.
- (3) The residential owner of the recycling container shall keep the container clean and in a sanitary condition. Maintenance and repair of the recycling container shall be the responsibility of the owner.
- (4) The collection and preparation of all recyclable waste shall be in conformity with rules and regulations as established by the Town Board from time to time. Said rules and regulations shall be available at the Town Hall. Disposal or dumping of recyclable waste not in compliance with the Town Board's rules and regulations is hereby prohibited and subject to penalties as set forth in this chapter.
- (5) If recyclable waste is not prepared according to the provisions of this chapter, or not placed in the recyclable container, then the Town's waste hauler shall "tag" these containers, and pickup shall not be made until the condition is remedied and compliance has been made with this chapter.

**§ 450-6. Nonresident refuse disposal prohibited.**

No person residing outside the Town limits shall bring into the Town for disposal or collection any solid waste, yard waste, waste oil, tires, bulky waste, as defined herein, or any banned landfill materials.

**§ 450-7. Littering prohibited.**

No person shall throw, place or deposit any solid waste or yard waste in any street, alley, public place or private property within the Town limits except in proper containers for disposal and collection as described herein.

**§ 450-8. Responsibilities of owners or designated agents of multiple-family dwellings.**

Owners or designated agents of multiple-family dwellings (five or more units) shall do all of the following to recycle the materials specified in § 450-5E:

- A. Provide adequate, separate containers for the recyclable waste.
- B. Notify in writing, at least semiannually, all users, tenants and occupants of the properties about the established recycling program.
- C. Provide for the collection of the materials separated from the solid waste by the users, tenants and occupants and for the delivery of the materials to a recycling facility.
- D. 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.

**§ 450-9. Responsibilities of owners or designated agents of nonresidential facilities and properties.**

Owners or designated agents of nonresidential facilities and properties shall do all of the following to recycle the materials specified in § 450-5E:

- A. Provide adequate, separate containers for the recyclable waste.
- B. Notify in writing, at least semiannually, all users, tenants and occupants of the properties about the established recycling program.
- C. 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.
- D. 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.

**§ 450-10. Anti scavenging.**

It shall be unlawful for any person other than authorized Town employees or persons having written authorization by the Town Administrator/Clerk to go through, sort or take anything from any solid waste or recyclables that have been set out in bags, cans or other approved containers for the purpose of being picked up by the Town's refuse/recycling collector. Yard waste, grass clippings and brush are not included in the prohibitions set forth in this section.

**§ 450-11. Nuisance.**

No person shall permit any solid waste, recyclable waste, yard waste or other substance tending to create a nuisance to be thrown out or distributed on or about the premises, including adjacent property, streets, alleys, creeks or streams within the Town. When it has been determined that a facility's solid waste or other substance becomes a nuisance to adjoining property owners, including Town streets, by being scattered, the Town Administrator/Clerk shall require the owner of the facility to provide an adequate

enclosure, including fencing, to prevent solid waste or other substances from being blown or scattered to adjoining properties and the Town streets.

**§ 450-12. Composting.**

Backyard composting of yard wastes is encouraged. However, such an operation must be maintained to prevent a nuisance condition, unsightly mess or an environmental or health hazard. General guidelines published by the Wisconsin Department of Natural Resources shall be followed. No dairy products, meat, fish, fat, oils, bones or animal wastes shall be composted.