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TOWN OF MENASHA
MUNICIPAL CODE

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CHAPTER 10

DISPOSAL OF SOLID WASTE

[Recreated June 8, 2009, Effective Oct. 5, 2009]

NOTE: All references to Town of Menasha Municipal Code Chapter 10.05(2)(a) shall henceforth refer to Town of Menasha Municipal Code Chapter 10.03(7).

10.01 PURPOSE

The purpose of this ordinance is to establish regulations for the disposal of solid waste in the Town of Menasha and to comply with mandatory recycling legislation and implemented regulations enacted by the State of Wisconsin, including Wis. Stats. Chapter 287 as may be amended from time to time.

In concurrence with this ordinance the Town of Menasha has established specific rules and guidelines regarding solid waste disposal in the Town of Menasha Solid Waste Collection Policy (POLICY).

To the extent permitted by law, this chapter is intended to serve as a municipal waste flow control ordinance in conjunction with program activities of Winnebago County and its Solid Waste Management Board and the State of Wisconsin. This ordinance may be amended from time to time as determined by the Town Board.

10.02 DEFINITIONS

The following definitions shall apply:

Commingled Recyclables: All recyclable waste placed in one cart.

Curb Side Collection: The collection of solid waste; recyclable waste and yard waste, at the curb, roadside or alley.

Exempt Unit: A multiple family residential dwelling of five (5) units or more or any licensed mobile home park that has been approved by the Town Board for an exemption from Town refuse hauling.

Hazardous Waste: Waste which may pose a substantial hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Oversize Items: Solid Waste items that will not fit within the garbage or recyclables cart as specified in the POLICY.

Single Stream Recycling: The collection of all commingled recyclable materials.

Solid Waste: All garbage, rubbish, recyclable material, yard waste and all other discarded or salvageable solid materials.

Town: The Town of Menasha and/or its designated agent.

Yard Waste: Leaves, yard and garden debris, twigs, sticks, stumps, roots or shrubs with intact root balls, including clean woody vegetative material.

10.03 COLLECTION OF SOLID WASTE

The Town of Menasha has established a POLICY as may be amended from time to time. Said POLICY shall be made available by contacting the Street Department or Town Clerk or visiting the Town's website.

If solid waste is not prepared according to the provisions of this chapter and as outlined in the POLICY, the hauler shall place a violation tag on these carts and collection will occur on the resident's next scheduled collection day once the condition is remedied and in compliance with this ordinance and the POLICY.

(1) Commercial/Industrial Waste and Construction/Demolition Waste

This waste shall be collected by private contract of the owner in such manner and frequency as needed to protect the public safety and welfare of the Town of Menasha, but not less than weekly.

(2) Domestic Waste

Domestic waste (garbage) 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 and the POLICY.

(3) Special Pick-Up Items

White goods with and without refrigerants, microwave ovens, furniture, automobile tires and other items shall be collected curb side only after special arrangements have been made by the resident with the Town refuse hauling contractor. Separate charges will apply.

(4) Lead Acid Batteries

There shall be no collection and/or disposal of lead acid batteries by the Town of Menasha.

(5) Recyclable Waste

Recyclable waste shall be collected on a bi-weekly basis on the same day that domestic waste is collected. Acceptable recyclable waste is listed in the POLICY.

(6) Waste Oil

Disposal of acceptable waste oil shall be permitted for Town residents only at the Town designated collection site as referenced in the POLICY.

(7) Yard Waste

- (a) Yard waste collection shall be from all non-exempt residential units in the Town of Menasha. Any exempt unit or business which produces yard waste shall be responsible for the proper disposal of the yard waste in conformity with this chapter.
- (b) Yard waste shall be collected as set forth in the POLICY. Grass clippings shall not be collected.
- (c) The Town of Menasha Street Department shall administer a separate chipping program and policy for the collection of branches and brush up to 6" in diameter. The policy will be established by the Street Superintendent on an annual basis and shall have the full force and effect as provided by this chapter. This policy entitled, *"Tree and Brush Chipping Program and Policy"* shall be posted annually in the Town's newsletter as well as posted on the Town's website.
- (d) Disposal or dumping of yard waste on any public premises or road right-of-way or upon any private lands not in compliance with this chapter or the POLICY is hereby prohibited and subject to the penalties of this chapter.

10.04 COMPOSTING

Backyard composting of yard wastes is encouraged. However, such an activity must be operated 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.

10.05 CHRISTMAS TREES

Christmas trees shall be picked up as agreed upon in the Town's solid waste contract.

10.06 RESTRICTIONS AND PROHIBITIONS

Anti-scavenging. It shall be unlawful for any person other than authorized Town employees or persons having written authorization by the Town Administrator 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 Town's refuse/recycling hauler.

Dumping. No person, firm or corporation owning land, leasing it or having any interest therein whatsoever, which is located in the Town of Menasha, shall dump or allow to be dumped any solid waste material, (excluding animal

waste used as a fertilizer) or waste liquids of any kind on his/her property or on any property which is located in the Town of Menasha, unless express permission has been granted by the owner in writing and when the dumping complies with all federal, state and local restrictions.

Town Landfill. No individual, person, firm, or corporation shall use or dispose of any solid waste or yard waste materials in the former Town of Menasha landfill site.

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

Load Limitations. No person shall operate a vehicle on a Town road or other road in the Town of Menasha unless such vehicle is so constructed, loaded and covered or secured as to prevent its contents from dropping, shifting, leaking or otherwise escaping.

Non-resident Refuse Disposal. No person residing outside the Town limits shall bring into the Town for disposal or collection any solid waste, yard waste, waste oil, tires, large items, as defined herein, or any banned landfill materials.

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 their premises including adjacent property, streets, alleys, lakes or streams within the Town. When it has been determined that a property owner's or resident's solid waste or other substance becomes a nuisance to adjoining property owners, including Town streets, by being scattered, the Town Code Enforcement Officer 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.

Private Dump Site. No private dump site shall be allowed in the Town of Menasha.

Recyclable Materials Separated for Recycling. No person may dispose of, in a solid waste disposal facility or burn in a solid waste facility, any of the materials defined in the POLICY as recyclable waste which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

10.07 EXEMPTIONS FROM TOWN REFUSE HAULING

- (1) Multiple family residential units of five (5) units or more and licensed mobile home parks may be exempted from the Town assessment for refuse hauling service.
- (2) For any multiple family residential dwelling of five (5) units or more or any licensed mobile home park that is

seeking to become exempt from Town refuse hauling, the exemption from service must be applied for on or before November 1 for the exemption to become applicable for the following year. The granting of the exemption shall be done solely by the Town Board and shall be at the discretion of the Town Board.

- (a) Multiple family dwellings of five (5) units or more shall be considered for exemption if it meets the following criteria:
 - (1) There are five (5) units or more contained within a single structure, or a structure in which five (5) units or more are permanently attached to each other.
 - (2) The person, partnership or corporation applying for the exemption owns all of the units within the structure, or in the alternative all of the owners of all of the units within the structure apply for the exemption as a single entity.
- (b) Mobile homes located in mobile home parks licensed by the Town may be considered for exemption if they meet the following criteria:

10.08 THE PERSON, PARTNERSHIP OR CORPORATION HOLDING THE MOBILE HOME PARK LICENSE APPLIES FOR THE EXEMPTION

- (1) The owners of all of the mobile home units agree that all of the mobile home units located within the park are to be exempted from the collection service.
- (2) The Town of Menasha Board reserves the right to revoke the exemption, when in its discretion, a person or persons being granted the exemption have failed to properly manage and supervise the proper collection of refuse from the exempt unit, or for any other reason the Town Board deems appropriate.
- (3) Any and all exempt units shall continue to be exempt each year, unless revoked by the Town Board, and these exempt units shall not be required to reapply for exemption each year.

10.09 EXEMPT UNITS

All units which are exempt from solid waste and recycling collection and disposal must comply with the regulations set forth in this chapter. Exempt units must contract independently for the collection and disposal of their solid waste, recyclables, yard waste and other waste.

10.10 RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF EXEMPT MULTI-FAMILY DWELLINGS AND/OR NON-RESIDENTIAL FACILITIES

Owners or designated agents of multiple family dwellings and/or non-residential facilities and properties shall do all of the following to recycle the materials defined in the POLICY as recyclable waste:

- (1) Provide adequate, separate carts for the recyclable waste.
- (2) Provide for the collection of the recyclable materials.
- (3) Notify in writing, at least semi-annually, all users, tenants, and occupants of the properties about the established recycling program.
- (4) Notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected and, how to prepare materials in order to meet the collection requirements.

10.11 DESIGNATED SOLID WASTE COLLECTION FUND

- (1) A separate designated accounting fund will be established for solid waste purposes.
- (2) The charges for refuse collection shall be determined annually on a "per dwelling unit basis" by the Town Board of Supervisors based on anticipated costs and revenues for the following year.
- (3) Payment for the regular collection of solid waste shall be placed on each year's tax roll.
- (4) Other solid waste revenues will be collected when incurred.
- (5) Newly constructed dwelling units or any new residential customers of solid waste collection services shall be invoiced on a prorated basis using the "per dwelling unit" fee for the balance of the calendar year for which service is to be rendered after which the provisions stated above shall apply.
- (6) The service start date will be the date occupancy is issued by the Building Official.

10.12 PENALTY

- (1) For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the Town of Menasha may inspect recyclable waste separated for recycling, post consumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple family dwellings and non-

residential facilities and properties, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to any authorized officer, employee, or authorized representative of the Town of Menasha who requests access for purposes of inspection, and who presents credentials. No person may in any way interfere with such an inspection.

- (2) Any person who violates a provision of this ordinance will be issued a citation by a Town of Menasha Police Officer. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same incident. Proceeding under any other ordinance or law relating to the same incident shall not preclude the issuance of a citation under this paragraph.
- (3) Each violation and each day a violation continues or occurs shall constitute a separate offense. Penalties for violating this ordinance shall be as follows:
 - (a) Any person, firm, corporation or any other entity who shall violate any provision of Section 10.03 shall, upon conviction thereof, be subject to a forfeiture set forth in Appendix C Fines and Penalties, reference this code section, and are as follows:
 - (1) First violation: penalty, together with the cost of prosecution.
 - (2) Second violation: penalty, together with the cost of prosecution.
 - (3) Third or subsequent violation: penalty, together with the cost of prosecution.
 - (4) In default of any forfeiture amount described above, the person in default shall be imprisoned in the County Jail until said forfeiture and costs are paid, but not exceeding ninety (90) days.
 - (b) Any person, firm, corporation or entity who violates any other provision of this ordinance (excluding Section 10.03) shall, upon conviction thereof, forfeit an amount set forth in Appendix C Fines and Penalties, reference this code section, for each violation, together with the cost of prosecution. In default of payment thereof, shall be imprisoned in the County Jail until said forfeiture and costs are paid, but not exceeding ninety (90) days.

10.13 SEVERABILITY

If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or application of this ordinance which can be given effect without the invalid or unconstitutional provision or its application.