

TOWN OF BROOKLYN, GREEN COUNTY, WI

ORDINANCE # 3.1

Title: COMPREHENSIVE RECYCLING & SOLID WASTE DISPOSAL ORDINANCE

Adopted: 03/24/2015

This ordinance supersedes ordinance # 0208-2010 entitled "COMPREHENSIVE RECYCLING & SOLID WASTE DISPOSAL ORDINANCE" with a change in numbering, format and wording but no change in substance.

CONTENTS

1. Purpose and scope
2. Authority and responsibility
3. Definitions and references
4. General provisions
5. Regulation of Town-provided services
6. Regulation of private hauler/collector services
7. Miscellaneous

1.0 PURPOSE and SCOPE

The purpose of this ordinance is:

- 1.1 General: to promote the health and safety of people and animals, to protect the quality of the natural environment of the community, reduce the amount of solid waste being disposed of in landfills, and to comply with applicable Federal and State laws as a Responsible Unit by regulating the accumulation, storage, transportation and disposal of solid waste and recyclable materials in the Town.
- 1.2 Recycling: to promote and encourage recycling and, where feasible, to expand upon recycling as mandated in the Wisconsin statutes
- 1.3 Reuse: to promote and encourage reuse, where feasible

2.0 AUTHORITY and responsibility

The Town Board of the Town of Brooklyn has specific statutory authority, powers and duties pursuant to the Wisconsin Statutes including duly adopted village powers under Wisconsin Statute 60.22(3) granting to the Town Board the power to regulate, control, license, prevent or permit in the Town of Brooklyn certain uses and activities for the good order of the town and for the health, safety and welfare of the public.

2.1 Impact of ordinance

It is not intended that this ordinance repeal, abrogate, annul, impair or interfere with any existing rules, regulations, ordinances or permits previously adopted or issued pursuant to law except as identified in the note on page 1 of this ordinance. However, whenever this ordinance imposes greater restrictions, the provisions of this ordinance shall apply.

2.2 Interpretation

Where any terms or requirements of this ordinance may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this ordinance is required by Wisconsin Statutes, or by a standard in Ch.NR544, WIS. Adm. Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and Ch. NR 544 standards.

3.0 DEFINITIONS and statutory references (where applicable)

- 3.1 **Garbage** [s. 289.01 (9)] means discarded materials from the handling, processing, storage and consumption of food
- 3.2 **Hauler/collector** means a person, firm, "limited liability company", individual partnership or corporation in the business of collecting and hauling solid waste and/or recyclables through the use of route pickup service and/or container placement/replacement
- 3.3 **Hazardous waste** [s. 289.01 (12)] means any solid waste identified by the Wisconsin Department of Natural Resources under s. 291.05 (2)
- 3.4 **Major appliance** [s. 287.01 (3)] means an air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, furnace, boiler, dehumidifier, water heater or stove or any other major appliance.
- 3.5 **Post consumer waste** [s.287.01 (7)] means solid waste other than solid waste generated in the production of goods, hazardous waste, waste from

construction and demolition of structures, scrap automobiles, or high-volume industrial waste

- 3.6 **Prohibited materials** means solid waste materials that have been deemed unacceptable by the State of Wisconsin or Town of Brooklyn for disposal or recycling
- 3.7 **Refuse** [s.289.01 (28)] means all matter produced from industrial or community life, subject to decomposition, but not including sewage
- 3.8 **Responsible unit** [ss. 287.09 (1) & (2)] means a unit of government which by Wisconsin statute is required to develop and implement a recycling or other program to manage the waste generated within its region.
- 3.9 **Solid waste** [s. 289.01 (33)] means any garbage, refuse or other discarded or salvageable materials including solid, liquid, semisolid, or contained gaseous materials
- 3.10 **Yard waste** [s. 287.01 (16)] means leaves, grass clippings, yard and garden debris and brush, stumps, roots or shrubs with intact root balls.
- 3.11 **Waste oil** [s. 287.15 (1) (k)] means oil used in and removed from the engine, crankcase, transmission, differential or gear box of an automobile, truck, motorcycle, recreational vehicle, boat or farm machinery but which has not been recycled.

4.0 GENERAL PROVISIONS

- 4.1 It shall be unlawful for any person, firm, limited liability company, individual, partnership or corporation to, dispose of, store, treat, transport or recycle any solid waste within the town except as permitted or required by this ordinance or enumerated as follows. Exceptions are:
- a) Hauler/collectors passing through the town but making no service stops in the town
 - b) Town residents or property owners accumulating solid waste generated on their own property in the Town of Brooklyn for proper disposal at a future date.
 - c) Transportation and proper application of sewage sludge by a certified applicator.
 - d) Private hauler/collectors placing or picking up a container at a job site within the Town of Brooklyn.

e) Septic tank pumping firms

4.2 It shall be unlawful for any person, firm, limited liability company, individual, partnership 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, sub-surface or groundwater and/or into any highway, road, ditch, drainageway, wetland or stream within the Town of Brooklyn.

4.3 It shall be unlawful for any person, firm or corporation to litter solid or hazardous waste on any public or private lands in the Town of Brooklyn.

4.4 It shall be unlawful for any person to dispose of waste on the property or in the dumpster of another without permission of the owner or occupant.

4.5 Cleanup of spills or accidental discharges

- a) Cleanup required. All persons, firms, limited liability companies, individuals, partnerships or corporations delivering, hauling, disposing, storing, discharging or otherwise handling potentially polluting substances, solid or liquid, such as 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 surface or groundwater in the Town of Brooklyn.
- b) Notification. Spills or accidental release of hazardous materials or potentially polluting substances at a site or of a quantity or nature that cannot be adequately cleaned up by the party or parties causing the spill or release shall be immediately reported to any Town Board member or the Town patrolman 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, upon demand, pay any and all costs of any cleanup or attempted cleanup deemed necessary or desirable and undertaken by the Town Board or its designated agent in an effort to minimize the polluttional effects of the discharged waste.

4.6 Co-mingling of recyclable materials and non-recyclable materials. All solid waste shall be sorted for disposal according to current rules and it shall be unlawful to:

- a) Place non-recyclable materials in containers designated for collection of recyclables.

- b) Place recyclable materials in containers designated for collection of non-recyclables

5.0 Regulation of TOWN-PROVIDED services

- 5.1 Facility for recycling and disposal of solid waste the Town operates a facility the hours of operation and usage rules of which shall be set forth by resolution 020810A of the Town Board
- 5.2 The Town Board shall by resolution 02081 OB create and articulate lists relative to what must be recycled, what is acceptable as solid waste and what is prohibited for either recycling or as solid waste. The resolution shall also grant authority to the Town facility operator to make decisions to accept or reject material when material presented is not on the aforementioned lists.
- 5.3 The Town Board shall by resolution 020810C establish fees for those items which are acceptable for disposal but are deemed to require a fee.
- 5.4 The Town Board shall by resolution adopt operating rules for the Town's Solid Waste/Recycling facility to include but not be limited to rules Regarding separation of recyclables, the form, condition and packaging of disposed items.
- 5.5 Cooperative services with other jurisdictions. The Town Board may by resolution from time to time enter into cooperative arrangements with other jurisdictions for disposal of materials.

6.0 REGULATION of private hauler/collectors operating in the Town

- 6.1 Hours of operation - hauler/collectors are permitted to make roadside pickups between the hours of 7:00AM and 6:00PM. Hours for on-premises pickup are not limited.
- 6.2 Limitation of roadside placement of containers for pickup
The time for placement shall be no earlier than 5:00PM on the day preceding scheduled collection and removal. All containers shall be removed no later than 7:00PM on the day of collection. All said containers shall be reasonably secured to prevent dispersal of the contents by wind, scavenging animals or other causes and to prevent said containers from ending up in the trafficway.
- 6.3 Transport vehicle design, maintenance and operation
The Town of Brooklyn prohibits any person, firm, limited liability company, individual, partnership or corporation from the use of any roads within the Town for any collection and/or transportation activities in the Town unless the motor vehicles are constructed, maintained and used to prevent any

portion of the load from depositing, spilling, falling, escaping, or discharging from the motor vehicle onto public or private lands in the Town

6.4 Marketing of services

Hauler/collectors are prohibited from stating outright or implying in their sales and marketing materials, or presentations that the services of the hauler/collector are in any way endorsed by the Town

7.0 MISCELLANEOUS

7.1 ENFORCEMENT

- a) **Inspection.** For the purpose of ascertaining compliance with the provisions of this ordinance, any Town Board member, employee of the Town or authorized representative of the Town may inspect materials separated and presented as recyclable materials or waste intended for disposal. No person may refuse access to said authorized officer, employee or representative who requests access for purposes of inspection and who properly identifies her/himself. No person may obstruct, hamper or interfere with such an inspection. This provision applies to both Town facilities and hauler/collector roadside pickup.

- b) **Citation.** Any person who violates a provision of this ordinance may be issued a citation as provided for in Town ordinances and procedures. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance or a citation under this ordinance.

7.2 FINES

- a) Any person, firm, limited liability company, individual, partnership or corporation found to have failed to comply with any of the provisions of this ordinance shall, upon such finding, forfeit no less than \$50 nor more than \$250, together with the costs of prosecution and any applicable penalty assessment, and if such forfeiture, costs and assessment are not paid, may be added to the tax roll as a delinquent charge against the property of residence.

- b) Any person, firm, limited liability company, individual, partnership; or corporation found to have disposed of material in the dumpster or on the property of another including public road rights of way in violation of Sections 4.3 and 4.4 shall, upon such finding, forfeit not less than \$250 nor more than \$1000 together with the costs of prosecution and any applicable penalty assessment

7.3 Recourse

Enforcement decisions - Someone issued a citation may enter a not guilty plea and avail themselves of the Green County court system.

7.4 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 his ordinance or the applicability hereof to any person or circumstance is held invalid the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.

7.5 Headings

Headings and labels in this ordinance are for convenience of the reader only and do not provide independent meaning or substance to the ordinance..

7.6 Effective Date

This ordinance shall take effect *on April 12, 2010* or one day after its publication, which ever comes later.

This ordinance was adopted by the Town of Brooklyn Board of Supervisors at a meeting on:

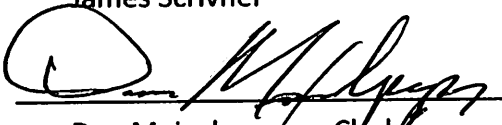
The 12th day of April 2010 by a vote of 3 aye and 0 no, recorded as follows:

Chairman Aye; 1st Supervisor Aye; 2nd Supervisor Aye.

Revised Format Approved March 24th, 2015 by Town Board of Supervisors.

Chairman: 
James Scrivner

Dated: 3/26/2015

Attested: 
Dan Meixelsperger, Clerk