

Title 8 ▶ Chapter 3

Refuse Collection and Recycling

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Sec. 8-3-1 Contracting with Collector/Hauler.

- (a) The Village of Merrilan 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 and the collector/hauler shall establish times for the collection of collectible wastes.

Sec. 8-3-2 Recycling; County as Responsible Unit.

The Village of Merrilan has designated Jackson County as its responsible unit for administering and maintaining its program of recycling. The recycling requirements and standards of Jackson County are adopted and incorporated herein by reference.

Sec. 8-3-3 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) Farm 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.
- (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. 8-3-4 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 Merrilan 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. 8-3-5 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. 8-3-6 Alteration of Recyclable Materials.

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

Sec. 8-3-7 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 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 time 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 Merrilan limits into the Village limits for disposal unless specifically authorized by written agreement with the Village.

Sec. 8-3-9 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. 8-3-10 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. 8-3-11 Imposition of Charges for Garbage and Refuse Disposal; Collection of Delinquent Charges a Lien on Real Estate.

- (a) **Authority.** This Section is enacted pursuant to the provisions of Secs. 66.09 and 66.60(16), Wis. Stats. The Village Board finds that it is in the best interests of the citizens of the

Village of Merrilan that charges may be imposed upon the property benefited for garbage and refuse disposal and that such charges are special charges for current services rendered and that the cost of garbage and refuse disposal should be allocated to the property served. In the alternative, the Village Board may have the cost of refuse and/or recycling collection be a general budget item.

- (b) **Regulation of Garbage and Refuse Collection and Charges.** The Village Board shall by resolution or ordinance determine reasonable rules and regulations for the collection of garbage and refuse. Upon passage of said resolution or resolution, a violation of the rules and regulations shall constitute a violation of this Section. The Village Board shall also be resolution or ordinance decide to have the cost of refuse or recycling collection be a general budget item or provide for appropriate charges to be imposed upon the property served including the imposition of a penalty of interest for delinquent accounts and may by resolution or ordinance distinguish between different classes of property; collection bags are currently provided by the Village Board as a general budget item. The Village Board may further by resolution or ordinance exempt bona fide, nonprofit community organizations from the provisions of this Section.
- (c) **Lien for Delinquent Charges.** Any delinquency in the payment of charges, if such charges are authorized, after notice to the owner or occupant of such delinquency shall become a lien upon the property served.
- (d) **Procedure.** The Village Board or Utility Commission shall inform the Village Clerk-Treasurer before October 15 of each year of all lots or parcels for which garbage and refuse collection service was supplied in the year preceding October 1, and for which property charges are owed for delinquent garbage and refuse disposal service. On October 15, the Clerk-Treasurer shall give written notice to the owner or occupant of each such parcel stating that an amount is owed for garbage and refuse disposal service; stating the amount still owed, including any penalty or interest assessed pursuant to the Board's or Commission's rules; stating that unless the amount is paid by November 1, an additional penalty of ten percent (10%) of the amount in arrears will be added thereto; and stating that unless the amount in arrears plus penalty are paid by November 15, the amount will be levied as a tax on the lot or parcel served for which payment is delinquent. On November 16, the Village Clerk-Treasurer a list of all parcels or lots for which payments are in arrears and for which notice has been given, including the amount of arrears with any penalty and interest added thereto. Such delinquent amounts including any penalty and interest shall thereupon become a lien upon the property and shall be collected as provided in Sec. 66.069(1)(d), Wis. Stats.
- (e) **Penalty.** That upon due passage of an ordinance or resolution by the Village Board providing for rules and regulations and imposing charges for collection of garbage and refuse, and notice thereof being given in the same manner as is required for the passage of an ordinance, a violation of such rules and regulations and/or failure to pay such charges shall constitute a violation of the provisions of this Section. Any person violating the provisions of this Section shall, upon conviction thereof, be subject to a forfeiture as

prescribed by Section 1-1-6, and in default of payment of such forfeiture shall be imprisoned in the County Jail for a period not to exceed ten (10) days for each violation. Each day that a violation of this Section occurs shall be a separate and distinct violation.

- (f) **Trespassing/Illegal Dumping.** No person shall trespass upon the lands and premises owned by the Village of Merrilan, Jackson County, Wisconsin, located on Outlots 117 and 119, in Section 23, Township 23 North, Range 4 West, Village of Merrilan, Jackson County, Wisconsin, which is formerly the Sanitary Landfill of the Village of Merrilan, Jackson County, Wisconsin, except upon the express permission and in accordance with such rules and regulations as set by the Board of Trustees of the Village of Merrilan, Jackson County, Wisconsin. No person shall dispose or permit to be disposed any garbage or refuse upon the lands and premises described hereinabove except such garbage and refuse as is permitted by the duly adopted resolution of the Village Board of the Village of Merrilan, Jackson County, Wisconsin. Items not permitted to be deposited at the former landfill site include, but are not limited to, paint containers, asphalt shingles, oil substances, furniture, food substances and their containers, and items of a similar nature. Any person violating the provisions of this Section shall, upon conviction thereof, be subject to a forfeiture as prescribed by Section 1-1-6, and in default of payment of such forfeiture shall be imprisoned in the County Jail for a period not to exceed twenty (20) days for each violation.