

Chapter 300
SOLID WASTE

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[HISTORY: Adopted by the Village Board of the Village of Black Creek as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Solid Waste Management
[Adopted as Title 6, Ch. 3, of the 1987 Village Code]

§ 300-1. Title; collection service.

- A. Title. This article shall be known as the "Solid Waste Management Ordinance of the Village of Black Creek, Wisconsin," hereinafter referred to as "ordinance" or "article."
- B. Garbage and refuse collection service. All garbage and refuse collection service shall be provided by Village personnel.

§ 300-2. Purpose and intent.

It is hereby declared to be the purpose and intent of this article to enhance and improve the environment and promote the health, safety and welfare of the Village by establishing minimum standards for the storage, collection, transport, processing, separation, recovery and disposal of solid waste.

§ 300-3. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings given herein, unless different meanings are clearly indicated by the context.

AGRICULTURAL ESTABLISHMENT — An establishment engaged in the rearing and slaughtering of animals and the processing of animal products or orchard and field crops.

BULKY WASTE — Items whose large size precludes or complicates their handling by normal collection, processing or disposal methods.

COLLECTION — The act of removing solid waste from the storage area at the source of generation.

CURB — The back edge of curb and gutter along a paved street or where one would be if street was paved and had curb and gutter.

DEMOLITION WASTES — That portion of solid wastes consisting of wastes from the repair, remodeling or reconstruction of buildings, such as lumber, roofing and sheathing scraps, rubble, broken concrete, asphalt and plaster, conduit, pipe, wire, insulation and any other materials resulting from the demolition of buildings and improvements.

DISPOSAL — The orderly process of discarding useless or unwanted material.

DNR — The Wisconsin Department of Natural Resources.

DUMP — A land site where solid waste is disposed of in a manner that does not protect the environment.

DWELLING UNIT — A place of habitation occupied by a normal single-family unit of a combination of persons who may be considered as equivalent to a single-family unit for the purposes of this article.

GARBAGE — Includes every refuse accumulation of animals, fruit or vegetable matter, liquid or otherwise, that attends the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit or vegetables.

HAZARDOUS WASTE — Those wastes such as toxic, radioactive or pathogenic substances which require special handling to avoid illness or injury to persons or damage to property and the environment.

INDUSTRIAL WASTE — Waste material, except garbage, rubbish, and refuse, directly or indirectly resulting from an industrial processing or manufacturing operation.

LITTER — Solid waste scattered about in a careless manner, usually rubbish.

NONRESIDENTIAL SOLID WASTE — Solid waste from agricultural, commercial, industrial, or institutional activities or a building or group of buildings consisting of four or more dwelling units.

PERSON — Individuals, firms, corporations, and associations, and includes the plural as well as the singular.

PRIVATE COLLECTION SERVICES — Collection services provided by a person licensed to do same by the DNR.

RECYCLABLE WASTE — Waste material that can be remanufactured into usable products and shall include by way of enumeration, but not by way of limitation, glass, plastics, newspapers, cardboard, metals (aluminum, steel, tin, brass, etc.).

REFUSE — Includes all waste material, except garbage, rubbish and industrial waste, and shall by way of enumeration, but not by way of limitation, include grass, leaves, sticks, tree branches and logs, stumps, stone, cement, boards, furniture or household appliances, and garden debris.

RESIDENTIAL SOLID WASTE — All solid waste that normally originates in a residential environment from residential dwelling units.

RESIDENTIAL UNIT — A single-family home, duplex, townhouse, condominium or a building with three or less dwelling units.

RUBBISH — Includes combustible and noncombustible waste material, except garbage, refuse and industrial waste, that is incidental to the operation of a building and shall include by way of enumeration, but not by way of limitation, tin cans, bottles, rags, paper, cardboard, and sweepings.

SCAVENGING — The uncontrolled removal of materials at any point in solid waste management.

SOLID WASTE — Garbage, rubbish and other useless, unwanted or discarded material from agricultural, residential, commercial, industrial or institutional activities. Solid waste does not include solid or dissolved material in domestic sewage.

STORAGE — The interim containment of solid waste in an approved manner after generation and prior to collection and ultimate disposal.

STORAGE AREAS — Areas where persons place containers during noncollection days as well as areas where containers are set out on collection day.

§ 300-4. Refuse storage areas.

Storage areas shall be kept in a nuisance- and odor-free condition. Litter shall not be allowed to accumulate. Collection crews will not be responsible for cleaning up loose materials from any containers which have become ruptured or broken due to wet conditions, animals, vandalism or other cause. The occupant and/or owner shall be responsible for cleaning up this litter. Litter not collected shall not be allowed to accumulate. Violation will result in the occupant and/or owner being notified to clean up his area with continued violation resulting in the owner being prosecuted under the provisions of this and other Village ordinances.

§ 300-5. Approved waste and refuse containers.

- A. General container standards. Suitable containers of a type approved by the Village shall be provided by the property owner or tenant in which to store all solid waste except for bulky or certain yard wastes, as provided for herein. Containers, in order to be approved, shall provide for efficient, safe and sanitary handling of solid wastes. They shall be maintained in a nuisance- and odor-free condition and shall be sufficient to prevent the scattering of contents by weather conditions or animals.
- B. Approved containers.

- (1) All residential solid waste must be placed in any plastic bags that are closed by means of a tie and which then may be placed in approved containers of maximum thirty-two-gallon size. Containers, including contents, shall not exceed in weight that which one person can safely lift (50 pounds). Metal garbage cans shall be of sufficient thickness to resist denting during normal handling by collection crews. Plastic garbage cans shall consist of plastic material not damaged by freezing and not susceptible to melting. They shall be capable of being handled during hot and cold weather without damage during normal handling by collection crews. Plastic bags shall be of sufficient strength to allow lifting and loading of contents without tearing. **[Amended 11-14-2016]**
 - (2) Each unit shall be allowed to dispose of rubbish [not garbage in small cardboard boxes (not more than nine cubic feet in volume)], provided the contents therein are covered and secured. Boards, carpeting, etc. will be accepted if they are cut in three-foot lengths and tied in bundles a maximum of 14 inches in height. Should bundles, cardboard boxes and/or contents, because of weather conditions, become wet and soaked, they will not be collected, but must be stored by the owner in an approved container for collection on the next collection day. Cardboard boxes, if suitable for recycling, will be emptied and returned to the curb.
- C. Ashes. Cold, completely extinguished ashes may be left for collection in cardboard containers.
- D. Illegal containers. Containers not approved consist of metal barrels and drums, wooden or cardboard barrels, wheelbarrows and other such containers not approved by this article. These containers will not be emptied regardless of contents or weight.

§ 300-6. Collection of refuse.

- A. Placement for collection. 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. Yard and 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 snowbank, 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 public right-of-way 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 curbside. 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.
- B. Restriction on time of placement. All receptacles and containers for refuse and rubbish and all bundles of rubbish shall be placed in collection locations as designated in Subsection A above only after 6:00 p.m. of the evenings prior to the regular collection time the following day. All receptacles, bags and containers for refuse and garbage disposal shall be removed from the curbside collection point within 24 hours after the

regular collection time. Village employees or employees of licensed collectors will not enter any structures to remove garbage or refuse. [Amended 4-10-2017]

- C. Collection schedule. Municipal refuse collection services shall be on a schedule as established by the Village Board. Only those items approved by this article shall be left for collection, except that any material, including branches, may be left for collection on the first Wednesday of each month.

§ 300-7. Prohibited activities and noncollectable materials.

- A. Dead animals. It shall be unlawful to place any dead animal, or parts thereof, in a container for collection; provided, however, this section shall not apply to animal parts from food preparation for human consumption.
- B. Undrained food wastes. It shall be unlawful to place any garbage or other food wastes in a container for collection unless it is first drained and wrapped.
- C. Ashes. It shall be unlawful to place hot ashes for collection. (See § 300-5C.)
- D. Improper placement. It shall be unlawful to place, or allow to be placed, any solid waste upon the roads, streets, public or private property within this municipality contrary to the provisions of this article.
- E. Compliance with article. It shall be unlawful to store, collect, transport, transfer, recover, incinerate, or dispose of any solid waste within the boundaries of this locality contrary to the provisions of this article.
- F. Improper transportation. It shall be unlawful to transport any solid waste in any vehicle which permits the contents to blow, sift, leak or fall therefrom. If spillage does occur, the collection crew shall immediately return spilled materials to the collection vehicle and shall properly clean, or have cleaned, the area. All vehicles used for the collection and transportation of solid waste shall be durable, easily cleanable and leakproof, if necessary, considering the type of waste and its moisture content. Collection vehicles shall be cleaned frequently to prevent nuisances and insect breeding and shall be maintained in good repair.
- G. Interference with authorized collector. No person other than an authorized collector shall collect or interfere with any garbage 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 an authorized garbage collector in the discharge of his duties.
- H. Scavenging. It shall be unlawful for any person to scavenge any solid waste placed for collection.
- I. Private dumps. It shall be unlawful for any person to use or operate a dump.
- J. Burning of waste. It shall be unlawful for any person to burn solid waste in any manner, except as provided elsewhere in this Code of Ordinances.
- K. Noncollectable materials. It shall be unlawful for any person to place for collection any of the following wastes:

- (1) Hazardous waste;
 - (2) Toxic wastes;
 - (3) Chemicals;
 - (4) Explosives or ammunition;
 - (5) Drain or waste oil or flammable liquids;
 - (6) Large quantities of paint;
 - (7) Tires;
 - (8) Recyclables.
- L. Animal or human wastes. It shall be unlawful for any person to place animal wastes and/or human wastes for collection. These wastes should be disposed of in plastic bags or in the sanitary sewer system. Such items as kitty litter may be placed for collection if animal wastes are removed prior to disposal.
- M. Hospital wastes. It shall be unlawful for any person to place for collection any pathogenic hospital wastes. Such items as needles and syringes may be disposed of, as long as they are contained to eliminate injury to collection crews.
- N. Building waste. All waste resulting from remodeling, construction or removal of a building, roadway or sidewalk shall be the responsibility of the owner, builder or contractor to dispose of from the job site by means of hauling to the Outagamie County landfill or by private dumpster/contracted waste hauler. **[Amended 4-10-2017]**

§ 300-8. Garbage accumulation; nuisance.

The accumulation or deposit of garbage, trash or putrescible animal or vegetable matter in or upon any lot or land or any public or private place within the Village which causes the air or environment to become noxious or offensive or to be in such a condition as to promote the breeding of flies, mosquitoes or other insects, or to provide a habitat or breeding place for rodents or other animals, or which otherwise becomes injurious to the public health is prohibited and declared to constitute a nuisance.

§ 300-9. Refuse from outside municipality.

It is unlawful for any person, firm or corporation to place, deposit or cause to be deposited for collection any waste or refuse not generated within the corporate limits of the Village.

ARTICLE II

Recycling

[Adopted as Title 6, Ch. 4, of the 1987 Village Code]

§ 300-10. Title; recycling collection service.

- A. Title. This article shall be known as the "Recycling Management Ordinance of the Village of Black Creek, WI," hereinafter referred to as "ordinance" or "article."
- B. Recycling collection service. All recycling collection services shall be provided by a contract with Outagamie County.

§ 300-11. Purpose.

The purpose of this article is to promote and/or require recycling, composting and resource recovery through the administration of an effective recycling program, as provided in § 287.11, Wis. Stats., and Ch. NR 544, Wis. Adm. Code.

§ 300-12. Adoption of standards.

The provision of this article shall be administered and/or enforced in accordance with Outagamie County Ordinance, Sections 13.06 and 13.07, entitled "Recycling," dated October 24, 1995, and/or any amendments thereto.¹

§ 300-13. Restrictions on time of placement. [Added 4-10-2017]

All receptacles and containers for recycling disposal shall be placed in collection locations as designated by the hauler only after 6:00 p.m. of the evenings prior to the regular collection time the following day. All receptacles for recycling shall be removed from the curbside collection point within 24 hours after the regular collection time.

1. Editor's Note: A copy of the Outagamie County Solid Waste Management Ordinance, including the recycling provisions referenced herein, is on file and available for inspection in the Village offices.