

Chapter 1

Refuse Disposal; Recycling

6-1-1	Purpose
6-1-2	Definitions
6-1-3	Mandatory Recycling and Applicability
6-1-4	Recyclable Materials and Preparation
6-1-5	Separation Requirements Exempted
6-1-6	Nonrecyclable Materials Designated
6-1-7	Newsprint Recycling
6-1-8	Disposal of Nonrecyclable Materials
6-1-9	Mandatory Separation of Materials for Composting; Yard Wastes
6-1-10	Nondisposable Materials
6-1-11	Hospital/Medical Wastes
6-1-12	Building Waste
6-1-13	Alteration of Recyclable Materials
6-1-14	Restriction on Time of Placement
6-1-15	Refuse from Outside the Town
6-1-16	Title to Refuse and Recyclable Materials
6-1-17	Garbage Accumulation; When a Nuisance
6-1-18	Improper Placement
6-1-19	Special Haul Items
6-1-20	Interference with Authorized Collector
6-1-21	Other Prohibited Practices in Collection and Handling of Recyclables
6-1-22	Violations; Penalties
6-1-23	Special Collections for Violations
6-1-24	Severability
6-1-25	Contracting with Collector/Hauler
6-1-26	Condominiums and Multi-Family Dwellings
6-1-27	Commercial Buildings
6-1-28	Agricultural Operations
6-1-29	Federal and State Regulations

Sec. 6-1-1 Purpose.

The purpose of this Chapter shall be to maintain and protect public health and sanitation by removal of garbage, rubbish, and other waste material generated in the Town of Westport, to eliminate dispersal of garbage, waste, and other waste material along the streets, roads, and other public and private properties in and near the Town of Westport, and to provide a comprehensive Town

recycling program. The Town of Westport finds participation in a mandatory source separation recycling program appropriate in this jurisdiction to conserve available, local landfill capacity. The Town further finds it appropriate to participate in both county-wide and state-wide recycling programs to conserve energy, recycle valuable resources and to protect public health, welfare and the environment. The Town also finds participation in these programs appropriate to achieve consistency with county-wide recycling policies to ensure that the waste generated in the Town will be able to be delivered to the county-owned landfills and to the county-owned material recycling facilities.

Sec. 6-1-2 Definitions.

The following definitions shall be applicable in this Chapter:

- (a) **Collector/Hauler.** The contractor or entity chosen by the Town Board to handle, transport, and dispose of the solid waste, recyclables and non-recyclables generated in the Town, or, person or persons contracting with waste generators for these services, and will enforce preparation standards for recyclable materials as well as ensure community compliance with this source separation recycling program.
- (b) **Commercial Waste.** Waste of whatever material generated by any industrial or business establishment where any trade, occupation, industry or commerce is conducted.
- (c) **Corrugated Cardboard.** Heavy duty Kraft paper packaging material with a corrugated medium between two (2) flat paper liners, and does not include paperboard such as for cereal or laundry detergent boxes or holders for six-packs or twelve-packs of beverage cans or bottles.
- (d) **Curb.** The back edge or curb and gutter along a paved street or where one would be if the street was paved and had curb and gutter.
- (e) **Demolition Wastes.** That portion of solid waste from the repair, remodeling construction or reconstruction of buildings, such as lumber, roofing and sheathing scraps, rubble, broken concrete, asphalt, plaster, conduit, pipe, wire, insulation, and other materials resulting from the demolition of buildings and improvements.
- (f) **Dwelling Unit.** A place of habitation occupied by a normal single-family unit or a combination of persons who may be considered as equivalent to a single-family unit for the purposes of this Chapter.
- (g) **Garbage.** Discarded materials resulting from the handling, processing, storage and consumption of food.
- (h) **Glass.** Glass bottles, jars and containers and does not include window glass, drinking glasses, Pyrex, light bulbs or other non-container glass.
- (i) **Good Faith.** Reasonable efforts to adhere to the policies, standards and rules of this mandatory source separation recycling program.
- (j) **Hazardous Waste or Hazardous Substance.** Those wastes or substances defined as such in NR 181, Wis. Adm. Code (including all amendments provided thereto) as provided therein pursuant to Sec. 144.62, Wis. Stats., or other acts pursuant to authority vested in the Wisconsin Department of Natural Resources to describe and list materials as such and also

includes the meaning of "hazardous waste" or "hazardous substance" as described herein. Those solid wastes or substances found in household waste [notwithstanding the household waste exclusion provided in NR 181.12(4)(a), Wis. Adm. Code].

- (k) **Lead-Acid Batteries.** Automotive and related batteries that are comprised of lead plates with an acid electrolyte, and does not include nickel-cadmium batteries, dry cell (flashlight) batteries or batteries used in calculators, watches, hearing aids or similar devices.
- (l) **Major Appliances.** A residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, furnace, boiler, dehumidifier, water heater, stove or any other item commonly referred to as a white good, and any other item that may hereafter be identified, defined or classified as a "major appliance" by the State of Wisconsin, Department of Natural Resources.
- (m) **Metal Cans.** Tin coated steel cans, bi-metal cans, and aluminum cans used for food and other non-hazardous materials, but excluding aerosol cans and cans that held paint, paint-related products, pesticides or other toxic or hazardous substances.
- (n) **Multiple Family Dwelling.** A residential building intended to be the residence of three (3) or more independent family units. For purposes of this Chapter, a duplex shall be considered as two separate single-family dwellings.
- (o) **Newsprint.** That portion of newspapers (newspapers and advertising circulars normally accompanying newspapers) or periodicals and advertising circulars printed on newsprint which remain in substantially original condition at the time of disposal such that the material is suitable for commercial-grade recycling. "Newsprint" does not include the paper commonly used in the production of magazines, books, and other physical media for written material or paper which is not suitable for recycling purposes, or is in a state which makes separation unreasonable or unduly expensive, or reasons which include, but are not limited to, the following:
 - (1) the paper has been put to another use, such as wrappings, for other wastes, and is thus rendered unfit for commercial recycling;
 - (2) The paper is no longer flat and folded to the approximate dimensions of its original condition;
 - (3) The paper is mixed in with commercial or municipal litter or refuse as a result of the failure of citizen or business invitees to separate newspapers from other discarded materials outdoors or in publicly accessible areas of buildings;
 - (4) The paper has been damaged or altered by any other means so as to make recycling impossible or unduly difficult.
- (p) **Non-recyclable Material.** All items of waste not recyclable except hazardous waste or hazardous substances.
- (q) **Other Paper.** All paper excluding newsprint materials or materials specifically excepted in the definition of "newsprint" and "corrugated cardboard," but shall include grades of fiber materials with available markets for recycling.
- (r) **Oversize and Bulky Waste.** Large items such as furniture, mattresses, carpeting, construction or demolition materials of substantial dimensions, brush and other large items whose proportions are not easily reduced.

- (s) **Person.** Any individual, corporation, organization, association, local governmental unit, as defined in Sec. 66.229(1), Wis. Stats., state agency or authority or federal agency.
- (t) **Plastic Container.** Rigid plastic containers made from PETE (SPI #1), HDPE (SPI #2), PVC (SPI #3), LDPE (SPI #4), PP (SPI #5), PS (SPI #6) or other resins or multiple resins (SPI #7).
- (u) **Preparation Standards.** Criteria provided establishing acceptable good faith limits for introduction of materials into the source separation recycling program involving either transport to a material recycling center or temporary storage of such materials.
- (v) **Recyclable Material.** Identified materials meeting preparation standards shall include the following: Newspapers; corrugated cardboard; other paper; (unbroken) brown, green and clear container glass; aluminum, bi-metal and tin coated steel cans; plastic containers; tires (regardless of size); used oil; lead-acid batteries; large batteries; large appliances.
- (w) **Refuse.** Combustible and non-combustible materials including, but not limited to: paper products, wood, metal, glass, cloth and products thereof in unrecoverable condition; litter and street rubbish not including yard waste; uncontaminated ashes; and building materials such as wood, concrete, glass, plaster and other intermixed materials produced in construction or demolition of structures. "Refuse" for purposes of this Chapter shall not include "oversize or bulky waste".
- (x) **Residential Solid Waste.** All solid waste that normally originates in a residential environment from residential dwelling units.
- (y) **Residential Unit.** Each living unit in the Town of Westport designed for permanent living quarters, including single-family dwellings and units in duplexes, triplexes, and multi-family units and each unit in a residential condominium project.
- (z) **Scavenging.** The uncontrolled and unauthorized removal of materials at any point in solid waste management.
- (aa) **Solid Waste.** Garbage, refuse and all other discarded or salvageable solid materials, including solid waste materials, resulting from industrial, commercial and agricultural operations, and from community activities, but does not include solids or dissolved material in waste water effluents or other common water pollutants.
- (bb) **Solid Waste Storage.** Safe, environmentally sound short-term containment of materials and for recyclables shall involve preserving materials in a condition meeting preparation standards.
- (cc) **Tires.** For collection purposes shall mean rubber tires, from automobiles and light trucks, and other tires whose size is less than 1100 x 24.5, which are removed from rims.
- (dd) **Used Oil.** Any contaminated petroleum-derived or synthetic oil including, but not limited to, the following: engine and other mechanical lubricants; hydraulic and transmission fluid; metal-working fluid; and insulating fluid or coolant.
- (ee) **Yard Waste.** Leaves, grass clippings, yard and garden debris, including clean woody vegetative material no greater than six (6) inches in diameter and holiday trees, but does not include tree stumps, extensive root systems or shrubs with intact root balls.

Sec. 6-1-3 Mandatory Recycling and Applicability.

This Chapter shall apply to all persons, entities and waste generating activities within the limits of the Town of Westport and includes, but is not limited to, all waste generated by all residential and commercial activities. No person shall mix with nonrecyclables for collection by the Town's authorized collector, any material except recyclable material and only in such manner as set forth herein.

Sec. 6-1-4 Recyclable Materials and Preparation.

All recyclable materials shall be separated from other nonrecyclable garbage and refuse. All recyclable materials shall be well-drained and clean. Recyclable materials shall be left for collection by the Town's authorized collector/hauler by placing all recyclable materials in the special recycling containers provided by the Town or the Town's authorized collection service. Recyclable materials shall consist of:

- (a) **Glass.** Brown glass, green glass and clear glass shall be empty, rinsed, clean, unbroken, and have metal covers and caps removed.
- (b) **Cans.** All aluminum, tin, steel, copper and other ferrous metal cans shall be empty, rinsed and have labels removed (with ends removed and flattened where possible), except that aerosol, paint and oil cans may not be recycled.
- (c) **Plastic Containers.** Plastic containers shall be rinsed and have any metal or plastic rings/caps removed. Plastic containers with handles left for collection by the Town's collection service shall not be tied together and should be placed next to the recycling container.
- (d) **Corrugated Cardboard.** Corrugated cardboard shall be flattened, empty and free of food debris, bundled in eight (8) inch or ten (10) inch bundles, and be placed beside the recycling container for collection. Waxed cardboard may not be recycled.
- (e) **Newsprint and Other Paper.** All newsprint and other paper shall be bundled pursuant to Section 6-1-7 below.
- (f) **Aluminum.** All products made of aluminum, including aluminum cans, foil, wrappers, pie pans, and containers for prepared dinners or other foods, screen frames, and lawn chairs shall be cleaned and flattened.
- (g) **Tires.** Tires, as defined in Section 6-1-2(cc), shall be less than 1100 x 24.5 in size, and removed from rims.
- (h) **Additional Materials/Standards.** Furthermore, additional preparation standards may be provided by notice to generators of waste and collectors/haulers or by amendment to this Subsection when other materials become recyclable dependent upon available economic markets.

Sec. 6-1-5 Separation Requirements Exempted.

The separation requirements of Section 6-1-4 do not apply to the following:

- (a) Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties that send their postconsumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in section 4 from solid waste in as pure a form as is technically feasible.
- (b) Solid waste which is burned as a supplemental fuel at a facility if less than 30% of the heat input to the facility is derived from the solid waste burned as supplemental fuel.
- (c) A recyclable material specified in section 4 for which a variance has been granted by the Wisconsin Department of Natural Resources under Sections 159.11(2m) or 159.07(7)(h) of the Wisconsin Statutes, or Wis. Admin. Code § NR 544.14.

Sec. 6-1-6 Nonrecyclable Materials Designated.

Nonrecyclable materials include the following:

- (a) **Glass.** All Pyrex glass, window glass, light bulbs, ceramics, mirrors, broken glass and china shall be considered nonrecyclable.
- (b) **Glossy Paper.** All waxed paper, waxed cardboard, envelopes with gum labels, and envelopes with plastic windows shall be considered nonrecyclable paper.
- (c) **Other Materials.** All other garbage and refuse not qualifying as recyclable materials.

Sec. 6-1-7 Newsprint and Other Paper Recycling.

- (a) No person in the Town of Westport shall dispose of newsprint and other paper with nonrecyclable refuse, except for such newsprint rendered unfit for recycling. This Subsection shall apply to all persons, governmental operations and business, commercial, retail and industrial enterprises however organized and of whatever type, if such refuse is to be deposited in a Dane County landfill.
- (b) Newsprint and other paper left for collection and recycling shall be bundled with heavy string or cord, securely tied in both directions, and be left beside the recycling container. No newsprint or other paper bundled for recycling shall weigh in excess of twenty-five (25) pounds nor shall such bundle exceed the height of ten (10) inches. Newsprint and other paper may be recycled in any other lawful manner. Newsprint and other paper shall not be placed in containers with other nonrecyclable refuse or garbage.
- (c) All garbage, refuse and other nonrecyclable materials shall be collected, removed and disposed of pursuant to the Town's agreement with the designated collector/hauler or persons' private agreements with collectors/haulers. Newsprint and other recyclables placed for recycling shall become the property of the Town of Westport or its authorized collector.

Sec. 6-1-8 Disposal of Nonrecyclable Materials.

- (a) Nonrecyclable materials shall be separated from recyclable materials and shall be placed for collection by the town's authorized collector.
- (b) All nonrecyclable materials shall be placed in proper containers or plastic garbage bags not exceeding a capacity of thirty (30) to forty (40) gallons and/or a net weight of fifty (50) pounds. All refuse material not suitable for placement in containers or bags shall be placed in bundles or broken into sizes small enough to be easily handled and shall be equipped with suitable handles and tight-fitting covers and shall be watertight. All garbage containers shall be kept in a neat, clean, and sanitary condition at all times. All garbage containers for residential units shall be of metal, durable plastic, or other suitable, moisture-resistant materials, including heavy-duty refuse disposal plastic bags. Metal garbage cans shall be of sufficient thickness to resist denting during normal handling by collection crews. Plastic garbage bags shall be closed with a tie and shall consist of plastic materials 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.
- (c) Requirements for Multi-Family Dwellings. Owners of multi-family dwellings shall provide adequate containers for handling and collection of recyclable materials enabling tenants to ensure separation of recyclables and ensuring that recyclables meet preparation standards. The following shall be acceptable means of providing containers: (a) providing two containers for each dwelling unit with one container being for glass, metal cans and plastic containers, and the other container being for bundles of corrugated cardboard, newspapers and other paper with some special provision for lead-acid batteries and tires; (b) providing a series of containers for the complex or sub-units thereof with unique containers for each type of recyclable to be shared in common by occupants of the multi-family dwelling not including provisions for major appliances or used oil; with sufficient, separate containers to achieve good faith separation of recyclables based upon size of the multi-family dwelling, and the handling, transportation and processing requirements for the collector/hauler. Containers shall be clearly designated and marked as to the recyclables contained therein, and containers shall be maintained in a clean, safe and watertight condition. Owners of multi-family dwellings shall exercise good faith to assure that residents and occupants comply with recycling requirements of this Chapter. Owners of multi-family dwellings shall notify tenants at the time of renting or leasing the dwelling and semiannually thereafter of the recycling programs provided in this paragraph. Additionally, owners of the multi-family dwellings shall provide for the collection of recyclable materials separated from solid waste by tenants and delivery of the aforementioned recyclables to a material recycling facility when volumes are in excess of the Town collector/hauler contract.
- (d) It shall be the duty of every occupant, tenant, or proprietor of any residential unit to provide and at all times keep in a suitable place readily accessible to the refuse collector, garbage containers capable of holding all garbage which would ordinarily accumulate on such premises between the times of successive collections. The owner of any multiple-family

dwelling shall furnish or require the tenant thereof to furnish proper garbage containers. Garbage containers located at multiple-family dwellings shall be marked so as to indicate the residential unit to which they belong.

**Sec. 6-1-9 Mandatory Separation of Materials for
Composting; Yard Wastes.**

- (a) No person in the Town shall, by curbside collection, dispose of deciduous materials, such as yard waste, grass clippings and leaves, with other refuse that may be lawfully left for collection. Yard waste, such as grass clippings and leaves, may be brought to a composting site designated by the Town of Westport, if any.
- (b) The Town Board shall prepare regulations, standards and schedules as necessary to make effective all provisions of this Chapter. Periodically, upon a schedule adopted by the Town, the Town Board may prepare notices and distribute other information to persons and entities generating waste within the Town for the purpose of informing the public about the requirements dictated by this mandatory source separation recycling Chapter.

Sec. 6-1-10 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) Animal 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;
 - (15) Christmas trees;
 - (16) Bedding and furniture;
 - (17) Major appliances (except a microwave oven from which the capacitor has been removed).
- (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 Town collector will dispose of for a separate fee may be disposed of by special arrangement between the waste generator and said Town collector.

Sec. 6-1-11 Hospital/Medical Wastes.

It shall be unlawful for any person to place for collection any pathogenic hospital or medical wastes. Such items as needles and syringes may be disposed of as long as they are contained to eliminate injury to disposal personnel and in accordance with applicable federal, state and county regulations.

Sec. 6-1-12 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 Town or its collection service.

Sec. 6-1-13 Alteration of Recyclable Materials.

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

Sec. 6-1-14 Restriction on Time of Placement.

- (a) All receptacles and containers for nonrecyclable and recyclable materials that are placed adjacent to the public street not earlier than twenty-four (24) hours before the regular collection time and shall be removed from the curbside collection point within twenty-four (24) hours after the regular collection time
- (b) The time for collection shall be determined by the authorized collector, as approved by the Town Board.

Sec. 6-1-15 Refuse from Outside the Town.

It shall be unlawful to bring refuse from outside the Town of Westport limits into the Town limits for disposal unless specifically authorized by written agreement with the Town.

Sec. 6-1-16 Title to Refuse and Recyclable Materials.

- (a) In the absence of an agreement to the contrary, title to the refuse and recyclable material placed for collection and disposal by the Town or its agents shall vest in the Town of Westport as soon as it is placed for collection. It shall be a violation of this Chapter for any

person unauthorized by the Town to collect or pick up, or cause to be collected or picked up, any recyclable materials that are placed for disposal by the Town or by any authorized agent. Any such and each such unauthorized collection or scavenging of recyclable materials in violation hereof shall constitute a separate and distinct offense punishable as provided for herein. Nothing herein shall be construed to allow for scavenging, removal, transportation, or resorting of refuse which has been placed for disposal under this Chapter. Any such scavenging or separation of refuse that has been placed for disposal by the producer of said refuse shall be deemed a violation of this Chapter.

- (b) This Chapter shall not prohibit the actual producers of recyclable materials or the owners of residential units or nonresidential units upon which recyclable materials have been accumulated from personally collecting, conveying, and disposing of recyclable materials, provided such producers or owners do not violate the intent of this Chapter.

Sec. 6-1-17 Garbage Accumulation; When a 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 Town 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 animals, or which otherwise becomes injurious to the public health, is prohibited and declared to constitute a nuisance. Refuse areas shall be kept in a nuisance- and odor-free condition. Refuse shall not be allowed to accumulate. Violation will result in the occupant and/or owner being notified to clean up his or her area, with continued violations resulting in the owner being prosecuted under provisions of this and other Town ordinances.

Sec. 6-1-18 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 Town, 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. 6-1-19 Special Haul Items.

It shall be unlawful for any person receiving residential garbage collection with the Town of Westport to set for regular collection special haul items. Such special haul items may be disposed of by contracting directly with private collectors at the rates in effect at the time.

Sec. 6-1-20 Interference with Authorized Collector; Inspection Authority.

- (a) 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.
- (b) **Inspections.**
 - (1) In order to insure compliance with the laws of this State and the rules and regulations authorized herein, the designee of the Town Board is authorized to inspect at reasonable times all phases of solid waste management within the authority of the Town.
 - (2) In all instances where such inspections reveal violations of this Chapter and regulations authorized herein, or the laws of this State, the Town Board's designee shall issue written notice for each such violation, stating therein the violation found, the date and time of such violation and the corrective measures to be taken, together with the time in which such corrections shall be made. Time limits set for the correction of violations shall be reasonable and consistent. The Town Board's designee shall consider time needed for repairs or purchases to correct deficiencies, public health, and consistent time limits or like violations. Time limits shall not be greater than ten (10) working days nor less than twenty-four (24) hours. All such notices shall be kept in a clearly marked file and shall be available for public inspection during regular business hours.

Sec. 6-1-21 Other Prohibited Practices in Collection and Handling of Recyclables.

- (a) No person, persons or other entity generating waste within the Town shall do any of the following:
 - (a) Deposit or cause to be deposited any recyclable material at any authorized collection point when the site is closed or not operating;
 - (b) Deposit or cause to be deposited any waste material, whether recyclable or not, in or upon any public street, public waters, or public grounds in the Town except at authorized locations within appropriate packaging or placed into appropriate containers during specifically authorized collections if any are provided;
 - (c) Deposit or cause to be deposited any recyclable materials in any container not specifically intended for the collection of that type or group of recyclable material.

Sec. 6-1-22 Violations; Penalties.

- (d) Any person who shall violate any of the provisions of this Chapter shall be subject to a penalty which shall be as follows:
- (1) **First Offense.** Any person found in violation of any provision of this Section as a first offender shall receive a warning notice requiring compliance and may be subject to having refuse in violation of the provisions herein not collected.
 - (2) **Second and Subsequent Offenses.** Any person found guilty of violating any part of this Chapter who has previously been notified of being in violation or has been convicted of violating the same Chapter within one (1) year shall, upon conviction thereof, forfeiture not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) for each such offense, together with costs of prosecution and, if default of payment of such forfeiture and costs, shall be imprisoned in the county Jail until such forfeiture and costs of prosecution are paid, but not exceeding six (6) months.
- (e) Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Chapter shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of this Chapter.

Sec. 6-1-23 Special Collections for Violations.

If any entity, including those receiving collection from a private firm, is found in violation of the collection and storage requirements of this Chapter and fails to comply with a notification and/or citation, the Town Chairperson shall be empowered to order a special collection to remove such violation. The person shall be notified of such special collection and the charges therefore. The special collection shall be made; and if billing plus Fifty Dollars (\$50.00) is unpaid, the bill shall be considered a lien on the property and shall be placed on the tax bill. A person shall not use the special collection provision of this Chapter to circumvent requirements for collection by a private firm.

Sec. 6-1-24 Severability.

The provisions of this Chapter shall be held to be minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes or pertinent Dane County Ordinances in their interpretation and application. Because this Chapter creates a comprehensive, mandatory source separation recycling program in our community, any terms or requirements or interpretations consistent with state and county law shall control. If any provision of this Chapter is found to be invalid or unconstitutional, or if the application of this Chapter to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not effect the other provisions or applications of this Chapter which can be given effect without the invalid or unconstitutional provisions or applications.

Sec. 6-1-25 Contracting with Collector/Hauler.

- (a) The Town finds that the purposes of this Chapter will be better served by limiting collection of waste activities to a minimum and to that end the Town 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 Town, such person is free to contract, at such person's cost, for such additional services as may be required or desired.
- (b) The Town Board shall be authorized to place the pro-rata cost of such collector/hauler's fee for such services on the tax bill for the real property from which such waste is generated. Said amount so placed on the tax bill for each year in advance of such services and when so placed shall have the same force and effect as real estate taxes and shall be paid as in the same manner as real estate taxes.
- (c) The Town and the collector/hauler shall establish pickup times for the collection of collectible wastes.

Sec. 6-1-26 Condominiums and Multi-Family Dwellings.

Each condominium association in the Town shall be responsible for establishing compliance with this Chapter by the owner of each condominium unit, and shall submit its plan for compliance to the Town for approval and shall submit for approval of the Town any changes in such plan. Such plan may provide for the purposes of this Chapter. Each condominium unit shall be treated the same as a single residential dwelling or the entire condominium shall be treated for such purposes as a multi-family dwelling. In approving such a plan, the Town shall consider which plan under the circumstances would better promote the purpose of this Chapter.

Sec. 6-1-27 Commercial Buildings.

The owners of commercial, retail, industrial and governmental facilities shall provide adequate separate containers for the disposal of recyclable materials as defined herein and shall regularly notify all users of said premises of such facilities, including employees, agents and customers of county and municipal recycling requirements.

Sec. 6-1-28 Agricultural Operations.

Nothing in this Chapter is intended to apply to the disposal of or the accumulation of agricultural or farm wastes, products or feed accumulated upon property used in the ordinary course of farming.

Sec. 6-1-29 Federal and State Regulations.

It is expected that from time to time federal and state statutes and regulations will require that items other than the items which have been deemed to be recyclable herein shall be recycled. In such

event, this Chapter shall be deemed to include and shall require such other items to be recyclable hereunder.