

CHAPTER 905. SOLID WASTE DISPOSAL.

905.01. Purpose and authority. It is the intent of the City to maintain the designation of “Responsible Unit” of government for the purposes of management of solid waste and recyclables generated within the corporate limits of the City as defined within Chapter 900 and Sec. 287.3, Wis. Stats. To that end, the City has established the following solid waste management goals, listed in order of priority, as its measure of an effective solid waste management program:

- (a) Reduce.
- (b) Reuse.
- (c) Recycle.
- (d) Compost.
- (e) Incinerate with energy recovery.
- (f) Land disposal.
- (g) Incinerate with no energy recovery.

905.02. Definitions.

(a) Cart shall mean the solid waste collection container provided by the Contractor to those households eligible for municipal solid waste collection services. Carts will be provided in a number of sizes depending upon the level of service that is selected by the household.

(b) City shall mean the City of Ashland, Wisconsin.

(c) Clean Wood shall mean those wood products that do not contain glues, adhesives, or any type of finish or coating.

(d) Construction Material and Demolition Debris shall mean those materials that typically are used for the construction of structures and include, but are not limited to, brick, concrete, stone, lumber,

roofing, windows, doors, toilets, sinks, showers, tubs, cabinets, carpeting, flooring, wallboard, and unblown insulation.

(e) Contractor shall mean the service provided, retained, or hired by the City or a private entity including a property owner, business owner, developer, tenant, or other organization to collect and properly dispose of solid wastes.

(f) Portable shall mean to be either capable of being carried or wheeled by a single person.

(g) Residential Dwelling shall mean any building containing one through four residential units with no commercial operations in that building other than in-home occupations.

(h) Solid Waste shall mean all waste that readily rots and decomposes, along with those materials that do not readily rot or decompose which no longer serve their original purpose and have no remaining function or value and are to be discarded. Solid waste does not include those materials described as being recyclable, listed as a banned material, or hazardous waste.

(i) Yard Wastes shall mean grass clippings, yard and garden debris, brush, trees, tree branches, stumps and clean woody vegetative material.

905.03. Recyclable and banned materials. Materials collected within the corporate limits of the City that are defined as a recyclable material, or a banned material as found in Section 900.15, Ashland City Ordinances, chapter 287, Wisconsin Statutes, or NR 544 of the Wisconsin Administrative Code as amended from time to time; or any other rule, law, or mandates issued by the State of Wisconsin shall not be disposed in any landfill, or burned without energy recovery.

905.04. Municipal solid waste collection service.

(a) Those Served.

(1) Municipal Solid Waste Collection Services shall be provided to all residents of single through four unit residential dwellings, including home occupations, as defined in the Uniform Development Code; mobile home parks; churches (excluding their schools); city parks; and the following public facilities:

- (A) City Hall;
- (B) Bretting Center;
- (C) Vaughn Library;
- (D) Parks Garage;
- (E) Public Works Garage;
- (F) Wastewater Plant;
- (G) Water Plant;
- (H) City Fire Halls,

- (I) Marina;
- (J) Airport; and,
- (K) Other municipal facilities as necessary.

(b) Those Not Served. Municipal Garbage Collection Services shall not be provided to any business, school, commercial or industrial establishment, or residential condominium development consisting of five or more units.

905.05. Volume based fees. Those residential households eligible for municipal solid waste collection services will be provided options of several cart sizes depending upon the volume of solid waste generated by the household.

(a) Households will be required to utilize the carts provided by the Contractor for solid waste collection.

(b) The amount of solid waste collected will be limited to the volume that will fit within the confines of the container size selected.

(c) Solid waste that is not contained within the cart will not be collected. Households that consistently generate more waste than can fit within the level of cart service subscribed will be required to subscribe for a larger volume service level requiring a larger cart.

(d) Fees for Municipal Solid Waste Collection service will be dependent upon the volume of service subscribed to - the larger the cart size, the higher the monthly cost to the household.

(e) Solid waste that cannot be confined within the cart will be required to be dropped off at the Contractor's collection site/transfer station by the household at the household's cost.

905.06. Solid waste container placement.

(a) Solid waste carts placed for collection shall be located on the public right-of-way of the street, alley, or highway adjacent to the resident's property as instructed by the most recent outreach materials provided in conformance with Section 900.09 (b), Ashland City Ordinances, with the following exceptions:

- (1) Residents who are not eligible for City collection of solid waste.
- (2) Residents who have entered into driveway/private road service agreements with the Contractor.
- (3) Residents within mobile home parks, condominium developments, planned unit developments, or any other plat of land containing a driveway or private road can place their recyclables adjacent to the private road fronting their living unit in accordance with the instructions of the Contractor provided the property owner(s) or property owner's

authorized representative or agent enters into a driveway service agreement with the Contractor.

(b) Solid waste carts shall not be placed on that portion of the right-of-way that is improved, designed or ordinarily used for vehicular travel.

905.07. Monthly fee for service. The monthly fee for Municipal Solid Waste Collection Service shall be as determined as part of the annual review of the Comprehensive Fee Schedule contained within Ordinance 165.

905.08. Those not receiving municipal solid waste collection services.

(a) Solid Waste Containers. Solid waste or rubbish stored outside is required to be confined within containers constructed of substantial metal or plastic construction, and must have tight fitting covers or lids. Containers utilized for the outside storage of solid waste or rubbish must be properly maintained and repaired, and be in sufficient quantity and capacity for the solid waste produced.

(b) Collection Requirements. Containers shall be emptied when any of the following conditions occur:

- (1) When full.
- (2) Litter occurs.
- (3) Odors are produced.
- (4) Birds are attracted.
- (5) Animals or rodents are attracted.
- (6) Insects or larvae are attracted or produced.

(c) Overflow and other conditions. Should overflowing conditions or any of the above occur, the owner shall either increase the frequency of collection, and/or upgrade their garbage containers to a greater capacity to meet the needs of the property owner, tenant, or property occupant.

905.09. Yard waste. Comingling of yard waste, brush, trees, tree branches, stumps or clean wood within the solid waste stream is prohibited.

(a) Yard waste, brush, trees, tree branches, stumps, or clean wood is to be composted on-site or delivered to a public or privately operated composting or disposal facility.

(b) Bagged yard waste disposed of at a composting or disposal facility operated by the City shall consist of 2-3 ply brown kraft paper bags not to exceed a volume of approximately 30 gallons per bag. Disposal of bagged yard waste in a plastic bag at a City facility is prohibited.

905.10. Construction material and demolition debris. Construction Material and Demolition Debris other than in amounts that can be contained within the confines of the cart service

subscribed for shall be disposed of at a licensed demolition landfill, or as directed by city personnel.

(a) Construction Material and Demolition debris considered recyclable shall not be disposed of as rubbish. Disposal of these items shall be coordinated with the local recycling center.

(b) Asbestos containing materials can be accepted at the Solid Waste Transfer Station provided asbestos handling regulations are followed and prior arrangement have been made. Asbestos containing materials can be roofing; siding, tar paper and slate; ceiling and floor tiling; pipe and heating insulation.

905.11. Hazardous wastes.

(a) Materials classified as being household hazardous wastes shall be disposed of as directed or provided for by the City of Ashland.

(b) Materials classified as being hazardous wastes but not as household hazardous wastes must be handled according to local, state, and federal regulations.

905.12. Furnishings. Furniture, furnishings, carpets and carpet paddings shall be disposed of at the Contractor's Solid Waste Transfer Station.

905.13. Refusal of service.

(a) Solid Waste Not Placed In Cart. Solid waste will not be collected unless placed within a cart of the volume chosen by the household service provided by the Contractor.

(b) Solid Waste In Excess of Cart Size.

(1) Solid Waste in excess of the cart size subscribed for will not be collected.

(2) Solid Waste placed outside of and next to a cart will not be collected.

(3) Carts with solid waste stacked or placed on top of them will not be collected.

(c) Comingling of Solid Waste & Recyclables. Solid Waste will not be collected if recyclables or banned materials listed in Sec. 900.15, Ashland City Ordinances, are contained within the solid waste.

905.14. Collection by unauthorized persons. From the time of placement of Solid Waste at the collection point for collection by the City or its authorized Contractor or agent(s) in accordance with the terms herein, the Solid Waste shall be and become the property of the City, its Contractor, or its authorized agent(s). It shall be a violation of this ordinance for any person not authorized by the City to pick through, sort, collect, or pick up or cause any Solid Waste to be picked through, sorted, collected, or picked up. Any and each such collection shall constitute

a separate and distinct offense punishable as hereinafter provided.

905.15. Unauthorized disposal prohibited. Dumping or disposal of garbage, trash, or other waste materials is prohibited in any place within the corporate limits of the City of Ashland except as provided by this chapter and Chapter 905, Ashland City Ordinances.

905.16. Use of Ashland Sanitary Landfill Site. The Public Works Director may use the site of the former Ashland Sanitary Landfill for the processing of recyclable materials such as compost, and the authorized burning of wood wastes.

905.17. Penalties.

(a) Any person who violates a provision of this chapter may be issued a citation by the Director of Public Works or his/her designee or the Ashland Police Department. The issuance of a citation in violation of this chapter 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 of a citation under this section.

(b) Each collection in violation of this chapter shall constitute a separate and distinct offense punishable as provided herein.

(c) When determining a penalty, the following procedure shall be followed:

(1) First Violation – The Public Works Director or his designee shall issue a reminder on the proper preparation of Solid Wastes inclusive of a warning that citations will be issued for further violations.

(2) Second Violation - \$50 citation, plus court costs

(3) Third Violation - \$200 citation, plus court costs.

(4) Fourth and Subsequent Violations – Not less than \$200 citation but not more than \$2,000 plus court costs.

(d) Violations spaced more than three years apart shall be regarded as the first violation.

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