

ORDINANCE REGARDING THE DISPOSAL AND RECYCLING OF GARBAGE

1. **Statutory Authority:** This Ordinance is adopted pursuant to the powers set forth in Chapters 60 and 144 of the Wisconsin Statutes.

2. **Purpose:** The purpose of this Ordinance is to comply with Juneau County Ordinance 90-01 regarding mandatory source separation of solid waste recyclables.

3. **Compliance:** After the effective date of this Ordinance, all persons and entities which generate garbage or dispose of garbage within the Town of Orange shall comply with this Ordinance.

4. **Definitions:** As used herein, the following words shall have the meanings provided below:

(a) "Designated Recyclable Materials" shall mean aluminum cans, corrugated cardboard, ferrous metal cans, glass bottles and jars, high density polyethylene and polyethylene terephthalate plastic containers and news print.

(b) "Garbage" shall mean all waste and refuse, including recyclable and non-recyclable items, except non-recyclable items disposed of in a septic system.

(c) "Landfill" means the Juneau County Landfill.

5. **Collection:** The Town of Orange shall not be responsible for the collection or disposal of any garbage generated or deposited in the Township, except as responsible unit adopting a recycling plan and, also except for such garbage as may be generated by the Township itself. The residents, businesses, and visitors of the Township are responsible for the disposal of their own garbage.

6. **Prohibited Activities:**

(a) No person shall dispose of or dump garbage upon the highways, roads, alleys, sidewalks, parks or other public property of the Township.

(b) No person shall dispose of or dump garbage upon the private property of another person without the express permission of said other person.

(c) No person shall bury any garbage on public or private property except in compliance with State laws and regulations.

(d) No person shall burn any garbage except in compliance with State laws and regulations.

7. Landfill Use: All residents and businesses of the Township who desire to deposit garbage in the Juneau County Landfill shall comply with the following:

(a) All Landfill users shall separate designated recyclable materials from all other garbage before depositing such materials and garbage in the Landfill.

(b) All designated recyclable materials and garbage to be deposited in the Landfill shall be placed in clear, transparent plastic bags, except that waste not ordinarily and practically placed in such bags.

(c) All user fees imposed by Juneau County pertaining to the use of the Landfill shall be paid by the individual or business depositing garbage in the Landfill.

8. Enforcement:

(a) The penalty for each violation of any provision of this Ordinance shall be a forfeiture of not less than \$25.00 nor more than \$100.00 plus applicable penalty assessment and Court costs.

(b) In addition to any penalty provided herein, Juneau County may refuse to accept at the Landfill any and all garbage which violates this Ordinance.

(c) When any garbage is found to violate this Ordinance, and when the identity of the person responsible for generating or placing such garbage cannot be readily determined, the owner of the land upon which the garbage is found, shall be presumed to have committed the violation for purposes of the enforcement of this Ordinance and shall be subject to the applicable penalty.

(d) Every person, corporation or other entity who places, dumps or disposes of garbage in the Township, is deemed to have given consent to the Township and the Juneau County Sheriff's Department

(1) To inspect and search such garbage without a warrant, for the sole purpose of enforcing the provisions of this Ordinance; and

(2) To remove and keep any and all items found in the search of such garbage, which items constitute a violation of this Ordinance or which may be used to prove a violation of this Ordinance; and

(3) To introduce such removed items into evidence in any prosecution for the violation of this Ordinance.

(e) Each violation and each day a violation continues or occurs, shall constitute a separate offense hereunder. The prosecution of two or more offenses committed by the same violator may be joined into one action, and the prosecution of two or more violators for the same offense may be joined into one action.

(f) The Juneau County Sheriff's Department and the Juneau County District Attorney are hereby authorized to enforce this Ordinance. The Juneau County Sheriff's Department is authorized to issue warnings and/or citations for violations of this Ordinance, and the Juneau County District Attorney's office is authorized to prosecute all such citations and collect the forfeitures recovered therefrom.

Introduced and adopted this 12th day of Nov, 1991.

APPROVED: Orville D. Robinson
Town Chairman

ATTEST: Lawrence H. Bauman
Town Supervisor

ATTEST: Dale L. Heagerson
Town Supervisor

Date Passed: 12 Nov 91

Votes: 3 For 0 Against 0 Abstentions

Date Published: _____