

Ordinance No. 20-15-03
Chapter 4 – Business Regulations
Waste Management

(replaces Ordinance No. 10-15-01 and 19-15-06)

SECTION 1: SOLID WASTE COLLECTION The provisions of this ordinance shall apply to any person, firm or corporation collecting, transporting, dumping or disposing of garbage, refuse or rubbish within the Town of Pleasant Valley.

4.1.A. **License Required** No person, firm, or corporation shall collect, transport, dump or dispose of solid waste within the Town of Pleasant Valley except upon license issued by the Town Board of the Town of Pleasant Valley

4.1.B. **License Application** An application for a license hereunder shall be made to the Town Board in writing and shall include:

- A. The name and address of the applicant; if the applicant is a corporation, the name and address of the corporations registered agent.
- B. The legal description of any disposal site to be used by the licensee.
- C. A copy of any license granted to the applicant by the Wisconsin Department of Natural Resources
- D. A certificate of inspection by the Eau Claire City/County Health department for each vehicle to be used by the licensee, certifying that such vehicle complies with all applicable health regulations.
- E. A certificate of insurance as described below.
- F. A volume-based rate sheet.
- G. Required application fees.

4.1.C **Term of License** A license issued hereunder shall be for a term not to exceed one year, commencing with the date of issuance of the license and ending the following June 30th

4.1.D **License Fee** The applicant shall accompany said application with the annual license fee of \$200. If the application is approved within 6 months of the renewal date, fee shall be \$100. If the application is denied, the license fee shall be returned to the applicant.

4.1.D(1) Fee Exception for ES Sanitation –Owner Shawn Christianson

An exception to the annual hauler fee established by ordinance has been granted by Town Board approval on May 11, 2020. ES Sanitation, owned by Shawn Christianson, shall be allowed to collect household waste in the most southern portion of the Town for an annual license fee of \$50. This reduced fee shall apply only if ES Sanitation is collecting for ten (10) or less households in Pleasant Valley. Should ES Sanitation increase its customer base to greater than ten (10) households in Pleasant Valley, then all regular licensing fees shall apply.

4.1.E **Number of Licenses Issued** The number of licensed issued within the municipality shall be unlimited.

4.1.F **Insurance** Prior to issuance of the license, the applicant shall furnish to the Town Clerk a current certificate of insurance showing worker's compensation coverage and also showing that the operations of the applicant pursuant to the license will be covered by public and vehicle liability and property damage and indemnity insurance in the amount of \$1,000,000 for each death and injury; \$1,000,000 for all deaths or injuries occurring in a common accident; and \$1,000,000 for property damage liability. All licenses shall save the Town harmless from liability which may arise by reason of issuance of a license hereunder or operations of the licensee hereunder. Failure to provide or keep in force the insurance required hereunder shall automatically void the license issued hereunder.

4.1.G **Volume Based Rates** Each hauler shall provide a volume-based rate schedule for garbage service to be assessed on a per container per week. The schedule and any revisions thereof shall be filed with the municipal clerk.

4.1.H **Refusal to Collect in Certain Areas** No garbage hauler licensed in the Town of Pleasant Valley shall refuse to provide garbage service to any resident of the Town who has requested such service and is willing to pay for the service at the established rate, unless previous approval has been granted by the Town Board.

4.1.I **Container Identification** Each hauler must label each collection container provided to their customers with the name of the refuse company and a contact phone number clearly visible.

4.1.J **Revocation** The Town Board may revoke any license issued hereunder for cause upon three (3) days notice to the licensee and after granting the opportunity to be heard before the Board. Cause shall include but not be limited to a violation of this ordinance or any other ordinance or State law or order regulating the disposal, dumping or transporting of solid waste; or the creation of a public nuisance. If any license is revoked hereunder, the license fee shall not be returned to the applicant.

4.1.K **Mandatory Collection of Recyclables** Any business or individual licensed, authorized or otherwise permitted to collect refuse in the Town of Pleasant Valley shall collect and dispose of recyclables placed for collection on the curb by all customers living in single family homes and dwelling with two to four units. Such collection shall be at least twice a month and for so long as the County pays the hauler for collection of recyclables, there shall be no charge to the customer except for the charge for collecting refuse. The business or individual shall also provide the customer, free of charge, with a minimum 18-gallon container that complies with sub section 12.73.140A of the Eau Claire County Code, into which the customer may place the recyclables. For the purpose of this section, recyclables shall mean those materials as defined in subsection 12.73.100A of the Eau Claire County Code.

4.1.L **Reporting** Service providers are required to maintain records and report in writing to the Eau Claire County Solid Waste Technician at such times as designated by the County Solid Waste Technician, but not less than quarterly. The report shall include the amount of solid waste and recyclables collected and transported from the municipality, the amount of solid waste and recyclables

processed and/or marketed by item type, and the final disposal location of solid waste and recyclable materials. Failure to make such record shall be a cause for the municipality to revoke the license or sever any contract with the hauler.

4.1.M Penalties for Failure to Comply with Solid Waste Collection Section

Any person, firm or corporation who violates a provision of this section shall, upon conviction, forfeit:

1. Not less than \$100 per occurrence and not more than \$300 per occurrence. Each violation and each day of continued violation shall constitute a separate offense.
2. The license of any licensed hauler who violates this section may be suspended or revoked by the Town in addition to the imposition of a penalty under this section.

SECTION 2: YARD WASTE COLLECTION

4.2.A Definition

A. "Hauler" means any person licensed by the Town and authorized to collect refuse within the Town for deposit at the Eau Claire County Landfill.

B. "Yard waste" means grass clippings, lawn rakings, leaves and other refuse attending to the care of lawns, shrubbery, vines and trees.

4.2.B Purpose The Town of Pleasant Valley recognizes that yard waste comprises a significant amount of the total volume of refuse deposited at any landfill. The Town further acknowledges that there is a need to preserve landfill space. To this end, Eau Claire County has adopted regulations prohibiting the deposit of yard wastes at the county landfill and requiring that users of the landfill shall adopt a program requiring the separation of yard waste from other refuse. The Town finds the public health and welfare is served by minimizing, to the extent possible, the materials which are placed in the landfill. The intent of this ordinance is to further the goal of having no yard waste deposited in the landfill, thus conserving this valuable asset.

4.2.C Separation All persons whose refuse is disposed of at a county owned or operated landfill shall separate yard waste from all other refuse.

4.2.D No Collection or Deposit No person shall place any yard waste for collection or deposit in any landfill. No hauler shall collect any yard waste for deposit in a landfill.

4.2.E Refusal of Service Any yard waste placed for collection not in accordance with the provisions of this section shall be refused by the hauler.

4.2.F Penalty for Failure to Separate Yard Waste Any person who violates a provision of this section shall, upon conviction forfeit:

A. Not less than \$10.00 and not more than \$25.00 for the first conviction within one year;

B. Upon the second conviction within one year, not less than \$25.00 nor more than \$50.00;

C. Upon the third conviction within one year, not less than \$50.00 nor more than \$100.00;

D. Upon the fourth and subsequent convictions within one year, not less than \$100.00 nor more than \$500.00.

E. The license of any licensed hauler who violates this section may be suspended or revoked by the Town in addition to the imposition of a penalty under this subsection.

SECTION 3: Citation. The Town Board or its designee may issue a citation for enforcement of violations of this ordinance and issue a forfeiture for such violation.

SECTION 4: Severability and Interpretation

4.4.A. Should any section, clause, provision or portion of this ordinance be adjudged unconstitutional or invalid, unlawful or unenforceable by a final order of a court of competent jurisdiction, including all applicable appeals, the remainder of this ordinance shall remain in full force and effect.

4.4.B. The provisions of this ordinance shall be liberally construed in favor of the Town shall not be construed to be a limitation or repeal of any other power now possessed or granted to the Town.

4.4.C. All other ordinances or parts of other ordinances in conflict with this ordinance are hereby repealed insofar as they conflict with this ordinance.

SECTION 5: No Liability for Damages. This ordinance shall not be construed as an assumption of liability by the Town of Pleasant Valley for damages because of injuries sustained or property destroyed by any person's failure to comply with the requirements set forth herein.

SECTION 6: Effective Date This ordinance should take effect upon passage and publication as required by law.

Dated this 8th of June 2020.

Dan Hanson – Chairman

Attested: _____
Jen Meyer, Clerk

Dan Green – Supervisor

Douglas Nelson - Supervisor