

CODE 109

RECYCLING & SANITATION CODE

A code creating a Recycling & Sanitation Code of the Town of Lincoln

THE TOWN BOARD OF THE TOWN OF LINCOLN, DO ORDAIN AS FOLLOWS:

1.1 GARBAGE AND REFUSE DISPOSAL.

- (1) FINDING AND DECLARATION OF PURPOSE.** The Town Board of the Town of Lincoln hereby finds and determines that: there is an increasing necessity to conserve natural resources in landfill space and to promote recycling as mandated by state law. It is the purpose of this code to promote recycling, composting, and resource recovery through the administration of the mandatory recycling program, as provided in s.159.11, Wisconsin Statutes, and Chapter NR 544, Wisconsin Administrative Code, by the Town of Lincoln in order to protect and promote the public health, safety, and welfare.
- (2) SUPERVISION.** The collection of garbage, recyclable materials and refuse as defined herein shall be under the supervision of the Town Board which shall make such regulations as are necessary regarding the time and method of collection of garbage and recyclable materials.
- (3) STATUTORY AUTHORITY.** This code is adopted as authorized under s.159.09 (3) (b), Wisconsin Statutes.
- (4) ABROGATION AND GREATER RESTRICTIONS.** It is not intended by this code to repeal, abrogate, annul, impair or interfere with any existing rules, regulations, codes or permits previously adopted or issued pursuant to law. However, whenever this code imposes greater restrictions, the provisions of this code shall apply.
- (5) INTERPRETATION.** In their interpretation and application, the provisions of this code shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any terms or requirements of this code may be inconsistent or conflicting, the more restrictive requirements of interpretation shall apply. Where a provision of this code is required by Wisconsin's Statutes, or by standard in Chapter NR 544, Wisconsin Administrative Code, and where the code provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Chapter NR 544 standards in effect on the date of the adoption of this code, or in effect on the date of the most recent text amendment to this code.
- (6) SEVERABILITY.** Should a court of competent jurisdiction declare any portion of this code unconstitutional or invalid, the remainder of this code shall not be affected.
- (7) APPLICABILITY.** The requirements of this code apply to all occupants of single family and two to four unit residences, multiple family dwellings, and non-residential facilities and properties within the corporate boundaries of the Town of Lincoln.
- (8) ADMINISTRATION.** The Town Board of the Town of Lincoln shall administer the provision of this code.
- (9) EFFECTIVE DATE.** The provisions of this code shall take effect on July 1, 2009.
- (10) DEFINITIONS.** For the purpose of this code, the following words and phrases shall have the meanings described to them in this section:

 - a. "Aluminum Cans" shall include used beverage cans only.

- b. "Bags" shall be clear, colorless plastic bags designated for refuse, with sufficient wall strength to maintain physical integrity when lifted by top. With a capacity not to exceed thirty gallons and a loaded weight of no more than fifty pounds.
- c. "Container Glass" shall include container glass only. Glass does not include ceramic cups, dishes, ovenware, plate glass, safety and window glass, heat resistant glass such as Pyrex, lead based glass such as crystal, or TV tubes.
- d. "Bi-Metal Container" means a container for carbonated or malt beverages that are made primarily of a combination of steel and aluminum.
- e. "Corrugated Cardboard" shall include corrugated cardboard only. Does not include waxed cardboard, or chipboard such as cereal boxes, show boxes, and similar materials.
- f. "HDPE" means high-density polyethylene plastic containers marked by the API code no. 2.
- g. "LDPE" means low-density polyethylene plastic containers marked by the SPI code no. 4.
- h. "Magazines: means magazines and other materials printed on similar paper.
- i. "Major Appliance: means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, over, water heater, microwave oven, refrigerator or stove.
- j. "Mixed Papers" shall include all grades of papers: including white, colored, ledger, shiny, coated, carbonless, or NCR papers; envelopes, including windowed, labeled, and craft; magazines, catalogs, phone books, computer print out paper, glued pads and tablets, file folders, key punch cards, spiral notebooks, cereal boxes, shoe boxes, etc. Can include paper clips and staples. Does not include hand towels or other paper products from restrooms, or soiled napkins and paper plates. Also does not include carbon paper, cellophane, or any waxed paper.
- k. "Multiple Family Dwelling" means a property containing five (5) or more residential units, including those that are occupied seasonally.
- l. "Newspapers" shall include newspapers and newspaper advertisements only. Does not include mixed paper as defined in 10 (j).
- m. "Non-Residential Facilities and Properties" means commercial, retail, industrial, institutional, and governmental facilities and properties. This term does not include multiple family dwellings.
- n. "Office Paper" means high-grade printing and writing papers from offices in non-residential facilities and properties.
- o. "Person" includes any individual, corporation, partnership, association, local governmental unit, as defined in s.66.229 (1) (a), Wisconsin Statutes, state agency or authority, or federal agency.
- p. "Pete" means polyethylene terephthalate plastic containers marked by the SPI code no. 1.
- q. "Plastic Bottles" shall include only plastic bottles clearly marked with the recycling emblem, encircling the no. 1(PET or PETE) or the no. 2 (HDPE). Does not include motor oil bottles, even if they are labeled no. 1 or no. 2.
- r. "PS" means polystyrene plastic containers marked by the SPI code no. 6.
- s. "PVC" means polyvinyl chloride plastic containers marked by the SPI code no. 3.

- t. "Post-consumer Waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in s.144.44 (7) (1) 1., Wisconsin Statutes.
- u. "Recyclable Materials" includes lead acid batteries; major appliances; waste oil; yard waste; aluminum cans; container glass; corrugated cardboard; mixed papers; newspapers; no. 1 through no. 7 plastics; tin cans; and waste tires.
- v. "Solid Waste" means any garbage, refuse or other discard or salvageable materials including materials resulting from industrial, commercial, agricultural, and from community activities. But does not include solids or dissolved materials in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits, or special nuclear or radioactive by product material.
- w. "Solid Waste Facility" means a facility for solid waste treatment, solid waste storage, or solid waste disposal, and includes commercial, industrial, municipal, state and federal establishments or operations such as, without limitation because of enumeration, sanitary landfills, dumps, land disposal sites, incinerators, transfer stations, storage facilities, collection and transportation services and processing treatment and recovery facilities. This term includes the land where the facility is located. This term does not include a facility for the processing of scrap iron, steel or non-ferrous metal. This term does not include a facility which uses large machines to sort, grade, compact or bale clean waste-paper fibers or plastics, not mixed with other solid waste, for sale or use for recycling purposes. This term does not include an auto junkyard or scrap metal salvage yard.
- x. "Tin Cans" includes tin coated metal cans, and steel containers.
- y. "Waste Tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
- z. "Yard Waste" means leaves, grass clippings, yard and garden debris, and brush, including clean woody vegetative material no greater than six (6) inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

1.2 CONTAINERS. Occupants of single family, two to four unit residences and owners of multiple family dwellings and non-residential facilities and properties within the Town of Lincoln are required to use clear, colorless plastic garbage bags as defined in this code for the collection of solid waste. The purpose of the clear bags is for determining compliance with this code.

Each person occupying and dwelling in a house or other building or portion thereof and producing garbage for collection shall provide and renew, when necessary, a sufficient number of cans or plastic bags to hold the garbage accumulating between collections without overloading. Before placing any solid waste in a waste container for collection, every occupant of a residential unit shall drain the solid waste free of water so that the solid waste containers shall contain relatively dry packages of non-recyclable solid waste. It shall be the responsibility of every occupant of a residential unit to keep the containers dry and free from rainwater and snow.

- (1) **GARBAGE CANS.** Garbage cans shall be made of metal, fiberglass or plastic and of substantial construction with tight fitting covers and strong handles on the outside, and shall be water tight and fly proof. Each can shall have a capacity not to exceed 30 gallons or less than 15 gallons. The user shall maintain all cans in reasonably good, clean and sanitary

condition. The can or plastic bag filled shall not weigh more than 50 pounds. Any defective can or any receptacles having ragged or sharp edges or any defects which might injure or hamper the person collecting the waste must be replaced immediately by a new can. Any defective can when used may be confiscated by the Town.

- (2) **GARBAGE CARTS.** The Contractor shall provide 95-gallon size carts. Carts shall only consist of those provided by the Contractor and not other commercially available containers of similar size. Carts shall remain the property of the Contractor. The user shall maintain all carts in good, clean and sanitary condition.
- (3) **LOCATION OF CONTAINERS.** The garbage can (s) or plastic bag (s) or cart (s) and other refuse cans or container shall be set out on the regular collection days at an easily accessible place on the premises at ground level as directed by the Town Board. The containers shall be easily accessible during winter months. Such containers for any roadside collection shall not be set out more than 12 hours prior to the day of collection and shall be removed no later than 24 hours after collection. No waste containers of any type shall be located at any time in any required front yards or corner side yards. No refuse containers of any type shall be located so that they are visible from the front of the property, except in cases of scheduled pick-up.
- (4) **HOUSE TREATMENT OF NON-COMBUSTIBLE MATTER.** No hot cinders or ashes or any smoldering embers shall be set out or placed in a refuse container of any kind on the day of collection. Regulation containers in accordance with subsection (b) should be provided, and containers should be so protected to prevent the admission of snow and water. Frozen contents that are difficult to remove without possible damage to the containers will not be collected. All refuse must be in containers and the collection crews will shovel no refuse placed on the ground there from. Non-combustible refuse shall not be placed in the same containers with garbage.

1.3 SEPARATION OF RECYCLABLE MATERIALS. Occupants of single family and two to four unit residences, multiple family dwellings and non-residential facilities and properties shall separate the following materials from post-consumer waste:

- a. Aluminum cans
- b. Container glass
- c. Corrugated cardboard
- d. Mixed papers
- e. Newspapers
- f. No. 1 and No. 2 plastic bottles
- g. Tin cans / Bi-metal containers
- h. Waste Tires
- i. Major appliances
- j. Waste oil
- k. Lead acid batteries
- l. Yard waste

The Town Board of Town of Lincoln reserves the right to designate additional solid waste materials as recyclable, or currently collected materials as no longer recyclable in accordance with state law and to either add or delete them from any collections services provided by the Town or its Contractors. The Town shall provide written notice to service recipients of this declaration.

(1) SEPARATION OF RECYCLING MATERIALS EFFECTIVE JANUARY 1, 1994.

Effective January 1, 1994 occupants of single family and two to four unit residents, multiple family dwelling and non-residential facilities and properties shall separate the following materials from post-consumer waste unless a variance has been issued by the Wisconsin Department of Natural Resource:

- (a) Foam polystyrene packaging.
- (b) Plastic containers made of PETE no. 1 and HDPE no. 2
- (c) Plastic containers or bottles made of PVC no. 3, LDPE no. 4, PP no. 5, PS no. 6, and mixed or other plastic resin types no. 7.

(2) CARE OF RECYCLABLE MATERIALS. To the greatest extent practicable, the recyclable materials separated in accordance with s.1.03 (1) and s.1.03 (3) shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other non-recyclable materials, including but not limited to household hazardous waste, medical waste, and agricultural chemical containers. Recyclable materials shall be restored in a manner that protects them from wind, rain, and other inclement weather conditions.

1.4 PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS. Except as otherwise directed by the Town Board of the Town of Lincoln, occupants of single family and two to four unit residences shall do the following for the preparation and collection of the separated materials specified in s.1.03 (a) through (g):

- (1)** All recyclable materials shall be commingled in the 18 gallon recycling bin provided by the Town and placed curbside by 6:00 AM on the scheduled collection day.
 - a. Aluminum cans shall be empty and shall include used beverage cans only.
 - b. Container glass shall be cleaned. Labels can remain on glass. Glass should not be broken. Glass does not include ceramic cups, dishes, ovenware, plate glass, safety and window glass, heat resistant glass such as Pyrex, lead-based glass such as crystal, or TV tubes.
 - c. Corrugated cardboard shall be clean, and must be flattened and bundled in bundles. Does not include waxed cardboard or “chipboard” such as cereal boxes, shoeboxes, and similar materials.
 - d. Mixed papers shall be bundled in bundles or placed in a brown paper grocery bag. Includes all grades of papers: including white, colored, ledger, shiny, coated, carbonless or NCR papers, envelopes, including windowed, labeled, and craft, magazines, phone books, computer print out paper, glued pads and tables, file folders, keypunch cards, post-it notes, spiral notebooks, cereal boxes, shoe boxes, etc. Can include paper clips and staples. Does not include hand towels or other paper products from restrooms, or soiled napkins, and paper plates. Also does not include carbon paper, cellophane, or any waxed paper.
 - e. Newspaper shall be bundled in bundles or placed in a brown paper grocery bag. Includes newspaper and newspaper advertisements only.
 - f. Plastic bottles no. 1 and no. 2 shall be clearly marked with the recycling emblem, encircling the no., 1 (PET or PETE) or the no. 2 (HDPE). Does not include motor oil bottles, even if they are labeled no. 1 or no. 2. Caps must be removed. Labels can remain on plastic. Clean and flatten all bottles.
 - g. Tin cans shall be clean. Cut out ends are recyclable. Includes tin coated metal cans and steel containers.

- (2) The hauler has the right to reject or leave at the curb any recyclable material or solid waste that is not prepared according to the specification of this code s.1.04 (1)(a) through (g), or in education materials provided by the Contractor or the Town of Lincoln to the service recipients. Materials may also be rejected if not separated from solid waste, placed in the proper container, or are not designated recyclable materials or solid waste for collection. The hauler also has the right to refuse to pick up any solid waste if it contains recyclable containers and materials. In such cases, the hauler shall notify generator of materials in writing by means of a tag the reasons for rejecting the items.

1.5 MANAGEMENT OF LEAD ACID BATTERIES, MAJOR APPLIANCES, WASTE OIL AND YARD WASTE. Occupants of single family and two to four unit residences, multiple-family dwellings and non-residential facilities and properties shall manage lead acid batteries, major appliances, waste oil, and yard waste, and waste tires as follows:

- (1) Major appliances shall be recycled at a retail business that sells appliances and accept used appliances for the purpose of recycling, at a scrap metal dealer, or at a solid waste facility that accepts appliances for the purpose of recycling. Any fee imposed for the recycling of used appliances shall be the responsibility of the generator.
- (2) Lead acid batteries shall be recycled at a retail business that sells lead acid batteries and accepts used batteries for the purpose of recycling, or at a solid waste facility. Any fee imposed for the recycling of used batteries shall be the responsibility of the generator.
- (3) Waste oil shall be recycled at a retail business that sells oil or automotive products and accepts oil for the purposed of recycling, at an oil refinery, or at a solid waste facility. Any fee imposed for the recycling of used oil shall be the responsibility of the generator.
- (4) Yard waste shall either be home composted using an effective backyard compost system, or transported to the Town compost site. No yard waste shall be disposed of as general waste.
- (5) Waste tires shall be recycled at a retail business that sells tires of automotive products, or at a solid waste facility. Any fee charged for the recycling of used tires shall be the responsibility of the generator.

1.6 RESPONSIBILITIES OF OWNERS OR DISIGNATED AGENTS OF MULTIPLE FAMILY DWELLINGS AND NON-RESIDENTIAL FACILITES AND PROEPRTIES.

Owners of designated agents of multiple family dwellings and non-residential facilities and properties shall do all of the following to recycle the materials specified in s.1.04 (a) through (g), and s.105:

- (a) Provide adequate, separate containers for the recyclable materials
- (b) Notify in writing at least semi-annually; all users, tenants, and occupants of the properties about the recycling program.
- (c) Provide for the collection of the materials separated from the solid waste by the user, tenants, and occupants and the delivery of materials to a recycling facility.
- (d) Notify users, tenants, and occupants of reasons to reduce and recycle, which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address, and telephone number.

1.7 PROHIBITIONS ON DESPOSAL OF RECYCLABLE MATERIALS. No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in s.103 (1) (a) through (i) or s.103 (3) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

(1) UNLAWFUL BURNING: It shall be unlawful for persons to burn or bury solid waste and recyclable materials on residential and non-residential properties. Burning shall be permitted only of clean wood.

1.8 LAWFUL REMOVAL OF RECYCLABLE MATERIALS (ANTI-SCAVENGING). It shall be unlawful for any person, unless under contract with or licensed by Town of Lincoln, to collect or remove any recyclable material that has been deposited or placed roadside for the purposed of collection for recycling.

1.9 COMMERCIAL HAULERS. No person shall engage in, exercise or carry on a trade or business of picking up and hauling garbage and recyclable materials in the Town without first obtaining a license therefore as provided herein. It shall be unlawful for any person, unless licensed by or under contract with the Town of Lincoln, to collect, or remove any recyclable material that has been deposited or placed at the curb for the purpose of collection for recycling.

(1) VEHICLE REGULATIONS

a. Construction. All trucks or other vehicles, whether used by garbage collectors or by persons hauling their own garbage, shall be of substantial construction and the body shall be watertight or shall be type commonly known as “packers”. No vehicle shall be loaded so that the contents shall fall or blow from the vehicle. In the case of combustible refuse, the vehicles shall be equipped with a covering or the combustible refuse covered with a tarpaulin or similar covering in such a manner as to prevent the combustible refuse from falling or blowing from the vehicle.

b. Parking Restrictions. No person shall park or cause to be parked any such vehicle as described in par. (a) and used by such garbage collectors in any single family residential district, two family residential district, multiple family residential district, mobile home residential district of the Town of Lincoln for more than one hour.

(2) FEE. The fee for a license required by this section shall be \$25.00 per vehicle each year. Such license shall expire on January 1 after its issuance and no reduction shall be made in such fee for a period of less than one year. The fee shall be paid to the Town treasurer prior to the issuance or renewal of such license. In the event a license is being transferred from a licensee to a third party, such transfer, if approved, shall be made without an additional fee except that \$10.0 shall be paid to cover the cost of the transfer.

(3) APPLICATION. Application for such license shall be made in writing to the Town Clerk on forms to be furnished by the Clerk and approved by the Town Board. The applicant shall furnish such information as may be required to prove the applicant to be of good character, in addition to any other information deemed necessary by the Town Board. Upon approval of the application by the town Board, the Town Clerk may issue the license.

(4) TRANSFER OF LICENSE. No License shall be transferred from the licensee to any other person, firm or corporation without the approval of the Town Board.

(5) HAULER RESTRICTIONS. All haulers or contractors engaged in the hauling of garbage or recyclable materials within the Town of Lincoln may not dispose in a landfill or burn in a solid waste facility any recyclable materials generated in the Town of Lincoln. This includes any recyclable material separated from solid waste and or solid waste that contain recyclable materials. Haulers shall maintain recyclable materials in a marketable condition.

(6) QUARTERLY REPORTING. All haulers or contractors engaged in the hauling of garbage or recyclable materials within the town of Lincoln shall provide to the Town Clerk

a quarterly report for solid waste tonnage and recyclable tonnage collected in the Town of Lincoln from all sources.

1.10 HAZARDOUS MATERIAL INCIDENT RESPONSE REIMBURSEMENT.

- (1) PROHIBITED DISCHARGES.** No person, firm or corporation shall discharge or cause to be discharged, leaked, leached, or spilled upon any public or private road, street, alley, public or private property, or unto the ground, surface waters, subsurface waters, or aquifers, or within the Town, except those areas specifically licensed for waste disposal or landfill activities and to receive such materials, any explosive, flammable or combustible solid liquid or gas, any radioactive material at or above Nuclear Regulatory Restriction levels, etiologic agents, or any solid, liquid or gas creating a hazard potential hazard, or public nuisance or any solid, liquid or gas having a deleterious effect on the environment.
- (2) CONTAINMENT, CLEANUP AND RESTORATION.** Any person, firm or corporation in violation of the above section shall, upon direction of any Emergency Government officer, begin immediate actions to contain, clean up and remove to an approved repository the offending material (s) and restore the site to its original condition, with the offending person, firm or corporation being responsible for all expenses incurred. Should any person, firm or corporation fail to engage the necessary personnel and equipment to comply or to complete the requirements of this section, the office of Emergency Government may order the required actions to be taken by public or private resources and allow the recovery of any and all costs incurred by the town as action imposed by (3).
- (3) EMERGENCY SERVICES RESPONSE.** Includes, but is not limited to: Fire Service, Emergency Medical Service, and Law Enforcement. A person, firm or corporation who possesses or controls a hazardous substance which is discharged or who causes the discharge of a hazardous substance shall be responsible for reimbursement to the responding agencies for actual and necessary expenses incurred in carrying out their duties under this ordinance. Actual and necessary expenses may include but not be limited to: replacement of equipment damaged by the hazardous material, cleaning, decontamination and maintenance of the equipment specific to the incident, costs incurred in the procurement and use of specialized equipment specific to the incident, specific laboratory expenses incurred in the recognition and identification of hazardous substances in the evaluation of response, decontamination, cleanup and medical surveillance, and incurred costs in future medical surveillance of response personnel as required by the responding agency's medical advisor.
- (4) SITE ACCESS.** Access to any site, public or private, where a prohibited discharge is indicated or suspected will be provided to Emergency Government officers and staff and to police and fire department personnel for the purpose of evaluating the threat to the public and monitoring containment, cleanup and restoration activities.
- (5) PUBLIC PROTECTION.** Should any prohibited discharge occur that threatens the life, safety or health of the public at, near or around the site of a prohibited discharge, and that the situation is so critical that immediate steps must be taken to protect life and limb, the coordinator of Emergency Government, his assistant, or the senior police or fire official on the scene of the emergency may order an evacuation of the area or take other appropriate steps for a period of time until the Town Board can take appropriate action.
- (6) ENFORCEMENT.** The Coordinator of Emergency Government and his/her deputies, as well as police officers, shall have authority to issue citations or complaints under this section.

(7) CIVIL LIABILITY. Any person, firm or corporation in violation of this section shall be liable to the Town for any expenses incurred by the Town or damage sustained by the Town by reason of such violations.

1.11 ADDITIONAL REGULATIONS. A reasonable charge may be made for any collection service given by the Town of Lincoln under this section whether such charge is based upon the time, method, or manner of such collection or upon the kind of garbage or refuse when such collection service consists of special services. The Town Board shall determine what collection service shall be a special service and shall also set the fee to be charged in each case. Such regulations shall be published in the same manner as codes and shall have equal effect.

(1) BUILDING WASTE. All waste resulting from remodeling, construction or removal of a building, roadway or sidewalk shall be disposed of by the owner, builder or contractor.

(2) NON-RESIDENT DISPOSAL. No person shall bring waste for disposal into the Town of Lincoln or to its dumping ground unless said person is authorized to do so by the Town Board. The Town Board shall enter into all contracts for disposal of such waste produced outside the Town.

(3) NON-COLLECTIBLE MATERIALS. Animal offal, pet dropping and manure shall not be collected by the Town collection service, and the owner of such animals shall dispose of such wastes in a sanitary manner. Any exception to this section must meet with the approval of the Board of Health.

(4) STORAGE OF WASTE MATERIAL.

a. **OWNERSHIP.** All combustible and noncombustible matter collected by Town trucks or authorized vehicles shall be the property of the Town. The collection personnel complete transfer of ownership upon disposition into the trucks. Every owner, tenant or person occupying any building is responsible for proper storage of all waste material.

b. **STORING OF REFUSE.** Any accumulation of refuse, garbage or building waste on any premise in the Town is a nuisance and prohibited. The owner of premises upon which the accumulation takes place shall be responsible for removal of the same and upon failure to remove it after written notice by the Health officer, Fire Chief or the Building Inspector, the Town shall cause the removal of the accumulation and place the cost thereof on the tax roll of the property upon which the accumulation takes place.

c. **DUMPING SOLID WASTE AND YARD WASTE.** No person shall rake, deposit, throw, place or leave any solid waste or yard waste upon any highway, street, court, lane, alley, or other public way, park, vacant lot, yard, body of water, or any other place except in an appropriate solid waste or recycling container herein required for those purposes.

1.12 ENFORCEMENT AND PENALTY.

(1) Any authorized officer, employee or representative of the Town of Lincoln, including the hauler may inspect recyclable materials separated for recycling, post-consumer waste intended for disposal, collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and nonresidential facilities and properties, solid waste disposal facilities and solid waste treatment facilities, and any records relating to recycling activities, for the purpose of ascertaining compliance with the provisions 1.01

through 1.11 of this code. No person may refuse access to any authorized officer, employee or authorized representative of the Town of Lincoln or licensed hauler who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.

(2) Any person who violates a provision of 1.01 through 1.11 of this code may be issued a citation by the Town Constable to collect forfeitures. The issuance of a citation shall not preclude proceeding under any other code or law relating to the same or any other matter. Proceeding under any other code of law relating to the same or any other matter shall not preclude the issuance of a citation under this paragraph.

(3) Penalties for violating any section of 1.01 through 1.11 of this code may be assessed as follows:

a. See Ordinance #109-01 Recycling & Sanitation Code Penalties.

Adopted this _____ 2009, Posted _____
The Town of Lincoln

By _____
Chairman

By _____
Clerk

CODE 109-01
Recycling & Sanitation Code Penalties

A code creating a Recycling & Sanitation Code of Penalties of the Town of Lincoln

THE TOWN BOARD OF THE TOWN OF LINCOLN, DO ORDAIN AS FOLLOWS:

(1) Penalties for violating any section of 1.10 through 1.11 of Ordinance #109

Recycling and Sanitation may be assessed as follows:

- (a) Any person or legal entity violating any of the provision of this code shall upon conviction thereof forfeit not less than \$100.00 for the first violation, \$200.00 for the second violation within one year, and \$500.00 for the third or subsequent violation within one year, plus costs of prosecution, each day such violation continuing constituting a separate offense and in default constituting a separate offense. In default of payment of forfeiture and cost shall be imprisoned in the Wood county Jail until payment of such forfeitures and cost of prosecution, but not exceeding thirty (30) days for each violation of this code.
- (b) Any person or contractor engaged in the business of hauling waste or recyclable materials within the Town of Lincoln found in violation of any of the provisions of this code shall upon conviction thereof forfeit not less than \$200.00 for the first violation, \$400.00 for the second violation within one year, and \$1000.00 for the third or subsequent violation within one year, plus cost of prosecution, each day such violation continuing constituting a separate offense and in default constituting a separate offense.

Adopted this _____ day of _____, 2009.

The Town of Lincoln

By: _____
Chairman

By: _____
Clerk

Effective upon Publication _____, _____, 2009.