



VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN

ORDINANCE NO. 20-002

AN ORDINANCE AMENDING CHAPTER 66 *SOLID WASTE*, CREATION OF SEC. 66.121. WESTON YARD MATERIALS RECYCLING CENTER & SEC. 66.123 COMPLIANCE ASSURANCE PLAN (CAP) AND RENUMBERING OF SECS. 66.121 THROUGH SECS. 66.123

The Village Board of the Village of Weston, Marathon County, Wisconsin, do ordain as follows:

SECTION 1: The following subsections of Chapter 66 Solid Waste are hereby amended and renumbered to read as follows:

**Sec. 66.121. Weston Yard Materials Recycling Center.**

Depositing of items by commercial business and/or non-residents of the Village of Weston is prohibited.

- (a) Brush and tree limb deposit site. No dumping of rocks, dirt, stumps, treated lumber, building materials and landscaping materials (such as landscaping timbers, concrete blocks, etc.).
- (b) Grass, plant, and leaf deposit site. No dumping of plastic or other non-biodegradable bags or containers.

**Sec. 66.121~~2~~. Residential Composting.**

- (a) Composting in all residential zoning districts shall be conducted within an enclosed container not to exceed five-feet by five-feet by five-feet for lots less than forty-thousand (40,000) square feet and two (2) five-foot by five-foot by five-foot containers for lots forty thousand (40,000) square feet to one hundred twenty thousand (120,000) square feet. Containers shall be of a durable material including, but not limited to, rot-resistant wood or a commercially purchased composting unit which will provide for adequate aeration. Containers shall be constructed and maintained in a structurally sound manner.
- (b) The compost container(s) shall be located in the rear yard no closer than ten (10) feet to any rear or side property line nor closer than twenty (20) feet to any habitable building, other than the resident(s)' own home.

- (c) Only grass clippings, leaves, weeds that have not gone to seed, non-diseased plants, trimmings less than one-fourth inch in diameter, straw, sawdust, wood ashes, fruit or vegetable scraps, coffee grounds, egg shells, paper, and commercially available compost ingredients may be placed in the compost container(s). Meat, bones, fat oils, grease, dairy products, feces, plastics or synthetic fibers shall not be placed in the compost container(s).
- (d) Compost materials shall be layered, aerated, moistened, turned, managed and covered during inclement weather to promote effective decomposition of the materials in a safe, secure and sanitary manner.
- (e) All compost containers and/or compost materials not in compliance with this section shall be declared a public nuisance and are subject to enforcement and abatement as provided in Sec. 66.122 of this Ordinance.

**Sec. 66.123. Compliance Assurance Plan (CAP).**

**Purpose:** This policy will establish standard guidelines that will lead to compliance with the Village of Weston's Recycling Ordinance.

The Planning & Development Department is responsible for enforcing the Village of Weston's recycling ordinance. Village of Weston's staff and personnel shall follow the guidelines identified in this Compliance Assurance Plan (CAP) in response to issues associated with recycling and solid waste. This plan is intended to meet the requirements of s. NR 544.04 (9g), Wis. Adm. Code, as well as Village of Weston's recycling ordinance.

**Example 1:**

**Problem:** Property found to have no methods for recycling in place.

**Compliance Strategy:**

1<sup>st</sup> Response: Recycling coordinator shall send a letter to property owner reminding them of the requirement to comply with local recycling ordinances. Other educational materials will also be provided as needed.

2<sup>nd</sup> Response: Recycling coordinator shall send a letter to property owner giving them 30 days to comply with local recycling ordinances. Copy of letter shall be sent to citation officer.

**After 30 days has passed, recycling coordinator shall inspect property to determine if property is in compliance with ordinance. If found to be non-compliant, citation officer shall issue the property owner a citation per code.**

**Example 2:**

**Problem:** Unacceptable materials found mixed with recyclables.

**Compliance Strategy:** Recycling route driver shall notify resident by tagging the recycling cart and leave at curb.

**Continued occurrences shall result in letter issued by the recycling coordinator. If compliance is not achieved, citation officer shall issue a citation per code.**

**Example 3:**

**Problem:** Recyclable materials found in trash.

**Compliance Strategy:** Garbage route driver shall collect material and leave current recycling educational materials.

**Continued occurrences shall result in letter issued by the Recycling coordinator. If compliance is not achieved, citation officer shall issue a citation per code.**

**Sec. 66.12~~2~~4. Enforcement.**

- (a) For the purpose of ascertaining compliance with the provisions of this Ordinance, any authorized officer, employee or representative of the Village or the Everest Metro Police Department may inspect recyclable materials separated for recycling, post-consumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and non-residential facilities and properties, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to any authorized officer, employee or authorized representative of the Village or the Everest Metro Police Department who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper or interfere with such an inspection.
- (b) Any person who violates a provision of this Ordinance may be issued a citation by the Village or the Everest Metro Police Department to collect forfeitures. The issuance of a citation shall not preclude proceeding under any other ordinance of 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.
- (c) Penalties for violating this Ordinance may be assessed as follows:
  - (1) Any person who violates a provision of this Ordinance, except Section 66.116, may be required to forfeit not less than \$10.00 nor more than \$1,000.00 for each violation.
  - (2) Any person who violates Section 66.116 may be required to forfeit \$50.00 for a first violation, \$200.00 for a second violation, and not more than \$2,000.00 for a third or subsequent violation;

- (3) The forfeiture and penalties provided in this section shall not be construed as prohibiting other methods of enforcing this Ordinance, including, but not limited to, penalties provided for in Sec. 1.111, injunctions and other forms of relief available to the Village.

SECTION 2: SEVERABILITY. If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. If an application of this Ordinance to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment. If any requirement or limitation attached to an authorization given under this Ordinance is found invalid, it shall be presumed that the authorization would not have been granted without the requirement or limitation and, therefore, said authorization shall also be invalid. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 3: EFFECTIVE DATE. This ordinance shall take effect upon approval and publication.

Dated the 17<sup>th</sup> day of February 2020

WESTON VILLAGE BOARD

By: \_\_\_\_\_  
Wally Sparks, its President

Attest:

\_\_\_\_\_  
Sherry Weinkauf, its Clerk

APPROVED: \_\_\_\_\_

PUBLISHED: \_\_\_\_\_

