

ORDINANCE NO. 48
GARBAGE AND RECYCLING COLLECTION ORDINANCE

The Town Board for the Town of Geneva, Walworth County, Wisconsin, does ordain that the Town of Geneva Ordinance No. 48 is hereby repealed and that the following is hereby created.

Section 1. Purpose.

The garbage and recycling service in the Town of Geneva is designed to provide reliable "day certain" service and to comply with Federal, State, and Local laws and requirements in order to obtain optimum health, safety, and aesthetic appearance and convenience for the citizens of the Town of Geneva.

Section 2. Definitions.

For the purpose of this Ordinance, the following terms are defined:

- A. "Garbage" means discarded materials resulting from the handling, processing, storage, and consumption of food (Wisconsin Statutes, Section 144.01(4)).
- B. "Hazardous Waste" is any substance which meets the definition set forth in Wisconsin Administrative Code NR 181.12 as in effect on the date hereof or as hereinafter amended.
- C. "Recycling" means combustible and noncombustible rubbish including, but not limited to, paper, wood, metal, glass, cloth, and products thereof, litter and street rubbish, ashes, furniture, and appliances. Such term shall not include earth, rocks, concrete, construction, or demolition materials and yard waste.
- D. "Residential Unit" is a detached building containing up to three (3) separate dwellings (or living) units, designed for occupancy by not more than three (3) families.
- E. "Road" means a publicly or privately owned or maintained right-of-way which:
 - 1. Provides motor vehicle access to two or more residential units;
 - 2. Is accessible year around (including prompt snow plowing) to the largest type and size of hauling equipment from time to time in use by the garbage and recycling hauler including, where appropriate, an adequate turn around area;
 - 3. Is adequately maintained and constructed to afford access to such hauling equipment without unnecessary wear and tear and without unnecessary damage to the road; and
 - 4. Is not a driveway, as that term is commonly used, serving one or more dwellings (or living units) under common ownership or control.

Section 3. Containers.

- A. All garbage and recycling shall be placed in secured containers that are tightly sealed so as to eliminate rodents and other pests from getting into the garbage or recycling. These containers will be provided by the hauler.
- B. Such containers shall not exceed 96 gallons in size.

Section 4. General Information.

- A. Garbage and recycling pickup service is offered solely to residential units located within the Town of Geneva excepting therefrom Geneva National and Interlaken Subdivisions.
- B. All property owners must place garbage and recycling containers so as to be accessible to the hauler at all times. Unless special arrangements have been made, the property owner is responsible for delivering all garbage and recycling containers to an easily accessible area beside a road, as defined herein, prior to the time of pickup, but no earlier than the day prior to your scheduled pickup day. Other pickup arrangements can be made between the hauler and the resident but there shall be no extra cost for the District. Garbage and recycling containers shall be removed from the roadside within 24 hours after pickup by the hauler.
- C. Pickup service is for residential unit garbage and recycling only.
- D. The hauler may refuse to pick up any garbage or recycling or other material which is not, at the time of pickup, in full compliance with this Ordinance. Any such items not picked up shall be properly disposed of by the residential unit owner within not more than six (6) days or prior to the next scheduled pickup, whichever is shorter.

Section 5. Severability.

If any Section, Subsection, Sentence, Clause or Phrase of this Ordinance is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other Section, Subsection, Sentence, Clause, or Phrase hereof. The Town Chairman and Town Board of the Town of Geneva hereby declares that they would have passed this Ordinance and each Section, Subsection, Sentence, Clause, Phrase, or Portion thereof irrespective of the fact that any one or more Sections, Subsections, Sentences, Clauses, Phrases, or Portions thereof may be declared invalid or unconstitutional.

Section 6. Penalty.

Any person violating the terms of this Ordinance shall forfeit not less than Fifty (\$50.00) Dollars nor more than One Thousand (\$1,000.00) Dollars, together with the cost of collection and proper disposal of any offending items and the costs of prosecution thereof, and in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not to exceed thirty (30) days.

Section 7. Effective Date.

This Ordinance shall take effect from and after its adoption by the Town Board and upon posting a publication thereof as provided by the Statutes of the State of Wisconsin.

This Ordinance was ADOPTED this 8th day of February, 2021, by a vote of: 4 in favor 0 against 0 abstain.

Debra L Kirch, Clerk/Treasurer
Town of Geneva