

Chapter 5

Police Ordinances

5.01 DEFINITIONS

In this Ordinance, the following words and phrases shall have the designated meaning unless a different meaning is expressly provided or the context clearly indicates a different meaning.

Alarm System. An electronic, mechanical, ultrasonic or other kind of device which is designed to detect unauthorized entry to property, fires on property or other situations which require response to the property by a public safety officer.

Board The Town Board of the Town of Springfield.

Clerk-Treasurer The Town of Springfield Clerk-Treasurer.

Fire Chief The person designated as the director of the fire department which provides fire protection to the property on which a violation has allegedly occurred.

Person Any natural person, firm, partnership, corporation, limited liability company, entity or other organization.

Public Safety Officer Any police officer, fire fighter, deputy sheriff, emergency medical technician, ambulance driver, hazardous materials team member or marshal.

5.02 OPEN BURNING AND FIRE CONTROL

Prohibition. No person may build, start, maintain or set a fire in the Town of Springfield except as expressly permitted in this ordinance.

Permits. Persons who wish to set or use fire in a manner which is authorized in this ordinance may obtain a permit from the municipal fire department serving the property. The permit shall be obtained, free of charge, from the appropriate Fire Chief or the Chief's designee. The permit authorizes its holder to set and use fire only as specified in the permit. The permit may contain any appropriate conditions for protection of the public, such as making fire extinguishers available and providing appropriate personnel to supervise the burn. The permit does not constitute a determination that any particular fire is safe.

Authorized Fires. The following uses of fire are authorized if a permit for the same has been issued by the Fire Chief or designee:

Controlled burning of grass and vegetation, with permission of the landowner, for environmental management purposes, provided that fire suppression equipment and personnel are available at all times as directed by the permit.

Campfires in fire pits located in established campgrounds or parks, which shall not require a permit.

Ceremonial bonfires; and campfires. Campfires require a permit if the campfire is more than five feet in diameter, or is constructed outside of a fireplace, pit or enclosure.

Controlled burning of dry leaves and other non-offensive yard waste, except that no burning may occur on days on which the prevailing winds may endanger others or cause spread of the fire. Any such burning shall take place not less than 30 feet from any residence, and off of the pavement or curb of the road. No household waste or chemicals may be incinerated in such a burn.

Operation of an incinerator or refuse burning barrel, without a permit, if the device has a fireproof wire mesh cover and air opening of no more than one-half inch ($\frac{1}{2}$ " in diameter. However, the only materials which may be incinerated are: unpainted and untreated wood, paper or cardboard generated by the property owner. No person may burn wet rubbish, oils or petrochemicals; asphalt, plastic or rubber products. Burning barrels shall be located at least 30

feet from adjoining residences and five (5) feet from property lines, and may be placed only in side yards or rear yards.

Other burning as authorized on a one-time basis by the Fire Chief or designee, but not as an alternative to recycling or proper household waste disposal.

The Fire Chief shall have the authority to ban all outdoor fires during periods of dry or windy weather when the Fire Chief determines that it is necessary to do so for the protection of the public.

Any person setting or maintaining a fire is strictly responsible for all damages caused by that fire. Any person who has been determined to have caused fire damage to the property or person of another may be barred by the Fire Chief from obtaining any permits under this ordinance. Such person may be restored to burning privileges by the Board if the Board determines that the person has provided reasonable assurances that they will exercise their burning privileges reasonably.

5.03 INTERFERENCE WITH PUBLIC SAFETY OFFICERS.

No person may interfere with the efforts of any public safety officer to discharge that officer's lawful duties. As used in this section, the term "interfere" means to impede, obstruct, hamper, burden, or increase the difficulty of the response of a public safety officer.

5.04 DOGS BARKING OR AT LARGE

No person may cause, allow or permit a dog owned by the person to run at large in the public streets or highways, or on the property of others without the property owners' permission. No person may cause, allow or permit a dog owned by the person to bark for a period of time in excess of five minutes, except while the dog is actively engaged in lawful hunting or tracking activities.

5.05 FALSE ALARMS AND INTERFERENCE WITH ALARMS.

No person may communicate the existence of an emergency or otherwise request the assistance of a public safety officer if there is no basis in fact for the request for services.

No person may negligently or inadvertently cause a request for assistance to be made to a public safety by a defective or improperly functioning alarm system.

Any person who violates any provision of this ordinance may be required to reimburse the public safety agency for the actual costs of the public safety response.

Any person who violates subsec (1) of this ordinance shall forfeit not less than \$500 nor more than \$2,000 for each violation.

Any person who violates subsection (2) of this ordinance shall forfeit not less than \$50 for the first offense, \$150 for the second offense and \$250 for the third offense. In addition to all other penalties imposed by law, the violator may be required to repair the malfunctioning alarm system. If repairs are ineffective, the violator may be required to disconnect the malfunctioning alarm system or to render it inoperable.

5.06 VANDALISM AND GRAFFITI.

No person may intentionally destroy or damage the property of another, or deface the property of another by writing, painting, marking, scratching or otherwise making any mark or drawing on such property.

Any person who violates subsection (1) shall be required to forfeit not less than \$250 nor more than \$2,000. In addition to any other penalties imposed by law, upon conviction, such violator shall be required to pay the entire cost of repairing, replacing, cleaning or otherwise restoring the damaged, destroyed or defaced property to its original condition. If the violator is under eighteen (18) years of age, the parents or guardians of the violator shall be liable for such damages.

5.07 DEPOSITING POLLUTANTS AND FOREIGN MATERIALS.

No person may deposit, leave, discharge or place any of the following materials in a roadway, cemetery, park, or on the property of another:

household garbage;
any chemical for which a materials safety data sheet exists and is required to be maintained by the Community Right to Know Act;
industrial sludge, effluent, residue or matter, the disposal of which is regulated by federal or Wisconsin law.

This ordinance does not apply to:

Application of agricultural or lawn treatment chemicals in a manner which is consistent with their labeling;
Storage of materials at a recycling center or a licensed solid waste disposal site;
Disposal of industrial wastes or other sludge in a manner which is approved by the Wisconsin Department of Natural Resources, provided that all reasonable efforts are made to reduce odors and to prevent any run-off of such sludge.

Whoever violates subsection (1) shall forfeit not less than \$250 nor more than \$2,000, and shall be required to reimburse any party which abates the pollution for the actual cost of such abatement.

5.08 ENFORCEMENT.

The Dane County Sheriff's Department is hereby expressly authorized and requested to enforce these ordinances when it may appear that a violation of the same has occurred.

The Board may enforce these ordinances by directing the Town Attorney to commence a forfeiture action pursuant to Wisconsin Statutes.

If the Town of Springfield shall incur any expense in abating a nuisance or otherwise remedying a deficiency which is a violation of these ordinances, the offender shall reimburse the Town. If the offender fails to do so, the Town may collect the unpaid amounts as special charges against any real property owned by the offender which is located in the Town.

Pursuant to secs. 60.23(23) and 66.119, Stats., the Town Board of the Town of Springfield hereby elects to utilize the citation method of enforcement of those ordinances of the Town which have a forfeiture penalty.

The forms used to issue citations shall include the following:

- (a) The name and address of the alleged violator.
- (b) The factual allegations describing the alleged violation.
- (c) The time and place of the offense.
- (d) The section of the ordinance violated.
- (e) A designation of the offense in such manner as can be readily understood by a person making a reasonable effort to do so.
- (f) The time at which the alleged violator may appear in Court.
- (g) A statement which in essence informs the alleged violator:
 1. That the alleged violator may make a cash deposit of a specified amount to be mailed to a specified official within a specified time.
 2. That if the alleged violator makes such a deposit, he or she need not appear in Court unless subsequently summoned.
 3. That if the alleged violator makes a cash deposit and does not appear in Court, either he or she will be deemed to have tendered a plea of no contest and submitted to a forfeiture and a penalty assessment imposed by s.165.87, Wis. Stats., not to exceed the amount of the deposit or will be summoned into Court to answer the complaint if the court does not accept the plea of no contest.

4. That if the alleged violator does not make a cash deposit and does not appear in Court at the time specified, an action may be commenced against the alleged violator to collect the forfeiture and the penalty assessment imposed by s. 165.87, Wis. Stats.
5. A direction that if the alleged violator elects to make a cash deposit, the alleged violator shall sign an appropriate statement which accompanies the citation to indicate that he or she read the statement required under (g) above and shall send the signed statement with the cash deposit.
6. The form of the citation to be used by Town of Springfield is on file in the office of the Clerk-Treasurer and is adopted by reference.

The Town of Springfield hereby authorizes the Town Road Patrolman to issue citations for violation of Ordinance 18-D, related to highways.

5.09 CABLE TELEVISION FRANCHISES.

- (1) Pursuant to 47 U.S.C. §541(a)(1) and sec. 66.082, Stats., the Town of Springfield enacts the following Cable TV Ordinance.
- (2) The purpose of this ordinance is to encourage the provision of cable television service to the residents of the Town of Springfield on a basis consistent with the public interest and consistent with applicable law.
- (3) Franchise. The Town may, from time to time, grant a franchise for the provision of cable TV services to the residents of the Town of Springfield. Said franchise shall authorize the conduct of a cable television distribution system and all related and appurtenant business, together with the necessary installation, construction, operation and maintenance of said system. Said franchise shall be granted subject to the terms, conditions and reservations included in this ordinance. No person, corporation, firm or entity may provide cable television service for compensation to any property in the Town of Springfield unless the Town has issued a franchise.
- (4) Nonexclusivity. The grant of a cable TV franchise by the Town is nonexclusive and shall not be construed to prohibit the Town from granting, modifying or regulating services provided by any other cable TV operator to the residents of the Town of Springfield. No vested rights, other than those contractual obligations created by this agreement, shall be deemed to have been created on the part of the Company. The Town expressly reserves its full legislative authority with respect to all regulatory matters not precluded by the operation of federal or state law.
- (5) Area of Franchise. The provisions of this franchise agreement shall be applicable to the entire area of the Town of Springfield. No franchisee may make any decision as to the provision of cable TV services based on the low-income status of any resident or residents of the Town of Springfield, as required by the provisions of 47 U.S.C. §541(3).
- (6) Scope of Franchise. The franchise granted herein shall include, without disparagement by way of enumeration, the authority to design, construct, and install a cable TV system; the right to install satellite dishes, antennas, microwave relay towers and such other receiving devices as are necessary for the receipt of television and communication signals; the right to use public right-of-way within the Town for the purpose of running cables, accessing poles or otherwise installing service runs throughout the Town; the right to install and connect cables or other mechanisms for the interconnection of the distribution system to individual subscribers; the right to install and operate electronic equipment necessary and appurtenant to the operation of the system; the right to install and construct network apparatus; the right to install service connections from distribution lines to individual service recipients and to do all other necessary and proper actions in connection with the lawful operation of a cable system.
- (7) Notwithstanding the grant of the franchise, the operator shall at all times assure that in its operations, construction, maintenance and design of the system, the safety of all persons within the Town is protected; that the functionality and appearance of all property is protected and promoted.

(8) The grant of a franchise pursuant to this ordinance does not constitute a delegation of the authority of condemnation possessed by the Town pursuant to Chapter 32, Stats., and that any easements which are utilized by the franchisee must be vested and in existence as of this time.

(9) Compliance With Applicable Law. The franchisee's operations are subject to regulations, of varying extent, by the federal, state and town governments. These regulations include Title 47, sec. 521, *et. seq.*, sec. 66.082, Stats., and the Cable TV Ordinance of the Town of Springfield.

(10) Rate Regulation. The Town of Springfield does not, at the present time, plan to exercise any rate regulatory authority reserved unto it by 47 U.S.C. §543. However, the Town possesses such authority subject to the conditions of that statute and may, in the sole discretion of the Town, should decide at some future date to impose rate regulation.

(11) Access Channel. The Town of Springfield does not, at the time of the execution of this agreement, contemplate the requirement of public access channel. However, the Town does reserve, pursuant to 47 U.S.C. §531(a), to, at any future time in its sole discretion, exercise the right to require the franchisee to provide a suitable channel for the telecasting of public access or public interest programs similar in character to those broadcast on the public access channel of the TCI Cablevision system currently installed in the City of Madison.

(12) Term of Agreement. Franchise agreements shall be for the term of fifteen (15) years, commencing with the date of its execution. The agreement shall be renewable at the option of the franchisee for an additional two (2) terms of five (5) years each. In the event that renewal is sought, the franchisee shall give notice to the public and the Town as required by 47 U.S.C. §546 during that six-month period which begins with the date which is thirty-six (36) months prior to the expiration of the initial term of this agreement. During said renewal notice period, the franchisee shall endeavor to ascertain public sentiment with respect to its operations in order to provide commentary to the Town with respect to the suitability of renewal of the franchise. This obligation of notice shall also apply to the two (2) five-year extensions hereof.

(13) Transfer of System Ownership. The franchisee is required by federal law to give notice to the Town of its intent to transfer the cable system, and also is required to do so pursuant to sec. 66.082(5), Stats. The Town's consent shall be required prior to any transfer. A transfer is defined as including the conveyance of forty percent (40%) or more of the ownership interest in the Company. The Town shall be given notice of the transfer of any interest equal to or exceeding ten percent (10%) of the total ownership interests in the franchisee at the time of the transfer.

(14) Customer Service Requirements. The Town of Springfield does not now contemplate monitoring or imposing requirements with respect to the manner in which customer services are provided by the franchisee. However, the Town expressly reserves the right, pursuant to 47 U.S.C. §552, to adopt such standards for customer services as may be, in the sole discretion of the Town, necessary to protect the public interest, if the Town determines that said regulations are required.

5.10 RECYCLING AND SOLID WASTE DISPOSAL.

(1) The purpose of this Ordinance shall be to maintain and protect public health and sanitation by removal of garbage, rubbish, and other waste material generated in the Town of Springfield, to eliminate dispersal of garbage, waste, and other waste material along the streets, roads, and other public and private properties in and near the Town of Springfield, and to provide a comprehensive Town recycling program. The Town of Springfield finds participation in a mandatory source separation recycling program appropriate in this jurisdiction to conserve available, local landfill capacity. The Town further finds it appropriate to participate in both county-wide and state-wide recycling programs to conserve energy, recycle valuable resources, and to protect public health, welfare and the environment. The Town also finds participation in these programs appropriate to achieve consistency with county-wide recycling policies to ensure that the waste generated in the Town will be able to be delivered to the county-owned landfills and to the county owned material recycling facilities.

Definitions. The following definitions shall be applicable in this Ordinance:

- (a) Collector/Hauler. The contractor or entity chosen by the Town Board to handle, transport, and dispose of the solid waste, recyclables and non-recyclables generated in the Town, or, person or persons contracting with waste generators for these services, and will enforce preparation standards for recyclable materials as well as ensure community compliance with this source separation recycling program.
- (b) Commercial Waste. Waste of whatever material generated by any industrial or business establishment where any trade, occupation, industry or commerce is conducted.
- (c) Corrugated Cardboard. Heavy duty Kraft paper packaging material with a corrugated medium between two (2) flat paper liners, and does not include paperboard such as for cereal or laundry detergent boxes or holders for six-pack or twelve-packs of beverage cans or bottles.
- (d) Curb. The back edge or curb and gutter along a paved street or where one would be if the street was paved and had curb and gutter.
- (e) Demolition Waste. That portion of solid waste from the repair, remodeling, construction or reconstruction of buildings, such as lumber, roofing and sheathing scraps, rubble, broken concrete, asphalt, plaster, conduit, pipe, wire, insulation, and other like materials resulting from the demolition of buildings and improvements.
- (f) Dwelling Unit. A place of habitation occupied by a normal single-family unit or a combination of persons who may be considered as equivalent to a single-family unit for the purposes of this Ordinance.
- (g) Garbage. Discarded materials resulting from the handling, processing, storage and consumption of food.
- (h) Glass. Glass bottles, jars and containers and does not include window glass, drinking glasses, pyrex, light bulbs or other non-container glass.
- (i) Good Faith. Reasonable efforts to adhere to the policies, standards and rules of this mandatory source separation recycling program.
- (j) Hazardous Waste or Hazardous Substance. Those wastes or substances defined as such in NR 181, Wis. Adm Code (including all amendments provided thereto) as provided therein pursuant to Sec. 144.62, Wis. Stat., or other acts pursuant to authority vested in the Wisconsin Department of Natural Resources to describe and list materials as such and also includes in the meaning of "hazardous waste" or "hazardous substance" as described herein. Those solid wastes or substances found in household waste [notwithstanding the household waste exclusion provided in NR 181.12(4)(a), Wis. Adm Code].
- (k) Lead-acid Batteries. Automotive and related batteries that are comprised of lead plates with an acid electrolyte, and does not include nickel-cadmium batteries, dry cell (flashlight) batteries or batteries used in calculators, watches, hearing aids or similar devices.
- (l) Major Appliance. A residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, stove, water heater or any other item commonly referred to as a white good.
- (m) Metal Cans. Tin coated steel cans, bi-metal cans, aerosol and aluminum cans used for food and other non-hazardous materials but excluding cans that held paint, paint-related products, pesticides or other toxic or hazardous substances.
- (n) Multi-family Dwelling. A residential building intended to be the residence of three (3) or more independent family units. For purposes of this Ordinance, a duplex shall be considered as two separate single-family dwellings.
- (o) Newsprint. That portion of newspapers (newspapers and advertising circulars normally accompanying newspapers) or periodicals and advertising circulars-printed on newsprint which remain in substantially original condition at the time of disposal such that the material is suitable for commercial-grade recycling. "Newsprint" does not include the paper commonly used in the production of magazines, books, and other physical media for written material or paper which is not suitable for recycling

purposes, or is in a state which makes separation unreasonable or unduly expensive, or reasons which include, but are not limited to, the following:

- i. The paper has been put to another use, such as wrappings for other wastes, and is thus rendered unfit for commercial recycling;
- ii. The paper is no longer flat and folded to the approximate dimensions of its original condition;
- iii. The paper is mixed in with commercial or municipal litter or refuse as a result of the failure of citizen or business invitees to separate newspapers from other discarded materials outdoors or in publicly accessible areas of buildings;
- iv. The paper has been damaged or altered by any other means so as to make recycling impossible or unduly difficult.

(p) Non-recyclable Material. All items of waste not recyclable except hazardous waste or hazardous substances.

(q) Other Paper. All paper excluding newsprint materials or materials specifically excepted in the definition of "newsprint" and "corrugated cardboard" but shall include grades of fiber materials with available markets for recycling.

(r) Oversize and Bulky Waste. Large items such as furniture, mattresses, carpeting, construction or demolition materials of substantial dimensions, brush and other large items whose proportions are not easily reduced.

(s) Person. Any individual, corporation, organization, association, local governmental unit, as defined in Sec. 66.229(1), Wis. Stats., state agency or authority or federal agency.

(t) Plastic Container. A blow-molded plastic bottle made of high density polyethylene (HDPE) or a plastic bottle or jar made of polyethylene terephthalate (PET), but does not include HDPE containers that are not blow molded, including but not limited to, containers for yogurt, cottage cheese, butter, margarine, ice cream and similar products.

(u) Preparation Standards. Criteria provided establishing acceptable good faith limits for introduction of materials into the source separation recycling program involving either transport to a material recycling center or temporary storage of such materials.

(v) Recyclable Material. Identified materials meeting preparation standards and shall include the following; newspapers; corrugated cardboard; (unbroken) brown, green and clear container glass; aluminum, bi-metal and tin-coated steel cans; blow-molded HDPE and PET plastic containers; tires (regardless of size); used oil; lead-acid batteries; and large batteries; and large appliances. "Recyclable material" further means identified materials meeting preparation standards where economical markets or short-term storage are available and shall include the following: other paper; polystyrene foam; PVC containers; polypropylene containers; HDPE and PET containers other than bottles; types of plastic containers labeled "other"; and other materials determined to have economical markets available.

(w) Refuse. Combustible and non-combustible materials including, but not limited to: paper products, wood, metal, glass, cloth and products thereof in unrecoverable condition; litter and street rubbish not including yard waste; uncontaminated ashes; and building materials such as wood, concrete, glass, plaster and other intermixed materials produced in construction or demolition of structures. "Refuse" for purposes of this Ordinance shall not include "oversize or bulky waste."

(x) Residential Solid Waste. All solid waste that normally originates in a residential environment from residential dwelling units.

(y) Residential Unit. Each living unit in the Town of Springfield designed for permanent living quarters, including single-family dwellings and units in duplexes, tri-plexes, and multi-family units and each unit in a residential condominium project.

(z) Scavenging. The uncontrolled and unauthorized removal of materials at any point in solid waste management.

(aa) Solid Waste. Garbage, refuse and all other discarded or salvageable solid materials, including solid waste materials, resulting from industrial, commercial and agricultural operations, and from community activities, but does not include solids or dissolved material in waste water effluents or other common water pollutants.

(bb) Solid Waste Storage. Safe, environmentally sound short-term containment of materials and for recyclables shall involve preserving materials in a condition meeting preparation standards.

(cc) Tires. For collection purposes shall mean rubber tires, from automobiles and light trucks, and other tires whose size is less than 1100 x 24.5, which are removed from rims.

(dd) Used Oil. Any contaminated petroleum-derived or synthetic oil including but not limited to the following: engine and other mechanical lubricants; hydraulic and transmission fluid; metalworking fluid; and insulating fluid or coolant.

(ee) Yard Waste. Leaves, grass clippings, yard and garden debris, including clean woody vegetative material no greater than six (6) inches in diameter and holiday trees, but does not include tree stumps, extensive root systems or shrubs with intact root balls.

(3) Mandatory Recycling and Applicability. This Ordinance shall apply to all persons, entities and waste generating activities within the limits of the Town of Springfield and includes but is not limited to all waste generated by all residential and commercial activities. No person shall mix with nonrecyclables for collection by the Town's authorized collector, any material except recyclable material and only in such manner as set forth herein.

(4) Recyclable Materials and Preparation. All recyclable materials shall be separated from other nonrecyclable garbage and refuse. Recyclable materials shall be left for collection by the Town's authorized collector/hauler by placing all recyclable materials in the special recycling containers provided by the Town or the Town's authorized collection service. Recyclable materials shall consist of:

(a) Glass. Brown glass, green glass and clear glass shall be empty, rinsed, clean, unbroken, and have metal covers and caps removed.

(b) Cans. All aluminum, tin, steel, copper and other metal cans shall be empty, rinsed and have labels removed (with ends removed and flattened where possible), except that paint and oil cans may not be recycled.

(c) Plastic Containers. Plastic containers shall be rinsed and have any metal or plastic rings/caps removed. Plastic containers with handles left for collection by the Town's collection service shall not be tied together and should be placed next to the recycling container.

(d) Corrugated Cardboard. Corrugated cardboard shall be flattened, empty, free of food debris, bundled in eight (8) inch or ten (10) inch bundles, and be placed beside the recycling container for collection. Waxed cardboard may not be recycled.

(e) Newsprint. All newsprint shall be bundled pursuant to Section 6 below.

(f) Aluminum. All products made of aluminum, including aluminum cans, foil, wrappers, pie pans, and containers for prepared dinners or other foods, screen frames, and lawn chairs shall be clean and flattened.

(g) Tires. Tires, as defined in Subsection (b), shall be less than 1100 x 24.5 in size, and removed from rims.

(h) Additional Materials/ Standards. Furthermore, additional preparation standards may be provided by notice to generators of waste and collectors/haulers or by amendment to this Subsection when other materials become recyclable dependent upon available economic markets.

(5) Nonrecyclable Materials Designated. Nonrecyclable materials shall include the following:

(a) Glass – All pyrex glass, window glass, light bulbs, ceramics, mirrors, broken glass and china shall be considered nonrecyclable.

(b) Plastics – Rigid cottage cheese containers, plastic wraps, egg cartons, Melamine-type plastics, and all forms of polystyrene foam shall not be placed with recyclable materials but shall be disposed of in the manner prescribed for other nonrecyclable refuse.

(c) Glossy Paper – All waxed paper, waxed cardboard, envelopes with gum labels, glossy paper, magazines and envelopes with plastic windows shall be considered nonrecyclable paper.

(d) Other Materials – All other garbage and refuse not qualifying as recyclable materials.

(6) Newsprint Recycling.

(a) No person in the Town of Springfield shall dispose of newsprint with nonrecyclable refuse, except for such newsprint rendered unfit for recycling. This Subsection shall apply to all persons, governmental operations and business, commercial, retail and industrial enterprises however organized and of whatever type, if such refuse is to be deposited in a Dane County landfill.

(b) Newsprint left for collection and recycling shall be bundled with heavy string or cord, securely tied in both directions, and be left beside the recycling container. No newsprint bundled for recycling shall weight in excess of twenty-five (25) pounds nor shall such bundle exceed the height of ten (10) inches. Newsprint may be recycled in any other lawful manner. Newsprint shall not be placed in containers with other nonrecyclable refuse or garbage.

(c) All garbage, refuse and other nonrecyclable materials shall be collected, removed and disposed of pursuant to the Town's agreement with the designated collector/hauler or persons' private agreements with collectors/haulers. Newsprint and other recyclables placed for recycling shall become the property of the Town of Springfield or its authorized collector.

(7) Disposal of Nonrecyclable Materials.

(a) Nonrecyclable materials shall be separated from recyclable materials and shall be placed for collection by the Town's authorized collector.

(b) All nonrecyclable materials shall be placed in proper containers or plastic garbage bags not exceeding a capacity of thirty (30) or forty (40) gallons and/or a net weight of fifty (50) pounds. All refuse material not suitable for placement in containers or bags shall be placed in bundles or broken into sizes small enough to be easily handled and shall be equipped with suitable handles and tightfitting covers and shall be watertight. All garbage containers shall be kept in a neat, clean, and sanitary condition at all times. All garbage containers for residential units shall be of metal, durable plastic, or other suitable, moisture-resistant materials, including heavy-duty refuse disposal plastic bags. Metal garbage cans shall be of sufficient thickness to resist denting during normal handling by collection crews. Plastic garbage bags shall be closed with a tie and shall consist of plastic materials not damaged by freezing and not susceptible to melting. They shall be capable of being handled during hot and cold weather without damage during normal handling by collection crews. Plastic bags shall be of sufficient strength to allow lifting and loading of contents without tearing.

(c) Requirements for Multi-Family Dwellings. Owners of multi-family dwellings shall provide adequate containers for handling and collection of recyclable materials enabling tenants to ensure separation of recyclables and ensuring that recyclables meet preparation standards. The following shall be acceptable means of providing containers: (1) providing two containers for each dwelling unit with one container being for glass, metal cans and plastic containers and the other container being for bundles of corrugated cardboard and newspapers with some special provision for lead-acid batteries and tires; (2) providing a series of containers for the complex of sub-units thereof with unique containers for each type of recyclable to be shared in common by occupants of the multi-family dwelling not including provisions for major appliances or used oil; with sufficient, separate containers to achieve good faith separation of recyclables based upon size of the multifamily dwelling, and the handling, transportation and processing

requirements for the collector/hauler. Containers shall be clearly designated and marked as to the recyclables contained therein, and containers shall be maintained in a clean, safe and watertight condition. Owners of multi-family dwellings shall exercise good faith to assure that residents and occupants comply with recycling requirements of this Ordinance. Owners of multi-family dwellings shall notify tenants at the time of renting or leasing the dwelling and semiannually thereafter of the recycling programs provided in this paragraph. Additionally, owners of the multi-family dwellings shall provide for the collection of recyclable materials separated from solid waste by tenants and delivery of the aforementioned recyclables to a material recycling facility when volumes are in excess of the Town collector/hauler contract.

(d) It shall be the duty of every occupant, tenant, or proprietor of any residential unit to provide and at all times keep in a suitable place readily accessible to the refuse collector, garbage containers capable of holding all garbage which would ordinarily accumulate on such premises between the times of successive collections. The owner of any multiple dwelling shall furnish or require the tenant thereof to furnish proper garbage containers. Garbage containers located at multiple dwellings shall be marked so as to indicate the residential unit to which they belong.

(8) Mandatory Separation of Materials for Composting; Yard Wastes.

(a) No person in the Town shall, by curbside collection, dispose of deciduous materials, such as yard waste, grass clippings and leaves, with other refuse that may be lawfully left for collection. Yard waste, such as grass clippings and leaves, may be brought to a composting site designated by the Town of Springfield, if any.

(b) The Town Board shall prepare regulations, standards and schedules as necessary to make effective all provisions of this Ordinance. Periodically, upon a schedule adopted by the Town, the Town Board may prepare notices and distribute other information to persons and entities generating waste within the Town for the purpose of informing the public about the requirements dictated by this mandatory source separation recycling ordinance.

(9) Nondisposable Materials. It shall be unlawful for any person to place for regular collection any of the following wastes:

- (a) Hazardous waste;
- (b) Toxic waste;
- (c) Chemicals;
- (d) Explosives or ammunition;
- (e) Drain or waste oil or flammable liquids;
- (f) Large quantities of paint;
- (g) Dead animals;
- (h) Trees and stumps;
- (i) Gravel and concrete;
- (j) Construction debris;
- (k) Animal or human waste;
- (l) White goods (unless as a special haul item);
- (m) Tires;
- (n) Christmas trees;
- (o) Bedding and furniture;
- (p) Appliances.

(q) The aforementioned materials shall be disposed of in the manner prescribed by federal or state laws, or as provided for herein.

(r) Materials that the Town collector will dispose of for a separate fee may be disposed of by special arrangement between the waste generator and said Town collector.

- (s) Hot or cold ashes.

(10) Hospital/Medical Wastes. It shall be unlawful for any person to place for collection any pathogenic hospital or medical wastes. Such items as needles and syringes may be disposed of as long as they are contained to eliminate injury to disposal personnel.

(11) Building Waste. All demolition waste resulting from remodeling, construction, or removal of a building, roadway, or sidewalk shall be disposed of by the owner, builder, or contractor. Building materials of any kind will not be disposed of by the Town or its collection service.

(12) Alteration of Recyclable Materials. It shall be unlawful to intentionally alter recyclable materials so as to render them as nonrecyclable material.

(13) Restriction on Time of Placement.

(a) All receptacles and containers for nonrecyclable and recyclable materials that are placed adjacent to the public street for collection as designated by the collector shall be placed adjacent to the public street not earlier than twenty-four (24) hours before the regular collection time and shall be removed from the curbside collection point within twenty-four (24) hours after the regular collection time.

(b) The time for collection shall be determined by the authorized collector, as approved by the Town Board.

(14) Refuse from Outside of Town. It shall be unlawful to bring refuse from outside the Town of Springfield limits into the Town limits for disposal unless specifically authorized by written agreement with the Town.

(15) Title to Refuse and Recyclable Materials.

(a) In the absence of an agreement to the contrary, title to the refuse and recyclable material placed for collection and disposal by the Town or its agents shall vest in the Town of Springfield as soon as it is placed for collection. It shall be a violation of this Ordinance for any person unauthorized by the Town to collect or pick up or cause to be collected or picked up any recyclable materials that are placed for disposal by the Town or by any authorized agent. Any and each such unauthorized collection or scavenging of recyclable materials in violation hereof shall constitute a separate and distinct offense punishable as provided for herein. Nothing herein shall be construed to allow for scavenging, removal, transportation, or resorting of refuse which has been placed for disposal under this Ordinance. Any such scavenging or separation of refuse that has been placed for disposal by the producer of said refuse shall be deemed a violation of this Ordinance.

(b) This Ordinance shall not prohibit the actual producers of recyclable materials or the owners of residential units or nonresidential units upon which recyclable materials have been accumulated from personally collecting, conveying, and disposing of recyclable materials, provided such producers or owners do not violate the intent of this Ordinance.

(16) Garbage Accumulation; When a Nuisance. The accumulation or deposit of garbage, trash, or putrescible animal or vegetable matter in or upon any lot or land or any public or private place within the Town which causes the air or environment to become noxious or offensive or to be in such a condition as to promote the breeding of flies, mosquitos, or other insects, or to provide a habitat or breeding place for rodents or animals, or which otherwise becomes injurious to the public health is prohibited and declared to constitute a nuisance. Refuse areas shall be kept in a nuisance – and odor free condition. Refuse shall not be allowed to accumulate. Violation will result in the occupant and/or owner being notified to clean up his/her area with continued violations resulting in the owner being prosecuted under provisions of this and other Town Ordinances.

(17) Improper Placement. No persons shall deposit, throw, or place any garbage, offal, dead animals, combustible refuse or other deleterious matters in any park, lane, alley, street, public grounds or public place within the Town, nor place any garbage, offal, dead animals or other refuse matter upon any private property not owned by such person without such person's consent. If not deemed noncollectible, these

materials may be placed for collection on the owner's property if the same is enclosed in proper vessels or containers which shall be watertight and kept so with tightly fitting covers.

(18) Special Haul Items. It shall be unlawful for any person receiving residential garbage collection with the Town of Springfield to set for regular collection special haul items. Such special haul items may be disposed of by contracting directly with private collectors at the rates in effect at the time.

(19) Interference with Authorized Collector. No person other than an authorized collector shall collect or interfere with any waste after it shall have been put into a garbage receptacle and deposited in the proper place for the collector, nor shall any unauthorized person molest, hinder, delay or in any manner interfere with any authorized garbage collector in the discharge of his/her duties.

(20) Other Prohibited Practices in Collection and Handling of Recyclables. No person, persons or other entity generating waste within the Town shall do any of the following:

(a) Deposit or cause to be deposited any recyclable material at any authorized collection point when the site is closed or not operating.

(b) Deposit or cause to be deposited any waste material whether recyclable or not in or upon any public street, public waters, or public grounds in the Town except at authorized locations within appropriate packaging or placed into appropriate containers during specifically authorized collection periods if any are provided.

(c) Deposit or cause to be deposited any recyclable materials in any container not specifically intended for the collection of that type or group of recyclable material.

(21) Violations; Penalties.

(a) Any person who shall violate any of the provisions of this Ordinance shall be subject to a penalty which shall be as follows:

i. First Offense. Any person found in violation of any provision of this Section as a first offender shall receive a warning notice requiring compliance and may be subject to having refuse in violation of the provisions herein not collected.

ii. Second and Subsequent Offenses. Any person found guilty of violating any part of this Ordinance who has previously been notified of being in violation or been convicted of violating the same Ordinance within one (1) year shall, upon conviction thereof, forfeit not less than Twenty-Five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) for each such offense, together with costs or prosecution and, if default of payment of such forfeiture and costs, shall be imprisoned in the County Jail until such forfeiture and costs of prosecution are paid, but not exceeding six (6) months.

(b) Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Ordinance shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of this Ordinance.

(22) Special Collections for Violations. If any entity, including those receiving collection from a private firm, is found in violation of the collection and storage requirements of this Chapter and fails to comply with a notification and/or requirements of this Chapter and fails to comply with a notification and/or citation, the Town Chairperson shall be empowered to order a special collection to remove such violation. The person shall be notified of such special collection and the charges therefore. The special collection shall be made; and if billing plus \$50 is unpaid, the bill shall be considered a lien on the property and shall be placed on the tax bill. A person shall not use the special collection provision of this Chapter to circumvent requirements for collection by a private firm.

(23) Severability. The provisions of Ordinance shall be held to be minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes or pertinent Dane County Ordinances in their interpretation and application. Because this Ordinance creates a comprehensive, mandatory source separation recycling program in our community, where any terms or requirements or interpretations consistent with state and county law shall control. If any provision of this

Ordinance is found to be invalid or unconstitutional or if the application of this Ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provisions or applications.

(24) Contracting with Collector/Hauler.

(a) The Town finds that the purposes of the Ordinance will be better served by limiting collection of waste activities to a minimum and to that end the Town will contract with an independent contractor to provide waste collection services in accordance with this Ordinance. If any person needs a service in excess of that provided by such collector/hauler pursuant to the collection contract with the Town, such person is free to contact, at such person's cost, for such additional services as may be required or desired.

(b) The Town shall be authorized to place the pro-rata cost of such collector/hauler's fee for such services on the tax bill for the real property from which such waste is generated. Said amount so placed on the tax bill for each year in advance of such services and when so placed shall have the same force and effect as real estate taxes and shall be paid as in the same manner as real estate taxes.

(c) The Town and the collector/hauler shall establish pick-up times for the collection of collectible wastes.

(25) Condominiums and Multi-Family Dwellings. Each condominium association in the Town shall be responsible for establishing compliance with this Ordinance by the owner of each condominium unit, and shall submit its plan for compliance to the Town for approval and shall submit for approval of the Town any changes in such plan. Such plan may provide for the purposes of this Ordinance. Each condominium unit shall be treated the same as a single residential dwelling or the entire condominium shall be treated for such purposes as a multi-family dwelling [Section 5.10(7)(c)]. In approving such a plan, the Town shall consider which plan under the circumstances would better promote the purpose of this Ordinance. Each owner of a multi-family building, with the consent of the Town, shall have the option of treating each unit within said building as a single-family residence or comply with the requirements of Section 5.10(7)(c), except that duplexes shall be treated as two single-family residences.

(26) Commercial Buildings. The owners of commercial, retail, industrial and governmental facilities shall provide adequate separate containers for the disposal of recyclable materials as defined herein and shall regularly notify all users of said premises of such facilities, including employees, agents and customers of county and municipal recycling requirements.

(27) Agricultural Operations. Nothing in this Ordinance is intended to apply to the disposal of or the accumulation of agricultural or farm wastes, products or feed accumulated upon property used in the ordinary course of farming.

(28) Federal and State Regulations. It is expected that from time to time federal and state statutes and regulations will require that items other than the items which have been deemed to be recyclable herein shall be recycled. In such event, this Ordinance shall be deemed to include and shall require such other items to be recyclable hereunder.

5.11 ABANDONMENT OF VEHICLES

(1) No person shall leave unattended any motor vehicle, trailer, semi-trailer or mobile home on any public highway or private or public property within the Town of Springfield for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned.

(2) Except as otherwise provided in this subsection, whenever any vehicle has been left unattended without the permission of the property owner for more than twenty-four (24) hours, the vehicle is deemed abandoned and constitutes a public nuisance. A motor vehicle shall not be considered an abandoned motor vehicle when it is out of ordinary public view, or when

designated as not abandoned by a duly-authorized Town or county official pursuant to town or county Ordinance.

(3) Impoundment of Abandoned Vehicles. Any vehicle in violation of this section shall be impounded until lawfully claimed or disposed of under this Section, except that if it is deemed by a duly-authorized Town or county representative that the cost of towing and storage charges for the impoundment would exceed the value of the vehicle, the vehicle may be junked or sold by the Town or county prior to expiration of the impoundment period upon determination by the sheriff having jurisdiction that the vehicle is not stolen or otherwise wanted for evidence or other reason. All substantially complete vehicles in excess or nineteen (19) model years of age shall be disposed of in accordance with this section.

(4) Agent of Town For Removal of Abandoned Vehicles. The Town Chairperson, or upon his/her authorization, any other member of the Town Board or the Town Clerk-Treasurer shall be the authorized Town representative to make all determinations required by this Ordinance.

(5) Costs of Impoundment and Forfeiture For Abandoned Vehicles

(a) The owner of any abandoned vehicle shall pay the costs of towing, storage and disposal of the vehicle, as well as any other costs of impounding and disposing of the vehicle.

(b) In addition to the payment of the costs of impounding as required by Section 3(a) hereof, the owner of any abandoned vehicle shall be required to pay to the Town a forfeiture of fifty dollars (\$50.00).

(6) Notice to Vehicle Owner; Sale of Abandoned Vehicles

(a) Any vehicle which is deemed abandoned by the representative of the Town of Springfield pursuant to section (4) of this Ordinance shall be kept in storage for at least 10 days after a notice of the impoundment has been sent by certified mail to the vehicle owner at the address shown by the owner on the motor vehicle registration.

(b) The notice shall advise the owner of the owner's right to reclaim the abandoned vehicle upon payment of the accrued costs and forfeiture. The notice shall include the year, make model and serial number of the abandoned vehicle. The notice shall state that the owner's failure to exercise the owner's right to reclaim the vehicle shall constitute a waiver of all right, title and interest in the motor vehicle, pursuant to sec. 342.40(3)(c), Wis. Stats.

(c) The Town may dispose of any motor vehicle which has not been reclaimed within the 10 day period following mailing of the notice required by this subsection. The Town shall dispose of an abandoned vehicle by auction or sealed bid as the Town deems advisable. The Town may, if no bids are received, junk the vehicle and add the costs of junking the vehicle to the amount owed the Town by the vehicle owner.

(d) If the Town chooses to dispose of an abandoned vehicle by sealed bid or auction, notice of the auction or acceptance of bids shall be given in the same matter as notices of the meetings of the Town Board are made.

(e) In the event the Town sells an abandoned vehicle, the Town Clerk-Treasurer shall advise the Department of Transportation of the sale on a form supplied by the Department of Transportation.

(7) Conformity With Section 342.40, Stats. In addition to the provisions contained herein, all of the provisions of sec. 342.40 of the Wisconsin Statutes are hereby incorporated in this Ordinance, except those which are inconsistent with any of the foregoing provisions. This ordinance shall be construed in conformity with sec. 342.40 except insofar as this ordinance exercises the discretion of the Town to vary from the provisions of that statute.

This ordinance shall take effect after adoption by the Town Board and publication.

Dated July 1, 2003

TOWN BOARD, TOWN OF SPRINGFIELD

James Ripp, Chair
Mary Hellenbrand, Supervisor I
James Pulvermacher, Supervisor II
Don Hoffman, Supervisor III
Rene3 Ripp, Supervisor IV

I, Sherri Endres, the Clerk of the Town of Springfield, hereby certify that the Town Board of Springfield duly adopted the above ordinance, which ordinance was on file for inspection for at least two weeks prior to its adoption, and which is a codification of previous ordinances pursuant to sec. 66.035, Stats., was posted in three places within the Town on May 29, 2003.

Sherri Endres, Clerk-Treasurer