

Chapter 388

SOLID WASTE

[HISTORY: Adopted by the Town Board of the Town of La Pointe as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Landfill Tipping Fees

[Adopted 9-20-1993 by Ord. No. 93-914]

§ 388-1. Unpaid fees. ¹

No person or business shall dump or dispose of garbage, waste or refuse in the Town of La Pointe sanitary landfill site, recycling site, demolition/construction site or transfer site if the person or business has unpaid landfill tipping fees in arrears 60 days or more.

§ 388-2. Interest.

There shall be interest of 1.5% per month added to unpaid landfill tipping fees in arrears 60 days or more.

ARTICLE II

Recycling and Waste Reduction

[Adopted 5-24-1994 by Ord. No. 94-0524]

§ 388-3. Title.

This article shall be known as the "Recycling and Waste Reduction Ordinance for Town of La Pointe, Ashland County, Wisconsin."

§ 388-4. Purpose. ²

The purpose of this article is to promote recycling and resource recovery through the administration of an effective recycling program, as provided in § 287.11, Wis. Stats., and Ch. NR 544, Wis. Adm. Code; to minimize and properly dispose of nonrecyclable, hazardous and nontoxic waste; to help residents and visitors work together to reduce waste; and to recover high-quality marketable materials from La Pointe's waste stream that can then be sold at the highest possible price or disposed of at the lowest possible cost.

§ 388-5. Statutory authority.

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

This article is adopted as authorized under §§ 66.0113, 287.09, 287.95 and 287.97 Wis. Stats.

§ 388-6. Abrogation and greater restrictions.

It is not intended by this article to repeal, abrogate, annul, impair or interfere with any existing rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, whenever this article imposes greater restrictions, the provisions of this article shall apply.

§ 388-7. Interpretation.

In their interpretation and application, the provisions of this article 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 article may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this article is required by Wisconsin Statutes, or by a standard in Ch. NR 544, Wis. Adm. Code, and where the article provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Ch. NR 544, Wis. Adm. Code, standards in effect on the date of the adoption of this article, or in effect on the date of the most recent text amendment to this article.

§ 388-8. Applicability.

The requirements of this article apply to all persons and lands within the jurisdiction of the Town of La Pointe, Ashland County, Wisconsin.

§ 388-9. Administration.³

The provisions of this article shall be administered by the Board of Supervisors of the Town of La Pointe with the assistance of employees of the La Pointe Recycling and Transfer Station and others as authorized by the Town Board.

§ 388-10. Definitions.

For the purpose of this article, the following terms shall have the meanings indicated:

BIMETAL CONTAINER — A container for carbonated, juice or malt beverages or other items made primarily of a combination of steel and aluminum. Includes but is not limited to paint cans, aluminum foil, "tin" cans, some soda cans, and diet shake cans.

CLEAN SWEEP — A government-sponsored program for disposing of certain but not all household (not industrial or agricultural) hazardous waste and material by dropoff collection at an appropriate facility.

COMMINGLED — Placed in the same container, bag, box or bundle with other

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

recyclables or with nonrecyclables.⁴

CONTAINER BOARD — Corrugated paperboard used in the manufacture of shipping containers and related products.

DEMOLITION AND CONSTRUCTION WASTE (DEM/CON WASTE) — Waste from the demolition or construction of structures, such as asphalt shingles, lumber, rotten wood, concrete chunks, sheet rock, fiberglass or other insulation, flooring, and most things commonly used in building construction. [Amended 12-13-1994]

DROPOFF COLLECTION — A system for separately collecting recyclable materials and garbage in which the recyclable materials and garbage are taken to the designated collection site and deposited, under supervision, into designated containers.

EXCEPT AS OTHERWISE DIRECTED BY — A phrase that appears several times in this article and means that from time to time, at the discretion of the administrators of this article, fees for disposal, types and categories of items managed and the manner in which they are managed and prepared for market can be changed to react to the various markets for recyclables, new regulations and other circumstances. Such changes will be publicized through the public information and education program.

FOAM POLYSTYRENE PACKAGING — Packaging made primarily from foam polystyrene that satisfies one of the following criteria:

- A. Is designed for serving food or beverages.
- B. Consists of loose particles intended to fill space and cushion the packaged article in a container.
- C. Consists of rigid materials shaped to hold and cushion the packaged article in a container.

GARBAGE

- A. That part of the waste stream that remains to be disposed of after recyclable, prohibited and hazardous materials have been removed and as defined in § 289.01(9), Wis. Stats.
- B. That material which is transferred to a licensed landfill.
- C. Garbage is what is left after separating all the items listed in § 388-11 of this article.

GLASS CONTAINERS — Bottles or jars made of glass. Does not include light bulbs, pyrex glass, ceramics, pottery, mirrors, plate glass, window glass, or beverage glasses.

HAZARDOUS SUBSTANCE — Household, industrial and agricultural hazardous wastes and materials that are banned from landfills in Wisconsin or are not accepted at the La Pointe recycling center and transfer station. May include but is not limited to corrosive, flammable, toxic, radioactive, or explosive materials such as old paint,

4. Editor's Note: The definition of "compost" which immediately followed this definition was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

varnishes, drain cleaner, household cleaners, bug spray, liquid resins, pesticides, herbicides, ammunition, and other items as defined by § 289.01(11), Wis. Stats.⁵

HDPE — High-density polyethylene plastic containers marked by the SPI Code No. 2.

LDPE — Low-density polyethylene plastic containers marked by the SPI Code No. 4.

MAGAZINES — Magazines and other material printed on similar glossy paper.
[Amended 12-13-1994]

MAJOR APPLIANCE — A residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, oven, refrigerator, ice maker, furnace, hot-water heater, stove, boiler or dehumidifier. [Amended 12-13-1994]

MIXED OR OTHER PLASTIC RESIN TYPES — Plastic containers marked by the SPI Code No. 7.

MULTIPLE-FAMILY DWELLING — A property containing five or more residential units, including those that are occupied seasonally.⁶

NEWSPAPER — A newspaper and other materials printed on newsprint or similar paper.

NONRESIDENTIAL FACILITIES AND PROPERTIES — Commercial, retail, industrial, institutional and governmental facilities and properties, campgrounds, marinas, charter boats, private clubs and any other entity that is not a residential or multifamily residential dwelling.

NUISANCE CONDITIONS — Conditions which result in an unreasonable threat or danger to public health, safety or welfare or to the environment.

OFFICE PAPER — High-grade printing, copying and writing paper from offices in nonresidential facilities and properties. Copy machine paper, printed white ledger paper, white windowless envelopes and computer printout paper are examples of paper generally accepted as high grade. This term does not include industrial process waste.
[Amended 12-13-1994]

PAINTS AND RELATED PRODUCTS — Items such as latex paint, brake fluid, oil-based paint, varnishes, lacquers, and household and marine cleaners that are in good condition and still usable.

PERSON — Includes any individual, corporation, partnership, association, local governmental unit as defined in § 66.0131(1)(a), Wis. Stats., state agency or authority or federal agency.

PETE — Polyethylene terephthalate plastic containers marked by the SPI Code No. 1.

PLASTIC CONTAINER — An individual, separate, rigid plastic bottle, can, jar or carton, except for a blister pack, that is originally used to contain a product that is the

5. Editor's Note: The definition of "home occupation" which immediately followed this definition was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

6. Editor's Note: The definition of "neighborhood composting site" which immediately followed this definition was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

subject of a retail sale.

POSTCONSUMER WASTE — Solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in § 291.01(7), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in § 289.01(17), Wis. Stats.

PP — Polypropylene plastic containers marked by the SPI Code No. 5.

PS — Polystyrene plastic containers marked by the SPI Code No. 6.

PUBLIC INFORMATION AND EDUCATION PROGRAM — A program to inform citizens, visitors, businesses and institutions why and how to participate in community recycling, reduce overall waste and encourage personal actions that result in voluntary compliance. May include but is not limited to newsletters, postings, brochures, seminars, newspaper articles, consumer and youth education, and friendly persuasion.

PVC — Polyvinyl chloride plastic containers marked by the SPI Code No. 3.

RADIATOR FLUID — Antifreeze or antifreeze/water mixtures. [Added 12-13-1994]

RECYCLABLE MATERIALS — Includes lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspapers; office paper; rigid plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS and mixed or other plastic resin types; bimetal and steel containers; scrap metal; and waste tires. "Recyclable materials" does not include paints and related products, hazardous materials, demolition and construction waste, or garbage.

RESIDENTIAL DWELLING — A property containing one to four residential units, including those which are occupied seasonally.

RESIDUAL MATERIAL — Recyclable materials collected for recycling that are damaged or contaminated during collection or dropoff to the point that they are no longer marketable.

SCRAP METAL — Items made entirely or substantially of one metal or a combination of metals, including but not limited to lawn mowers, electric motors, pots, pans, toasters, and bicycles.

SOLID WASTE — The meaning specified in § 289.01(33), Wis. Stats.

SOLID WASTE FACILITY — The meaning specified in § 289.01(35), Wis. Stats., and includes transfer facilities.

SOLID WASTE TREATMENT — Any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste. "Treatment" includes incineration.

SPI CODE NO. — The code number given to different plastics by the Society of Plastic Industries.

TRANSFER FACILITY — A solid waste facility at which transferring of solid waste

from one vehicle or container to another, generally of larger capacity, occurs prior to transporting to the point of processing or disposal.

VEGETABLE OIL — Deep-fryer-type oil/grease. [Added 12-13-1994]

VOLUME-BASED FEE SYSTEM — A system in which fees are charged for solid waste management services in proportion to the volume or weight of the materials disposed.

WASTE OIL — Motor oil, hydraulic oil, and 90 weight gear lube. [Amended 12-13-1994]

WASTE SEPARATION AND RECYCLING FACILITY — A system of containers, equipment, or other structures to collect source-separated newsprint, aluminum, glass, plastic, and other materials for the purpose of recycling. The facility does not need to collect all materials at one location.

WASTE TIRE — A tire that is no longer suitable for its original purpose because of wear, damage or defect.

YARD WASTE — Leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than six inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

§ 388-11. Separation of recyclable and other materials.

Except as otherwise directed by the administrators of this article, occupants of residential and multiple-family dwellings and nonresidential facilities and properties shall separate the following materials from the waste stream:

- A. Lead acid and rechargeable dry cell batteries.⁷
- B. Major appliances.
- C. Waste oil.
- D. Yard waste.
- E. Aluminum containers.
- F. Bimetal containers.
- G. Corrugated paper or other container board.
- H. Foam polystyrene packaging.
- I. Glass containers.
- J. Magazines or other materials printed on similar paper.
- K. Newspapers or other materials printed on newsprint.
- L. Office paper.

Plastic containers (and other items with SPI Code Nos. 1 through 2) made of PETE, HDPE, PVC, LDPE, PP, PS, and mixed or other plastic resin types.

⁷ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

- M. Steel containers.
- N. Waste tires.
- O. Scrap metals.
- P. Paints and related products.
- Q. Fluorescent tubes and computers.⁸
- R. Hazardous materials.
- S. Demolition and construction waste.
- T. Junk cars.

§ 388-12. Exemptions from separation requirements.

The separation requirements of § 388-11 do not apply to the following:

- A. Occupants of residential and multiple-family dwellings and nonresidential facilities and properties that send their postconsumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in § 388-11 from solid waste in as pure a form as technically feasible.
- B. Solid waste which is burned as a supplemental fuel at a facility if less than 30% of the heat input to the facility is derived from the solid waste burned as supplemental fuel.
- C. A recyclable material specified in § 388-11 for which a variance or exemption has been granted by the Department of Natural Resources under § 287.07(7) or 287.11(2m), Wis. Stats., or § NR 544.14, Wis. Adm. Code.

§ 388-13. Establishment of waste separation and recycling collection facility and transfer facility.

- A. The Town of La Pointe shall establish a waste separation and recycling collection facility in accordance with §§ NR 540.05 to 540.09, Wis. Adm. Code, and a transfer facility in accordance with § NR 502.07, Wis. Adm. Code.⁹
- B. Except as otherwise directed by the administrators of this article, Town employees at the facility will not sort commingled materials, but an area will be provided at the facility for the public to sort commingled materials. Until a demolition/construction disposal site is established, separate dem/con dumpsters will be provided.¹⁰

8. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

9. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

10. Editor's Note: Original § 1.14, Establishment of Solid Waste and Recycling Committee, which immediately followed this section, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

§ 388-14. Care of separated recyclable materials. [Amended 12-13-1994]

To the greatest extent practicable, in order to ensure public safety and materials marketability, the recyclable materials separated in accordance with § 388-11 shall be clean and free of contaminants such as food or product residue, oil or grease, or other nonrecyclable materials. Recyclable materials shall be stored in a manner which protects them from wind, rain, ultraviolet (UV) radiation and other conditions that may lower their value.

§ 388-15. Management and preparation of recyclable and other materials.

Except as otherwise directed by the administrators of this article, all persons within the jurisdiction of this article shall manage and prepare all of the following materials, generated within the jurisdiction of this article, as follows:

- A. Lead acid batteries that are no longer in good working order shall be, to the extent that it is technically feasible, kept intact, protected from breakage by freezing or other breakage and taken to an appropriate facility such as the La Pointe recycling center and transfer station.
- B. Major appliances shall be, to the extent that it is technically feasible, kept intact, prevented from losing their refrigerants, insulating liquids and other hazardous contents by leakage and taken to an appropriate facility such as the La Pointe recycling center and transfer station.
- C. Waste oil, vegetable oil and radiator fluid. [Amended 12-13-1994]
 - (1) Waste oils shall be separately contained (do not mix different types of oil) in clean, sealed containers and shall be brought to an appropriate facility such as the La Pointe recycling center and transfer station.
 - (2) Vegetable oils shall be separately contained in clean, sealed containers, no larger than five gallons, and shall be taken to an appropriate facility such as the La Pointe recycling center and transfer station.
 - (3) Radiator fluids shall be separately contained in clean, sealed containers, no larger than five gallons, and shall be taken to an appropriate facility such as the La Pointe recycling center and transfer station.
- D. Yard waste shall be managed in one of the following ways which are listed here in order of preference:¹¹
 - (1) Leave it in place.
 - (2) Compost it at home if it can be done in a nuisance-free manner.
 - (3) Burn it at home after receiving all proper permits.
- E. Aluminum containers shall be free of contaminants such as product residue, crushed or not crushed, not commingled and taken to an appropriate facility such as the La

11. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

Pointe recycling center and transfer station.

- F. Bimetal and steel containers shall be kept free of contaminants such as product residue, crushed or not crushed and brought to an appropriate facility such as the La Pointe recycling center and transfer station.
- G. Corrugated paper and other container board shall be flattened, contained in bags, boxes or bundles (no tape please), kept dry and free of contaminants and brought to an appropriate facility such as the La Pointe recycling center and transfer station.
- H. Foam polystyrene packaging shall be kept free of contaminants, contained in bags or boxes (no tape please) and brought to an appropriate facility such as the La Pointe recycling center and transfer station.
- I. Glass containers shall be kept intact, free of contaminants such as product residue, separated by color (green, clear, brown and other), with caps and rings removed and brought to an appropriate facility such as the La Pointe recycling center and transfer station. Please do not break containers; broken glass containers are dangerous and hard to identify. Glass may not be compacted with newspapers or other garbage.
- J. Magazines or other materials printed on similar paper shall be contained in bags, boxes or bundles (no tape please), kept dry and free of contaminants and brought to an appropriate facility such as the La Pointe recycling center and transfer station. Do not commingle with newspapers or corrugated paper.
- K. Newspaper and other materials printed on similar paper shall be contained in bags, boxes or bundles (no tape please), kept dry and free of contaminants and brought to an appropriate facility such as the La Pointe recycling center and transfer station. Do not commingle with magazines or corrugated paper.
- L. Office paper shall be contained in bags or boxes (no tape please), kept dry and free of contaminants and brought to an appropriate facility such as the La Pointe recycling center and transfer station. Do not commingle.
- M. Plastic containers and anything else marked with the SPI Code Nos. 1 through 2 shall be contained in bags or boxes, kept free of contaminants such as product residue with caps removed and brought to an appropriate facility such as the La Pointe recycling center and transfer station. Some containers can be crushed. [Amended 12-13-1994]
- N. Steel containers: included in Subsection F above.
- O. Waste tires shall be kept free of dirt clumps and other contaminants, not commingled and brought to an appropriate facility such as the La Pointe recycling center and transfer station.
- P. Scrap metals shall be, to the extent that it is technically feasible, kept in as pure a form as possible, free of dirt clumps and other contaminants and taken to an appropriate facility such as the La Pointe recycling center and transfer station. Items made entirely of one metal are valuable if kept separate, nearly worthless if mixed with other metals and harmful if mixed with other metals that are being kept

separate. [Amended 12-13-1994]

- Q. Paint and related products, in good condition, may be kept or brought to the paint locker at the La Pointe recycling center and transfer station for use, not disposal. They must be in the original container, label intact, and at least half full. If they are not in usable condition they shall be managed as hazardous materials as set forth below.
- R. Hazardous materials shall be separated from the waste stream, prevented from leaking and mixing, kept dry and disposed of at an appropriate facility. Except as otherwise directed by the administrators of this article, for example in a clean sweep program, they may not be brought to the La Pointe recycling center and transfer station. There is no appropriate facility within the jurisdiction of the Town of La Pointe accepting hazardous substances. These materials are dangerous and should be kept away from children and others who are not properly trained in their handling. A thoroughly empty and dry hazardous substance container may be disposed of as garbage, not recycled.
- S. Demolition and construction waste shall be kept separate (not commingled) and taken to an appropriate facility such as the La Pointe recycling center and transfer station. Demolition and construction dumpsters are available for placement directly at demolition and construction sites and must be obtained from private licensed waste haulers.¹² Contractors who have projects with 10 yards or more of demolition and construction materials are required to secure their own dumpsters and haul all materials off the island.
- T. Junk cars may be removed to a licensed salvage yard. To facilitate and encourage this removal the Town of La Pointe will work to provide an inexpensive means to accomplish this removal.
- U. Garbage shall be, to the extent that it is technically feasible, placed in clear plastic bags not larger than 33 gallons, not commingled and taken to an appropriate facility such as the La Pointe recycling center and transfer station.

§ 388-16. Right to reject materials.

Employees of the La Pointe recycling center and transfer facility have the right to reject any material that is not prepared according to the specifications of this article, § 388-15 or in education material that has been provided to the user. Employees of the La Pointe facility are authorized to use their discretion when determining the category and disposition of materials. All materials become the property of the Town of La Pointe upon authorized dropoff at the recycling center/transfer facility.

§ 388-17. Fees.

The Town of La Pointe shall establish fees for dropoff of materials at the La Pointe waste separation and recycling center/transfer facility. The fees will be according to a volume-based fee system and will be publicized in educational informational material. Transfer facility employees are authorized to use their discretion when charging for miscellaneous

12. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

bulky items or items not specified in this article or in the informational material. Material generated by home occupations will be handled and charged the same as material generated by residential dwellings.

§ 388-18. Multiple-family dwellings, nonresidential facilities and nonresidential properties.

- A. Owners or designated agents of multiple-family dwellings, nonresidential facilities and nonresidential properties shall do all of the following to ensure the recycling and proper management of the materials specified in § 388-11:
 - (1) Provide adequate, separate containers for the recyclable materials.
 - (2) Provide for the collection and delivery of the solid waste and the materials separated from the solid waste to an appropriate facility.
- B. Owners or designated agents of multiple-family dwellings shall do all of the following to ensure the recycling and proper management of the materials specified in § 388-11:
 - (1) Notify tenants in writing at the time of renting or leasing the dwelling and at least semiannually thereafter about the established recycling program.
 - (2) Notify tenants of reasons to reduce and recycle solid waste, which materials must be separated from solid waste, how to prepare these materials in order to meet the processing requirements, collection methods, locations and hours of operation of sites and a contact person or company, including a name, address and telephone number.
- C. Owners or designated agents of nonresidential facilities and nonresidential properties shall do all of the following to ensure the recycling and proper management of the materials specified in § 388-11:
 - (1) Notify in writing, at least semiannually, all users, tenants and occupants of these properties about the established recycling program.
 - (2) Notify users, tenants and occupants of reasons to reduce and recycle solid waste, which materials must be separated from solid waste, how to prepare these materials in order to meet the processing requirements, collection methods, locations and hours of operation of sites and a contact person or company, including a name and telephone number.
- D. The requirements specified in Subsections A, B and C do not apply to the owners or designated agents of multiple-family dwellings, nonresidential facilities and nonresidential properties if the postconsumer waste generated within the facility or property is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling and proper management the materials specified in § 388-11 from solid waste in as pure a form as is technically feasible.

§ 388-19. Prohibited disposal of recyclable materials.

Except as otherwise directed by the administrators of this article acting upon direction

from the Department of Natural Resources, 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 § 388-11, except that waste tires may be burned with energy recovery in a solid waste treatment facility.

§ 388-20. Public information and education program.

The Town of La Pointe shall establish a public information and education program.

§ 388-21. Space for recycling in public buildings.

As required by Chs. Comm 61 to 65, Wis. Adm. Code, a person in the Town of La Pointe owning or occupying a new public building or a public building that is remodeled or expanded by 50% or more in floor area shall provide a designated area for the separation, temporary storage and collection of solid waste and recyclables either within or adjacent to the building.

§ 388-22. Hauler licensing.

No person shall engage in the business of hauling recyclables within the Town of La Pointe without being licensed by the Department of Natural Resources under § NR 502.06, Wis. Adm. Code, unless such person is exempt by reason of hauling less than 20 tons per year or from a single household as allowed by § NR 502.06(2), Wis. Adm. Code.

§ 388-23. Processing facilities.

Any contractor operating in the Town of La Pointe shall not transport for processing recyclables to a processing facility unless that facility has by January 1, 1995, been self-certified with the Wisconsin Department of Natural Resources under § NR 544.16, Wis. Adm. Code.

§ 388-24. Purchasing products made from recycled materials.

As required by § 16.72(2)(e) and (f), Wis. Stats., the Town of La Pointe shall, to the extent practical, make purchasing decisions to maximize the purchasing of products made from recycled and recovered materials. The Town of La Pointe shall, to the extent practicable, award contracts for equipment and supplies on the basis of recyclability and ultimate disposition of products to discourage the purchase of single-use, disposable products and require the purchase of multiple-use, durable products.

§ 388-25. Dumping prohibited.

It shall be unlawful for any person to dispose of or dump garbage in any street, alley, containers provided for recyclables in parks and in public places, other public place or on private property. It shall also be unlawful for any household- or business-generated garbage to be disposed of in any container designated for transient use. For purposes of this article, all containers for solid waste disposal provided by the Town of La Pointe (except those at the transfer facility and recycling center) are designated as provided for

transient use.¹³

§ 388-26. Enforcement; violations and penalties.

- A. For the purpose of ascertaining compliance with the provisions of this article, any police officer or other authorized representative of the Town of La Pointe may inspect recyclable materials separated for recycling, postconsumer waste intended for disposal, collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and nonresidential 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 police officer or authorized representative of the Town of La Pointe who requests access for purposes of inspection and who presents appropriate credentials. No person may obstruct, hamper or interfere with such an inspection. For purposes of this section, "authorized representative of the Town of La Pointe" shall mean any police officer or the solid waste facility supervisor.
- B. Any person who violates a provision of this article may be issued a citation in accordance with Chapter 18, Citations, of this Code. The issuance of a citation shall not preclude proceedings under any other ordinance or law relating to the same or any other matter. Proceedings under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this subsection.¹⁴
- C. Penalties for violating this article may be assessed as follows:
 - (1) Any person who violates § 388-19 may be required to forfeit:
 - (a) Not less than \$50 nor more than \$200 plus costs for a first violation;
 - (b) Not less than \$200 nor more than \$400 plus costs for a second violation within three years; and
 - (c) Not less than \$400 nor more than \$800 plus costs for a third or subsequent violation within three years.
 - (2) Any person who violates a provision of this article, except § 388-19, may be required to forfeit:
 - (a) Not less than \$10 nor more than \$1,000 plus costs for a first violation;
 - (b) Not less than \$50 nor more than \$1,000 plus costs for a second violation within three years; and
 - (c) Not less than \$100 nor more than \$1,000 plus costs for a third or subsequent violation within three years.

13. Editor's Note: Original § 1.27, Hauler restrictions, which immediately followed this section and was amended 12-13-1994, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

14. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).