

Town of Sugar Creek

Elkhorn, Wisconsin

RECYCLING ORDINANCE FOR THE TOWN OF SUGAR CREEK

The purpose of this ordinance is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in s 159.11, Wisconsin Statutes.

Section 1 Statutory Authority

This ordinance is adopted as authorized under s. 159.09(3)(b), Wisconsin Statutes.

Section 2 Abrogation and Greater Restrictions

It is not intended by this ordinance 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 ordinance imposes greater restrictions, the provisions of this ordinance shall apply.

Section 3 Interpretation

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

Section 4 Severability

Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

Section 5
Applicability

The requirements of this ordinance apply to all persons within the Town of Sugar Creek.

Section 6
Administration

The provisions of this ordinance shall be administered by the Town Board of the Town of Sugar Creek.

Section 7
Effective Date

The provisions of this ordinance shall take effect on July 1, 1994.

Section 8
Definitions

Definitions for the purpose of this ordinance:

- (1) "Bi-metal container" means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.
- (2) "Container board" means corrugated paperboard used in the manufacture of shipping containers and related products.
- (3) "Foam polystyrene packaging" means packaging made primarily from foam polystyrene that satisfies one of the following criteria:
 - (a) Is designed for serving food and beverages.
 - (b) Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.
 - (c) Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.
- (4) "HDPE" means high density polyethylene, labeled by the SPI code #2.
- (5) "LDPE" means low density polyethylene, labeled by the SPI code #4.

- (6) "Magazines" means magazines and other materials printed on similar paper.
- (7) "Major appliance" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator or stove.
- (8) "Multiple-family dwelling" means a property containing 5 or more residential units, including those which are occupied seasonally.
- (9) "Newspaper" means a newspaper and other materials printed on newsprint.
- (10) "Non-residential facilities and properties" means commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.
- (11) "Office paper" means high grade printing and writing papers from offices in non-residential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. This term does not include industrial process waste.
- (12) "Other resins or multiple resins" means plastic resins labeled by the SPI code #7.
- (13) "Person" includes any individual, corporation, partnership, association, local governmental unit, as defined in s 66.299(1)(a), Wis. Stats., state agency or authority or federal agency.
- (14) "PETE" means polyethylene terephthalate, labeled by the SPI code #1.
- (15) "Plastic container" means 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 subject of a retail sale.
- (16) "Postconsumer waste" means solid waste **other than** solid waste generated in the production of goods, hazardous waste, as defined in s 144.61(5), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in s 144.44(7)(a)1., Wis. Stats.
- (17) "PP" means polypropylene, labeled by the SPI code #5.
- (18) "PS" means polystyrene, labeled by the SPI code #6.
- (19) "PVC" means polyvinyl chloride, labeled by the SPI code #3.

- (20) "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; newspaper; office paper; rigid plastic containers, including those made of PETE (#1), HDPE (#2), PVC (#3), LDPE (#4), PP (#5), PS (#6), and other resins or multiple resins; steel containers; waste tires; and bi-metal containers.
- (21) "Solid waste" means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility and other discarded or salvageable materials, including solid, liquid, semisolid, or contained gaseous materials resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include solids or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under ch. 147, or source, special nuclear or by-product material as defined under s. 140.52.
- (22) "Solid waste facility" means a facility for solid waste treatment, solid waste storage or solid waste disposal, and includes commercial, industrial, municipal, state and federal establishments or operations such as, without limitation because of enumeration, sanitary landfills, dumps, land disposal sites, incinerators, transfer stations, storage facilities, collection and transportation services and processing, treatment and recovery facilities. This term includes the land where the facility is located. This term does not include a facility for the processing of scrap iron, steel or nonferrous metal using large machines to produce a principal product of scrap metal for sale or use for remelting purposes. This term does not include a facility which uses large machines to sort, grade, compact or bale clean wastepaper, fibers or plastics, not mixed with other solid waste, for sale or use for recycling purposes. This term does not include an auto junk yard or scrap metal salvage yard.
- (23) "Solid waste treatment" means any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste. "Treatment" includes incineration.
- (24) "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
- (25) "Yard waste" means leaves, grass clippings, yard and garden debris and brush, including clean woody

vegetative material no greater than 6 inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

Section 9
Separation of Recyclable Materials

Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties shall separate the following materials from postconsumer waste:

- (1) lead acid batteries
- (2) major appliances
- (3) waste oil
- (4) yard waste
- (5) aluminum containers
- (6) bi-metal containers
- (7) corrugated paper or other container board
- (8) foam polystyrene packaging
- (9) glass containers
- (10) magazines
- (11) newspaper
- (12) office paper
- (13) rigid plastic containers made of PETE (#1), HDPE (2), PVC (#3), LDPE (#4), PP (#5), PS (#6), and other resins or multiple resins
- (14) steel containers
- (15) waste tires

Section 10
Separation Requirements Exempted

The separation requirements of Section 9 do not apply to the following:

- (1) Occupants of single family and 2 to 4 residences, multiple-family dwellings and non-residential 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 Section 9 from solid waste in as pure a form as is technically feasible.
- (2) 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.
- (3) A recyclable material specified in Section 9 (5) through (15) for which a variance has been granted by the Department of Natural Resources under s. 159.11(2m), Wis. Stats., or s. NR 544.14, Wis. Administrative Code.

- (4) The town board reserves the right to designate additional solid waste materials as recyclable or currently collected materials as no longer recyclable in accordance with state law and to either add or delete them from any collection services provided by the municipality or its contractors. The municipality shall provide written notice to its service recipients of this declaration.

Section 11
Care of Separated Recyclable Materials

To the greatest extent practicable, the recyclable materials separated in accordance with Section 9 shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other non-recyclable materials, including but not limited to household hazardous waste, medical waste, and agricultural chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions.

Section 12
Management of Lead Acid Batteries, Major Appliances, Waste Oil and Yard Waste

Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties shall manage lead acid batteries, major appliances, waste oil, and yard waste as follows:

- (1) Lead acid batteries shall be placed next to your recyclable container. Lead acid batteries do not include flashlight type disposable batteries.
- (2) Major appliances. Contact hauler for pick up schedule and instructions for pick up of major appliances.
- (3) Waste oil shall be placed in 1 gallon jugs with a cap in tact. Jugs shall be placed next to your recyclable container.
- (4) Yard waste shall be taken to the Town of LaGrange composting site located just off Hwy 12. Materials will be no larger than 6 inches in diameter.

Section 13
Preparation and Collection of Recyclable Materials

Except as otherwise directed by the Town of Sugar Creek, occupants of single family and 2 to 4 unit residences shall do the following for the preparation and collection of separated materials specified in Section 9 (5) through (15):

- (1) Aluminum containers shall be emptied and placed in container designated for recyclable items.
- (2) Bi-metal containers shall be emptied and placed in container designated for recyclable items.
- (3) Corrugated paper or other container board shall be flattened and placed under container designated for recyclable items.
- (4) Foam polystyrene packaging shall be washed and placed in container designated for recyclable items.
- (5) Glass containers shall be washed, lids removed, and placed in container designated for recyclable items.
- (6) Magazines shall be placed in clear plastic bags and set next to recyclable container.
- (7) Newspaper shall be placed in clear plastic bags and set next to recyclable container.
- (8) Office paper shall be placed in clear plastic bags and set next to recyclable container.
- (9) Rigid plastic containers (SPI code #1 through #7) shall be washed, lids and rings removed and placed in container designated for recyclables.
- (10) Steel containers shall be washed, labels removed, and placed in container designated for recyclables.
- (11) Waste tires shall be set next to recyclable container. A limit of 2 tires per each pickup will be allowed.

Section 14
Proper Disposal of Garbage and Recyclables

- (1) It shall be unlawful for any person, unless under contract with or licensed by the municipality, to collect or remove any recyclable material that has been deposited or placed at the curb or in a container adjacent to a home or nonresidential building for the purposes of collection for recycling.
- (2) It shall be unlawful for any person to dispose of or dump garbage in any street, alley or other public place within the Town of Sugar Creek or in any receptacles or private property without the owner's consent unless it is placed in bags or containers in the manner and at the times specified by this ordinance.

- (3) No person shall place for collection any garbage at the curb not owned or occupied by such person.
- (4) It shall be unlawful to bury solid waste and recyclables by residential and nonresidential sectors and at construction sites.
- (5) It shall be unlawful for any person to place for disposal any of the following wastes: hazardous and toxic wastes, chemicals, explosives, flammables liquids, paint, trees and stumps, construction debris, carcasses, medical wastes (unless personal needles are contained in cardboard to eliminate injury to collection personnel).
- (6) It shall be unlawful to bring refuse for disposal (and recyclables) from outside the corporate limits into the Town of Sugar Creek unless authorized by agreement with the municipality.
- (7) Recyclable materials and refuse, upon placement at the curb, shall become the property of the municipality. Recyclable materials, upon collection by any permitted collector, shall become the property of the contractor.

Section 15
Prohibitions on Disposal of Recyclable Materials
Separated for Recycling

No person may dispose of in a solid waste disposal facility or burn in a solid treatment facility any of the materials specified in Section 9 (5) through (15) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

Section 16
Responsibilities of Owners or Designated Agents of
Multiple-Family Dwellings

- (1) Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in Section 9 (5) through (15):
 - (a) Provide adequate, separate containers for the recyclable materials.
 - (b) Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
 - (c) Provide for the collection of the materials separated from the solid waste by the tenants

and the delivery of the materials to a recycling facility.

- (d) Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.
- (2) The requirements specified in (1) do not apply to the owners or designated agents of multiple-family dwellings if the postconsumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in Section 9 (5) through (15) from solid waste in as pure a form as is technically feasible.

Section 17
Responsibilities of Owners or Designated Agents of
Non-Residential Facilities and Properties.

- (1) Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in Section 9 (5) through (15):
- (a) Provide adequate, separate containers for the recyclable materials.
 - (b) Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.
 - (c) Provide for the collection of the materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility.
 - (d) Notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.
- (2) The requirements specified in (1) do not apply to the owners or designated agents of non-residential facilities and 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 the materials specified in

Section 9 (5) through (15) from solid waste in as pure a form as is technically feasible.

Section 18
Municipality Purchasing of Recycled Content

- (1) The Town of Sugar Creek shall, to the extent practicable, make purchasing decisions to maximize the purchasing of products made from recycled and recovered materials. Purchases shall include 25% recycled content of all paper purchased. The town 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 purchase of multiple-use, durable products.

Section 19
Hauler Specifications

- (1) No person or corporation shall engage in the business of hauling recyclables within the Town of Sugar Creek without being licensed by DNR under section NR 502.06, Wis. Adm. Code.
- (2) Haulers who collect solid waste or recyclables in the town for storage, treatment, processing, marketing or disposal shall obtain and maintain all necessary municipal and state permits, licenses and approvals prior to collection any materials in the Town of Sugar Creek.
- (3) Any contractor operating in the Town of Sugar Creek shall not transport for processing any recyclables to a processing facility unless the contractor notifies the municipality which facility they're using and, by January 1, 1995, the facility has self-certified with the WI DNR under section NR 544.16, Wis. Adm. Code.
- (4) Haulers may not dispose in a landfill or burn in a solid waste facility any recyclable materials generated in the town that have been separated for recycling.
- (5) Haulers shall not compact glass with paper during collection and transport of recyclables to a processing facility or market, and shall maintain materials in marketable condition.
- (6) The hauler has the right to reject or leave at the curb any recyclable material that is not prepared according to the specifications in this ordinance per Sections 9 through 14, or described in instructional materials provided by the contractor to the service recipients.

Materials may also be left if not separated from solid waste, placed in the proper container, or are not designated recyclable materials for collection. The hauler also has the right to refuse to pick up any solid waste if it contains recyclable containers and material. In such cases, the hauler or attendant shall notify the service recipient about the reasons for rejecting the items in writing. The hauler shall also keep a list of such occurrences and provide it to the municipality on a monthly basis.

- (7) The recycling haulers and processors operating in the Town of Sugar Creek are required to maintain records and report in writing to the town clerk on a monthly basis. Reports shall include: the amount of solid waste and recyclables collected and transported from the town; the amount of solid waste and recyclables processed and or marketed by item type from the town; and the final disposal location of solid waste and recyclable material. Failure to report shall be cause for the municipality to revoke any license or sever any contract with the hauler/processor.
- (8) The hauler shall establish the time of collection of solid waste and recyclables and provide written notice at any time when the collection schedule is changed.

Section 20
Establishment of Fees

- (1) The municipality shall establish fees for service recipients for the payment of collection services for solid waste and recyclables. Fees shall be assessed on a per household basis and be placed on the property tax bills as a special charge pursuant to section 66.60(16).

Section 21
Enforcement

- (1) For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the Town of Sugar Creek may inspect recyclable materials separated for recycling, postconsumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and non-residential facilities and properties, and any record relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to any authorized officer, employee or authorized representative of the Town of Sugar Creek who requests access for purposes of inspection, and who presents appropriate

credentials. No person may obstruct, hamper, or interfere with such an inspection.

- (2) Any person who violates a provision of this ordinance may be issued a citation by the Walworth County Sheriff's Department to collect forfeitures. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this paragraph.
- (3) Penalties for violating this ordinance may be assessed as follows
 - (a) Any person who violates Section 16 may be required to forfeit \$50 for a first violation, \$200 for a second violation, and not more than \$2000 for a third or subsequent violation.
 - (b) Any person who violates a provision of this ordinance, except Section 16, may be required to forfeit not less than \$10 nor more than \$1000 for each violation.

PASSED AND ADOPTED by the Town Board of the Town of Sugar Creek on this 21 day of Mar, 1994.


Loren Waite, Chairman


Charles Papcke, Supervisor


Dale Wuttke, Supervisor

Attest:


Debbie Clark, Clerk