

Town of Kossuth
Mandatory Recycling/Solid Waste Ordinance
Ordinance #R1294, Amendment 1

[HISTORY: Adopted by the Town Board of the Town of Kossuth as indicated in ordinance histories. Amendments noted where applicable.]

Recycling

[Adopted 12-6-1994 by Ord. No. 94-06 (Sec. 5.01 of the 1984 Code)]

[Updated 12-9-2013 amendment 1]

1.01 Title. Recycling Ordinance for the Town of Kossuth

1.02 Purpose. The purpose of this ordinance is to promote recycling, composting, 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.

1.03 Statutory authority. This ordinance is adopted as authorized under § 287.09(3)(b), Wis. Stats.

1.04 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.

1.05 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 Ch. NR 544, Wis. Adm. 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 amendment to this ordinance.

1.06 Applicability. The requirements of this ordinance apply to all persons within the Town limits of the Town of Kossuth.

1.07 Administration.

The provisions of this ordinance shall be administered by the Town Board, Town of Kossuth.

1.08 Effective date. The provisions of this ordinance shall take effect on January 1, 1995.

1.09 Definitions. For the purposes of this ordinance, the following terms shall have the meanings indicated:

BIMETAL CONTAINER — A container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.

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

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 ordinance in a shipping container.
- C. Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.

HDPE — High-density polyethylene, labeled by the SPI Code No. 2.

LDPE — Low-density polyethylene, labeled by the SPI Code No. 4.

MAGAZINES — Magazines and other materials printed on similar paper.

MAJOR APPLIANCE — A residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, oven, microwave oven, refrigerator, stove, residential or commercial furnace, boiler, dehumidifier or water heater.

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

NEWSPAPER — A newspaper and other materials printed on newsprint.

NONRESIDENTIAL FACILITIES AND PROPERTIES — Commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple-family dwellings.

OFFICE PAPER — High-grade printing and writing papers from offices in nonresidential 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.

OTHER RESINS or MULTIPLE RESINS — Plastic resins labeled by the SPI Code No. 7.

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

PETE or PET — Polyethylene terephthalate, labeled 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 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, labeled by the SPI Code No. 5.

PS — Polystyrene, labeled by the SPI Code No. 6.

PVC — Polyvinyl chloride, labeled by the SPI Code No. 3.

RECYCLABLE MATERIALS — Includes major appliances that do not contain Freon and microwaves; 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, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins; steel containers; waste tires; and bimetal containers.

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

SOLID WASTE FACILITY — Has the meaning specified in § 289.01(35), Wis. Stats.

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.

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.

1.10 Separation of recyclable materials. Occupants of single-family and two- to four-unit residences, multiple-family dwellings and nonresidential facilities and properties shall separate the following materials from postconsumer waste:

- A. Lead acid batteries
- B. Major appliances
- C. Waste oil.
- D. Yard waste.
- E. Aluminum containers.
- F. Bimetal containers.
- G. Corrugated paper or other container board.
- H. Glass containers.
- I. Magazines.

- J. Newspaper.
- K. Office paper.
- L. Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins.
- M. Steel containers.
- N. Waste tires.
- O. Oil Filters

1.11 Care of separated recyclable materials. To the greatest extent practicable, the recyclable materials separated in accordance with s.1.10 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.

1.12 Lead acid batteries, major appliances, waste oil and yard waste. Management of Lead Acid Batteries, Major Appliances, Waste Oil and Yard Waste. Occupants of single family and two-to four-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:

- A. Lead acid batteries shall be taken to an area retail business that sells vehicle batteries. (Example – Fleet Farm)
- B. Major appliances shall be residential or commercial air conditioner, residential or commercial furnace, clothes dryer, clothes washer, dishwasher, freezer, oven, refrigerator, stove, boiler, dehumidifier, water heater, and microwave oven. (Microwave oven with capacitors removed may be landfill disposed.)
- C. Waste oil shall be taken to the recycling center and disposed of as directed.
- D. Oil Filters shall be drained and taken to the recycling center and disposed of as directed.
- E. Yard waste shall be disposed of by composting of the material on the site at which it is produced or taken to the Manitowoc County yard waste site.

1.13 Preparation and collection of recyclable materials. Except as otherwise directed by the Town Board or its representatives, occupants of single-family and two- to four-unit residences shall do the following for the preparation and collection of separated materials specified in s.1.10 E through O:

- A. Steel/tin cans. Rinse out clean, remove both ends and flatten.
- B. Aluminum. Rinse out thoroughly; examples include TV dinner trays, foil wrap, pot-pie pans, aluminum cans, and siding.

- C. Clear and colored glass. Rinse the jar or bottle thoroughly and remove and discard the cover. Acceptable examples include catsup, barbecue sauce, salad dressing, pickle, jam, jelly, peanut butter, beer, liquor and wine bottles. Not acceptable materials include plate glass, ceramics, clay items, and light bulbs.
- D. Plastic containers. Rinsed out thoroughly and remove caps and rings; examples are milk jugs and liquid detergent bottles; all plastics identified as numbers one through seven shall be recycled.
- E. Magazines, newspapers, office paper or other materials printed on similar paper shall be bound, bundled separately.
- F. These items (Subsections A through E) are to be delivered separated and placed in the appropriate containers at the Town of Kossuth — Town of Kossuth Recycling Facility or separated and placed in the appropriate containers as placed out for collection on specified dates.
- G. The Town of Kossuth reserves the right to change the method of preparing and collecting the materials in this section and shall provide a written notice to its residents, businesses and organizations of such changes.

1.14 Responsibility of owners or designated Agents of Multiple-family dwellings.

- A. Owners or designated agents of multiple-family dwellings shall do the following for recycling the materials as specified in s.1.10 E through O:
 - (1) Provide adequate, separate containers for the recyclable materials.
 - (2) Notify tenants in writing at the time of renting or leasing the dwelling and at least semiannually thereafter about the established recycling program.
 - (3) Provide for the collection of materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.
 - (4) Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.
- B. The requirements specified in Subsection A 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 as specified in s.1.10 E through O from solid waste in as pure a form as technically feasible.

1.15 Responsibilities of Owners or Designated Agents of Non-residential facilities and properties.

- A. Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in s.1.10 E through O:
 - (1) Provide adequate, separate containers for the recyclable materials.

- (2) Notify in writing, at least semiannually, all users, tenants and occupants of the properties about the established recycling program.
 - (3) Provide for the collection of the materials separated from solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility.
 - (4) 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.
- B. The requirements specified in Subsection A 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 s.1.10 E through O from solid waste in as pure a form as is technically feasible.

1.16 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 waste treatment facility any of the materials specified s.1.10 E through O which have been separated for recycling, except that waste tires may be burned with energy recovery in a solid waste treatment facility.

1.17 Permitting. No person may engage in the use, operation or business of collecting solid waste or recyclable material for consideration within the Town of Kossuth without being licensed or permitted by the Department of Natural Resources under NR 502.06, Wis. Adm. Code, or its successor provision.

1.18 No Burning or Burying. No person, unless with written approval of the DNR or unless provided written permission by the Town Board, may burn or otherwise treat or bury for disposal or treatment any separated recyclable material on any public or private land in the Town of Kossuth.

1.19 Inspections; violations and penalties.

- A. For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the Boards of the Town of Kossuth or the Village of Francis 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 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 authorized officer, employee or authorized representative of the Town Board of the Town of Kossuth who requests access for purposes of inspection and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.

- B. Any person who violates a provision of this ordinance may be issued a citation by the Town Board of the Town of Kossuth to collect forfeitures. The issuance of a citation shall not preclude the issuance of a citation under this paragraph.
- C. Penalties for violating this ordinance may be assessed as follows:
- (1) Any person who violates s.1.16 may be required to forfeit \$50 for a first violation, \$200 for a second violation, and not more than \$2,000 for a third or subsequent violation.
 - (2) Any person who violates a provision of this ordinance except s.1.16, may be required to forfeit not less than \$10 nor more than \$1,000 for each violation.

Adopted this Men day of Dec, 9, 2013.

John M. Hutton
Chairman

James B. Froelich
Supervisor

[Signature]
Supervisor

Attested by Town Clerk: John M. Schuch

