

Subchapter 108. Recycling Ordinance.

- 108.1.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 s. 287, Wis. Stats., and Chapter NR 544, Wis. Administrative Code.
- 108.2.STATUTORY AUTHORITY. The Town of Presque Isle has the authority, pursuant to s. 287.09(3)(b), Wis. Stats. to enact this ordinance.
- 108.3.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.
- 108.4.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.
- 108.5.SEVERABILITY. Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of his ordinance shall not be affected.
- 108.6.APPLICABILITY. The requirements of this ordinance apply to all persons within Presque Isle.
- 108.7.ADMINISTRATION. The provisions of this ordinance shall be administered by the Town Board of the Town of Presque Isle or its designee.
- 108.8.EFFECTIVE DATE. The provisions of this ordinance shall take effect after publication as required by law.
- 108.9.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). "HDPE" means high density polyethylene plastic containers marked by the SPI code No. 2.
 - (4). "LDPE" means low density polyethylene plastic containers marked by the SPI code No. 4.
 - (5). "Magazines" means magazines and other materials printed on similar paper.
 - (6). "Major appliance" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, stove, dehumidifier, boiler, furnace, or water heater.
 - (7). "Mixed or other plastic resin types" means plastic containers marked by the SPI code No. 4.
 - (8). "Multiple-family dwelling" means a property containing 5 or more dwelling units, including those which are occupied seasonally.
 - (9). "Newspaper" means 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). "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.
 - (13). "PETE" means polyethylene terephthalate plastic container marked by the SPI code No. 1.
 - (14). "Postconsumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in s. 291.01(7), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in s. 289.01(17), Wis. Stats.
 - (15). "PP" means polypropylene plastic containers marked by the SPI code No. 5.
 - (16). "PS" means polystyrene plastic containers marked by the SPI code No. 6.
 - (17). "PVC" means polyvinyl chloride plastic containers marked by the SPI code No. 3.
 - (18). "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; plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS, and mixed or other plastic resin types; iron and steel containers; waste tires; and bi-metal containers.
 - (19). "Solid waste" has the meaning specified in s. 289.01(33) Wis. Stats.
 - (20). "Solid waste facility" has the meaning specified in s. 289.01(35) Wis. Stats.
 - (21). "Solid waste treatment" has the meaning specified in s. 289.01(39) Wis. Stats.
 - (22). "Waste tire" has the meaning specified in s. 3 89.55(1)

(c) Wis. Stats.

- (23). "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.
- (24). "Ferrous metal" means iron or steel.
- 108.10. 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 or other materials printed on similar paper
 - (11). Newspapers or other materials printed on newsprint
 - (12). Office paper
 - (13). Plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and mixed or other plastic resin types.
 - (14). Steel containers
 - (15). Waste tires
 - (16). Ferrous metals

108.11. SEPARATION REQUIREMENTS EXEMPTED. The separation requirements of 108.10 do not apply to the following:

- (1). Occupants of single family and 2 to 4 unit 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 108.10 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 of 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 108.10 for which a variance or exemption has been granted by the Department of Natural Resources under ss. 159.07(7)(d) or 159.11(2m). Wis. Stats., or s. NR 544.14, Wis. Administrative Code.

108.12. CARE OF SEPARATED RECYCLABLE MATERIALS. To the greatest extent practicable, the recyclable materials separated in accordance with 108.10 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.

108.13. 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 the items listed below as follows:

- (1). Lead acid batteries shall be deposited with a retailer, pursuant to s. 287.18 Wis. Stats. or at the transfer station.
- (2). Major appliances:
 - (a). The following major appliances shall be deposited at an approved facility: air conditioners, dehumidifiers, microwave ovens, and refrigerators.
 - (b). The following major appliances shall be deposited at the transfer station: boilers, clothes dryers and washers, dishwashers, furnaces, ovens, stoves, and water heaters.
- (3). Waste oil shall be deposited with a retailer pursuant to s. 287.15 Wis. Stats. or at the transfer station.
- (4). Yard waste shall be composted.
- (5). Furniture, mattresses, carpeting, clothing, building materials such as lumber, drywall, roofing materials, etc., shall be deposited at an approved facility.
- (6). Waste tires shall be deposited with a retailer, or at an approved facility, pursuant to s. 289.55 Wis. Stats.

108.14. PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS. Except as otherwise directed by order of the Town Board, occupants of single family and 2 to 4 unit residences shall do the following for the separation and collection of the following separated materials:

- (1). Aluminum containers shall be deposited at the transfer site in the container provided.
- (2). Bi-metal containers shall be deposited at the transfer site in the container provided.
- (3). Corrugated paper or other container board shall be cut to size no greater than 24"x30" and deposited in container provided. Brown paper bags may be recycled with corrugated cardboard.
- (4). Foam polystyrene packaging and packaging, and insulation from non-commercial waste shall be placed in packer truck.
- (5). Glass containers shall be wiped clean and deposited at the transfer site in the container provided. Window glass, drinking glasses, and ovenware are not recyclable.
- (6). Magazines or other materials printed on similar paper shall be tied in bundles and deposited in container provided.
- (7). Newspapers or other materials printed on newsprint shall be tied in bundles and deposited in container provided. Phone books and non-glossy TV guides shall have their covers removed and recycled with newspaper.
- (8). Office paper shall be tied in bundles and deposited in container provided. Remove slick or glossy materials

along with plastic windows on envelopes.

- (9). Plastic containers shall be prepared and collected as follows:
 - (a). Plastic containers made of PETE, including plastic labeled #1, shall be rinsed clean with cap removed and placed in container provided.
 - (b). Plastic containers made of HDPE, including plastic labeled #2, shall be rinsed clean with cap removed and placed in container provided.
- (10). Certain ferrous metals may be accepted, after prior inspection by the attendant. This would include stoves, ovens, dishwashers, clothes washers and dryers.

108.15. 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 for recycling the materials specified in 108.10(5) through (15):
 - (a). Provide adequate, separate containers for the recyclable materials.
 - (b). Notify in writing at the time of lease or rental, and semi-annually thereafter, 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 requirement specified in 108.15(1) do not apply to the owners or designated agents or 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 108.10(5) through (15) from solid waste in as pure a form as is technically feasible.

108.16. PROHIBITIONS ON DISPOSAL OF RECYCLABLE MATERIALS. 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 108.10(5) through 915) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

108.17. ENFORCEMENT.

- (1). Any authorized officer, employee or representative of the Town of Presque Isle 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 non-residential facilities and properties, solid waste disposal facilities and solid waste treatment facilities, and any records relating to recycling activities, for the purpose of ascertaining compliance with the provisions of this ordinance. No person may refuse access to any authorized officer, employee or authorized representative of the Town of Presque Isle 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 any officer, employee or representative of the town 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 108.16 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. Second violation may involve 8 hours of community service; third and subsequent violations may involve 16 hours of community service.
 - (b). Any person who violates a provision of this ordinance, except 108.16, may be required to forfeit no less than \$10 nor more than \$1000 for each violation.