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TOWN OF SCOTT, LINCOLN COUNTY, WISCONSIN  
ORDINANCE NUMBER 103-94 ENTITLED  
"RECYCLING ORDINANCE FOR THE TOWN OF SCOTT,  
LINCOLN COUNTY, WISCONSIN"

THE TOWN BOARD OF THE TOWN OF SCOTT, Lincoln County, Wisconsin, do ordain as follows:

SECTION 1: Ordinance 102-93 of the Town of Scott entitled "SEPARATION AND COLLECTION OF RECYCLABLES AND REFUSE" is hereby repealed, and Ordinance 103-94 is created to provide as follows:

ORDINANCE NO. 103-94  
RECYCLING ORDINANCE FOR THE TOWN OF SCOTT,  
LINCOLN COUNTY, WISCONSIN

(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 sec. 159.11, Wis. Stats., and Chapter NR 544, Wis. Administrative Code.

(2) STATUTORY AUTHORITY, APPLICABILITY AND ADMINISTRATION. This Ordinance is adopted as authorized under sec. 159.09(3)(b), Wis. Stats. It is intended to apply to all persons within the Town of Scott, and its provisions shall be administered by the Town Board, and/or other Town officials designated by the Town Board.

(3) DEFINITIONS. For the purposes of this ordinance:

(a) "Bi-metal container" means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.

(b) "Container board" means corrugated paperboard used in the manufacture of shipping containers and related products.

(c) "Foam polystyrene packaging" means packaging made primarily from foam polystyrene that satisfies one of the following criteria:

(i) Is designed for serving food or beverages.

(ii) Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.



(iii) Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.

(d) "HDPE" means high density polyethylene, labeled by the SPI code #2.

(e) "LDPE" means low density polyethylene, labeled by the SPI code #4.

(f) "Magazines" means magazines and other materials printed on similar paper.

(g) "Major appliance" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, furnace, boiler, dehumidifier, water heater or stove.

(h) "Multiple-family dwelling" means a property containing five (5) or more residential units, including those which are occupied seasonally.

(i) "Newspaper" means a newspaper and other materials printed on newsprint.

(j) "Non-residential facilities and properties" means commercial, retail, industrial, institutional and governmental facilities and properties.

(k) "Office paper" means high grade printing and writing paper 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.

(l) "Other resins or multiple resins" means plastic resins labeled by the SPI code #7.

(m) "Person" includes any individual, corporation, partnership, association, local governmental unit as defined in sec. 66.299(1)(a), Wis. Stats., state agency or authority or federal agency.

(n) "PETE" means polyethylene terephthalate, labeled by the SPI code #1.



(o) "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.

(p) "Postconsumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in sec. 144.61(5), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in sec. 144.44(7)(a)1., Wis. Stats.

(q) "PP" means polypropylene, labeled by the SPI code #5.

(r) "PS" means polystyrene, labeled by the SPI code #6.

(s) "PVC" means polyvinyl chloride, labeled by the SPI code #3.

(t) "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, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins; steel containers; waste tires; and bi-metal containers.

(u) "Solid waste" has the meaning specified in sec. 144.01(15), Wis. Stats.

(v) "Solid waste facility" has the meaning specified in sec. 144.43(5), Wis. Stats.

(w) "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.

(x) "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.

(y) "Yard waste" means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no



greater than 6 inches in diameter taken from existing developed properties. This term does not include stumps, roots or shrubs with intact root balls nor brush from construction sites, utility line cleaning or from contract tree trimming.

(4) 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:

- (a) Lead acid batteries
- (b) Major appliances
- (c) Waste oil
- (d) Yard waste
- (e) Aluminum containers
- (f) Bi-metal containers
- (g) Corrugated paper or other container board
- (h) Foam polystyrene packaging
- (i) Glass containers
- (j) Magazines
- (k) Newspaper
- (l) Office paper
- (m) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins
- (n) Steel containers
- (o) Waste tires

(5) SEPARATION REQUIREMENTS EXEMPTED. The separation requirements of subsection (4) do not apply to the following:

(a) 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 subsection (4) from solid waste in as pure a form as is technically feasible.

(b) Solid waste which is burned as a supplemental fuel at a facility if less than 30 percent of the heat input to the facility is derived from the solid waste burned as supplemental fuel.

(c) A recyclable material specified in subsection (4)(e) through (o) for which a variance has been granted by the Department of Natural



Resources under sec. 159.11(2m), Wis. Stats., or sec. NR 544.14, Wis. Administrative Code.

(6) CARE OF SEPARATED RECYCLABLE MATERIALS. To the greatest extent practicable, the recyclable materials separated in accordance with subsection (4) 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.

(7) MANAGEMENT OF LEAD ACID BATTERIES, MAJOR APPLIANCES, WASTE OIL AND YARD WASTE. Occupants of single-family and 2- to 4-unit residences shall manage lead acid batteries, major appliances, waste oil, and yard waste as follows:

(a) Lead acid batteries shall be hauled to the recycling agent's facilities and be of the wet lead-acid automotive type battery only. Excluded are dry-cell batteries such as flashlight cells, etc. Market price to be paid or a fee charged by recycling agent according to the going market.

(b) Appliances must be hauled to the recycling agent's facilities. A service charge for accepting and preparing appliances for recycling can be assessed to an individual or business by the recycling agent.

(c) Waste oils must be free of contaminants including such contaminants as gasoline, antifreeze, or water. These items must be brought in to the recycling agent's facilities in clear, one-gallon or five-gallon containers.

(d) Yard waste including compost materials such as grass, leaves, flowers and garden materials shall be brought to the recycling agent's facilities in clear plastic garbage bags. Excluded are brush or pine needles.

(8) PREPARATION AND COLLECTION OF RECYCLABLE AND REFUSE MATERIALS. Except as otherwise directed by the Town Board, occupants of single-family and 2- to 4-unit residences shall do the following for the preparation and collection of the separated materials specified in subsection (4)(e) through (o) and other refuse:



(a) Aluminum containers shall be cleaned, flattened and taken to the recyclable agent's facilities as designated by the Town Board.

(b) Bi-metal containers shall be cleaned, flattened and taken to the recyclable agent's facilities as designated by the Town Board.

(c) Corrugated paper or other container board shall be bundled and taken to the recyclable agent's facilities as designated by the Town Board.

(d) Foam polystyrene packaging shall be taken to the recyclable agent's facilities as designated by the Town Board.

(e) Glass containers shall be cleaned, color separated (green, brown or clear), and taken to the recyclable agent's facilities as designated by the Town Board.

(f) Magazines shall be bundled and taken to the recyclable agent's facilities as designated by the Town Board.

(g) Newspapers shall be bundled and taken to the recyclable agent's facilities as designated by the Town Board.

(h) Office paper shall be disposed of by local businesses at the recyclable agent's facilities as designated by the Town Board.

(i) Rigid plastic containers shall be prepared and collected as follows:

(i) Plastic containers made of PETE, including soda bottles, shall be rinsed free of product residue and caps shall be removed and discarded and taken to the recyclable agent's facilities as designated by the Town Board.

(ii) Plastic containers made of HDPE, including milk jugs, shall be rinsed free of product residue and caps shall be removed and discarded and taken to the recyclable agent's facilities as designated by the Town Board.

(iii) Plastic containers made of PVC, including clear film for packaging meats, shall be rinsed free of product



residue and taken to the recyclable agent's facilities as designated by the Town Board.

(iv) Plastic containers made of LDPE, including food packaging and shrink wraps, shall be rinsed free of product residue and taken to the recyclable agent's facilities as designated by the Town Board.

(v) Plastic containers made of PP, including butter and margarine tubs and yogurt containers, shall be rinsed free of residue and taken to the recyclable agent's facilities as designated by the Town Board.

(vi) Plastic containers made of PS, including cups and "clamshells" for burgers, shall be rinsed free of residue and taken to the recyclable agent's facilities as designated by the Town Board.

(vii) Plastic containers made of other resins or multiple resins shall be rinsed free of residue and taken to the recyclable agent's facilities as designated by the Town Board.

(viii) All refuse shall be taken at the owner's or occupant's expense to the Lincoln County Landfill for disposal. Refuse means all matters produced from industrial or community life subject to decomposition but not defined as sewerage, and excluding for the purpose of this subsection those items of refuse known as recyclables.

Items listed in subparagraphs (iii) - (vii) are exempt from the requirements of this Ordinance until January 1, 1996.

(j) Steel containers shall be rinsed free of product residue and taken to the recyclable agent's facilities as designated by the Town Board.

(k) Waste tires shall be taken to the recyclable agent's facilities as designated by the



Town Board or to a retail auto tire dealer (if acceptable to such dealer) for disposal.

(9) RESPONSIBILITY OF OWNERS OR DESIGNATED AGENTS OF MULTIPLE-FAMILY DWELLINGS.

(a) Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in subsection (4)(e) through (o):

(i) Provide adequate, separate containers for the recyclable materials.

(ii) Notify tenants in writing at the time of renting or leasing the dwelling and at least semiannually thereafter about the established recycling program.

(iii) 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.

(iv) 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 site locations and hours of operation, and a contact person or company, including a name, address and telephone number.

(b) The requirements specified in (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 specified in subsection (4)(e) through (o) from solid waste in as pure a form as is technically feasible.

(10) 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 subsection (4)(e) through (o):



(i) Provide adequate, separate containers for the recyclable materials.

(ii) Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.

(iii) 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.

(iv) 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 (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 subsection (4)(e) through (o) from solid waste in as pure a form as is technically feasible.

(11) RECYCLING AGENT'S REJECTION OF CERTAIN ITEMS. The recycling agent for the Town shall have the right to reject any recyclables brought to the recyclable agent's facilities which are in a contaminated condition or are otherwise not in the condition called for by this ordinance.

(12) RECYCLING AGENT AND FACILITIES TO BE INSURED. The recycling agent shall show proof to the Town of Scott that the recycling agent's facilities and employees have liability and other forms of insurance in such amounts as are deemed sufficient by the Town Board to indemnify the Town against any losses or claims for injuries or damages to persons or property as a result of the operation of the said facility.

(13) SCAVENGERS PROHIBITED. In the event any refuse or recyclable materials are at any time placed at the roadside for pickup, no person, except the hauler,



may disturb or remove such material. All residents shall place the refuse or recyclables at the roadside in such a manner as to eliminate littering. Refuse or recyclables that are littered, by the wind, by any resident, vandals and/or others, while materials are carried to, placed at and/or stored at the roadside awaiting collection shall be picked up by the resident.

(14) 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 in subsection (4)(e) through (o) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

(15) GARBAGE FROM OUTSIDE THE TOWN OF SCOTT. It shall be unlawful to bring refuse for disposal or recyclables from outside the corporate limits of the Town of Scott unless authorized by agreement with the municipality. Furthermore, no person may dump, deposit or place refuse or recyclables in receptacles or on the property of another without the latter's express consent.

(16) ENFORCEMENT.

(a) For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the Town of Scott, 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 records relating to recycling facilities, 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 Scott 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 of Scott 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.

(c) Penalties for violating this Ordinance may be assessed as follows:

(i) Any person who violates subsection (14) may be required to forfeit \$50.00 for a first violation, \$200.00 for a second violation, and not more than \$2,000.00 for a third or subsequent violation.

(ii) Any person who violates a provision of this ordinance, except subsection (14) may be required to forfeit not less than \$10.00 nor more than \$1,000.00 for each violation.

(iii) The forfeiture and penalties provided herein shall not be construed as prohibiting other methods of enforcing this Ordinance including, but not limited to, injunctions and other forms of relief available to the Town.

(17) 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.

(18) 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 amendment to this ordinance.

(19) 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 2: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 3: The provisions of this Ordinance shall take effect on January 1, 1995.

TOWN BOARD, TOWN OF SCOTT

By: Carl Berndt  
Carl Berndt, Chairman

Arnold Weiss  
Arnold Weiss, Supervisor

Louis Kleinschmidt  
Louis Kleinschmidt, Supervisor

ATTEST:

David Burbach  
David Burbach, Clerk

ADOPTED: 9-12-94

PUBLISHED: 12-28-94