

CHAPTER 6.01 RECYCLING

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Sec. 6.01.01 **Title**

This Chapter is entitled Recycling Chapter for Town of Sumpter.

Sec. 6.01.02 **Purpose**

The purpose of this Chapter is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in sec. 287.11, Wis. Stats., and ch. NR 544, Wis. Admin. Code.

Sec. 6.01.03 **Statutory Authority**

This Chapter is adopted as authorized under sec. 287.09(3)(b), Wis. Stats.

Sec. 6.01.04 **Abrogation and Greater Restrictions**

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

Sec. 6.01.05 **Interpretation**

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

Sec. 6.01.06 **Applicability**

The requirements of this Chapter apply to all persons within Town of Sumpter.

Sec. 6.01.07 **Administration**

The provisions of this Chapter shall be administered by Town of Sumpter.

Sec. 6.01.08 **Definitions**

A. For purposes of this Chapter, the following definitions shall apply:

- (1) Bi-metal container. A container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.
- (2) Container board. Corrugated paperboard used in the manufacture of shipping containers and related products.
- (3) 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 shipping container.
 - (c) Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.
- (4) Glass Container. A glass bottle, jar, or other packaging container used to contain a product that is the subject of a retail sale and does not include ceramic cups, dishes, ovenware, plate glass, safety and window glass, heat resistant glass such as Pyrex®, lead based glass such as crystal, or TV tubes.
- (5) HDPE. High-density polyethylene, labeled by the SPI code # 2.
- (6) LDPE. Low-density polyethylene, labeled by the SPI code # 4.
- (7) Magazines. Magazines and other materials printed on similar paper.
- (8) Major appliance. A residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, furnace, boiler, dehumidifier, water heater, or stove.
- (9) Multiple-family dwelling. A property containing four (4) or more residential units, including those which are occupied seasonally.
- (10) Newspaper. A newspaper and other materials printed on newsprint.

- (11) Non-residential facilities and properties. Commercial, retail, industrial, institutional, and government facilities and properties. This term does not include multiple family dwellings.
- (12) Office paper. 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.
- (13) Other resins or multiple resins. Plastic resins labeled by the SPI code # 7.
- (14) Person. Includes any individual, corporation, partnership, association, local government unit, as defined in sec. 66.0131(1)(a), Wis. Stats., state agency or authority or federal agency.
- (15) PETE or PET. Polyethylene terephthalate, labeled by the SPI code # 1.
- (16) 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.
- (17) Postconsumer waste. Solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in sec. 291.01(7), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in sec. 289.01(17), Wis. Stats.
- (18) PP. Polypropylene, labeled by the SPI code # 5.
- (19) PS. Polystyrene, labeled by the SPI code # 6.
- (20) PVC. Polyvinyl chloride, labeled by the SPI code # 3.
- (21) 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.
- (22) Solid waste. As defined in sec. 289.01(33), Wis. Stats.

- (23) Solid waste facility. As defined in sec. 289.01(35), Wis. Stats.
- (24) Solid waste treatment. Any method, technique, or process which is designed to change the physical, chemical, or biological character or composition of solid waste.
- (25) Treatment. Includes incineration.
- (26) Waste tire. A tire that is no longer suitable for its original purpose because of wear, damage, or defect.
- (27) Yard waste. Leaves, grass clippings, yard and garden debris, and brush, including clean woody vegetative material no greater than six (6) inches in diameter. This term does not include stumps, roots, or shrubs with intact root balls.

Sec. 6.01.09 **Separation of Recyclable Materials**

Occupants of single family and two (2) to four (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, LOPE, PP, PS, and other resins or multiple resins
- N. Steel containers
- O. Waste tires

Sec. 6.01.10 **Separation Requirements Exempted**

The separation requirements of Section 6.01.09 do not apply to the following:

- A. Occupants of single family and (two) 2 to four (4) unit residences, 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 Section 6.01.09 from solid waste in as pure a form as is technically feasible. Solid waste which is burned as a supplement fuel at a facility if less than thirty (30 %) of the heat input to the facility is derived from the solid waste burned as supplement fuel. A recyclable material specified in Sections 6.01.09(E) through (O) for which a variance has been granted by the Department of Natural Resources under sec. 287.11(2m), Wis. Stats., or sec. NR 544.14, Wis. Admin. Code.

Sec. 6.01.11 **Care of Separated Recyclable Materials**

To the greatest extent practicable, the recyclable materials separated in accordance with Section 6.01.09 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.

Sec. 6.01.12 **Management of Lead Acid Batteries, Major Appliances, Waste Oil, and Yard Waste**

The Town of Sumpter does not accept lead acid batteries, major appliances, waste oil, or yard waste. Occupants of single family and two (2) to four (4) unit residences, multiple-family dwellings, and non-residential facilities and properties shall manage lead acid batteries, major appliances, waste oil, and yard waste consistent with state law. It is recommended that:

- A. Lead acid batteries be returned to the retailer whom sold the replacement battery or to another retailer or commercial installer of motor vehicle batteries.
- B. Major appliances be returned to the appliance dealer whom sold the replacement appliance or deposited with a facility registered with the Wisconsin Department of Natural Resources to salvage or transport such appliances. Residents may also contact Sauk County Solid Waste Department for proper disposal options.
- C. Waste oil be dropped at an authorized waste oil facility.
- D. Yard waste be recycled on the site from which it was produced or deposited at a composting facility licensed by the Wisconsin Department of Natural Resources. Yard waste shall not be delivered to any solid waste disposal facility.

Sec. 6.01.13 **Preparation and Collection of Recyclable Materials**

- A. To the greatest extent practicable, the recyclable materials separated in accordance with Section 6.01.09 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 that protects them from wind, rain, and other inclement weather conditions.
- B. Collection Fee. The Town Board by resolution shall establish recycling collection fees to fund the costs of recycling collection. The fee shall be imposed as a special charge against the tax parcel receiving the service and shall be due upon receipt of notice of the special charge. Unpaid special charges shall become a lien on the property against which it is imposed and shall be included in the current or next tax roll for collection and settlement under Chapter 74, Wis. Stats.
- C. The Town will provide recycling collection and disposal service for all single-family residences and non-multi-family residences in the Town. The Town may furnish this service directly or may contract with third parties to provide this service.
- D. All owners, occupants, or persons in control of multi-family residential, commercial, industrial, mobile-home parks, farms, or institutional property within the Town from which recyclable materials are created, accumulated, or produced shall be responsible for the collection and disposal of their own

recycling from such uses. The Town will not provide recycling collection and disposal services to such properties.

- E. Unless they are the contractor hired by the Town Board, no person, firm, or corporation shall collect recyclables for hire from any single-family or non-multi-family residential premises within the Town.
- F. All recyclables shall be placed for collection in the receptacle required by the recycling collector near the right-of-way at the end of the property's driveway in a location accessible to the recycling collector. Receptacles shall not be placed in the roadway and shall not obstruct traffic. Receptacles shall not be placed within six (6) feet of mailboxes. Receptacles shall be securely closed. Receptacles shall be placed out for collection no sooner than 18 hours prior to the start of the collection time.

Sec. 6.01.14 **Responsibilities 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 Sections 6.01.09(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 the 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 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 Section 6.01.14(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 Sections 6.01.09(E) through (O) from solid waste in as pure a form as is technically feasible.

Sec. 6.01.15 **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 Sections 6.01.09 (E) through (O):
- (1) Provide adequate, separate containers for the recyclable materials.
 - (2) Notify in writing, at least semi-annually, all users, tenants, and occupants of the properties about the established recycling program.
 - (3) 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.
 - (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 Section 6.01.15(A) do not apply to the owners or designated agents of nonresidential 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 6.01.09(E) through (O) from solid waste in as pure a form as is technically feasible.

Sec. 6.01.16 **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 in Section 6.01.09(E) through (O) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

Sec. 6.01.17 **Enforcement**

- A. For the purpose of ascertaining compliance with the provisions of this Chapter, any authorized officer, employee, or representative of the Town of Sumpter 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 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 Town of Sumpter 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 Chapter may be issued a citation by Town of Sumpter 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 Chapter may be assessed as follows:
 - (1) Any person who violates Section 6.01.16 may be required to forfeit fifty (\$50) dollars for a first violation, two hundred (\$200) dollars for a second violation, and not more than two thousand (\$2,000) dollars for a third or subsequent violation.
 - (2) Any person who violates a provision of this Chapter, except Section 6.01.16, may be required to forfeit not less than ten (\$10) dollars or more than one thousand (\$1,000) dollars for each violation.