

AMENDMENT TO CHAPTER 4

WHEREAS, the Chapter 4 of the Town of Decatur Code of Ordinances was passed on November 15th, 2010, by the Town Board of Decatur; and

WHEREAS, the Town Board of Decatur intends to amend this Chapter 4 to include required language under ch. NR 544, Wis. Admn. Code to have an effective recycling program as required by s. 287.11, Wis. Stats.

NOW, THEREFORE, IT IS HEREBY RESOLVED:

1. Section I. Purpose shall be amended to read: The purpose of this ordinance is to regulate the processing, storage, treatment, dumping or disposal of recyclable material, waste, garbage, refuse, fly ash and sludge by individuals, corporations, municipalities, counties and other entities within the Town of Decatur, Green County, Wisconsin. Because of the possible public nuisances caused by or the possible danger to the health, safety and welfare of the public caused by such processing storage, treatment, dumping or disposal within the Town of Decatur, these uses and activities shall only be permitted under the terms and conditions herein set forth, and such terms and conditions shall constitute pre-existing local approvals as authorized by law. This ordinance shall apply to the uses and activities at any existing recyclable material facility or to any existing storage, treatment, dump or disposal site herein located in the Town of Decatur, to the uses and activities at any such facility or site herein after located and to any expansion of any recyclable material facility or the expansion of any existing storage, treatment, dump or disposal site which may exist in the Town of Decatur on the date of the adoption of this ordinance or thereafter. 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. 287.11, Wis. Stats., and ch. NR 544, Wis. Adm. Code. This ordinance is further adopted as authorized under s. 287.09(3)(b). 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.
2. Section V. General Regulations shall be amended to include subsection YY which shall read:

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. 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 ch. 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.

3. Section II. Definitions shall be amended to include the following definitions which shall be either added or re-defined:

- 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 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" means 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, oven ware, plate glass, safety and window glass, heat-resistant glass such as pyrex, lead based glass such as crystal, or TV tubes.
- 5) "HDPE" means high density polyethylene, labeled by the resin code # 2.
- 6) "LDPE" means low density polyethylene, labeled by the resin code # 4.
- 7) "Magazines" means magazines and other materials printed on similar paper.
- 8) "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.
- 9) "Multiple-family dwelling" means a structure containing 5 or more residential units, including units that are occupied seasonally.
- 10) "Newspaper" means a newspaper and other materials printed on newsprint.
- 11) "Non-residential facilities and properties" means commercial, retail, industrial, institutional and government facilities and properties. Non-residential facilities and properties includes any location at which goods or services are provided or manufactured, including locations under construction, demolition, or remodeling, or used for special events such as fairs, festivals, sport venues, conferences, and exhibits. This term does not include multiple family dwellings.
- 12) "Office paper" means a variety of high-grade printing and writing papers. This term does not include industrial process waste, newspaper or packaging.
- 13) "Other resins or multiple resins" mean plastic resins labeled by the resin code # 7.

14) "Person" includes any individual, corporation, limited liability company, partnership, association, local government unit, as defined in s. 66.0131(1)(a), Wis. Stats., state agency or authority or federal agency.

15) "PETE" or "PET" means polyethylene terephthalate, labeled by the resin code # 1. 2

16) "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.

17) "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.

18) "PP" means polypropylene, labeled by the resin code # 5.

19) "PS" means polystyrene, labeled by the resin code # 6.

20) "PVC" means polyvinyl chloride, labeled by the resin 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" has the meaning specified in s. 289.01(33), Wis. Stats.

23) "Solid waste facility" has the meaning specified in s. 289.01(35), Wis. Stats.

24) "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.

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

26) "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.

4. Section VIII shall be added titled, "Recycling Regulations" and shall read as follows:

A. 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,

HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins 14) Steel containers 15) Waste tires

B. Separation Requirements Exempted

The separation requirements of Section VIII A. 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 Section VIII A. from solid waste in as pure a form as is technically feasible. 2) Solid waste which is burned as a supplement fuel at a facility if less than 30 % of the heat input to the facility is derived from the solid waste burned as supplement fuel. 3) A recyclable material specified in Section VIII A. (5) through (15) for which a variance has been granted by the Department of Natural Resources under s. 287.11(2m), Wis. Stats., or s. NR 544.14, Wis. Adm. Code.

C. Care of Separated Recyclable Materials.

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

D. 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: (for example, will materials be collected curbside or brought to drop-off programs; should residents be directed to scrap metal operations or retail stores, should residents home compost or bring yard waste to a central drop-off location, etc.)

1) Lead acid batteries shall be recycled at select local retailers or Green County Landfill.

2) Major appliances shall be disposed of by contacting the Town selected hauler to schedule a bulk pickup or Green County Landfill.

3) Waste oil shall be disposed of by contacting the Town selected hauler to schedule a bulk pickup or via local clean sweep programs (Green County).

4) Yard waste shall be disposed of at Green County Landfill.

2) Preparation and Collection of Recyclable Materials.

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

1) Aluminum containers shall be cleaned of any residue or food waste and placed in the recycling container provided by the Town selected hauler.

2) Bi-metal containers shall be cleaned of any residue or food waste and placed in the recycling container provided by the Town selected hauler.

3) Corrugated paper or other container board shall be flattened and placed in the recycling container provided by the Town selected hauler.

4) Foam polystyrene packaging shall be placed in the garbage container provided by the Town selected hauler.

5) Glass containers shall be cleaned of any residue or food waste and placed in the recycling container provided by the Town selected hauler.

6) Magazines shall be placed in the recycling container provided by the Town selected hauler.

7) Newspaper shall be placed in the recycling container provided by the Town selected hauler.

8) Office paper shall be placed in the recycling container provided by the Town selected hauler.

9) Rigid plastic containers shall be cleaned of any residue or food waste and placed in the recycling container provided by the Town selected hauler.

10) Steel containers shall be cleaned of any residue or food waste and placed in the recycling container provided by the Town selected hauler.

11) Waste tires shall be disposed of by contacting the Town selected hauler to schedule a bulk pickup, with a maximum of two (2) tires collected per bulk pickup, and a maximum of eight (8) tires collected per calendar year or Green County Landfill.

E. 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 s. VIII A (5) through (15):

Provide adequate, separate containers for the recycling program established in compliance with the ordinance. The number of recycling containers shall equal or be greater than the number of trash containers and at least one of the following shall be met:

The minimum total volume of recycling container space is equal to 20 gallons per week per dwelling unit.

The ratio of trash container volume to recycling container volume is at most 2:1.

An alternative method that does not result in the overflow of a recycling container during the time period between collection of materials and delivery to a recycling facility.

Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.

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.

Notify tenants which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, and locations of drop-off collection sites to recycle materials not collected on-site.

- 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 s. VII A.(5) through (15) from solid waste in as pure a form as is technically feasible.

F. 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 VIII A. (5) through (15) that have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

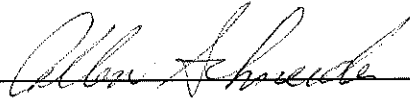
G. Enforcement.

1.) For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the Town of Decatur 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 The Town of Decatur who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.

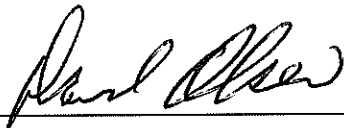
2) Any person who violates a provision of this ordinance may be issued a citation by the Town of Decatur to collect forfeitures. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other

This Amendment to Chapter 4 is effective on approval of the Town Board, publication, and/or posting consistent with Wis. Stat. § 60.80.


Dated this 30 day of March, 2026



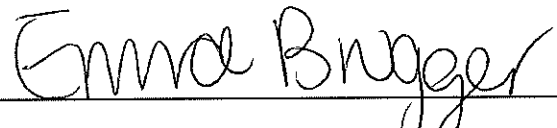
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Matt Meichtry, 2nd Supervisor



Emma Brugger, Town Clerk/Treasurer