

CHAPTER 12: RECYCLABLE MATERIAL

WISCONSIN DNR has new Ord. available.

SECTION 12.01 PURPOSE

The purpose of this ordinance is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided is S.287.11, Wis. Stats., and Ch. NR 544, Wis Adm. Code.

SECTION 12.02 AUTHORITY

This Chapter is adopted as authorized under Wis. Stat. § 287.09(3)(b).

SECTION 12.03 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.

SECTION 12.04 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 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.

SECTION 12.05 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 12.06 APPLICABILITY

The requirements of this ordinance apply to all people within the Township of Baraboo, Sauk County

SECTION 12.07 ADMINISTRATION

The provisions of this ordinance shall be administered by the Board of the Town of Baraboo

SECTION 12.08 EFFECTIVE DATE

The provisions of this ordinance shall take effect on September 1, 2026

SECTION 12.09 RECYCLE CENTER

A. LOCATION.

The Town Board has designated the site located on the North side of Crawford Street approximately one eighth (1/8) mile West of County Trunk "A" as the "Town of Baraboo Solid Waste and Recyclable Materials Disposal Facility" and is hereafter referred to as the "Town of Baraboo Recycle Center". This facility is located on the South edge of the City of Baraboo's former landfill.

B. ADDITIONAL FACILITIES.

This Chapter allows more disposal facilities to be established within or outside of the boundaries of the Town of Baraboo. These facilities shall be for the temporary storage of residential solid waste and residential recyclable materials generated by the residents of the Town of Baraboo.

SECTION 12.10 RESIDENTIAL LIMIT

A. SOLID WASTE LIMIT.

Each resident of the Town of Baraboo shall be limited to the disposal of no more than one hundred (100) gallons of solid waste per week at the facility.

B. RECYCLABLE MATERIAL LIMIT.

There will be no limit on recyclable materials, which a resident of the Town of Baraboo may dispose of at the facility.

C. BARABOO RESIDENTS ONLY.

Only residents of the Town of Baraboo may make use of the facility.

SECTION 12.11 RESTRICTED TO RESIDENTIAL MATERIALS

The Recycle Center shall be available for Residential Solid Waste and Recyclable Material only. Non-residential Solid Waste may not be disposed of at the Recycle

Center. Refer to Section 12.16, of this ordinance for the definition of Non-residential Solid Waste.

SECTION 12.12 SOLID WASTE CONTAINERS

A. GARBAGE BAGS.

All Solid Waste shall be deposited in plastic garbage bags of sufficient strength to withstand normal handling and shall not exceed twenty (20) gallons in capacity.

B. TIES OR CLIPS.

All bags shall be kept closed with ties or clips.

C. USE OF SOLID WASTE DUMPSTER.

Solid Wastes shall be deposited in the "Solid Waste Dumpster" only.

D. REFUSAL OF WASTE.

Any Solid Waste not placed in accordance with the provisions of this Chapter may be refused disposal at the Recycle Center by the attendants.

SECTION 12.13 RECYCLABLE MATERIAL CONTAINERS

Recyclable Materials shall be deposited in the fashion prescribed in Section 12.18 of this Chapter. These Recyclable Materials shall be sorted and deposited in the "Recyclable Materials Semi Trailer" as directed by signs above the separation containers and as directed by the attendants.

SECTION 12.14 ATTENDANTS

A. NUMBER OF ATTENDANTS.

The Town Board of the Town of Baraboo shall appoint two (2) or more attendants to manage the operation of the Recycle Center.

B. DUTIES OF ATTENDANTS.

These attendants shall be responsible for administrative management of this Chapter and the rules and regulations of this Chapter.

SECTION 12.15 HOURS OF OPERATION

The Recycle Center will be open for receiving Solid Waste and Recyclable Materials at the time of day, and the day or days of the week as established from time to time by the Town Board.

SECTION 12.16 DEFINITIONS

A. RESIDENTIAL SOLID WASTE AND RECYCLABLE MATERIALS.

As defined for the purposes of this Chapter:

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 plastic container marked by the SPI code No. 2 or in accordance with Wis. Admin. Code ATCP 137.13(2)(b).
6. "LPDE" means low density polyethylene plastic containers marked by the SPI code No. 4 or in accordance with Wis. Admin. Code ATCP 137.13(2)(d).
7. "Magazines" means magazines and the 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 property containing five (5) or more residential units, including those which 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 governmental facilities and properties. This term does not include multiple family dwellings.

12. "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.

13. "Other resins or multiple resins" means plastic resins marked by the SPI code No. 7 or in accordance with Wis. Admin. Code ATCP 137.13(2)(g).

14. "Person" includes any individual, corporation, partnership, association, local governmental unit, defined in § 66.0131(1)(a), Wis. Stats., or current Wis. Stats., state agency or authority or federal agency.

15. "PETE" means polyethylene terephthalate plastic containers marked by the SPI code No. 1 or in accordance with Wis. Admin. Code ATCP 137.13(2)(a).

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. "Post-consumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in § 291.07(7), Wis. Stats., or current Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in § 289.01(17), Wis. Stats., or current Wis. Stats.

18. "PP" means polypropylene plastic containers marked by the SPI code No. 5 or in accordance with Wis. Admin. Code ATCP 137.13(2)(e).

19. "PS" means polystyrene plastic containers marked by the SPI code No. 6 or in accordance with Wis. Admin. Code ATCP 137.13(2)(f).

20. "PVC" means polyvinyl chloride plastic containers marked by the SPI code No. 3 or in accordance with Wis. Admin. Code ATCP 137.13(2)(c).

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; newspapers; 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. "RIC" means the Resin Identification Code

22. "Solid waste" has the meaning specified in Wis. Stat. § 289.01(33).

23. "Solid waste facility" has the meaning specified in Wis. Stat. § 289.01(35).

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.

25. "Treatment" includes incineration.

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

27. "Yard waste" means 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.

SECTION 12.17 NON-RESIDENTIAL SOLID WASTE DEFINITIONS

A. NON-RESIDENTIAL SOLID WASTE AND RECYCLABLE MATERIALS:

As defined for the purposes of this Chapter:

1. "Agricultural solid waste" means the solid waste that results from the rearing and slaughtering of animals and the processing of animal and orchard and field crops.

2. "Commercial solid waste" means the solid waste generated by stores, offices, motels, restaurants and manufactured home communities.

3. "Industrial solid waste" means the solid waste that results from industrial processes and manufacturing.

4. "Institution solid waste" means the solid waste originating from educational, health care, and research facilities.

SECTION 12.18 SEPARATION OF RECYCLABLE MATERIALS

A. SEPARATION FROM POST-CONSUMER WASTE.

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 post-consumer 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. Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins.
14. Steel containers
15. Waste tires

SECTION 12.19 SEPARATION REQUIREMENTS EXEMPTED

A. EXEMPTION FROM SECTION 12.18.

The separation requirements of Section 12.18 do not apply to the following:

1. Occupants of single family and two (2) to four (4) residences, multiple family dwellings and non-residential facilities and properties that have their post-consumer waste picked up by a processing facility, licensed by the Wisconsin Department of Natural Resources, that recovers the materials specified in Section 12.18 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 thirty percent (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 12.18 for which a variance or exemption has been granted by the State of Wisconsin or the Department of Natural Resources under Sec. 287.11(2m), current Wis. Stats., or Wis. Admin. Code NR 544.14.

SECTION 12.20 CARE OF SEPARATED RECYCLABLE MATERIALS

A. CLEANLINESS.

To the greatest extent practicable, recyclable materials shall be clean and kept free of contaminants, including, but not limited to, food or product residue, oil or grease, or other non-recyclable materials, such as household hazardous waste, medical waste, and agricultural chemical containers.

B. PROTECTION FROM WEATHER.

Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions.

SECTION 12.21 MANAGEMENT OF CERTAIN WASTE

A. MANAGEMENT.

Occupants of single family, 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 as follows:

1. Lead acid batteries shall be taken to local dealers dealing in sale of these batteries, where, in some cases a nominal fee is charged by the dealer.
2. Major appliances shall be disposed of at property owner's expense. Solid waste haulers and/or processing facilities licensed by Wisconsin Department of Natural Resources may also dispose of these appliances for a fee. Please see Sauk County Land Conservation Services website for alternative options.
3. Waste oil shall be taken to the Sauk County Highway Department where the Department has collection tanks for clean waste oil that is not contaminated with any other chemicals. Other alternative locations can be found on the Sauk County Land Conservation Services website.
4. Yard waste shall be composted by the individual occupants of all residences.

SECTION 12.22 PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS

A. PREPARATION.

Except as otherwise directed by Solid Waste haulers and/or processing facilities licensed by the Wisconsin Department of Natural Resources, occupants of single family and two (2) to four (4) unit residences shall do the following for the preparation, collection and delivery of the separated materials specified in Sect. 12.18 .A.5. through A.15:

1. Aluminum containers shall be rinsed.
2. Bi metal containers shall be rinsed, flattened and placed in with steel containers.
3. Corrugated paper or other container board shall be flattened and secured with cord, never with tape, in bundles not exceeding thirty (30) inches square or twenty-five (25) pounds in weight.
4. Foam polystyrene packaging shall be placed in clear plastic bags and secured with ties or clips.
5. Glass containers shall be sound and not broken, sorted according to color and rinsed clean.
6. Magazines or other materials printed on similar paper shall be secured with cord or tape in bundles weighing no more than twenty-five (25) pounds.
7. Newspapers or other materials printed on newsprint shall be placed in paper grocery bags or secured with cord in bundles, never in plastic bags, no more than twenty-five (25) pounds in weight.
8. Office paper shall be secured the same as Sec. 12.18.A.7., above.
9. Plastic containers shall be prepared and collected or delivered to the Recycle Center as follows:
 - a. Plastic containers made of PETE (No. 1) shall be rinsed, flattened and the cap removed and discarded and the plastic kept separate.
 - b. Plastic containers made of HDPE (No. 2), including milk jugs and detergent bottles, shall be rinsed, flattened and the cap removed. These materials can be stored and delivered with LDPE and PS plastics.
 - c. Beginning on January 1, 1995, plastic containers made of PVC (No. 3) shall be rinsed, flattened and the cap removed and discarded.
 - d. Plastic containers made of LDPE (No. 4) shall be rinsed, flattened and the cap removed and discarded. This plastic can be stored and delivered with HDPE and PS plastics.

e. Beginning on January 1, 1995, plastic containers made of PP (No. 5) shall be rinsed, flattened, and the cap removed and discarded.

f. Plastic containers made of PS (No. 6) shall be rinsed, flattened and the cap removed and discarded. This plastic can be stored and delivered with HDPE and LDPE plastics.

g. Beginning on January 1, 1995, plastic containers made of mixed or other plastic resin types shall be collected, stored, and delivered to the recycle center.

10. Steel containers, such as food containers, shall be rinsed, any paper wrapper removed, the bottom removed, and then flattened. Spray cans, that are emptied completely, can be included, along with paint buckets, as long as only trace amounts of paint remain.

11. Waste tires shall be disposed of at property owner's expense. The Township recycling center does not accept waste tires. Sauk County Clean Sweep accepts waste tires once a year during their annual event, fees may apply.

SECTION 12.23 RESPONSIBILITIES FOR MULTIPLE FAMILY DWELLINGS

A. RESPONSIBILITIES.

1. Owners or designated agents of multiple family dwellings shall do all of the following for recycling the materials specified in Section 12.18 A.5 through A.15 of this Chapter:

A. Provide adequate, separate containers for the recyclable materials 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

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

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

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

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

C. Provide for the collection of the materials separated from the solid waste by the tenants and the delivery of the materials to the Recycle Center.

D. Notify tenants which materials are collected, how to prepare the materials 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 licenses by the Department of Natural Resources that recovers for recycling the materials specified in Section 12.18.A.5 through A.15 from solid waste in as pure a form as it technically feasible.

3. Obtain, from the Town of Baraboo Clerk at the Baraboo Town Hall, between normal office hours, copies of the Town of Baraboo Recycling Guide and issue one to every tenant.

B. LOWER BURDEN WITH LICENSED HAULERS

The requirements in (A) do not apply to the owners or designated agents of multiple family dwellings if the postconsumer waste generated within the dwellings is collected by Solid Waste Haulers and/or processing facilities, that are licensed by the Wisconsin Department of Natural Resources, and that recovers for recycling the materials specified in Section 12.18.A.5 through A.15 from solid waste in as pure a form as is technically feasible.

SECTION 12.24 RESPONSIBILITIES FOR NON-RESIDENTIAL FACILITIES AND PROPERTIES

A. RESPONSIBILITIES.

1. Owners or designated agents of non-residential facilities and properties shall do all the following for recycling the materials specified in Section 12.18.A.5 through A.15 of this Chapter:

A. Provide adequate, separate containers for the recyclable program established under this section. The total volume of recycling containers shall be sufficient to avoid overflow during the period between collection of materials and delivery to a recycling facility.

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

C. Provide for the collection of 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 which materials are collected, how to prepare materials 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 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 Section 12.18.A.5 through A.15 from solid waste in as pure of form as its technically feasible.

3. Obtain, from the Town of Baraboo Clerk at the Baraboo Town Hall, between normal office hours, copies of the Town of Baraboo Recycling Guide and issue one to every tenant.

B. LOWER BURDEN WITH LICENSED HAULERS

The requirements 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 collected by Solid Waste Haulers and/or processing facilities, that are licensed by the Wisconsin Department of Natural Resources, and that recovers for recycling the materials specified in Section 12.18.A.5 through A.15, from solid waste in as pure a form as is technically feasible.

SECTION 12.25 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 Section 12.18.A.5 through A.15 which have been separated for recycling, except waste tire may be burned with energy recovery in a solid waste treatment facility.

SECTION 12.26 TOWN OF BARABOO SOLID WASTE MANAGEMENT PLAN

A. IN WRITING.

The Town Board of the Town of Baraboo shall maintain a Management Plan in writing.

B. MANAGEMENT PLAN.

The complete Management Plan will include the following:

1. Management Plan, in writing.
2. Chapter 12 of the Town of Baraboo Code of Ordinances.
3. Recycling Guides as handed out by the attendants at the recycle center that are updated at regular intervals.
4. Tax notice directions mailed to all taxed parcels in the Town of Baraboo will carry details of the Recycling program.

SECTION 12.27 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 except that open burning by occupants of the Town of clean, wood and paper products generated by those occupants of the Town and not separated for recycling by those occupants shall be permitted.

SECTION 12.28 REPORTING REQUIREMENTS

A. MAINTENANCE OF RECORDS.

Any person or company permitted or contracted by the Town of Baraboo, by owners or designated agents of multiple family dwellings, or by owners or designated agents of non-residential facilities and properties to collect, for consideration, any recyclable material for the Town, or other persons in the Town, shall be required, as a provision of the contract or permit, to maintain appropriate records for the Town.

1. Appropriate records include a report, in writing, and sufficient and accurate information and data related to the amount, weight, and type of recyclable material, waste, and other material collected by the contractor or by the permittee in the Town of Baraboo or for any occupants in the Town in the previous calendar year.
2. The report must be delivered to the Town Clerk at least annually, by January 1 of each year.

3. The information and data to be provided shall be sufficient in detail to allow the Town to meet the recyclable material collection, compliance, and data requirements established for the Town in the current Wis. Adm. Code and Wis. Stat. § 287.09.

B. PENALTY FOR FAILURE TO FILE INFORMATION.

Failure by any contractor of the Town, or any person with a Town recyclable material collection permit, to file the above noted information, data, and reports with the Town Clerk, in an accurate and timely manner, shall be cause for the Town Board to seek enforcement or penalties, to revoke any permit and/or terminate any contract with the contractor or permittee.

SECTION 12.29 ENFORCEMENT

A. INSPECTION.

Any authorized officer, employee, or representative of the Town of Baraboo may inspect recyclable materials separated for recycling, post-consumer waste intended for disposal, collection sites and facilities, collection vehicles, collection areas of multiple family dwellings and non-residential 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 representative of the Town of Baraboo who requests access for purposes of inspection and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.

B. CITATION.

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

C. PENALTIES.

Penalties for violating this Chapter may be assessed as follows:

1. Any person who violates Section 12.25 may be required to forfeit fifty dollars (\$50.00) for a first violation, two hundred dollars (\$200.00) for a second violation, and not more than two thousand dollars (\$2,000.00) for a third or subsequent violation.

2. Any person who violates a provision of this Chapter, except Section 12.25, may be required to forfeit not less than ten dollars (\$10.00) nor more than one thousand dollars (\$1,000.00) for each violation.