

TOWN OF MISHICOT
AMENDED ORDINANCE NO. 1-94
MANDATORY RECYCLING ORDINANCE

The amendments to Ordinance No. 1-94 are only for purposes conforming with the reorganizing and renumbering of the Wisconsin Statutes and the administrative codes which have occurred since January 1, 1997.

The town board of the Town of Mishicot is implementing Mandatory Recycling in order to meet the requirements set forth in 1989-Wisconsin Act 335.

WHEREAS, the cost of solid waste disposal is ever increasing and convenient landfill facilities and landfill space are rapidly decreasing; and

WHEREAS, the reduction of the amount of solid waste to be disposed of will reduce the cost of landfill disposal fees and extend the life of the landfill, and at the same time the separation, collection and sale of recyclable materials will reduce the financial burden of solid waste disposal; and

WHEREAS, it is law that recycling be mandatory on a statewide basis as of January 1, 1995, in accordance with Wisconsin Act 335; and

WHEREAS, the town board finds it in the best interest of the town to mandate recycling as set forth herein; and

WHEREAS, the town board reserved the right to amend this ordinance from time to time and declare its intent to do so, to conform the statutes and regulations regarding recycling;

NOW, THEREFORE, BE IT ORDAINED, by the town board of the Town of Mishicot, Manitowoc County, State of Wisconsin, it is hereby enacted and ordained by authority of the same that mandatory recycling will be in effect as follows:

1.01 Title. Recycling Ordinance for the Town of Mishicot.

1.02 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. 287.11, Wis. Stats., and Chapter NR 544, Wis. Administrative Code.

1.03 Statutory Authority. This ordinance is adopted as authorized under s. 287.03(3)(b), Wis. Stats.

1.04 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.

1.05 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, Wisconsin Administrative Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and Chapter NR 544 standards in effect on the date of adoption of this ordinance, or in effect on the date of the most recent text amendment of this ordinance.

1.06 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.

1.07 Applicability. The requirements of this ordinance apply to all persons and organizations within the Town of Mishicot town limits.

1.08 Administration. The provisions of this ordinance shall be administered by the Town of Mishicot town board.

1.09 Effective Date. The provisions of this ordinance shall take effect on January 1, 1995.

1.10 Definitions. For the purposes of this ordinance:

- (1) "Bi-metal container" means a container for carbonated or malt beverages that is made primarily of steel and aluminum.
- (2) "Container board" means corrugated paper board 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 appliances" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven refrigerator, or stove.
- (7) "Mixed or other plastic resin types" means plastic containers marked by SPI code No. 7.
- (8) "Multiple family dwelling" means a property containing five or more residential units, including those which are occupied seasonally.
- (9) "Newspaper" means a 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, staple free, printing and writing papers from offices in non-residential facilities and properties. Printed on 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 government unit, as defined in s. 66.299(1)(a), Wis. Stats., state agency or authority or federal agency.
- (13) "PETE" means polyethylene terephthalate plastic containers marked by the SPI code No. 1.
- (14) "Post-consumer 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 SPI code No. 5.
- (16) "PS" means polystyrene plastic containers marked by SPI code No. 6.
- (17) "PVC" means polyvinyl chloride plastic containers marked by the SPI code No. 3.
- (18) "Recyclable materials" includes lead 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, 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).
- (21) "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.

- (22) "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
- (23) "Yard waste" means leaves, grass clippings, and yard and garden debris.
- (24) "Brush and branches" means clean woody vegetative material no greater than six inches in diameter. This term does not include stumps, roots, or shrubs with intact root balls.

1.11 Separation of Recyclable Materials. Occupants of single family and two-to-four-unit residences, multiple family dwellings, non-residential facilities, places of business, industry or commerce, farms, and governmental facilities 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) Plastic containers made of PETE(#1), HDPE(#2), PVC (#3), LDPE(#4), PP(#5), PS(#6), and mixed or other plastic resin types (#7)
- (14) Steel containers
- (15) Waste tires

1.12 Separation Requirements Exempted. The separation requirements of s. 1.11 do not apply to the following: (1) Occupants of single family or two-to-four-unit residences, multiple family dwellings, and non-residential facilities and properties that send their post-consumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in s. 1.11 from solid waste in as pure a form as technically possible. (2) Solid waste which is burned as a supplemental fuel at a facility if 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 s. 1.11 for which a variance or exemption has been granted by the Department of Natural Resources under ss. 287.07(7)(d) or 287.11(2m), Wis. Stats., or s. NR 544.14, Wis. Administrative Code.

1.13 Care of Separated Recyclable Materials. To the greatest extent practicable, the recyclable materials separated in accordance with s. 1.11 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.

1.14 Care of Lead Acid Batteries, Major Appliances, Waste Oil, Waste Tires and Yard Waste. Occupants of single and two-to-four-unit residences, multiple family dwellings, and non-residential facilities and properties shall manage lead acid batteries, major appliances, waste oil, waste tires, and yard waste as follows: (1) Lead acid batteries, major appliances, waste tires, and waste oil shall be disposed of by the owner of the item by contacting an accepting vendor and then delivering the item as directed. (2) Yard waste shall be disposed of by composting of the material on the site at which it is produced.

1.15 Preparation and Collection of Recyclable Materials. Except as otherwise directed by the town board or its representatives, occupants of single family and two-to-four-unit residences shall do the following for the preparation and collection of separated materials specified in s. 1.11(5)-(14):

- (1) Steel/Tin Cans: Rinse out can, remove both ends and flatten.
- (2) Aluminum: Rinse out thoroughly, examples include TV dinner trays, foil wrap, pot pie pans, aluminum cans, and siding.
- (3) Clear and Colored Glass: Rinse the jar or bottle thoroughly and remove and discard the cover. Acceptable examples include catsup, barbecue sauce, salad dressing, pickle, jam, jelly, peanut butter, beer, liquor and wine bottles. Not acceptable materials include plate glass, ceramics, clay items, and light bulbs.
- (4) Plastic Containers: Rinse out thoroughly and remove caps and rings, examples are milk jugs, liquid detergent bottles, all plastics identified as numbers 1 through 7 shall be recycled except as defined in section 1.21.
- (5) Magazines or other materials printed on similar paper shall be bundled separately.
- (6) Newspapers or other materials printed on newsprint shall be bundled separated.
- (7) Office paper shall be bundled separately.
- (8) These items (1)-(7) are to be delivered separated and placed in the appropriate containers at the Town of Two Creeks/Town of Mishicot Recycling and Transfer Station.
- (9) The Town of Mishicot reserves the right to change the method preparing and collecting the materials in this section and shall provide a written notice to its residents, businesses and organizations of such changes.

1.16 Responsibility of Owners or Designated Agents of Multiple-Family Dwellings.

(1) Owners or designated agents of multiple-family dwellings shall do the following for recycling the materials as specified in s. 1.11(5)-(14):

- (a) Provide adequate, separate containers for the recyclable materials.
- (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 materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.
- (d) Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet 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 requirements specified in (1) do not apply to the owners or designated agents of multiple-family dwellings if the post-consumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for the recycling of the materials as specified in s. 1.11(5) through (14) from solid waste in as pure a form as technically feasible.

1.17 Responsibility 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 s. 1.11(5) through (14):

(a) A person in the Town of Mishicot owning or occupying new building or a building that is remodeled or expanded by 50% or more in floor area, shall provide a designated area for separation, temporary storage, and collection of solid waste and recyclables either within or adjacent to the building.

(b) Provide adequate, separate containers or the separated recyclable materials.

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

(d) Provide for the collection of materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.

(e) Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including name, address, and telephone number.

(2) The requirements specified in (1) do not apply to the owners or designated agents of non-residential facilities and properties if the post-consumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling of the materials as specified in s. 1.11(5) through (14) from solid waste in as pure a form as technically feasible.

1.18 Responsibilities of Persons Using a Recycling Program Other Than That Which the Town of Mishicot Provides. Any person using a recycling program other than that of the Town of Mishicot, and whose facility or property is within the Town limits is required to submit the annual tonnage of materials recycled and also of materials disposed of as solid waste. This is to have supporting documentation and will be submitted on or by December 31 each year to the Town of Mishicot.

1.19 Prohibitions on Disposal of Recyclable Materials, Hauler Licensing, Restrictions, and Processing Facilities.

(1) No person or corporation shall engage in the business of hauling recyclables within the Town of Mishicot limits without being licensed by the Department of Natural Resources under section NR 502.06, Wis. Administrative Code.

(2) Haulers who collect solid waste or recyclables in the Town of Mishicot for storage, treatment, processing, marketing, or disposal shall obtain and maintain all

necessary municipal and state permits, licenses, and approvals prior to collecting any materials in the Town of Mishicot.

(3) No person or hauler may dispose in a landfill or burn in a solid waste facility any recyclable materials as specified in s. 1.11(5) through (14), generated in the Town of Mishicot that have been separated for recycling.

(4) Any hauling contractor operating in the Town of Mishicot shall not transport for processing any recyclables to a processing facility unless that facility has been approved by the Town of Mishicot or unless the contractor notifies the Town of Mishicot which facility they are using and, by January 1, 1995, the facility has self-certified with the Department of Natural Resources under section NR 544.16, Wis. Administrative Code.

1.20 Ownership of Recyclable Materials. Recyclable materials, upon placement at the curb or collection site, shall become the property of the hauler. Recyclable materials, upon collection by any permitted collector, shall become the property of the contractor.

1.21 Exemptions, Variances, and Temporary Suspensions.

(1) The Town of Mishicot reserves the right to designate additional solid waste materials as recyclable or currently collected materials as no longer recyclable in accordance with state law and to either add or delete them from any collection services provided by the Town of Mishicot or its contractors. The Town of Mishicot shall provide written notice to its service recipients of this declaration.

(2) A variance has been granted to the responsible unit of the Town of Mishicot under Section 287.11(2m)(d), Stats., and NR 544.14(3)(b), from the requirements in Section 287.11(2)(b), Stats., NR 544.04(3), NR 544.05(1), and MR 544.06(2)(a), Wis. Admin. Code, that effective recycling programs require the separation and collection of the following materials during the period from January 1, 1995, through December 31, 1995:

- Polyvinyl chloride (PVC) (#3) containers
- Low density polyethylene (LDPE) (#4) containers
- Polypropylene (PP) (#5) containers
- Polystyrene (PS) (#6) containers
- Other/multi-layer (#7) containers
- Polystyrene (PS) foam packaging


(3) An exemption has been granted to the responsible unit of the Town of Mishicot under Section 287.07(7)(d), Stats., from the prohibition in Section 287.076(3) and (4), Stats., of the disposal in a solid waste disposal facility or the burning in a solid waste treatment facility of the following materials during the period from January 1, 1995, through December 31, 1995:

- Polyvinyl chloride (PVC) (#3) containers
- Low density polyethylene (LDPE) (#4) containers
- Polypropylene (PP) (#5) containers
- Polystyrene (PS) (#6) containers
- Other/multi-layer (#7) containers
- Polystyrene (PS) foam packaging

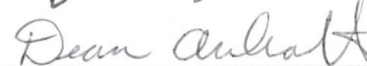
1.22 Enforcement.

- (1) Any town board member or representative of the town board of the Town of Mishicot may inspect recyclable materials separated for recycling, post-consumer waste intended or disposal, collection sites and facilities, collection areas of multiple-family dwellings and non-residential facilities and properties, solid waste disposal facilities and solid waste treatment facilities, and any records pertaining to recycling or solid waste disposal activities, for the purpose of ascertaining compliance with the provisions of this ordinance. No person may refuse access to any town board member or its representative of the Town of Mishicot who requests access for the 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 Mishicot town board member or by their representative to collection 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 law or ordinance 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 s. 1.18 may be required to forfeit \$50.00 for a first violation, \$200 for a second, and not more than \$500 for a third or subsequent violation.
 - (b) Any person who violates a provision of this ordinance, except s. 1.18 may be required to forfeit not less than \$25.00 or nor more than \$100.00 for each violation.

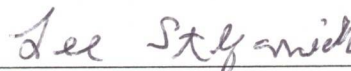
Dated this 6th day of August, 2007.



C. J. Hoffman, Chairperson



Dean Anhalt, Supervisor



Lee Stefaniak, Supervisor

As originally adopted March 7, 1994.