

TOWN OF MISHICOT  
ORDINANCE NO. 2026-2  
Amending Ordinance 1-94 and an Amendment  
dated August 6, 2007

MANDATORY RECYCLING ORDINANCE

**1.01 Title.** Recycling Ordinance for the Town of Mishicot, Ordinance 2026-02, replacing Ordinance 1994-1 and updated August 6, 2007.

**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, Wis. 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 June 1, 2026, or upon date of publication.

**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) "Foam polystyrene packaging" means packaging made primarily from foam polystyrene that satisfied 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 No. 2.
- (6) "LDPE" means low density polyethylene, labeled by the resin code No. 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 property containing five 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. Non-residential facilities and properties include 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 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, newspaper or packaging.
- (13) "Other resins or multiple resins" means plastic resins labeled by the resin code No. 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 No. 1.
- (16) "Plastic container" means an individual, separate, rigid plastic bottle, can, jar or

carton except for a blister pack, that is 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 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 No. 5.
- (19) "PS" means polystyrene, labeled by the resin code No. 6.
- (20) "PVC" means polyvinyl chloride, labeled by the resin code No. 3.
- (21) "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, 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).
- (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, and 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.

**1.11 Separation of Recyclable Materials.** Occupants of single family and two-to four-unit residences, multiple family dwellings, 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
- 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

**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 (5) through (15) for which a variance has been granted by the Department of Natural Resources under ss. 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, and yard waste as follows:

- 1) Lead acid batteries, major appliances, 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 or at the Manitowoc County Compost Site.

**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)-(15):

- 1) Aluminum: Rinse out thoroughly, examples include TV dinner trays, foil wrap, pot pie pans, aluminum cans, and siding.
- 2) Bi-metal containers: Rinse out can, remove both ends and flatten.
- 3) Corrugated paper or other container board shall be flattened and bundled separately.
- 4) Foam polystyrene packaging shall be recycled except as defined in section 1.12.
- 5) 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.

- 6) Magazines or other materials printed on similar paper shall be bundled separately.
- 7) Newspapers or other materials printed on newsprint shall be bundled separated.
- 8) Office Paper shall be bundled separately.
- 9) Rigid 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 1.12.
- 10) Steel/Tin Cans: Rinse out can, remove both ends and flatten.
- 11) Waste tires: May be brought to the Manitowoc County Materials Recovery Facility at 3000 Basswood Road, Manitowoc.
- 12) These items (1)-(10) are to be delivered separated and placed in the appropriate containers at the Town of Two Creeks/Town of Mishicot Recycling and Transfer Station.
- 13) 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)-(15):
  - a) Provide adequate, separate containers for the recycling program established in compliance with the ordinance. The number of recycling contains 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 time 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 materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.
  - d) 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 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 (15):
  - 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 for the recycling program established under this section. The total volume of recycling containers shall be sufficient to avoid overflow during the time period between collection of materials and delivery to a recycling facility.
  - c) Notify tenants in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program
  - d) 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.
  - e) Notify users, tenants and occupants which materials are collected, how to prepare the materials in order to meet 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 post-consumer waste generated within the facility or property 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 (15) 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 (15), generated in the Town of Mishicot that have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.
- 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 Enforcement.**

1) For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the Town of Mishicot may inspect recyclable materials separated for recycling, post-consumer 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 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 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 law or ordinance relating to the same or any other matter shall not preclude the issuance of a citation under this paragraph.

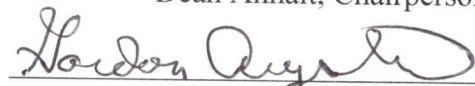
3) Penalties for violating this ordinance may be assessed as follows:

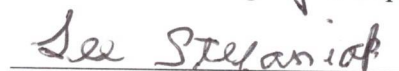
a) Any person who violates s. 1.19(3) may be required to forfeit \$50.00 for a first violation, \$200 for a second, and not more than \$2000 for a third or subsequent violation.

b) Any person who violates a provision of this ordinance, except s. 1.19(3) may be required to forfeit not less than \$10.00 or nor more than \$1000.00 for each violation.

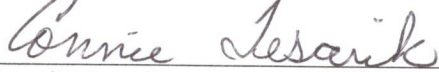
Dated this 1st day of June, 2026

  
\_\_\_\_\_  
Dean Anhalt, Chairperson

  
\_\_\_\_\_  
Gordon Augustine, Supervisor

  
\_\_\_\_\_  
Lee Stefaniak, Supervisor

I, Connie Tesarik, Clerk of the Town of Mishicot, do hereby certify that the above ordinance is a true and correct copy of the original ordinance required by law to be in my custody and which was adopted by the Town Board of the Town of Mishicot at a meeting held on the 1st day of June, 2026. I further certify that the above ordinance was posted by me, as required by law, in three public places and on the Town Website: [www.townofmishicot.org](http://www.townofmishicot.org) on the 3rd day of June, 2026, and published in the Herald Times Reporter on June 8, 2026.



\_\_\_\_\_  
Connie Tesarik - Clerk