

## **Chapter 11**

### **Recycling Regulations**

**11.01 TITLE.** These regulations shall be referred to as the Recycling Regulations for Town of Mitchell, Sheboygan County, Wisconsin.

**11.02 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 Section 287.11, *Wisconsin Statutes*, and Chapter NR 544, *Wisconsin Administrative Code*.

**11.03 STATUTORY AUTHORITY.** This Chapter is adopted as authorized under Section 287.09 (3)(b), *Wisconsin Statutes*.

**11.04 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.

**11.05 INTERPRETATION.**

- A. 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*.
- B. Where any terms or requirements of this Chapter may be inconsistent or conflicting, the more restrictive requirements or interpretations shall apply.
- C. Where a provision of this Chapter is required by *Wisconsin Statutes*, or by a standard in Chapter NR 544, *Wisconsin Administrative Code*, and where the Chapter's provision is unclear, the provisions shall be interpreted in light of the *Wisconsin Statutes* and the Chapter 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.

**11.06 SEVERABILITY.** Should any portion of this Chapter be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected.

**11.07 APPLICABILITY.** The requirements of this Chapter apply to all persons within the Town of Mitchell.

**11.08 ADMINISTRATION.** The provisions of this Chapter shall be administered by the Town of Mitchell Board.

**11.09 EFFECTIVE DATE.** The provisions of the Chapter shall take effect on June 1, 1994.

**11.10 DEFINITIONS.** For the purposes of this Chapter:

- A. Bi-metal container means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.
- B. Container board means corrugated paperboard used in the manufacture of shipping containers and related products.
- C. HDPE means high density polyethylene plastic containers marked by the SPI code No. 2.
- D. LDPE means low density polyethylene plastic containers marked by the SPI code No. 4.

**11.10 DEFINITIONS.** (Cont).

- E. Magazines means magazines and other materials printed on similar paper.
- F. Major appliance means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, or stove; and residential and commercial furnaces, boilers, dehumidifiers, and water heaters.
- G. Mixed or other plastic resin types means plastic containers marked by the SPI code No. 7.
- H. Multiple-family dwelling means a property containing 5 or more residential units, including those which are occupied seasonally.
- I. Newspaper means a newspaper and other materials printed on newsprint.
- J. Non-residential facilities and properties means commercial, retail, industrial, institutional, and governmental facilities and properties. This term does not include multiple-family dwellings.
- K. 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.
- L. Person includes any individual, corporation, partnership, association, local governmental unit, as defined in section 66.0131(1)(a), *Wisconsin Statutes*, state agency or authority, or federal agency.
- M. PETE means polyethylene terephthalate plastic containers marked by the SPI code No. 1.
- N. Post-consumer waste means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in section 291.01(7), *Wisconsin Statutes*, waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in section 289.01(17), *Wisconsin Statutes*.
- O. PP means polypropylene plastic containers marked by the SPI code No. 5.
- P. PS means polystyrene plastic containers marked by the SPI code No. 6.
- Q. PVC means polyvinyl chloride plastic containers marked by the SPI code No. 3.
- R. 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; 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.
- S. Solid waste has the meaning specified in section 289.01(33), *Wisconsin Statutes*.
- T. Solid waste facility has the meaning specified in section 289.01(35), *Wisconsin Statutes*.
- U. 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.
- V. Treatment includes incineration.
- W. Waste tire means a tire that is no longer suitable for its original purpose because of wear, damage, or defect.
- X. Yard Waste means leaves, grass clipping, 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.

**11.11 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 post-consumer waste:

- A. Lead acid batteries,

**11.11 SEPARATION OF RECYCLABLE MATERIALS.** (Cont).

- 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 or other materials printed on similar paper,
- K. Newspapers or other materials printed on newsprint,
- L. Office paper,
- M. Plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and mixed or other plastic resin types,
- N. Steel containers, and
- O. Waste tires.

**11.12 SEPARATION REQUIREMENTS EXEMPTED.** The separation requirements of section 11.11 do not apply to the following:

- A. Occupants of single family and 2- to 4-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 section 11.11 of this Chapter from solid waste in as pure a form as is technically feasible.
- B. 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.
- C. A recyclable material specified in section 11.11 of this Chapter for which a variance or exemption has been granted by the Department of Natural Resources under section 287.07(7)(d) or section 287.11(2m), *Wisconsin Statutes*, or section NR 544.14, *Wisconsin Administrative Code*.

**11.13 CARE OF SEPARATED RECYCLABLE MATERIALS.** To the greatest extent practicable, the recyclable materials separated in accordance with section 11.11 of this Chapter 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.

**11.14 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:

- A. Lead acid batteries shall be accepted at the contract hauler's facility for a handling fee.
- B. Major appliances shall be accepted at the Town Hall on the last Saturday of each month from 10:00 a.m. until 2:00 p.m. or at the contract hauler's facility. Those major appliances containing CFC's (refrigerants) will be accepted only at the contract hauler's facility for a handling fee.

#### **11.14 MANAGEMENT OF LEAD ACID BATTERIES . . . (Cont.)**

- C.** Waste oil shall be accepted at the contract hauler's facility for a fee.
- D.** Yard waste shall be accepted at the contract hauler's facility with no fee charged.

**11.15 PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS.** Except as otherwise directed by the Town of Mitchell Board, occupants of single family and 2- to 4-unit residences shall place recyclables in a clear plastic bag and place the clear plastic bags at the end of their driveways for curbside pickup and must do the following for the preparation and collection of the separated materials specified in section 11.11 E., through O., of this Chapter:

- A.** Aluminum containers shall be rinsed clean of product residue.
- B.** Bi-metal containers shall be rinsed clean of product residue.
- C.** Corrugated paper or other container board shall be free of debris, flattened, stacked, and tied. The bundles shall be placed at the end of the driveway for curbside pickup.
- D.** Beginning on January 1, 1996, foam polystyrene packaging shall be free of debris, stacked, and tied or put into clear plastic bags.
- E.** Glass containers shall be separated by color (brown, green, clear), shall be rinsed free of product residue, and caps shall be removed and discarded.
- F.** Magazines or other materials printed on similar paper shall be free of debris, stacked, and tied. The bundles shall be placed at the end of the driveway for curbside pickup.
- G.** Newspapers or other materials printed on newsprint shall be free of debris, stacked, and tied. The bundles shall be placed at the end of the driveway for curbside pickup.
- H.** Office paper shall be free of debris, stacked, and tied. The bundles shall be placed at the end of the driveway for curbside pickup.
- I.** Plastic containers shall be rinsed clean of product residue, caps removed and discarded, and collected as follows:
  - 1. Plastic containers made of PETE (soda type containers) shall be placed in clear plastic bags and placed at the end of the driveway for curbside pickup.
  - 2. Plastic containers made of HDPE (milk jugs, detergent bottles) shall be placed in clear plastic bags or may be tied together by handles where possible and placed at the end of the driveway for curbside pickup.
  - 3. Beginning on January 1, 1996, plastic containers made of PVC shall be placed in the designated container and placed at the end of the driveway for curbside pickup.
  - 4. Beginning on January 1, 1996, plastic containers made of LDPE shall be placed in the designated container and placed at the end of the driveway for curbside pickup.
  - 5. Beginning on January 1, 1996, plastic containers made of PP shall be placed in the designated container and placed at the end of the driveway for curbside pickup.
  - 6. Beginning on January 1, 1996, plastic containers made of PS shall be placed in the designated container and placed at the end of the driveway for curbside pickup.
  - 7. Beginning on January 1, 1996, plastic containers made of mixed or other plastic resin types shall be placed in the designated container and placed at the end of the driveway for curbside pickup.
- J.** Steel containers shall be rinsed clean of product residue and placed in the designated container and placed at the end of the driveway for curbside pickup.
- K.** Waste tires will be accepted only at the contract hauler's facility. There will be a handling fee per tire. Said handling fee per tire will be doubled if the tire is on the rim.

### **11.16 RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS FOR MULTIPLE FAMILY DWELLINGS.**

- A.** Owners or designated agents of multiple family dwellings shall do all of the following for recycling the materials specified in section 11.11 E., through O., of this Chapter:
  - 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 semi-annually thereafter about the established 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 paragraph A., above, 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 recycling the materials specified in section 11.11 E., through O., of the Chapter from solid waste in as pure a form as is technically feasible.

### **11.17 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 for recycling the materials specified in section 11.11 E., through O., of this Chapter:
  - 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 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 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 11.17 A., above 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 the materials specified in section 11.11 E., through O., of this Chapter from solid waste in as pure a form as is technically feasible.

**11.18 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 11.11 E., through O., of this Chapter which have been separated for recycling, except waste tires may be burned for energy recovery in a solid waste treatment facility.

### **11.19 PROPER DISPOSAL OF GARBAGE AND RECYCLABLES.**

- A.** It shall be unlawful for any person to dispose of or dump garbage on any road or other public

**11.19 PROPER DISPOSAL OF GARBAGE AND RECYCLABLES. A. (Cont.)**

place within the Town of Mitchell or in any receptacles or private property without the owner's consent unless it is placed in bags or containers in the manner and at the times specified by this Chapter.

- B.** No person shall place for collection any garbage at the end of a driveway not owned or occupied by such person.

**11.20 GARBAGE FROM OUTSIDE OF MUNICIPALITY.** It shall be unlawful to bring refuse for disposal and recycling from outside the municipality limits into the Town of Mitchell unless authorized by agreement with the municipality.

**11.21 RIGHT TO REJECT MATERIALS.**

- A.** The drop off site attendant or contract hauler has the right to reject any recyclable material that is not prepared according to the specifications in section 11.15 of this Chapter or in education material provided by the contract hauler to the service recipients.
- B.** The contract hauler also has the right to refuse to pickup any solid waste if it contains recyclable containers and material. All solid waste must be placed in clear plastic bags and placed at the end of the resident's driveway.
- C.** In such cases, the contract hauler or drop off site attendant shall notify in writing the generator of the materials about the reasons for rejecting the items. The hauler shall keep a list of such occurrences and provide it to the Town of Mitchell each month.

**11.22 REPORTING REQUIREMENTS.**

- A.** The recycling haulers operating in the Town of Mitchell are required to maintain records and report in writing to the Town of Mitchell Clerk by January 31<sup>st</sup> of each year for the previous calendar year's statistics. Reports shall include:
  - 1. The amount of solid waste and recyclables collected and received from the Town of Mitchell;
  - 2. The amount of solid waste and recyclable processed and marketed by item type from the Town of Mitchell; and
  - 3. The final disposal location of solid waste and recyclable material.
- B.** Failure to report shall be cause for the municipality to sever any contract with the contract hauler.

**11.23 ESTABLISH FEES.** The Town of Mitchell shall establish fees for service recipients for the payment of collection services for solid waste. Fees shall be assessed on a per household basis and be billed periodically by the contract hauler.

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

**11.25 COLLECTION SCHEDULE.** The Town of Mitchell Board shall establish the time of collection of solid waste and recyclables and the Clerk shall provide notice of the collection schedule at any time the collection schedule is changed.

### **11.26 SPECIFIED CONTAINERS.**

- A.** Solid waste shall be placed for collection in clear plastic bags not to exceed 50 pounds per bag or 30 gallons and contained in a manner to avoid litter. No more than six containers can be put out at each collection. If a resident has more than six containers, the resident shall contact the contract hauler for special arrangements.
- B.** All solid waste shall be placed as herein required at the specified collection point no sooner than 24 hours prior to the regularly scheduled collection time or be allowed to remain at the end of the driveway longer than 12 hours thereafter. All recyclables shall be placed as herein required at the specified collection point on the days scheduled and during the hours of operation only.

**11.27 SPECIAL MATERIALS.** Materials, such as couches and bulky items, shall be collected by contacting the contract hauler for special arrangements. This includes construction material from household remodeling or repair.

### **11.28 COMPLIANCE ASSURANCE PLAN, ENFORCEMENT AND PENALTIES.**

- A.** This policy will establish standard guidelines that will lead to compliance with the Town of Mitchell's Recycling Ordinance. The Town's Clerk and Chairman are responsible for enforcing the Town of Mitchell's recycling ordinance. The Town of Mitchell's staff and personnel shall follow the guidelines identified in the Compliance Assurance Plan in response to issues associated with recycling and solid waste. This plan is intended to meet the requirements of s. NR 544.04 (9g), Wis. Adm. Code as well as Town of Mitchell's recycling ordinance. If a resident of the Town of Mitchell is not recycling properly then the following procedures will take place. No person may refuse access to any authorized officer, employee, or authorized representative of the Town of Mitchell Board who requests access for purposes of inspection and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.
  - 1. The collector of the garbage, rubbish, solid waste and recycleable materials will post a note on the items that are not in compliance with the above garbage/recycling program. Examples of these are:
    - a. Recyclable materials mixed with garbage
    - b. Garbage mixed with recyclable materials
  - 2. If a second note is posted at the same residence the Town Clerk or Chairman will send a letter to the property owner reminding them of the requirement to comply with local recycling ordinances. Other educational materials will also be provided as needed.
  - 3. If a third note is posted at the same residence the Town Clerk or Chairman shall send a letter to property owner giving them 30 days to comply with local recycling ordinances. A copy of the letter shall be sent to a citation officer.
  - 4. After 30 days has passed the Town Clerk or Chairman along with a citation officer shall inspect the property to determine if the property is in compliance with the ordinance. If found to be non-compliant, the citation officer shall issue the property owner a citation per code.

**B.** Any person who violates a provision of this Chapter may be issued a citation by the Town of Mitchell Board to collect forfeitures. The issuance of a citation shall not preclude proceeding under any other ordinance, chapter, or law relating to the same or any other matter. Proceeding under other ordinances, chapter, or law relating to the same or other matters 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 11.18 of this Chapter may be required to forfeit \$25 for a first violation, \$100 for a second violation, and not more than \$1,000 for a third or subsequent violation.
2. Any person who violates a provision of this Chapter, except for section 11.18, may be required to forfeit not less than \$10 nor more than \$1,000 for each violation.