

Ordinance R2017-0415-A
Town of Sumner Recycling and Waste Management Ordinance

Town of Sumner
Jefferson County
State of Wisconsin

The Town Board of the Town of Sumner DO ORDAIN as follows:

1.01 Title. Recycling and Waste Management Ordinance.

1.02 Purpose. The purpose of this ordinance is to promote recycling, waste management, 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; and to provide guidance on waste management in the Town of Sumner in accordance with subch.II of ch. 287, Wis. Stats..

1.03 Statutory Authority. This ordinance is adopted as authorized under s. 287.09(3) (b), Wis. Stats., and under the authority of Chapter 60 Wis. Stats.

1.04 Repeal of Ordinance. This ordinance repeals and replaces in its entirety the *Town of Sumner Recycling Ordinance* approved by the Sumner Town Board on July 8, 1993. It is not intended by this ordinance to repeal, abrogate, annul, impair or interfere with any other existing rules, regulations, ordinances or permits previously adopted or issued pursuant to law. Whenever this ordinance imposes greater restrictions than any other, 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 the Chapter 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. The requirements of 287.11 Wis. Stats. and Chapter NR 544 shall be met by the Town of Sumner and its residents, insofar as practicable, at any time this ordinance becomes insufficient to comply with amended state statutes or administrative rules.

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 within the Town of Sumner, in Jefferson County, Wisconsin.

1.08 Administration. The provisions of this ordinance shall be administered by the Town Board of the Town of Sumner.

1.09 Effective Date. The provisions of this ordinance shall take effect following publication under s. 60.80(5)(b) Wis. Stats.

1.10 Definitions. For the purpose of this ordinance, the following definitions shall apply.

- 1) "Appliance" (major - also known as white goods) includes a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, furnace, boiler, dehumidifier, water heater, or stove.
- 2) "Bi-metal container" means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.

- 3) "Container board" means corrugated paperboard used in the manufacture of shipping containers and related products.
- 4) "Electronics" means those devices that are banned from Wisconsin landfills that may contain lead, cadmium, mercury and other heavy metals; including but not limited to computers, computer accessories, televisions, printers, DVD, VCR, and DVR devices, televisions, cell phones, and fax machines.
- 5) "Foam polystyrene packaging" (PSC) means packaging materials 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.
- 6) "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.
- 7) "HDPE" means the high density polyethylene, labeled with the SPI Code #2.
- 8) "LDPE" means low density polyethylene, labeled with the SPI code # 4, and includes LLPDE linear low density polyethylene.
- 9) "Magazines" means magazines and other materials printed on similar paper.
- 10) "Multiple-family dwelling" means a property containing 5 or more residential units, including those which are occupied seasonally.
- 11) "Newspaper" means a newspaper and other materials printed on newsprint.
- 12) "Non-residential facilities and properties" means commercial, retail, industrial, institutional and government facilities and properties. This term does not include multiple family dwellings.
- 13) "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.
- 14) "Other resins or multiple resins" means plastic resins labeled with the SPI code # 7.
- 15) "Person" includes any individual, corporation, partnership, association, local government unit as defined in s. 66.0131(1) (a), Wis. Stats., state agency or authority, or federal agency.
- 16) "PETE" or "PET" means polyethylene terephthalate, labeled with the SPI code # 1.
- 17) "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.
- 18) "Postconsumer waste" means solid waste generated in the normal course of household, community, and business activities as defined in s. 291.01(7) Wis. Stats., and not waste produced in the production of goods, hazardous waste, waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in s. 289.01(17), Wis. Stats.
- 19) "PP" means polypropylene, labeled with the SPI code # 5.
- 20) "PS" means polystyrene, labeled with the SPI code # 6.
- 21) "PVC" (V) means polyvinyl chloride, labeled with the SPI code # 3.
- 22) "Recyclable materials" includes lead acid batteries; electronics; 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.
- 23) "Solid waste" has the meaning specified in s. 289.01(33), Wis. Stats., and is waste and refuse that is generated in the normal and ordinary course by community, business, and residential activities. This term excludes special waste, hazardous waste, and other materials that require special handling and disposal including construction, demolition and remodeling debris.
- 24) "Solid waste facility" has the meaning specified in s. 289.01(35), Wis. Stats.
- 25) "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.

- 26) "SPI Code" indicates the resin type in a recyclable by code number for use by consumers and recycling processors to more easily identify and separate different types of plastics.
- 27) "Waste Oil" is common engine oil defined in Wis. Stats. 287.15 (1) (a), and for recycling purposes includes waste oil drained from oil filters.
- 28) "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
- 29) "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

1.11 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 postconsumer waste:

- 1) Aluminum containers
- 2) Appliances
- 3) Bi-metal containers
- 4) Corrugated paper or other container board
- 5) Foam polystyrene packaging [exempted s.1.12(3)]
- 6) Glass containers
- 7) Lead acid batteries
- 8) Magazines
- 9) Newspaper
- 10) Office paper
- 11) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins
- 12) Steel containers
- 13) Waste oil
- 14) Waste tires
- 15) Yard waste

1.12 Separation Requirements Exempted. The separation requirements of s. 1.11 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 s. 1.11 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 s. 1.11(1) through (14) 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. Administrative Code. [Note: 1.11 (5) Foam polystyrene is waived from the separation requirements at the time of adoption of this ordinance.]

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 contaminants. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions that may affect their recycling value.

1.14 Management of Electronics, Lead Acid Batteries, Major Appliances, Waste Oil, Waste Tires, and Yard Waste. Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties shall manage electronics, lead acid batteries, major appliances, waste oil, waste tires, and yard waste as follows:

- 1) Electronics shall be separated from solid waste and recyclables for bulk pick-up after contacting the Town Waste Contractor. Alternatively, residents and property owners are encouraged to convey electronics to an organization that is willing to re-use

them; a legitimate electronics recycler; a hazardous waste management facility; or to a municipal or county run electronics recycling center or event.

- 2) Lead acid batteries from car, truck, and other vehicles shall be placed at the roadside separated from solid waste for bulk pick-up after contacting the Town Waste Contractor. Battery casings must be unbroken.
- 3) Appliances (major) shall be placed at the roadside separated from solid waste for bulk pick-up after contacting the Town Waste Contractor. Appliances shall be upright and empty. Freezers and refrigerators must have doors removed.
- 4) Waste oil including engine, hydraulic, transmission, and other vehicular lubricants shall be contained within a clear, leak-proof, non-breakable container a maximum size of one (1) gallon and shall be placed at the roadside separated from solid waste for collection after contacting the Town Waste Contractor.
- 5) Waste tires (not to exceed 8 per year per residence) from cars and trucks, and other tires not exceeding four feet (4') in diameter or 80 pounds in weight shall be placed at the roadside separately from the solid waste for the bulk pick-up after contacting the Town Waste Contractor.
- 6) Yard waste shall be composted by the resident or property owner via backyard composting or other methods available to the resident or property owner.

1.14 Preparation and Collection of Recyclable Materials. Except as otherwise directed by the Town of Sumner, occupants of single family and 2 to 4 unit residences shall do the following for the preparation and collection of the separated materials specified in s. 1.11:

- 1) Aluminum containers shall be rinsed and placed in the recycling container provided for collection. No aluminum foil, TV dinner trays, or aluminum packaging other than aluminum beverage cans shall be placed and will not be collected.
- 2) Bi-metal containers shall be shall be rinsed and placed in the recycling container.
- 3) Corrugated paper or other container board shall be flattened and placed in the container if less than 2' by 2' dimensionally. Any corrugated paper or container board larger than 2' by 2' shall be flattened and bundled and placed alongside the recycling container for the bulk pick-up day, and, only when the bulk pick-up will be made in dry weather.
- 4) Foam polystyrene packaging is waived from recycling at this time and may be directed to solid waste collection. [04/15/2017]
- 5) Glass containers shall be rinsed, caps and lids removed, and placed in the recycling container.
- 6) Plastic film packaging, bags, and wrap (only when clean and dry) shall be directed to a retail drop-off location.
- 7) Magazines, newspaper and miscellaneous mixed clean paper (e.g. junk mail, office paper) shall be placed loose in the recycling container.
- 8) Rigid plastic containers, SPI Code types 1-7, shall be rinsed, prepared and placed in the recycling container.
 - a) Plastic containers made of PETE – SPI Code # 1
 - b) Plastic containers made of HDPE - SPI Code #2
 - c) Plastic containers made of PVC, V – SPI Code #3
 - d) Plastic containers made of LDPE – SPI Code # 4
 - e) Plastic containers made of PP – SPI Code # 5
 - f) Plastic containers made of PS – SPI Code # 6
 - g) Plastic containers made of other resins or multiple resins - SPI Code #7
- 9) Steel containers shall be rinsed and placed in the recycling container.

1.15 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. 1.11(1) through (15):
 - 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 the 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 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.
- 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. 1.11(1) through (14) from solid waste in as pure a form as is technically feasible.

1.16 Responsibilities 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 to recycle the materials specified in s. 1.11(1) through (15):
 - (a) Provide adequate, separate containers for the recyclable materials.
 - (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 the 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 of reasons to reduce and recycle, which materials are collected, how to prepare 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.
- 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 s. 1.11(1) through (14) from solid waste in as pure a form as is technically feasible.

1.17 Prohibitions on Disposal of Recyclable Materials Separated for Recycling.

No person may dispose, or cause to be disposed, any of the materials specified in s. 1.11 (1) through (14) which have been separated for recycling in a solid waste disposal facility or burning in a solid waste treatment facility; except waste tires may be burned with energy recovery in a solid waste treatment facility.

1.18 Recyclables from Outside of the Township.

No person shall bring recyclables or postconsumer waste from outside of the Town of Sumner for disposal in the Town of Sumner unless specifically authorized by agreement with the Town of Sumner.

1.19 Debris Following a Disaster.

Waste generated during a disaster may pose a threat to the health, safety, and welfare of residents of the Town of Sumner. Residents are encouraged to refer to the Town of Sumner Debris Management Plan for guidance with these solid wastes.

1.20 Payment Procedures.

- 1) Owners of properties that receive roadside pick-up of solid waste, recyclables, or bulk waste materials will be billed for this service by the Town of Sumner annually as a special assessment on the property tax bill.
- 2) New owners of properties identified to receive roadside or other pick-up of solid waste, recyclables, or bulk waste materials will be billed for a pro-rated annual portion of such service by the Town of Sumner as a special assessment on their yearly property tax bill.

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 Sumner 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 Sumner 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 Sumner in accordance with Ordinance C-100-2010-0612 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 ordinance or law 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. 1.21(1) may be required to forfeit \$50 for a first violation, \$200 for a second violation, and not more than \$2000 for a third or subsequent violation.
 - (b) Any person who violates a provision of this ordinance, except s. 1.21, may be required to forfeit not less than \$10 or more than \$1000 for each violation.

The Town Board DO FURTHER ORDAIN that this ordinance shall be effective following its adoption and posting or publication.

Dated this 15th day of April, 2017,

Town of Sumner

John Dohner, Jr., Chair

Randall Burdick, Supervisor I

Rosemary Olson, Supervisor II

Attest:

Glendan Rewoldt, Clerk

Approved: _____

Vote: Ayes: 2 Noes: -0- Absent: 1

Posting: April 17, 2017