

**TOWN OF MENOMINEE
ORDINANCE NO.62**

Solid Waste and Recycling

Adopted July 21, 2016

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1.01 Title: Solid Waste and Recycling Ordinance for Town of Menominee

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1.03 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.

1.04 Statutory Authority

This ordinance is adopted as authorized under s. 287.09(3)(b), Wis. Stats., and the Town of Menominee.

1.05 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.

1.06 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 the adoption of this ordinance, or in effect on the date of the most recent text amendment to this ordinance.

1.07 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.

1.08 Applicability

The requirements of this ordinance apply to all persons within the Town of Menominee.

1.09 Administration

The provisions of this ordinance shall be administered by the Town of Menominee.

1.10 Effective Date

The provisions of this ordinance shall take effect, upon legal publication and posting, provided the requirements of Public Hearing and adoption by the Menominee Town/County Board of Supervisors.

1.11 Definitions

For the purposes of this ordinance:

- (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) “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 appliance” means a residential or commercial air conditioner, furnace, boiler, dehumidifier, water heater, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator or stove.
- (7) “Other resins or multiple resins” mean plastic containers labeled by the SPI code No.7
- (8) “Multiple-family dwelling” means a property containing 5 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 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.
- (12) “Person” includes any individual, corporation, partnership, association, local governmental unit, as defined in s. 66.0131(1)(a), Wis. Stats., state agency or authority or federal agency.
- (13) “PETE” or “PET” means polyethylene terephthalate plastic containers marked by the SPI code No.1
- (14) “Postconsumer 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 the SPI code No. 5.
- (16) “PS” means polystyrene plastic containers marked by the SPI code No. 6.
- (17) “PVC” means polyvinyl chloride plastic containers marked by the SPI code No. 3.
- (18) “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; newspaper; 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), Wis. Stats.
- (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) “Tote” means a container on wheels meant for the purpose of holding solid waste or recyclable materials for curbside pickup.
- (23) “Waste tire” means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
- (24) “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.
- (25) “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.
- (26) “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.

- (27) “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.

1.12 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) 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) Newspapers
- (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

*Note: See s. 1.13 (3) for an exemption on these specific materials.

1.13 Separation Requirements Exempted

The separation requirements of s. 1.12 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. 1.12 from solid waste in as pure a form as is technically feasible.
- (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. 1.12 (5) through (15) 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.

1.14 Care of Separated Recyclable Materials

To the greatest extent practicable, the recyclable materials separated in accordance with s. 1.12 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.

Used oil filters were banned from disposal in a solid waste disposal facility on January 1, 2011, Wis. Stats. 287 (4m)(b) and electronic devices were banned on September 1, 2010, Wis. Stats. 287 (5)(a). These items shall be taken to a licensed facility for proper disposal.

1.15 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:

- (1) Lead acid batteries shall be returned to place of purchase or placed at curb for pickup by hauler.
- (2) Major appliances shall be returned to place of purchase or contact hauler for recycling.
- (3) Waste oil shall be disposed of at a proper oil recycling facility. Waste oil shall not be mixed with any other solvents or material.
- (4) Yard waste shall be responsibility of individual resident. Yard waste shall not be mixed with solid waste or be placed at curb.

1.16 Preparation and Collection of Recyclable Materials.

Except as otherwise directed by Solid Waste Management Board, occupants of single family and 2 to 4 unit residences shall do the following for the preparations and collection of the separated materials specified in s. 1.12 (5) through (15):

- (1) Aluminum containers shall be rinsed and crushed when possible.
- (2) Bi-metal containers shall be rinsed, have labels removed and be crushed when possible.
- (3) Corrugated paper or other container board shall be broken down. All loose foreign material must be removed. No plastic lined or waxed cardboard or food containers accepted.

- (4) Foam polystyrene packaging shall be crushed.*
- (5) Glass containers shall be clean with all lids and caps removed.
- (6) All clean paper materials shall be placed loosely in the provided rolling tote for curbside pickup.
- (7) Rigid plastic containers shall be prepared and collected as follows:
 - (a) Plastic containers made of PETE, including soda and drink bottles, shall be cleaned and rinsed with all caps and rings removed.
 - (b) Plastic containers made of HDPE, including bottles and tubs, shall be cleaned and rinsed with all caps and rings removed.
 - (c) Plastic containers made of PVC*, cleaned and rinsed with all caps and rings removed.
 - (d) Plastic containers made of LDPE*, cleaned and rinsed with all caps and rings removed.
 - (e) Plastic containers made of PP*, cleaned and rinsed with all caps and rings removed.
 - (f) Plastic containers made of PS*, cleaned and rinsed with all caps and rings removed.
 - (g) Plastic containers made of mixed or other plastic resin types*, cleaned and rinsed with all caps and rings removed.

*Note: See s. 1.13 (3) for an exemption on these specific materials.

- (8) Steel containers shall be clean. Remove lids and place in center of can, labels removed, crush when possible.
- (9) Waste tires shall be taken to tire dealer for proper disposal or recycled through hauler for a fee.

All items listed in 1.16 (1) through (8) shall be placed loosely, not in bags, in the provided recycling tote for curbside pickup.

1.17 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 for recycling the materials specified in s. 1.12(5) 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. 1.12(5) through (15) from solid waste in as pure a form as is technically feasible.
- (3) Residents shall be provided with (1) 95 gallon trash tote and (1) 95 gallon recycling tote. All residential solid waste must be bagged, tied, and fit in the tote provided. Card board is to be broken down to a 2ft x 3ft in size maximum. Solid waste and recyclables shall be covered and secured to prevent littering. No garbage stored outside the cart will be collected. All trash must fit in cart provided with the lid closed. All recyclable materials placed in the proper tote shall be loose and not contained within bags.
- (4) Haulers may not collect, transport, process or dispose of solid waste within Menominee Town/County unless the recyclable materials have been segregated. It is the responsibility of the hauler to inform the Menominee County Conservation/Forestry/Zoning Department of residential, multi-family, and non-residential properties that are not segregating recyclable materials from solid waste.
- (5) Haulers may contact any residential, multi-family, or non-residential customer whose recycling or solid waste cannot be picked up. Haulers shall contact the Menominee County's authorized officer, employee or representative of municipality for enforcement.

1.18 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 for recycling the materials specified in s. 1.12(5) 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 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. 1.12(5) through (15) from solid waste in as pure a form as is technically feasible.

1.19 Prohibitions on Disposal of Recyclable Materials

- (1) No person shall dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in s. 1.12 (5) through (15) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.
- (2) No person shall burn trash, recyclable materials, or any other solid waste material, except for confidential papers, yard waste and clean wood that has not been painted, stained, sealed or treated.
- (3) It shall be unlawful for any person, unless under contract with and/or licensed by the County or Municipality or under agreement with an individual generator, to collect or remove any recyclable material which has been placed appropriately for collection.

1.20 Enforcement

- (1) For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of municipality may inspect recyclable materials separated for recycling., postconsumer waste intended for disposal, collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and non-residential facilities and properties, solid waste disposal facilities and solid waste treatment facilities, and any records relating to recycling activities, for the purpose of ascertaining compliance with provisions of this ordinance. No person shall refuse access to any authorized officer, employee or authorized representative of the Town/County of Menominee who requests access for purposes of inspection, and who presents appropriate credentials. No person shall obstruct, hamper, or interfere with such an inspection. Also see the Menominee Town/County Recycling Compliance Assurance Plan. This plan is available at the Menominee County Conservation/Forestry/Zoning Office.

- (2) Any person who violates a provision of this ordinance may be issued a citation by the Town/County of Menominee 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 shall be assessed as follows:

 - (a) Any person who violates s. 1.19 may be required to forfeit \$100 for a first violation, \$500 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. 1.19, may be required to forfeit not less than \$50 and not more than \$500 for each violation.