

Chapter 224

SOLID WASTE

[HISTORY: Adopted by the Town Board of the Town of Scott as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Disposal of Waste Materials

[Adopted 11-9-1989 by Ord. No. 2-1989]

§ 224-1. Intent.

It is the general intent of this article to regulate the disposal of garbage and other waste materials along roadsides and other public areas of the Town of Scott in order to maintain a reasonable relationship between the services provided by the Town of Scott and the responsibilities of local financial support as well as to otherwise promote safety, protection of property values, conservation of natural resources, preservation of the beauty of the community and other elements of public welfare.

§ 224-2. Prohibited conduct.

It shall be unlawful for any person to:

- A. Place any garbage or other waste materials along roadsides or along any other public lands within the Town of Scott, except at the Town of Scott Solid Waste Disposal Facility.
- B. Place any garbage or other waste materials at the Town of Scott Solid Waste Disposal Facility during any times other than the posted hours for which the facility is declared by the Town of Scott to be open for use by the public.
- C. Fail to obey any directives or requests of the Town of Scott Solid Waste Disposal Facility attendant regarding the place or manner of depositing garbage or any waste materials upon and in the Town of Scott Solid Waste Disposal Facility.
- D. Bring into the Town of Scott from any location outside of the Town of Scott any garbage or other waste materials for the purpose of depositing or placement thereof at the Town of Scott Solid Waste Disposal Facility.

§ 224-3. Violations and penalties. ¹

Any person violating any provisions of this article shall be subject to a forfeiture of \$200 per incident plus costs of prosecution.

ARTICLE II

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D).

Recycling
[Adopted 7-14-1994 by Ord. No. 2-1994]

§ 224-4. Title.

This article shall be known as the "Recycling Ordinance for the Town of Scott."

§ 224-5. Purpose.

The purpose of this article is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in § 287.11, Wis. Stats., and Ch. NR 544, Wis. Adm. Code.

§ 224-6. Statutory authority.

This article is adopted as authorized under § 287.09, Wis. Stats.

§ 224-7. Abrogation and greater restrictions.

It is not intended by this article 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 article imposes greater restrictions, the provisions of this article shall apply.

§ 224-8. Interpretation.

- A. In their interpretation and application, the provisions of this article 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 article may be in consistent or conflicting, the more restrictive requirements or interpretation shall apply.
- B. Where a provision of this article is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and Ch. NR 544, Wis. Adm. Code, standards in effect on date of adoption of this article or in effect on the date of the most recent text amendment of this article.

§ 224-9. Applicability.

The requirements of this article apply to all persons within the Town of Scott Town limits.

§ 224-10. Administration.

The provisions of this article shall be administered by the Town of Scott Town Board.

§ 224-11. Effective date.

The provisions of this article shall take effect on January 1, 1995.

§ 224-12. Definitions.

For the purposes of this article, the following terms shall have the meanings indicated:

BIMETAL CONTAINER — A container for carbonated or malt beverages that is made primarily of steel and aluminum.

BRUSH and BRANCHES — Clean woody vegetative material no greater than six inches in diameter. This term does not include stumps, roots, or shrubs with intact root balls.

CONTAINER BOARD — Corrugated paper board used in the manufacture of shipping containers and related products.

FOAM POLYSTYRENE PACKAGING — Material designed for food or beverage service or loose particles or rigid material for packaging and shipping use.

HDPE — High-density polyethylene plastic containers marked by the SPI Code No. 2.

LDPE — Low-density polyethylene plastic containers marked by the SPI Code No. 4.

MAGAZINES — Magazines and other materials printed on similar paper.

MAJOR APPLIANCE — A residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator or stove.

MIXED OR OTHER PLASTIC RESIN TYPES — Plastic containers marked by the SPI Code No. 7.

MULTIPLE-FAMILY DWELLING — A property containing five or more residential units, including those which are occupied seasonally.

NEWSPAPER — A newspaper and other materials printed on newsprint.

NONRESIDENTIAL FACILITIES AND PROPERTIES — Commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple-family dwellings.

OFFICE PAPER — High-grade printing and writing papers from offices in nonresidential 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.

PERSON — Includes any individual, corporation, partnership, association, local government unit, as defined in § 66.0131(1)(a), Wis. Stats., state agency or authority or federal agency.

PETE — Polyethylene terephthalate plastic containers marked by the SPI Code No. 1.

POST-CONSUMER WASTE — Solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in § 291.01(7), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in § 289.01(17), Wis. Stats.

PP — Polypropylene plastic containers marked by SPI Code No. 5.

PS — Polystyrene plastic containers marked by SPI Code No. 6.

PVC — Polyvinyl chloride plastic containers marked by SPI Code No. 3.

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 bimetal containers.

SOLID WASTE — Has the meaning specified in § 289.01(33), Wis. Stats.

SOLID WASTE FACILITY — Has the meaning specified in § 289.01(35), Wis. Stats.

SOLID WASTE TREATMENT — Any method, technique or process which is designed to change the physical, chemical, or biological character or composition of solid waste. "Treatment" includes incineration.

WASTE TIRE — A tire that is no longer suitable for its original purpose because of wear, damage or defect.

YARD WASTE — Leaves, grass clippings, and yard and garden debris.

§ 224-13. Separation of recyclable materials.

Occupants of single-family and two- to four-unit residences, multiple-family dwellings, nonresidential facilities, places of business, industry or commerce, farms, and governmental facilities shall separate the following materials from post-consumer waste:

- A. Lead acid batteries.
- B. Major appliances.
- C. Waste oil.
- D. Yard waste.
- E. Aluminum containers.
- F. Bimetal 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 (No. 1), HDPE (No. 2), PVC (No. 3), LDPE (No. 4), PP (No. 5), PS (No. 6), and mixed or other plastic resin types (No. 7).
- N. Steel containers.
- O. Waste tires.
- P. Residential and commercial furnaces.

- Q. Boilers.
- R. Dehumidifiers.
- S. Water heaters.

§ 224-14. Exemptions.

The separation requirements of § 224-13 do not apply to the following:

- A. Occupants of single-family and two- to four-unit residences, multiple-family dwellings and nonresidential 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 § 224-13 from the solid waste in as pure a form as technically possible.
- 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 § 224-13 for which a variance or exemption has been granted by the Department of Natural Resources under § 287.07(7)(d) or 287.11(2m), Wis. Stats., or § NR 544.14, Wis. Adm. Code.

§ 224-15. Care of separated recyclable materials.

To the greatest extent practicable, the recyclable materials separated in accordance with § 224-13 shall be clean and kept free of contaminants, such as food or product residue, oil or grease, or other nonrecyclable 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.

§ 224-16. Lead acid batteries, major appliances, waste tires and yard waste.

Occupants of single-family and two- to four-unit residences, multiple-family dwellings, and nonresidential facilities and properties shall manage lead acid batteries, major appliances, waste tires and yard waste as follows:

- A. Lead acid batteries, major appliances, furnaces, boilers, dehumidifiers, water heaters, microwaves with the capacitor removed and waste tires shall be disposed of by the owner of the item by contacting an accepting vendor and then delivering the item as directed.
- B. Yard waste shall be disposed of by composting of the material on the site at which it is produced.

§ 224-17. Preparation and collection of recyclable materials.

- A. 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 § 224-13E through S:
 - (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 contents out of the jar or bottle thoroughly and remove and discard the cover, lid, or cap. Acceptable examples of containers include catsup, barbecue sauce, salad dressing, pickle, jam, jelly, peanut butter, beer, liquor and wine bottles. Nonacceptable materials include plate glass, ceramics, clay items, and light bulbs and broken glass.
 - (4) Plastic containers. Rinse out thoroughly and remove caps and rings. Examples are milk jugs and liquid detergent bottles. All plastics identified as Nos. 1 through 7 shall be recycled except as specified in § 224-22.
 - (5) Magazines or other materials printed on similar paper shall be bundled separately.
 - (6) Newspapers or other materials printed on newsprint or contained in newspapers as inserts shall be bundled separately.
 - (7) Office paper shall be bundled separately.
 - (8) The items in Subsection A(1) through (7) are to be separated and placed in the appropriate containers at the Town of Scott Recycling Facility.²
- B. The Town of Scott reserves the right to change any of the methods of preparing and collecting the materials in this section and shall post and publish notice to its residents of such changes.

§ 224-18. Multiple-family dwellings.

- A. Owners or designated agents of multiple-family dwellings shall do the following for recycling the materials specified in § 224-13E through S:
- (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 semiannually thereafter about the established recycling program.
 - (3) Provide for the collection of materials separated from the solid waste by 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 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 Subsection A 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 for Natural Resources that recovers for recycling the materials as specified in § 224-13E through S from solid waste in as pure a form as technically feasible.

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D).

§ 224-19. Nonresidential facilities and properties.

- A. Owners or designated agents of nonresidential facilities and properties shall do the following for recycling the materials specified in § 224-13E through S:
- (1) Provide adequate, separate containers for the separated recyclable materials.
 - (2) Notify in writing, at least semiannually, all users, tenants and occupants of the properties about the established recycling program.³
 - (3) Provide for the collection of 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 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.
- B. A person in the Town of Scott owning or occupying a new building or a building that is remodeled or expand 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.
- C. The requirements specified in Subsection A do not apply to the owners or designated agents of nonresidential 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 as specified in § 224-13E through S from solid waste in as pure a form as technically feasible.⁴

§ 224-20. Prohibitions on disposal of recyclable materials separated for recycling; haulers.

- A. No person or hauler may dispose in a landfill or burn in a solid waste facility any recyclable materials as specified in § 224-13E through S generated in the Town of Scott that have been separated for recycling.
- B. No person or corporation shall engage in the business of hauling recyclables within the Town of Scott limits without being licensed by the Department of Natural Resources under § NR 502.06, Wis. Adm. Code.
- C. Haulers who collect solid waste or recyclables in the Town of Scott 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 Scott.
- D. Recycling haulers and processors operating in the Town of Scott are required to maintain records and report in writing to the Town Clerk on or by December 31 each year. Reports shall include the amount of solid waste and recyclables collected and transported from the Town of Scott, the amount of solid waste and recyclables processed and/or marketed by item type from the Town of Scott, and the final disposal location of solid waste and

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

recyclable material. Failure to report shall be cause for the municipality to revoke any license or sever any contract with the hauler/processor.

- E. Any hauling contractor operating in the Town of Scott shall not transport for processing any recyclable to a processing facility unless that facility has been approved by the Town of Scott and by January 1, 1995, the facility has self-certified with the Department of Natural Resources under § NR 544.16, Wis. Adm. Code.

§ 224-21. Ownership of recyclable materials. ⁵

Recyclable materials, upon placement at the curb or collection site, shall become the property of the Town of Scott. Recyclable materials, upon collection by any permitted collector, shall become the property of the hauler.

§ 224-22. Addition or removal of designated recyclable materials. ⁶

The Town of Scott 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 Scott or its contractors. The Town of Scott shall provide written notice to its service recipients of this declaration.

§ 224-23. Enforcement; violations and penalties.

- A. Any Town Board member or representative of the Town Board of the Town of Scott may inspect recyclable materials separated for recycling, post-consumer waste intended for disposal, collection sites and facilities, collection areas of multiple-family dwellings and nonresidential facilities and properties, solid waste disposal facilities and solid waste treatment facilities, and any records relating to recycling or solid waste disposal activities for the purpose of ascertaining compliance with the provisions of this article. No person may refuse access to any Town Board member or its representative of the Town of Scott who requests access for the purposes of inspection and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.
- B. Any person who violates a provision of this article may be issued a citation by Town of Scott representative 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 subsection.
- C. Penalties for violation this article may be assessed as follows:
 - (1) Any person who violates § 224-20 may be required to forfeit \$50 for a first violation, \$200 for a second and not more than \$2,000 for a third or subsequent violation.⁷
 - (2) Any person who violates a provision of this article except § 224-20 may be required

5. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

6. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

7. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

to forfeit not less than \$10 nor more than \$1,000 for each violation.