

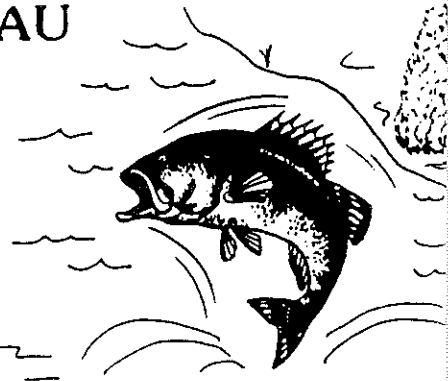
TOWN of LAC DU FLAMBEAU

Vilas County

P.O. Box 68

Lac du Flambeau, Wisconsin 54538

715-588-3358



ORDINANCE NO. 94-01

TOWN OF LAC DU FLAMBEAU MANDATORY RECYCLING ORDINANCE

1.01 TITLE. Recycling Ordinance for the Town of Lac du Flambeau.

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.159.11(3)(b), Wis. Stats., and Chapter NR 544, Wis. Administrative Code or their successor provisions.

1.03 STATUTORY AUTHORITY. This ordinance is adopted as authorized under S. 159.09(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. Adm. Code or its successor chapter, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Chapter NR 544 standards or its successor chapter in effect on the date of the 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 within the boundaries of the Town of Lac du Flambeau.

1.08 ADMINISTRATION. The provisions of this ordinance shall be administered by the Lac du Flambeau Town Board or its designee.

1.09 EFFECTIVE DATE. These provisions pursuant to NR 544 Wis. Adm. Code must take effect on or before January 1, 1995. The provisions of this ordinance shall take effect upon the passage and publication of the notice of adoption as provided by law.

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 a combination of steel and aluminum.
- (2) "Corrugated cardboard" means printed or unprinted, imported or brown kraft corrugated cardboard packing boxes and sheets.
- (3) "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.
- (4) "HDPE" means high density polyethylene plastic containers marked by the SPI Code No. 2.
- (5) "Lead acid batteries" includes auto and marine type batteries and does not include small dry cell household type batteries.
- (6) "LDPE" means low density polyethylene plastic containers marked by the SPI Code No. 4.
- (7) "Magazines" means magazines and other materials printed on similar paper that have shiny or glossy covers and interior pages and are bound by staples or glue.
- (8) "Major appliance" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, stove, television, lawnmower, and dehumidifier.
- (9) "Multiple-family dwelling" means a property containing 5 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. This term does not include multiple family dwellings.
- (12) "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.
- (13) "Other resins or multiple resins" means plastic resin labeled by the SPI Code No. 7.

- (14) "Person" includes any individual, corporation, partnership, association, local governmental unit, as defined in S. 66.299(1)(a), Wis. Stats., state agency or authority or federal agency.
- (15) "PETE" means polyethylene terephthalate plastic containers marked by the SPI Code No. 1.
- (16) "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.
- (17) "Postconsumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in S. 144.61(5), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in S. 144.44(7)(a)1., Wis. Stats.
- (18) "PP" means polypropylene plastic containers marked by the SPI Code No. 5.
- (19) "PS" means polystyrene plastic containers marked by the SPI Code No. 6.
- (20) "PVC" means polyvinyl chloride plastic containers marked by the SPI Code No. 3.
- (21) "Recyclable materials" includes lead acid batteries, major appliances; waste oil; yard waste; waste tires; aluminum containers; bi-metal containers; corrugated cardboard; foam polystyrene packaging; glass containers; magazines; newspapers; office papers; plastic containers including those made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins, and steel containers.
- (22) "Solid waste" has the meaning specified in S. 144.01(15), Wis. Stats.
- (23) "Solid waste facility" has the meaning specified in S. 144.43(5), Wis. Stats.
- (24) "Solid waste treatment" means any method, technique or process which is designated to change the physical, chemical or biological character or composition of solid waste. "Treatment" includes incineration.
- (25) "Steel container" means all-steel food, paint or aerosol cans with plain, tin-coated, or plastic-coated interiors up to one gallon in size that is originally used to contain non-hazardous edible, medicinal, toiletries, cleaning, painting, and some automotive products.
- (26) "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
- (27) "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) Lead acid batteries
- (2) Major appliances
- (3) Waste oil

- (4) Yard waste
- (5) Waste tires
- (6) Aluminum containers
- (7) Bi-metal containers
- (8) Corrugated cardboard
- (9) Foam polystyrene packaging
- (10) Glass containers
- (11) Magazines
- (12) Newspapers or other materials printed on newsprint
- (13) Office paper
- (14) Plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins
- (15) Steel containers

1.12 SEPARATION REQUIREMENTS EXEMPTED. The separation requirement of section 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 section 1.11 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 section 1.11 for which a variance or exemption has been granted by the Department of Natural Resources under S. 159.07(7)(d) or 159.11(2m), Wis. Stats., or S. NR 544.14, Wis. Adm. Code or their successor provisions.
- (4) The Town 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 service provided by the Town or its contractors. The Town shall provide written notice by publication or other means of this declaration.

1.13 CARE OF SEPARATED RECYCLABLE MATERIALS

- (1) To the greatest extent practicable, the recyclable materials separated in accordance with section 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.
- (2) Right to Reject Materials. The operator of any drop off site authorized as a collector pursuant to the terms of this ordinance shall have the right to reject any recyclable material that is not prepared according to the specifications of this ordinance.

1.14 MANAGEMENT OF LEAD ACID BATTERIES, MAJOR APPLIANCES, WASTE OIL, YARD WASTE, AND WASTE TIRES. Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties shall manage lead batteries, major appliances, waste oil, yard waste and waste tires as follows:

- (1) Lead acid batteries shall be delivered to any of the following: to any retailer engaged in the sale of batteries, to a licensed hauler or to a DNR authorized facility and/or program.
- (2) Major appliances shall be delivered to any of the following: the Highway G Landfill located in Vilas County where they will be accepted subject to the payment of a fee, to a licensed hauler, or to a DNR authorized facility and/or program, or to the Town transfer station on Highway H.
- (3) Waste oil shall be placed in unbreakable leak-proof containers and delivered to any of the following: to the Highway G Landfill located in Vilas County, Wisconsin, to a licensed hauler, or to any DNR authorized facility and/or program.
- (4) Yard waste cannot be deposited at the Highway G Landfill, but can be delivered to any of the following: a licensed hauler, or to a DNR authorized recycling facility and/or program, or to the Town composting site at the Highway H transfer station.
- (5) Waste tires shall be delivered to any of the following: to the Highway G Landfill and will be accepted subject to the payment of a fee, to a licensed hauler, or at a DNR authorized facility and/or program.

1.15 PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS. Except as otherwise directed by the Lac du Flambeau Town Board, 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 Section 1.11(6) through (15) and shall thereafter deliver to any collection sites listed as follows: the transfer and recycling center located in the Town of Lac du Flambeau, any facility authorized by the Lac du Flambeau Town Clerk, any licensed hauler, or to any DNR authorized facility and/or program.

- (1) Aluminum containers shall be rinsed clean and delivered in recyclable containers or clear plastic bags.
- (2) Bi-metal containers shall be rinsed clean with ends removed and containers flattened, and delivered in recyclable containers or clear plastic bags.
- (3) Corrugated cardboard shall be flattened.
- (4) Foam polystyrene packaging shall be delivered in recyclable containers or clear plastic bags.
- (5) Glass bottles and jars shall be rinsed clean and sorted by color: clear, green and brown, and delivered in recyclable containers or clear plastic bags. Caps and metal rings shall be removed and be discarded as garbage.
- (6) Magazines or other materials printed on similar paper that have shiny or glossy covers and interior pages, and are bound by staples or glue, shall be string-tied in bundles or placed in paper grocery bags not exceeding 12 inches in height.

- (7) Newspapers or other materials printed on newsprint shall be string tied in flat bundles or placed in paper grocery bags not exceeding 12 inches in height.
- (8) Office paper shall be delivered in recyclable bags or clear plastic bags.
- (9) Plastic containers shall be prepared and collected as follows:
 - (a) Plastic containers made of PETE (#1) shall be rinsed and have caps removed.
 - (b) Plastic containers made of HDPE (#2) shall be rinsed and have caps and rings removed.
 - (c) Plastic containers made of PVC (#3) shall be delivered in recyclable containers or clear plastic bags.
 - (d) Plastic containers made of LDPE (#4) shall be delivered in recyclable containers or clear plastic bags.
 - (e) Plastic containers made of PP (#5) shall be delivered in recyclable containers or clear plastic bags.
 - (f) Plastic containers made of PS (#6) shall be delivered in recyclable containers.
 - (g) Plastic containers made of other resins or multiple resins, (#7) shall be delivered in recyclable containers or clear plastic bags with labels removed.
- (10) Steel containers shall be rinsed, flattened and delivered in recyclable containers.

1.16 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 section 1.11(6) through (15):
 - (a) Provide adequate, separate containers for the recyclable material.
 - (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 requirement, 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 section 1.11(6) through (15) from solid waste in as pure a form as is technically feasible.

1.17 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 section 1.11(6) 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 method 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 section 1.11(6) through (15) from solid waste in as pure a form as is technically feasible.

1.18 PROHIBITIONS ON DISPOSAL OF WASTE AND RECYCLABLE MATERIALS

- (1) Prohibitions on 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 1.11(6) through (15) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.
- (2) Prohibition of Waste. It shall be unlawful for any person to place for disposal any of the following wastes: Hazardous and toxic wastes, chemicals, explosives, flammable liquids, paint, trees and stumps, medical wastes (unless personal needles which shall be contained in non-pierceable container to eliminate injury to collection person).

1.19 HAULER AND PROCESSOR LICENSING. Haulers and processors who collect or receive solid waste or recyclable material in the Town of Lac du Flambeau for storage, treatment, processing, marketing or disposal shall obtain and maintain all necessary municipal and state permits, licenses and approvals prior to collecting or receiving any materials in the Town.

- 1.20 REPORTING REQUIREMENTS. The recycling haulers and processors operating in the Town are required to maintain records and report in writing to the Lac du Flambeau Town Clerk at least once a year. Reports shall include: the amount of solid waste and recyclable material collected and transported from the Town, the amount of solid waste and recyclable material processed and/or marketed by item and type from the Town, and the final disposal location of solid waste and recyclable material. Failure to report shall be cause for the Town to revoke any license or sever any contract with the hauler/processor.
- 1.21 NO BURNING OR BURYING. No person, unless with written approval of the DNR or unless provided written permission by the Lac du Flambeau Town Board, may burn or otherwise treat or bury for disposal or treatment any separated recyclable material on any public or private land in the Town except that open burning by occupants of the Town of clean wood and paper products generated by those occupants of the Town and not separated for recycling by those occupants shall be permitted.
- 1.22 NO DUMPING OF RECYCLABLE MATERIALS
- (1) No person, unless provided written permission by the Lac du Flambeau Town Board, may litter, dispose, discharge or dump any recyclable material in any road, highway, road right-of-way, waters, street, alley or other public land or location, within the Town unless it is deposited or placed properly for collection in the proper bags, bins, receptacles or containers in the proper manner, date, time and location specified in this ordinance or as authorized and specified by the Lac du Flambeau Town Board.
- (2) No person, unless provided permission by the owner or occupant of the land, shall litter, dispose, discharge or dump any recyclable material on private land.
- 1.23 NON-COLLECTABLE MATERIALS
- (1) No person, unless provided written permission by the Lac du Flambeau Town Board, may deposit or place for any recyclable material collection by the Town or by its contractor, at any location in the Town of any of the following recyclable materials, wastes, residuals, and other materials:
- (a) Hazardous wastes, including household hazardous wastes
 - (b) Toxic wastes
 - (c) Free liquid in any containers, including paints and solvents
 - (d) Pesticides, excluding non-agricultural pesticide containers if properly cleaned, not contaminated, and if approved by the Lac du Flambeau Town Board for separation and for recyclable material collection

- (e) Medical wastes
- (f) Asbestos
- (g) Sludge wastes
- (h) Industrial or commercial wastes from any industrial or commercial facility or operation
- (i) Waste from pollution control equipment
- (j) Residue and debris from clean-up of a chemical discharge or chemical residue and debris from any facility or operation using chemicals in any commercial, agricultural or industrial processes
- (k) Ash waste
- (l) Hazardous and toxic demolition and construction wastes and demolition and construction wastes containing asbestos
- (m) Bio-medical wastes
- (n) Septage (human or otherwise) wastes
- (o) Animal fecal wastes
- (p) Dead animals
- (q) Brush or trees
- (r) Wood treated with chemical preservatives
- (s) Explosive material
- (t) Contaminated recyclable material as determined by the Town of Lac du Flambeau Board or its licensed contractors

- (2) No person may in any recyclable material collection knowingly collect for the Town any of the above noted wastes, materials, contaminated recyclable materials and any other recyclable materials which are not of marketable quality or which are placed for recyclable material collection in an unmarketable condition, unless provided written permission by the Lac du Flambeau Town Board. This prohibition shall apply to any contractor for the Town.

1.24 ENFORCEMENT

- (1) Any authorized officer, employee or representative of the Town of Lac du Flambeau 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 the provisions of this ordinance. No person may refuse access to any authorized officer, employee or authorized representative of the Town of Lac du Flambeau 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 Lac du Flambeau Town Board or its designee. The Lac du Flambeau Town Clerk shall 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 section 1.18 may be required to forfeit \$50 for a first violation, not more than \$200 for a second violation, and not more than \$2,000 for a third or subsequent violation.
 - (b) Any person who violates a provision of this ordinance, except section 1.18, may be required to forfeit not less than \$25 nor more than \$500 for each violation.


Adopted this 18th day of May, 1994

RESPECTIVELY SUBMITTED BY

TOWN OF LAC DU FLAMBEAU OFFICIALS


Francis Chartier, Chairman


Chris Dobrinski, Town Supervisor


Matthew Gaulke, Town Supervisor

Attest:


Virginia Schwanebeck, Town Clerk

DATE ADOPTED: 5-18-94

DATE PUBLISHED: 5-27-94

EFFECTIVE DATE: 5-28-94