

Town of Round Lake, Sawyer County Wisconsin

Ordinance 2019 -01

1.01 Title. Recycling Ordinance for the Town of Round Lake, Sawyer County WI. Repelling, recreating, and combining: Ordinance NO., 9405 (26) and Ordinance NO. 9406 B (37)

1.02 Purpose. The purpose of this ordinance is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, and to protect the public health and safety of the occupants of the Town of Round Lake by providing certain recyclable material waste and other material collection, storage, treatment, processing, and disposal regulations as provided in s. 287.11, Wis. Stats., and Chapter NR 544, Wis. Administrative Code.

1.03 Statutory Authority. This ordinance is adopted as authorized under s. 287.09(3)(b), Wis. Stats., and under Chapter 60, Chapter 66 Wi. Stats. And their succor chapters and provisions, and pursuant to its enactment of village powers under Chapter 61, WI. Stats., to enact and enforce this ordinance.

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. 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.

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 persons within the Town of Round Lake who are occupants of single family and two to four (2-4) units, multi-family dwellings and non-residential facilities and property. For this ordinance occupant residing in Mobile Home Parks located in the Town shall be considered occupants of single family residences.

1.08 Administration. The provisions of this ordinance shall be administered by the Town Board of the Town of Round Lake or its designee.

1.09 Effective. The provisions of this ordinance shall take effect on May 1, 2019.

1.10 Definitions. For the purpose of this ordinance:

- 1) "Bi-metal container" means a container for carbonated or malt a beverage 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) "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) "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.
- 5) "HDPE" means high density polyethylene, labeled by the SPI code # 2.
- 6) "LDPE" means low density polyethylene, labeled by the SPI code # 4.
- 7) "Magazines" means magazines and other materials printed on similar paper.
- 8) "Major appliance" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, furnace, boiler, dehumidifier, water heater or stove.
- 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 government 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" mean plastic resins labeled by the SPI code # 7.
- 14) "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.
- 15) "PETE" or "PET" means polyethylene terephthalate, labeled by the SPI code # 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. 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.
- 18) "PP" means polypropylene, labeled by the SPI code # 5.
- 19) "PS" means polystyrene, labeled by the SPI code # 6.
- 20) "PVC" means polyvinyl chloride, labeled by the SPI code # 3.
- 21) "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; 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.
- 22) "Solid waste" has the meaning specified in s. 289.01(33), Wis. Stats.
 - 23) "Solid waste facility" has the meaning specified in s. 289.01(35), Wis. Stats.
 - 24) "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.
 - 25) "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
 - 26) "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.
 - 27) Contaminated (wastes and recyclable materials) means wastes and residuals from wastes or recyclable materials that are contaminated with hazardous wastes, hazardous substances, toxic wastes or other non-collecting wastes, as noted in this ordinance, or that have been determined by the Town Board of the Town to be mixed or contaminated with wastes and other materials that make the recyclable material unacceptable for collection by the Town, its agents or its contractor(s).

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) Aluminum containers
- 6) Bi-metal containers
- 7) Corrugated paper or other container board
- 8) Foam polystyrene packaging
- 9) Glass containers
- 10) Magazines
- 11) Newspaper
- 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

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. 1.1(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.

1.13 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 containers. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions.

1.14 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:

1.) Lead acid batteries shall be taken by the occupant to any vendor that sells batteries or will accept batteries within the State of Wisconsin or, if provided by the Town to a Town collection facility: or contract with a hauler for private collection. They shall be separated from solid waste.

2.) Major appliances shall be taken by the occupant to any vendor that sells batteries or will accept batteries within the State of Wisconsin or, if provided by the Town to a Town collection facility: or contract with a hauler for private collection. They shall be separated from solid waste.

3.) Waste oil shall be taken by the occupant to any vendor that sells batteries or will accept batteries within the State of Wisconsin or, if provided by the Town to a Town collection facility: or contract with a hauler for private collection. They shall be separated from solid waste.

4.) Yard waste may be managed on site; or if provided by the Town, taken to a Town compost facility or occupant can contract with a hauler for private collection. Composting is encouraged and instructions can be obtained from the Town Board designee. It shall be separated from solid waste.

1.15 Preparation and Collection of Recyclable Materials. Except as otherwise directed by the Town Board of the Town of Round Lake, occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties shall do the following for the preparation and collection of the separated materials specified in s. 1.11(5) through (15):

1.) Aluminum containers. All aluminum food and beverage containers shall be emptied and rinsed clean. These containers shall be placed by the occupants in authorized containers for recyclable material collection.

- 2.) Bi-metal steel/tin food and beverage containers. Occupants shall empty, and rinse clean containers. These containers shall be placed by the occupants in authorized containers for recyclable material collection.
- 3.) Corrugated paper or other container board shall be flattened for collection. Only clean corrugated cardboard shall be accepted (no food residue). These containers shall be placed by the occupants in authorized containers for recyclable material collection.
- 4.) Foam polystyrene packaging and containers shall be free of all debris and placed in authorized containers for collection.
- 5.) Glass containers. Occupants shall empty and rinse glass containers. All rings, caps, and lids must be removed. Occupants shall not break the glass for collection. Container glass shall be placed in authorized containers for collection.
- 6.) Magazines shall be dry and free of debris and placed in authorized containers for collection.
- 7.) Newspaper shall be dry and free of debris and placed in authorized containers for collection.
- 8.) Office paper shall be clean, dry, and free of debris and placed in authorized containers for collection.
- 9.) Rigid plastic containers: PETE code 1 and HDPE Code 2, PVC Code 3, PS Code 6, PP Code 5, LDPE Code 4, other resins or multiple resins including #7 shall be emptied and rinsed clean and have the rings, caps, and lids removed by the occupants. They shall be placed in authorized containers for collection.
- 10.) Steel containers Occupants shall empty, and rinse clean containers. These containers shall be placed by the occupants in authorized containers for recyclable material collection.
- 11.) Waste tires shall be taken by the occupant to any vendor who will accept them or contract with a hauler for private collection or, if provided by the Town, taken to a collection facility. They shall be separated from solid waste.

1.16 Regulating Provisions.

- 1.) The Town Board shall:
 - (a) Establish and publish the rules and regulations for eligible occupants for recyclable material collection by the Town or its collector including the times and dates for the collection and locations established for collection.
 - (b) Provide the name, address and phone number of the person from the Town to receive complaints or inquires.
 - (c) Provide the requirements for proper separation, proper placement and proper containment of the recyclable material for collection.

- (d) Provide the reasons for possible refusal for collection of recyclable material.
- (e) Provide other information deemed relevant to eligible occupants by the Town Board.

2.) The Town Board may establish fees for occupants for the payment of collection services for recyclables.

3.) The Town Board of the Town of Round Lake 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 for any collection services provided by the Town or its contractors. The Town shall provide notice to occupants and contractors of this declaration by methods determined by Town Board.

4.) The Town Board of the Town shall be responsible to provide and maintain by employee, agency contract or other means the necessary equipment and personnel to implement any recyclable material collection, processing and marketing service of the Town established by this ordinance and by the Town Board.

5.) Persons in the Town:

- (a.) Shall comply properly with the recyclable material and location collections rules and regulations in the Town as established by this ordinance and as established by the Town Board for regular and special recyclable material collection service.
- (b.) Shall not deposit for collection any solid waste, recyclable materials, other wastes or other materials at any closed recyclable material collection facility other than the times and dates the facility is open for the deposit of such materials.
- (c.) All receptacles and containers of waste and recyclable materials shall be placed on private property for collection and not placed on any Town highway or right of way.
- (d.) The owner or occupant at each residence is responsible for all waste and recyclable materials until it is picked up by the owner's private contracted collector hired to perform such service.
- (e.) All receptacles and containers of waste and recyclable materials shall not be placed for pick up more than 24 hours before such service is completed.
- (f.) No persons , unless provided written permission by the Town Board shall deposit or place for recyclable materials collection by the Town or its contractor at any location in the Town, any recyclable materials, wastes, or other materials where these recyclable materials, wastes, or other materials have been generated from sources outside the Town of Round Lake.
- (g.) No person shall 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 of Round Lake unless provide written permission by the Town Board or authorized under this ordinance.
- (h.) No person, unless under contract with the Town, or a private licensed hauler, or unless provided written permission by the Town Board, shall collect nor remove any recyclable material that has been deposited or placed for recyclable material collection by the any occupant of the town at the curb or

roadside, any recyclable material collection container at collection locations or at any other locations in the Town approved by the Town Board for recyclable material collections. This provision shall not apply to any occupant who has placed recyclable material for collection and then withdraws it from collection prior to collection.

(i.) Any recyclable material, waste or other material not rejected, unless previously rejected, by the Town, its employs, agents or by any of its contractors in its recyclable material collection any Town recyclable material collection facility upon its placement by an occupant in the recyclable material collection bins or containers, shall become the property of the Town, unless the Town has a contract to the contrary with its contractors. The recyclable material waste or other material deposited for collection at any curbside or roadside collection locations shall upon its collection by an contractor or licensed hauler in the Town , become the property of the contractor or collector unless the Town has a contract to the contrary with its contractor or hauler.

(j) No person, unless exempt under this ordinance, in the Town shall place or deposit for the regular recyclable materials collection service of the Town any recyclable material at any facility or property in the Town, nor shall any person collect, including the Town, its agent or its contractor(s) any recyclable material for transport from any person in the Town where the recyclable materials have not been properly separated from the solid waste and from other materials and where the recyclable materials have not been properly contained as determined by the Town Board as required under this ordinance.

(k) No person shall deposit or place for recyclable material collection by the town or its contractor or licensed hauler, unless provided written permission by the Town Board, any recyclable material collection at any location in the town except at locations next to the Town right-a-way on the premises owned or occupied by that person. No person shall deposit or place these materials on the traveled portion of the roadways within the Town. No person shall place or deposit for recyclable materials collection, any recyclable material for collection by Licensed Hauler in the town unless in compliance with these provisions.

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 to recycle the materials specified in s. 1.11(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. 1.11(5) through (15) from solid waste in as pure a form as is technically feasible.

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 to recycle the materials specified in s. 1.11(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 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(5) through (15) from solid waste in as pure a form as is technically feasible.

1.19 Prohibitions on Disposal of Recyclable Materials Separated for Recycling.

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 s. 1.11 (5) through (15) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

1.20 Improper Transportation. It shall be unlawful to transport any refuse, waste, recyclable materials, or Yard Waste in any vehicle where its permits the contents to blow, sift, leak, or fall there from. If spillage does occur the person shall immediately return spilled materials to the collection vehicle and shall properly clean, or have cleaned, the area of spillage. The person shall immediately notify the Town of Round Lake of any spillage, the date and the location of the spillage and identify the refuse or materials contained in the spillage.

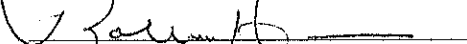
1.21 Enforcement.

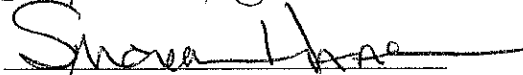
1) For the purpose of ascertaining compliance with NR 544 Wis. Adm. Code or its successor chapter, the provisions of this ordinance, any authorized Town Board Member, authorized employee or authorized representative of the Town of Round Lake, Sawyer County, WI., may inspect recyclable materials separated 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 shall refuse access to any Town Board Member, authorized employee or authorized representative of the Town of Round Lake, Sawyer County, WI. who requests access for purpose 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 Chairperson or his or her designee 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, and 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. 1.19 may be required to forfeit \$50 for a first violation, \$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 s 1.19 may be required to forfeit not less than \$50 or more than \$1,000 for each violation.

This Ordinance shall be effective upon passage and publication as provided by law and shall repeal and replace all all-terrain-vehicle route ordinances heretofore enacted by the Town of Round Lake.

Rolfe Hanson, Chairperson 

Sharon Haak, Supervisor 

Kay Wilson, Supervisor 

Sandra Schara, Supervisor 

Marilyn Karns, Supervisor 

I hereby certify that the above ordinance was adopted by the Town Board of the Town of Round Lake on the 11 day of April, 2019.

 Kathy McCoy, Town Clerk