

ORDINANCE 2018-10
RECYCLING & SOLID WASTE DISPOSAL
THE TOWN OF WINCHESTER, VILAS COUNTY, WISCONSIN

A. Purpose:

The purpose of this ordinance is to regulate the disposal of waste, garbage, refuse, and sludge by individuals, corporations, and municipalities within the Town of Winchester. Because of the possible danger to the health, safety, and welfare of the public, such disposal within the Town shall be permitted only under the terms and conditions of this ordinance.

Additionally, the purpose of this ordinance is to promote recycling, composting, and resource recovery through the administration of an effective program, as provided in s 159.11 Wisconsin Statutes, and Chapter NR 544, Wisconsin Administrative Code

B. Statutory Authority:

This ordinance is adopted as authorized under s 159.09 (3) (b) Wisconsin Statutes, and the Town of Winchester.

Nothing contained herein shall be deemed to limit or restrict the application of any state law or administrative regulation of any state agency regulating the subject of this ordinance.

C. 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 any other power granted by the Wisconsin Statutes. Where and terms or requirements of this ordinance may be inconsistent or conflicting, the more restrictive requirements or interpretations shall apply. Where a provision of this ordinance is required by Wisconsin Statutes, or by a standard in Chapter NR 544, Wisconsin Administrative Code, and where the ordinance provision is unclear, the provision shall be interpreted considering 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.

D. Definitions:

- 1.) Disposal—Includes, but not limited to, unloading, throwing away, discarding, emptying, abandoning, discharging, burning, or burying waste, garbage refuse, or sludge on, into, or under any property or lands whether publicly or privately owned within the Town of Winchester.
- 2.) Waste—Garbage, refuse, and all other discarded or salvageable material, including material resulting from industrial, commercial, and agricultural operations and from domestic use and public service activities.
- 3.) Garbage—discarded material resulting from the handling, processing, storage, preparation, serving, and consumption of food.
- 4.) Refuse—Combustible and noncombustible discarded material including, but not limited to, trash, rubbish, paper, wood, metal, glass, plastic, rubber, cloth, ashes, litter and street rubbish, industrial waste, dead animals, mine tailings, gravel pit and quarry spoils, and material and debris resulting from construction or demolition.

- 5.) Sludge—Sewage treatment residue in any form whatsoever, whether solid, semisolid, or liquid, that has been processed or treated in any way, form, or manner. It does not include septage to be spread on land as defined and regulated by s. 146.20 Wisconsin Statutes 1985-86.
- 6.) Municipality—any city, village, town, or county.
- 7.) Bi-metal container—primarily made of the combination of steel and aluminum for carbonated or malt beverages.
- 8.) Container Board—Corrugated paperboard used in the manufacture of shipping containers and related products.
- 9.) HDPE—High density polyethylene plastic containers marked by the SPI code No. 2.
- 10.) LDPE—Low density polyethylene plastic containers marked by the SPI code No. 4.
- 11.) Magazines—Magazines and other materials printed on similar paper.
- 12.) Major Appliance—Residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, or stove.
- 13.) Mixed or other plastic resin types—Plastic containers marked by the SPI code No. 7.
- 14.) Multifamily dwellings—A property containing 5 or more residential units, including those which are occupied seasonally.
- 15.) Newspaper—Materials printed on newsprint.
- 16.) Non-residential facilities and properties—commercial, retail, industrial, institutional, and governmental facilities and properties. This term does not apply to multifamily dwellings.
- 17.) Office paper—high grade printing and writing papers from office in non-residential facilities and properties. Printed white ledger and computer printouts are examples. This term does not include industrial process waste.
- 18.) Person—any individual, corporation, partnership, association, local government unit, as defined in S. 66.299 (1) (a), Wisconsin Statutes, state agency or authority, or federal agency.
- 19.) PETE—Polyethylene terephthalate plastic containers marked by the SPI code No. 1.
- 20.) Post-Consumer Waste—Solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in S. 144.61(5) Wisconsin Statutes, waste from construction and demolition of structures, scrap automobiles, or high volume industrial waste, as defined in S. 144.44(7)(a)1., Wisconsin Statutes.
- 21.) PP—Polypropylene plastic containers marked by the SPI code No. 5.
- 22.) PS—Polystyrene plastic containers marked by the SPI code No. 6.
- 23.) PVC—Polyvinyl chloride plastic containers marked by the SPI code No. 3.
- 24.) 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 bi-metal containers.
- 25.) Solid Waste—Specified in S 144.01(15), Wisconsin Statutes.
- 26.) Solid Waste facility—specified in S 144.43(5), Wisconsin Statutes.
- 27.) 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.
- 28.) Waste tire—a tire that is no longer suitable for its original purpose because of wear, damage, or defect.

29.) Yard Waste—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 apply to stumps, roots, or shrubs with intact root balls.

E. Proper Disposal Activities:

- 1.) Waste, garbage, or refuse is placed in suitable containers or stored in such other way as not to cause a public or private nuisance.
- 2.) The use of sanitary privies and what are commonly known as seepage beds or septic tanks, which conform to applicable ordinances of the town, or the discharge of human waste products into any public sewage system located in the town.
- 3.) A farm on which only animal waste resulting from the operation of the farm is disposed.
- 4.) Any waste disposal operation under the discretion and control of the Town of Winchester.

F. Prohibitions on Disposal of Recyclable Materials:

No person may dispose in a solid waste disposal facility or burn in a solid waste treatment facility any material specified in Section G, 1-15 which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

G. Separation of Recyclable Materials:

Occupants of single family and 2 to 4 unit residences, multiple family dwellings, and other non-residential facilities and properties shall separate the following materials from post-consumer 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 another container board
- 8.) Foam polystyrene packaging
- 9.) Glass containers
- 10.) Magazines or other matter printed on similar paper
- 11.) Newspaper or other matter printed on newsprint
- 12.) Office paper
- 13.) Plastic containers made of PETE, HDPE, LDPE, PVE, PP, PS, and other mixed or other plastic resin types
- 14.) Steel containers
- 15.) Waste tires

H. Separation Requirements Exempted:

The separation requirements of Section G 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 post-consumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the material specified in s 5.3 from solid waste in as pure a form as is technically possible.
- 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

- 3.) A recyclable material specified in Section G for which a variance or exemption has been granted by the Department of Natural Resources under ss 159.07(7)(d) or 159.11(2m), Wisconsin Statutes or NR 544.14 Wisconsin Administrative Code.

I. Care of Separated Recyclable Material:

To the greatest extent practical, the recyclable materials separated in accordance with Section G shall be clean and kept free of contaminants such as food or product residue, oils or grease, or other non-recyclable materials, including, but not limited to, household hazardous waste, medical waste, and agriculture chemical containers. Recyclable materials shall be stored in a manner which protects them from, wind, rain, and other inclement weather conditions.

J. 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 disposed at a facility approved to accept them.
- 2.) Major appliances shall be disposed at a facility approved to accept them.
- 3.) Waste oil shall be disposed at the transfer site.
- 4.) Yard waste shall be disposed at the transfer site.

K. Preparation and Collection of Recyclable Materials:

Except as otherwise directed by the Town of Winchester, occupants of single family and 2 to 4-unit residences shall do the following for preparation and collection of the separated materials specified in Section G, 5-15:

- 1.) (1) through (10) shall be disposed at the transfer site. (4) is waived until further notice.
- 2.) (3) disposed at an approved facility.
- 3.) No containers, regardless of the material of which they are made, may be recycled if they still contain oil, including, but not limited to, motor oil, cooking oil, or any similar substance whether used or unused.

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L. Responsibilities of Owners or Designated Agents of Multiple Family Dwellings:

- 1.) Owners or designated agents of multiple family dwellings shall do all the following for recycling, the materials specified in Section G (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 which materials are collected, how to prepare the materials in 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 post-consumer waste generated within the dwelling is treated at a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the material specified in Section G (5) through (15) from solid waste in as pure a form as is technically possible.

M. 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 the following for recycling the materials specified in Section G (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 other occupants, and the delivery of the materials to a recycling facility.
 - d. Notify users, tenants, and occupants which materials are collected, how to prepare the materials 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 post-consumer waste generated within the dwelling is treated at a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the material specified in Section G (5) through (15) from solid waste in as pure a form as is technically possible.

N. Severability:

Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected.

O. Applicability:

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

P. Administration:

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

Q. Enforcement:

- 1.) Any authorized officer, employee, or representative of the Town of Winchester may inspect recyclable materials separated for recycling, post-consumer 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 the 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 representative of the Town of Winchester who requests access for purposes of inspection, and who presents approved 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 Winchester to collect forfeitures. The issuance of a citation shall not preclude proceedings 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. See Citation Schedule, Ordinance 2018-13

R. Legal Actions:

This ordinance shall take effect upon posting and publication as provided by law.