

¹CHAPTER 6 WASTE REGULATIONS

Table of Contents

6.01 Refuse, Garbage, Rubbish Disposal in Township

6.02 Mandatory Recycling

6.01 Refuse, Garbage, Rubbish Disposal in Township.

(1) Transportation of Waste. No person or municipality shall transport any garbage, rubbish or other refuse, including sludge, into or within the Town of Sheboygan Falls for the purpose of dumping or otherwise disposing of the same, until such persons or municipality shall first have obtained a permit to do so from the Town Board.

(2) Dumping Grounds. No property within the Town of Sheboygan Falls shall be used for dumping of any garbage, rubbish, or other refuse by any municipality unless they shall have first obtained a permit to do so, and shall first have received approval of the method in which said dumping shall be done from the said Town Board of the Town of Sheboygan Falls.

(3) Town Dumps. The provisions of this Ordinance shall not be construed to restrict Town residents from using the areas designated as “town dumps” for dumping purposes.

(4) Health Provisions. The purpose of this Ordinance is to promote health, safety and general welfare of the Town of Sheboygan Falls, and the Town Board shall consider such to be the criterion when making its determination as to the issuance of permits required hereunder.

(5) Penalty. The penalty for violation of this section shall be to reimburse the Town for their expenses to clean up the waste or the penalty on Section 11.04 (1) of this code; whichever is greater.

6.02 Mandatory Recycling

(1) Title. Recycling Ordinance for the Town of Sheboygan Falls.

(2) Purpose. The purpose of this ordinance is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as

¹ Chapter 6 repealed and recreated March 2, 2015 by Ordinance 4 2014/2015.

provided by in Sec. 287.11, Wis. Stats., and Chapter NR 544, Wisconsin Administrative Code.

(3) Statutory Authority. This ordinance is adopted as authorized under Section 287.09(3) (b), Wis.Stats.

(4) 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.

(5) Interpretation. In their interpretation of application, the provisions of this ordinance shall be held to be the minimum requirements and shall not be deemed a limitation or appeal 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 interpretations 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 amended to this ordinance.

(6) 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.

(7) Applicability. The requirements of this ordinance shall apply to all persons within the Town of Sheboygan Falls' town limits.

(8) Administration. The provisions of this ordinance shall be administered by the Town of Sheboygan Falls Town Board.

(9) Effective Date. The provisions of this ordinance shall take effect upon its passage and publication or posting, as provided by law.

(10) Definitions. For the purpose of this ordinance:

a) "Bimetal Container" means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.

b) "Container Board" means corrugated paperboard used in the manufacture of shipping containers and related products.

c) "Foam polystyrene packaging" means packaging made primarily from foam polystyrene that satisfies one of the following criteria:

- i. is designed for serving food or beverages.
- ii. Consists of loose particles intended to fill space and cushion the packaged article on a shipping container.
- iii. Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.
- d) “HDPE” means high density polyethylene, labeled by the SPI code #2.
- e) “LDPE” means low density polyethylene, labeled by the SPI code #4.
- f) “Magazines” means magazines and other materials printed on similar paper.
- g) “Major Appliances” means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven (if the capacitor has not been removed), oven, refrigerator, furnace, boiler, dehumidifier, water heater and stove.
- h) “Multiple-family dwelling” means a property containing 5 or more residential units, including those which are occupied seasonally.
- i) “Newspaper” means a newspaper or other materials printed on newsprint.
- j) “Non-residential facilities or properties” mean commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.
- k) “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.
- l) “Other resins or multiple resins” means plastics resins labeled by SPI code #7.
- m) “Person” includes individual, corporation, partnership, association, local government unit, as defined by Sec. 66.299(1) (a), Wis. Stats., state agency or authority or federal agency.
- n) “PETE” means polyethylene terephthalate, labeled by SPI code #1.

o) "Plastic container" means individual, separate, rigid, plastic bottle, can or jar or carton, except for a blister pack, this is originally used to contain a product that is the subject of a retail sale.

p) "Postconsumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in Sec 287.01(7), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high volume industrial waste, as defined in Sec. 289.01(17), Wis. Stats.

q) "PP" means polypropylene, labeled by the SPI code #5.

r) "PS" means polystyrene, labeled by the SPI code #6.

s) "PVC" means polyvinyl chloride, labeled by SPI code #3.

t) "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, PBC, LDPE, PP, PS, and other resins or multiple resins; steel containers; waste tires; and bi-metal containers.

u) "Solid waste" has the meaning specified in Sec. 289.01(33), Wis. Stats.

v) "Solid waste facility" has the meaning specified in Sec. 289.01(35), Wis. Stats.

w) "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.

x) "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.

y) "Yard waste" means leaves, grass clipping, 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.

(11) Separation of Recyclable Materials. Occupants of single family and 2 or 4 units residence, multiple-family dwellings and non-residential facilities and properties 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) Bi-metal containers
- (g) Corrugated paper or other container board
- (h) Foam polystyrene
- (i) Glass containers
- (j) Magazines
- (k) Newspaper
- (l) Office paper
- (m) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS and other resins or multiple resins.*
- (n) Steel containers
- (o) Waste tires

*Note: Denotes materials for which DNR has granted a waiver from separation and collection requirements and landfill/incineration bans.

(12) Separation Requirements Exempted. The separation requirements of Section 11 do not apply to the following:

(a) Owners and designated agents of nonresidential facilities and properties that send their postconsumer waste to a processing facility that recovers the materials specified in Section 11 from solid waste in as pure form as is technically feasible.

(b) Solid waste which is burned as a supplemental fuel as 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 Section 11(e) through (o) for which a variance has been granted by the Department of Natural Resources under Section NR 544.14, Wis. Administrative Code.

(13) Care of Separated Recyclable Materials. To the greatest extent practicable, the recyclable materials separated to accordance with Section 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.

(14) Care of Lead Acid Batteries, Major Appliances, Waste Oil, Waste Tires and Yard Waste. Occupants of single and 2 to 4 unit residences, multiple family dwellings, and non-residential facilities and properties shall manage lead acid batteries, major appliances, waste oil, waste tires and yard waste as follows:

(a) Lead acid batteries, major appliances, waste tires and waste oil shall be disposed of by the owner of the item by contacting an acceptable vendor and then delivering the item as described.

(b) Yard waste shall be disposed of by composting of the material on the site at which it is produced.

(15) Preparation and Collection of Recyclable Materials. Except as otherwise directed by the Town Board or its representatives, occupants of single family and 2 to 4 unit residences shall do the following for the preparation and collection of separated materials specified in Section 11(e) through (o):

(a) Steel/tin/bi-metal cans and containers: rinse out thoroughly. May be co-mingled.

(b) Aluminum: rinse out thoroughly. Examples include TV dinner trays, foil wrap, pot pie pans, aluminum cans and siding. May be co-mingled.

(c) Clear and colored glass: Containers shall be rinsed and caps removed. Labels need not be removed. May be co-mingled. Non-acceptable materials include plate glass, ceramics, clay items, light bulbs and broken glass.

(d) Plastic containers: all containers shall be rinsed. Caps and labels need not be removed. Includes milk jugs, laundry detergent and household cleaner containers and soda bottles. May be co-mingled.

(e) Magazines or other materials printed on similar paper- may be co-mingled.

(f) Newspapers or other materials printed on newspaper or contained in newspaper inserts – may be co-mingled.

(g) Office paper may be co mingled.

(h) Corrugated paper or other container board may be com-mingled. .

(i) Foam polystyrene packaging: shall be placed in bags and tied to prevent litter.

(16) Responsibilities of Owners of 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 Section 11(e) through (o).

(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, collections methods or sites, locations and hours of operations,

and a contact person or company, including name, address and telephone number.

(2) The requirements specified in Section (16) (1) do not apply to the owners or designated agents of multiple-family dwellings if the post-consumer waste generated within the facilities and properties if the dwelling is treated at a processing facility that recovers for recycling materials specified by Sec. 11(e) through (o) from solid waste in as pure a form as is technically feasible.

(17) Prohibitions on Disposal of Recycling Materials Separated For Recycling. No person may dispose of any solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in Section 11(e) through(o) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

(18) Enforcement.

(1) For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the Town of Sheboygan Falls may inspect recyclable materials separated for recycling, post-consumer 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 may refuse access to any authorized officer, employee or authorized representative of the Town of Sheboygan Falls 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 Town of Sheboygan Falls 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 may be assessed as follows:

(a) Any person who violates Section 18 may be required to forfeit \$50.00 (fifty) for a first violation, \$200.00 for a second violation and not more than \$2000.00 for a third or subsequent violation.

(b) Any person who violates a provision of this ordinance, except Section 18, may be required to forfeit not less than \$10.00 (ten) nor more than \$1000.00 for each violation.