

TITLE 6 CHAPTER 1

Refuse Disposal; Recycling

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1.01.1 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. 287.11, Wis. Stats., and Chapter NR 544, Wis. Administrative Code.

1.11.2 Statutory Authority.

This ordinance is adopted as authorized under s.287.09(3)(b), Wis. Stats. by the Township of Medina, Marshall, Wisconsin.

1.21.3 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.

1.31.4 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.

1.41.5 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[RJ1].
~~The provisions of this Chapter shall be held to be minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes or pertinent Dane County Ordinances in their interpretation and application. Because this Chapter creates a comprehensive, mandatory source separation recycling program in our community, any terms or requirements or interpretations consistent with state and county law shall control. If any provision of this Chapter is found to be invalid or unconstitutional, or if the application of this Chapter to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Chapter which can be given effect without the invalid or unconstitutional provisions or applications.~~

1.51.6 Applicability.

The requirements of this ordinance apply to all persons within the Township of Medina, Marshall, Wisconsin.

1.61.7 Administration.

The provisions of this ordinance shall be administered by the Town of Medina Board of Supervisors or designated representatives.

1.71.8 Effective Date.

The provisions of this ordinance shall take effect on ???????

1.81.9 Definitions.

For the purpose 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) **“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) **“Hazardous Waste or Hazardous Substance”** are those wastes or substances defined as such in NR 181, Wis. Adm. Code (including all amendments provided thereto) as provided therein pursuant to Sec. 144.62, Wis. Stats., or other acts pursuant to authority vested in the Wisconsin Department of Natural Resources to describe and list materials as such and also includes the meaning of "hazardous waste" or "hazardous substance" as described herein. Those solid wastes or substances found in household waste [notwithstanding the household waste exclusion provided in NR 181.12(4)(a), Wis. Adm. Code].
- 6) **“HDPE”** means high density polyethylene, labeled by the SPI code # 2.
- 7) **“LDPE”** means low density polyethylene, labeled by the SPI code # 4.
- 8) **“Lead-Acid Batteries”** means automotive and related batteries that are comprised of lead plates with an acid electrolyte, and does not include nickel-cadmium batteries, dry

cell (flashlight) batteries or batteries used in calculators, watches, hearing aids or similar devices.

- 9) **“Magazines”** means magazines and other materials printed on similar paper.
- 10) **“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.
- 11) **“Multiple-family dwelling”** means a property containing 5 or more residential units, including those which are occupied seasonally.
- 12) **“Newspaper”** means a newspaper and other materials printed on newsprint.
- 13) **“Non-residential facilities and properties”** means commercial, retail, industrial, institutional and government facilities and properties. This term does not include multiple family dwellings.
- ~~13~~14) **“Offal” means the entrails and internal organs of as animal used as food, refuse or waste material, decomposing animal flesh.**
- ~~14~~15) **“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.
- ~~15~~16) **“Other resins or multiple resins”** mean plastic resins labeled by the SPI code # 7.
- ~~16~~17) **“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.
- ~~17~~18) **“PETE” or “PET”** means polyethylene terephthalate, labeled by the SPI code # 1.
- ~~18~~19) **“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.
- ~~19~~20) **“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.
- ~~20~~21) **“PP”** means polypropylene, labeled by the SPI code # 5.
- ~~21~~22) **“PS”** means polystyrene, labeled by the SPI code # 6.
- ~~22~~23) **“PVC”** means polyvinyl chloride, labeled by the SPI code # 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; 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.
- ~~23~~25) **“Scrap Metal” means materials containing a significant portion of reusable metal.**
- ~~24~~26) **“Solid waste”** has the meaning specified in s. 289.01(33), Wis. Stats.
- ~~25~~27) **“Scavenging”** means the uncontrolled and unauthorized removal of materials at any point in solid waste management.
- ~~26~~28) **“Solid waste facility”** has the meaning specified in s. 289.01(35), Wis. Stats.

29) **“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.

30) **“Steel Container” means a container consisting solely of steel metal.**

~~27~~31) **“Universal Waste” include batteries, pesticides, thermostats, lamps and antifreeze and covered under Chapter NR 673.**

~~28~~32) **“Waste tire”** means a tire that is no longer suitable for its original purpose because of wear, damage or defect.

~~29~~33) **“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.

1.91.10 Mandatory Recycling and Applicability.

This Chapter shall apply to all persons, entities and waste generating activities within the limits of the Town of Medina and includes, but is not limited to, all waste generated by all residential and commercial activities. No person shall mix with nonrecyclables for collection by the Town's authorized collector, any material except recyclable material and only in such manner as set forth herein.

1.101.11 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

1.111.12 Nonrecyclable Materials Designated.

Nonrecyclable materials include the following:

- (a) **Glass.** All Pyrex glass, window glass, light bulbs, ceramics, mirrors, broken glass and china shall be considered nonrecyclable.
- (b) **Glossy Paper.** All waxed paper, waxed cardboard, greasy pizza boxes, envelopes with gum labels, and envelopes with plastic windows shall be considered nonrecyclable paper.
- (c) **Other Materials.** All other garbage and refuse not qualifying as recyclable materials.

1.121.13 Non-disposable Materials.

- (a) It shall be unlawful for any person to place for regular collection any of the following wastes:
 - (1) Hazardous waste;
 - (2) Universal Waste
 - (3) Toxic waste;
 - (4) Chemicals;
 - (5) Explosives or ammunition;
 - (6) Drain or waste oil or flammable liquids;
 - (7) Large quantities of paint;
 - (8) Dead animals;
 - (9) Trees or stumps;
 - (10) Gravel or concrete;
 - (11) Animal or human waste;
 - (12) Hot ashes (ashes that are fully extinguished and dry may be left for collection in noncombustible containers);
 - (13) Tires
 - (14) Christmas trees;
- (b) The aforementioned materials shall be disposed of in the manner prescribed by federal or state laws, or as provided for herein. Disposal information for some materials listed is available from the attendant.

1.131.14 Hospital/Medical Wastes.

It shall be unlawful for any person to place for collection any pathogenic hospital or medical wastes. Such items as needles and syringes may be disposed of as long as they are contained to eliminate injury to disposal personnel and in accordance with applicable federal, state and county regulations.

1.141.15 Separation Requirements Exempted.

The separation requirements of s. ~~1.151.11~~ 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. ~~1.151.11~~ 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

1.151.16 Care of Separated Recyclable Materials.

To the greatest extent practicable, the recyclable materials separated in accordance with s. ~~1.151.11~~ 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.

1.161.17 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 recycled thru the metal recycle bin when available. Batteries must be deposited with the attendant for interior storage.
- 2) Major appliances and scrap metal shall be recycled thru metal recycle dumpster when available.
- 3) Waste oil shall not be disposed of at the Town site, no waste oil recycling container is available, contact the attendant for drop off sites. available
- 4) Yard waste shall be contained in no larger than 30-gallon garbage bag.

1.171.18 Preparation and Collection of Recyclable Materials.

Except as otherwise directed by the Township of Medina, Marshall, Wisconsin, 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 s. ~~1.151.11~~(5) through (15):

- 1) Aluminum containers shall be separated for collection by the attendant or placed in the commingle recycling container.
- 2) Bi-metal containers shall be placed in the commingle recycling container.

- 3) Corrugated paper and all other container board shall be placed in the commingle recycling container.
- 4) Foam polystyrene packaging shall be placed in the commingle recycling container.
- 5) Glass containers shall be placed in the commingle recycling container.
- 6) Magazines shall be placed in the commingle recycling container.
- 7) Newspaper shall be placed in the commingle recycling container.
- 8) Office paper shall be placed in the commingle recycling container.
- 9) The listed rigid plastic containers shall be prepared, collected and placed in the commingle recycling container:
 - a) Plastic containers made of PETE, including SPI Code# 1.
 - b) Plastic containers made of HDPE, including SPI Code #2.
 - c) Plastic containers made of PVC, including SPI Code #3.
 - d) Plastic containers made of LDPE, including SPI Code #4.
 - e) Plastic containers made of PP, including SPI Code #5.
 - f) Plastic containers made of PS, including SPI Code #6.
 - g) Plastic containers made of other resins or multiple resins, including SPI Code #7.
- 10) Steel containers shall be placed in metal recycling dumpster when available.
- 11) Waste tires shall be the responsibility of residents to properly dispose of, disposal information is available from the attendant.
Further information and current updates are available at Town of Medina website townofmedina.org

1.181.19 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. ~~1.111.11~~ 1.111.11 (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. ~~1.111.11~~ 1.111.11 (5) through (15) from solid waste in as pure a form as is technically feasible.

1.191.20 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. ~~1-11.11~~ (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. ~~1-11.11~~ (5) through (15) from solid waste in as pure a form as is technically feasible.

1.201.21 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. ~~1-11.11~~ (5) through (15) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

1.211.22 Refuse from Outside the Town.

It shall be unlawful to bring refuse from outside the Town of Medina limits into the Town limits for disposal unless specifically authorized by written agreement with the Town.

1.221.23 Title to Refuse and Recyclable Materials.

- 1) In the absence of an agreement to the contrary, title to the refuse and recyclable material placed for collection and disposal by the Town or its agents shall vest in the Town of Medina as soon as it is placed for collection. It shall be a violation of this Chapter for any person unauthorized by the Town to collect or pick up, or cause to be collected or picked up, any recyclable materials that are placed for disposal by the Town or by any authorized agent. Any such and each such unauthorized collection or scavenging of recyclable materials in violation hereof shall constitute a separate and distinct offense punishable as provided for herein. Nothing herein shall be construed to allow for scavenging, removal, transportation, or resorting of refuse which has been placed for disposal under this Chapter. Any such scavenging or separation of refuse that has been placed for disposal by the producer of said refuse shall be deemed a violation of this Chapter.

- 2) This Chapter shall not prohibit the actual producers of recyclable materials or the owners of residential units or nonresidential units upon which recyclable materials have been accumulated from personally collecting, conveying, and disposing of recyclable materials, provided such producers or owners do not violate the intent of this Chapter.

1.231.24 Garbage Accumulation; When a Nuisance.

The accumulation or deposit of garbage, trash, or putrescible animal or vegetable matter in or upon any lot or land or any public or private place within the Town which causes the air or environment to become noxious or offensive or to be in such a condition as to promote the breeding of flies, mosquitoes, or other insects, or to provide a habitat or breeding place for rodents or animals, or which otherwise becomes injurious to the public health, is prohibited and declared to constitute a nuisance. Refuse areas shall be kept in a nuisance- and odor-free condition. Refuse shall not be allowed to accumulate. Violation will result in the occupant and/or owner being notified to clean up his or her area, with continued violations resulting in the owner being prosecuted under provisions of this and other Town ordinances.

1.241.25 Improper Placement.

No persons shall deposit, throw, or place any garbage, offal, dead animals, combustible refuse or other deleterious matters in any park, lane, alley, street, public grounds, or public place within the Town, nor place any garbage, offal, dead animals or other refuse matter upon any private property not owned by such person without such person's consent. If not deemed uncollectible, these materials may be placed for collection on the owner's property if the same is enclosed in proper vessels or containers which shall be watertight and kept so with tightly fitting covers.

1.251.26 Agricultural Operations.

Nothing in this Chapter is intended to apply to the disposal of or the accumulation of agricultural or farm wastes, products or feed accumulated upon property used in the ordinary course of farming.

1.261.27 Federal and State Regulations.

It is expected that from time to time federal and state statutes and regulations will require that items other than the items which have been deemed to be recyclable herein shall be recycled. In such event, this Chapter shall be deemed to include and shall require such other items to be recyclable hereunder.

1.271.28 Enforcement.

- 1) For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the Township of Medina, Marshall, Wisconsin 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 may refuse access to any authorized officer, employee or authorized representative of the Township of Medina, Marshall, Wisconsin 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 Medina Board of Supervisors 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 s. ~~1.181.21~~ may be required to forfeit \$50 for a first violation, \$200 for a second violation, and not more than \$2000 for a third or subsequent violation and any costs incurred by the Town to enforce this ordinance.
 - (b) Any person who violates a provision of this ordinance, except s. ~~1.181.21~~, may be required to forfeit not less than \$10 or more than \$1000 for each violation and any costs incurred by the Town to enforce this ordinance.