

**Smelser Township, Grant County Wisconsin  
Solid Waste and Recycling Ordinance**

1.1 TITLE. Solid Waste and Recycling Ordinance for the Town of Smelser.

1.2 PURPOSE AND AUTHORIZATION:

(a) 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 Sec. 159.11, Wis. Stats., and Chapter NR 544, Wis. Adim. Code.

(b) Statutory Authority. This ordinance is adopted and authorized under Sec. 159.09(3) (b), Wis. Stats.

(c) 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.

(d) Interpretation. In its 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 interpretations shall apply. Where a provision of this ordinance is required by Wisconsin Statutes, or by a standard in Chap. NR 544, Wis. Admin. Code., and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and Chap. NR 544 standards in effect on the date of the most recent text amendment to this ordinance.

(e) 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.

1.3 APPLICABILITY AND ADMINISTRATION:

(a) Applicability. The requirements of this ordinance shall apply to all persons within the Town of Smelser.

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

(c) **Local Government Purchasing.** The Township of Smelser shall, to the extent practicable, make purchasing decisions to maximize the purchasing of products made from recycled and recovered materials. The Township of Smelser shall, to the extent practicable, award contracts for equipment and supplies on the basis of recyclability and ultimate disposition of products to discourage the purchase of single use disposable products and require purchase of multiple use, durable products.

(d) **Unauthorized Garbage.**

- (1) No person shall dispose of or dump garbage in any ditch, street, road or public place within the Township of Smelser or in any receptacles or private property without the owner's consent.
- (2) No person shall bring refuse for disposal (and recyclables) from outside the Township limits unless authorized by agreement by the Town Board.
- (3) It shall be unlawful to burn or bury solid waste or recyclables by residential and non-residential sectors and at construction sites, the only exception being an allowance for open burning which shall be permitted only of clean wood and paper products.

(e) **Effective Date.** The provisions of this ordinance shall take effect on the Sept. 1, 1994.

1.4 **DEFINITIONS.** For purposes of this ordinance, the following definitions are utilized:

- (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 paper board used in the manufacture of shipping containers and related products.
- (3) "Foam polystyrene packaging" means packaging made primarily from foam polystyrene that satisfied 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; or,

- (c) Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.
- (4) "HDPE" means high density polystyrene, labeled by the SPI Code #2
- (5) "LDPE" means low density polystyrene, labeled by the SPI Code #4
- (6) "Magazines" means magazines and other materials printed on similar paper.
- (7) "Major appliance" means a residential or commercial air conditioner, clothes dryer, clothes washer, dish washer, freezer, microwave oven, oven, refrigerator or stove.
- (8) "Multiple-family dwelling" means a property containing five or more residential units, including those which are occupied seasonally.
- (9) "Newspapers" means a newspaper or other materials printed on newsprint.
- (10) "Non-residential facilities and properties" means commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple-family dwellings.
- (11) "Office paper" means high grade printing and writing papers from offices and 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 processed waste.
- (12) "Other resins or multiple resins" means plastic resins labeled by SPI Code #7.
- (13) "Person" includes any individual, corporation, partnership, association, local government unit, as defined in Sec. 66.229(1) (a), Wis. Stats., state agency or authority or federal agency.
- (14) "PETE" means polyethylene terephthalate labeled by the SPI Code #1.
- (15) "Plastic container" means an individual, separate, rigid plastic bottle, can, jar or carton, except for a blister pack, that is

ordinarily used to contain a product that is the subject of a retail sale.

- (16) "Post-consumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in Sec. 144.61(5), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high volume industrial wastes, as defined in Sec. 144.44(7) (a) (1), Wis. Stats.
- (17) "PP" means polypropylene, labeled by the SPI Code #5
- (18) "PS" means polystyrene, labeled by the SPI Code #6
- (19) "PVC" means polyvinyl chloride, labeled by the SPI Code #3
- (20) "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.
- (21) "Solid waste" has the meaning specified in Sec. 144.01(15), Wis. Stats.
- (22) "Solid waste facility" has the meaning specified in Sec 144.43(5) Wis. Stats.
- (23) "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.
- (24) "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
- (25) "Yard waste" means leaves, grass clippings, yard and garden debris and brush, including cleaned woody vegetative material no greater than six inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

### 1.5 MANDATORY RECYCLABLE MATERIALS:

(a) **Separation of Recyclable Materials.** Occupants of single family and two to four residences, multiple family dwellings and 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 other container board;
- (8) Foam polystyrene packaging;
- (9) Glass containers;
- (10) Magazines;
- (11) Newspapers;
- (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;

(b) **Separation Requirements Exempted.** The separation requirements of Sec. 1.5(a) do not apply to the following:

- (1) Occupants of single family and two to four unit residences, multiple family dwellings and non-residential facilities and properties that send their post-consumer waste to a processing facility licensed by The Wisconsin Department of Natural Resources that recovers the materials specified in Sec 1.5(a) (5)-(15) 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 percent of the heat input to the facility is derived from the solid waste burned as supplemental fuel.

- (3) Recyclable materials specified in Sec. 1.5 (a) (5)-(15), for which a variance has been granted by the Department of Natural Resources under Sec. 159.11 (2m), Wis. Stats., or Sec. NR 544.14, Wis. Admin. Code.

(c) **Care of Separated Recyclable Materials.** To the greatest extent practicable, the recyclable materials separated in accordance with Sec. 1.5 (5) (a) shall be free and kept free of contaminants such as food or product residue, oil or grease, or other 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 increment weather conditions.

(d) **Non-Disposable Materials.** No person shall place for disposal any of the following waste: hazardous and toxic wastes, chemicals, explosives, flammable liquids, paint, trees and stumps (except Christmas trees) construction debris, carcasses, medical waste (unless personal needles which shall be contained in cardboard to eliminate injury to collection personnel).

(e) **Special Materials.** Residents shall contact the hauler when they have couches, bulky items and construction materials from household remodeling or repair and arrangements for collection shall be made between resident and the hauler.

#### 1.6 PREPARATION, COLLECTION AND MANAGEMENT OF RECYCLABLE MATERIALS:

(a) **Management of Lead Acid Batteries, Major Appliances, Waste Oil, Waste tires and Yard Waste.** Occupants of single family and two to four 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: Contact contractor or licensed handler and make arrangements for pick up.

(b) **Preparation and Collection of Recyclable Materials.** Except as otherwise directed by the Town Board occupants of single family and two to four unit residences shall do the following for the preparation and collection of the separated materials specified in 1.5 (a) (5)-(15), recyclable material should be dropped off at designated areas on designated days

- (1) Aluminum containers shall be rinsed free of product residue and placed in approved recycling bin.
- (2) Bi-metal containers shall be rinsed free of product residue and placed in the approved recycling bin.
- (3) Corrugated paper or other container board shall be free of debris, flattened, stacked and tied to a size no larger than 3'x 3', and placed in the approved recycling bin.
- (4) Foam polystyrene packaging shall be rinsed free of product residue, placed in a plastic or paper sack, placed in the approved recycling bin.
- (5) Glass containers shall be rinsed free of product residue and lids shall be removed. Containers shall be placed in approved recycling bin.
- (6) Magazines shall be bundled or bagged separately from other paper products and placed in approved recycling bin.
- (7) Newspapers shall be bundled or bagged separately from other paper products and placed in approved recycling bin.
- (8) Office paper shall be bundled or bagged separately and placed in approved recycling bin.
- (9) Rigid plastic containers shall be rinsed free of product residue and lids shall be removed and discarded and container shall be placed in approved recycling bin.
- (10) Steel containers shall be rinsed free of product residue and labels shall be removed and placed in approved recycling bin.

(c) Responsibilities of Owners or Agents of Multi-Family Dwellings. Owners or designated agents of multi-family dwellings shall do all of the following to recycle the materials specified in Sec. 1.5 (a) (5)-(15):

- (1) Provide adequate, separate containers for the recyclable materials.
- (2) Notify in writing, at the time of renting or leasing, and at least semi-annually, all

users, tenants and occupants of the properties about the established recycling program.

- (3) Provide for 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.
- (4) 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.

The responsibility specified in this subsection (c) does not apply to the owners or designated agents of multi-family dwellings if the post-consumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling materials specified in Sec. 1.5 (a) (5)-(15) from solid waste in as pure a form as is technically feasible.

(e) **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 Sec. 1.5 (a) (5)-(15), which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

(f) **Anti-Scavenging of Recyclables.** No person, unless under contract with the Township of Smelser shall collect or remove any recyclable materials that have been deposited or placed for collection of recycling.

(g) **Exemptions.** The Township of Smelser 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 services provided by the Township. The Township Clerk shall provide written notice to its service recipients of this declaration through official publication.

#### 1.7 HAULER SPECIFICATIONS:

- (a) **Hauler Licensing.** No person or corporation shall engage in the business of hauling recyclables within the Township without being licensed by the Department of Natural Resources under Sec. NR 502.06, Wis. Admin. Code.



who presents appropriate credentials. No person may obstruct, hamper or interfere with an inspection.

(b) Violation. Any person who violates a provision of this ordinance may be issued a citation by the Clerk 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.

(c) Assessment of Penalties. Penalties for violating this ordinance may be assessed as follows:

- (1) Any person who violates Sec. 1.6 (b) may be required to forfeit \$10.00 for a first violation, \$20.00 for a second violation and not more than \$30.00 for a third or subsequent violation.
- (2) Any person who violates a provision of this ordinance, except Sec. 1.6 (b), may be required to forfeit not less than \$250.00 not more than \$500.00 for each violation.

Collection for any said penalties shall be handled in the same manner that any violation of a Township of Smelser ordinance is handled, i.e., by order of the Town Board.