

PROPRIETARY. Used, made or marketed by one having the exclusive legal right and privately owned and managed and run as a profit-making organization.

PS. Polystyrene, labeled by the SPI code #6.

PVC. Polyvinyl chloride, labeled by the SPI code #3.

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; aerosol cans; waste tires; and bi-metal containers.

RECYCLING PROCESSOR. Anyone who collects, stores or bills any recycled material either to the processor or to the public.

REFUSE. Discarded matter resulting from commercial, industrial, residential and community life which is subject to decomposition, not defined as sewage or garbage and includes materials and debris resulting from construction or demolition.

RESIDENCE AND RESIDENTIAL. A real property improvement containing one through four residential household units.

SOLID WASTE. The meaning specified in Wis. Stat. § 289.01(33).

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.

STEEL CONTAINER. A vessel for food or beverages made of steel and measures no more than 12 inches in length and six inches in diameter.

WASTE TIRE. A tire that is no longer suitable for its original purpose because of wear, damage or defect.

YARD WASTE. Leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than six inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

(Ord. passed - -)

Statutory reference:

Similar and additional definitions, see Wis. Stat. §§ 287.01 and 289.01

REGULATIONS**§ 51.20 MANDATORY SEPARATION OF RECYCLABLE MATERIALS; EXEMPTIONS.****(A) Separation required.**

(1) *Materials to be separated.* Occupants of single family and two to four unit residences, multiple-family dwellings and nonresidential facilities and properties shall separate the following materials from postconsumer 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 packaging;
- (i) Glass containers;
- (j) Magazines;
- (k) Mixed paper stock;
- (l) Newspaper;
- (m) Office paper;
- (n) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS and other resins or multiple resins.
- (o) Steel containers; and
- (p) Waste tires.

(2) *Disposal of recyclable materials.* All recyclable materials under this chapter shall be delivered to a recycling center designed to receive and collect same.

(3) *No onsite collection.* Where onsite collection is not provided, all persons shall be required to separate, collect and deliver all recyclable materials to a local municipal recycling center.

(4) *Scavenging.* No person, except as authorized by the owner thereof, may enter the container of another or the municipality and take possession of any recyclable materials.

(5) *Placement of garbage.* All garbage shall be placed loose in containers or placed in clear bags.

(B) *Exemptions.* The separation requirements of division (A) of this section do not apply to the following:

(1) Occupants of single family and two to four unit residences, multiple-family dwellings and nonresidential facilities and properties that send their postconsumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recover the materials specified in division (A) 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% of the heat input to the facility is derived from the solid waste burned as supplemental fuel.

(3) A recyclable material specified in division (A)(e) through (p) for which a variance has been granted by the Department of Natural Resources under Wis. Stat. § 287.11(2m) or Wisconsin Administrative Code section NR 544.14.

(Ord. passed - -) Penalty, see § 51.99

§ 51.21 CARE OF SEPARATED RECYCLABLE MATERIALS.

To the greatest extent practicable, the recyclable materials separated in accordance with § 51.20 shall be clean and kept free of contaminants such as food or product residue, oil or grease or other nonrecyclable materials, including, but not limited to, household hazardous waste, medical waste and agricultural chemical containers. All recyclables shall be brought in a marketable condition. Recyclable materials shall be stored in a manner which protects them from wind, rain and other inclement weather conditions.

(Ord. passed - -) Penalty, see § 51.99

§ 51.22 MANAGEMENT OF LEAD ACID BATTERIES, MAJOR APPLIANCES, WASTE OIL AND YARD WASTE.

Occupants of single family and two to four unit residences, multiple-family dwellings and nonresidential facilities and properties shall manage lead acid batteries, major appliances, waste oil and yard waste as follows:

(A) Lead acid batteries shall be returned to retailer upon purchase of new battery or for trade in.

(B) Major appliances shall be taken to local waste hauler or in the manner instructed by site attendants. (Don't recommend unlicensed dealers.)

(C) Waste oil shall be taken to designated waste oil collection sites.

(D) Yard waste shall be disposed of at the property where generated.
(Ord. passed - -) Penalty, see § 51.99

§ 51.23 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 § 51.20(e) through (p):

(A) Aluminum containers shall be rinsed free of product residue and placed in marked recycling receptacle at drop off site. Foil and pie plates are also accepted.

(B) Bi-metal containers shall be rinsed free of product residue, labels removed, (cut out ends are recyclable too), flattened and placed in marked recycling receptacle at drop off site.

(C) Corrugated paper and other container board shall be free of debris, flattened, stacked and tied with natural fiber string and placed in designated area of recycling drop off site.

(D) Foam polystyrene packaging shall be rinsed clean, crushed and put in cardboard box or sack and placed in marked recycling receptacle, beginning on January 1, 1995.

(E) Glass containers shall be rinsed clean, cap and rings removed and placed in appropriate receptacle at recycling drop off site. Colors are to be separated into clear, brown and green categories.

(F) Newspaper shall be brought in paper grocery bags or bundled with natural fiber string and placed in appropriate receptacle at recycling drop off site. What comes with the newspaper is recycled with the newspaper.

(G) Rigid plastic containers shall be prepared and collected as follows, except as otherwise directed:

(1) Plastic containers made of PETE, including containers labeled #1, shall be rinsed and have caps and rings removed.

(2) Plastic containers made of HDPE, including containers labeled #2, shall be cleaned and rinsed (no pesticide/herbicide containers). Includes #2 injection type tubs.

(3) Plastic containers made of PVC, including containers labeled #3, shall be cleaned and rinsed and caps removed. This may begin on January 1, 1995.

(4) Plastic containers made of LDPE, including containers labeled #4, shall be cleaned and rinsed and caps removed. This may begin on January 1, 1995.

(5) Plastic containers made of PP, including containers labeled #5, shall be cleaned and rinsed and caps removed. This may begin on January 1, 1995.

(6) Plastic containers made of PS, including containers labeled #6, shall be cleaned and rinsed and caps removed. This may begin on January 1, 1995.

(7) Plastic containers made of other resins or multiple resins, including containers labeled #7, shall be cleaned and rinsed and caps removed. This may begin on January 1, 1995.

(8) Steel containers shall be rinsed, labels removed and cans flattened; cut out ends are recyclable too. Includes aerosol cans with covers and spray nozzle removed. Don't puncture.

(9) Waste tires shall be taken to retailer at time of purchase of new tire or to a local waste hauler.

(10) Catalogs and magazines, bring in bulk, no sacks or strings. Exclude cover pages of Reader's Digest and TV Guides.

(11) Mixed paper will include phone books, cover pages of Reader's Digest and TV Guides, envelopes, junkmail, office paper and school paper.

(12) Paper grocery bags shall be brown bags only, folded and bundled in another grocery bag. (Ord. passed - -) Penalty, see § 51.99

§ 51.24 RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS.

(A) Owners or designated agents of multiple-family dwellings and nonresidential facilities and properties.

(1) Owners or designated agents of multiple-family dwellings and nonresidential facilities and properties shall do all of the following to recycle the materials specified in § 51.20(e) through (p):

(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 or provide information on drop off sites 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 subsection (1) do not apply to the owners or designated agents of multiple-family dwellings if the postconsumer waste is 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 § 50.21(e) through (p) from solid waste in as pure a form as is technically feasible.

(B) Owners or designated agents of nonresidential facilities and properties.

(1) Owners or designated agents of nonresidential facilities and properties shall do the following to recycle the materials specified in § 50.21(e) through (p):

(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 establishment of the recycling program.

(c) Provide the collection or provide information on drop off sites 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 subsection (1) do not apply to the owners or designated agents of nonresidential 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 § 50.21(e) through (p) from solid waste in as pure a form as is technically feasible.

(Ord. passed - -) Penalty, see § 51.99

§ 51.25 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 § 50.21(e) through (p) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

(Ord. passed - -) Penalty, see § 51.99

§ 51.26 PROVISION OF SPACE FOR RECYCLING IN PUBLIC BUILDINGS.

A person in the Town of Medford owning or occupying a new building or a building that is remodeled or expanded by 50% or more in floor area shall provide a designated area for the separation, temporary storage and collection of solid waste and recyclables either within or adjacent to the building.

(Ord. passed - -) Penalty, see § 51.99

§ 51.27 LARGE OUTDOOR EVENTS.

(A) Organizers and sponsors of outdoor events and owners of the real estate where outdoor events are held, with 20 or more persons attending, including, but not limited to, fairs, concerts, contests, sports events, shows, performances, reunions, social or business gatherings, with or without charge, on private or public property, where food or beverage is served shall provide an adequate number of clearly identified containers for all recyclable materials except batteries, appliances, waste oil, yard waste and waste tires.

(B) Within one week after the event is completed, as long as it does not constitute a health threat or public nuisance, all recyclable materials shall be delivered by the organizer, sponsor or real estate owner or designee, to the local recycling center designated to receive same.

(C) Attendees of all such events shall deposit the recyclable materials in the provided containers. No such recyclable materials shall be placed or disposed of in a garbage or refuse container. All deposited recyclable material shall be reasonably clean and free of food particles.

(Ord. passed - -) Penalty, see § 51.99

§ 51.28 PARKS, WAYSIDES, BALLFIELDS AND RECREATIONAL AREAS.

(A) All municipally owned or operated parks, waysides, ballfields and recreational areas shall have clearly identified containers for all recyclable materials except batteries, appliance, waste oil, yard waste and waste tires. These products shall be regularly removed and delivered to the local recycling center designated to receive same.

(B) No person shall deposit to such container any other material and shall deposit to the container allowed materials that are reasonably clean and free of food particles.

(Ord. passed - -) Penalty, see § 51.99

§ 51.29 HAULER LICENSING.

No person or corporation shall engage in the business of hauling recyclables or solid waste within the Town of Medford without being licensed by DNR under the Wisconsin Administrative Code section NR 502.06.

(Ord. passed - -) Penalty, see § 51.99

§ 51.30 PROCESSING FACILITIES.

Any contractor operating in the Town of Medford shall not transport for processing any recyclables to a processing facility unless that facility has been approved, in writing, by January 1, 1995, by the Wisconsin DNR under the Wisconsin Administrative Code, section NR 544.16.

(Ord. passed - -) Penalty, see § 51.99

§ 51.31 LOCAL GOVERNMENT PURCHASING OF RECYCLED CONTENT, MULTIPLE USE, DURABLE MATERIALS, EQUIPMENT AND SUPPLIES.

The town shall, to the extent practicable, make purchasing decisions to maximize the purchasing of products made from recycled and recovered materials. Purchases shall include 25% recycled content of all paper by 1994 and 40% content of all paper by 1995. The town shall, to the extent practicable, award contracts for equipment and supplies on the basis of the ability to be recycled and ultimate disposition of products to discourage the purchase of single-use disposable products and require purchase of multiple-use, durable products.

(Ord. passed - -)

§ 51.32 PROPER DISPOSAL OF GARBAGE AND RECYCLABLES.

(A) *Anti scavenging or unlawful removal of recyclables.* It shall be unlawful for any person, unless under contract with or licensed by the municipality, to collect or remove any recyclable material.

(B) *No dumping.*

(1) It shall be unlawful for any person to dispose of or dump garbage in any street, alley or other public place within the town or in any receptacles or private property without the owner's consent unless it is placed in bags or containers in the manner and at the times specified by this chapter.

(2) No person shall place for collection any garbage at the curb not owned or occupied by such person.

(C) *No burning or burying of recyclables.* It shall be unlawful to burn or bury recyclables by residential and nonresidential sectors and at construction sites. Open burning shall be permitted only of clean wood and nonrecyclable paper products.

(D) *Nondisposable materials.* It shall be unlawful for any person to place for disposal any of the following wastes: hazardous and toxic wastes, chemicals, explosives, flammable liquids, paint, trees and stumps, construction debris, carcasses and medical wastes (unless personal needles, which shall be contained in cardboard to eliminate injury to collection personnel).

(E) *Garbage from outside of the town.* It shall be unlawful to bring solid waste from outside the corporate limits of the town into the town for disposal unless authorized by agreement with the town. (Ord. passed - -) Penalty, see § 51.99

§ 51.33 HAULER SPECIFICATIONS.

(A) *Hauler restrictions.*

(1) Haulers may not dispose in a landfill or burn in a solid waste facility and recyclable materials generated in the town that have been separated for recycling.

(2) Haulers shall not compact glass with paper during collection and transportation of recyclables to a processing facility or market and shall maintain materials in marketable condition.

(3) Haulers shall not accept any recyclables in solid waste. Only clear bags and containers will be accepted for garbage pick-up.

(B) *Right to reject materials.* The drop off site attendant has the right to reject any recyclable material that is not prepared according to the specifications in § 51.23 or in education material provided by the contractor to the service recipients. Materials can also be sent back by the attendant if not separated from solid waste, placed in the proper container or are not designated recyclable materials for collection.

(C) *Hauler licensing.* Haulers who collect solid waste or recyclables in the town for storage, treatment, processing, marketing or disposal shall obtain and maintain all necessary municipal, county and state permits, licenses and approvals prior to collecting any materials in the town.

(D) *Reporting requirements.* The recycling haulers and processors and solid waste garbage haulers operating in the town are required to maintain records and report in writing to the Town Board at least quarterly each year. Reports shall include: the amount of solid waste and recyclables collected and transported from the town; the amount of solid waste and recyclables processed and/or marketed by item type from the town; separation of residential and nonresidential solid waste and recyclable tonnages; and the final disposal location of solid waste and recyclable material. Failure to report shall cause the town to revoke any license or sever any contract with the hauler/processor.

(Ord. passed - -)

§ 51.34 OTHER PROVISIONS.

(A) *Volume based rates.* Municipalities shall determine costs for regular and special solid waste and recycling collection and user fees to cover those costs. Fees shall be assessed on a per container basis for solid waste to be paid through purchase of designated tags, stickers or bags. Specified tags, stickers and bags can be purchased from local site attendants.

(B) *Ownership of recyclables.* Recyclable materials, when placed in unit, shall become the property of the town. Recyclable materials, upon collection by any permitted collector, shall become the property of the contractor.

(C) *Exemptions.* The town reserves the right to designate additional solid waste materials as recyclable or currently collected materials as no longer recyclable and to either add or delete them from any collection services provided by the town or its contractors. The town shall provide written notice to its service recipients of this declaration.

(D) *Placement of recyclables for collection.* Except as otherwise specifically directed or authorized by the town, recycled items shall be placed in receptacles at designated locations. Materials shall be collected in receptacles according to the scheduled days established and published by the town.

(E) *Special materials.* Materials such as couches and bulky items or tires may be collected during a special collection one time a year. Construction materials from household remodeling or repair shall be done by private hauler.

(Ord. passed - -)

ADMINISTRATION AND ENFORCEMENT**§ 51.45 ADMINISTRATION.**

The provisions of this chapter shall be administered by the Town Board, Town Constable or its designee.

(Ord. passed - -)

§ 51.46 LOCAL MUNICIPALITIES' DUTIES.

The town wherein this chapter is in effect shall:

(A) Establish a system of regular scheduled collection of recyclables and/or establish a drop-off center for receipt of recyclables.

(B) Adopt a companion ordinance consistent with the provisions herein stated which shall include rules and procedures for the preparation and collection of separated materials.

(Ord. passed - -)

§ 51.47 ENFORCEMENT.

For the purpose of ascertaining compliance with the provisions of this chapter, any authorized officer, employee or representative of the town or municipal law enforcement officers 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 nonresident 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 who requests access for purposes of inspection and who presents appropriate credentials. No person may obstruct, hamper or interfere with such an inspection.

(Ord. passed - -)

§ 51.98 VIOLATIONS.

Any person who violates a provision of this chapter may be issued a citation by an authorized officer, employee or representative of the town or municipal law enforcement officers to collect forfeitures. The issuance of a citation shall not preclude proceeding under any ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this paragraph.

(Ord. passed - -) Penalty, see § 51.99

§ 51.99 PENALTY.

Penalties for violating this chapter may be assessed as follows:

(A) Any person who violates § 51.25 may be required to forfeit \$50 for a first violation, \$200 for a second violation and not more than \$2000 for the third or subsequent violation.

(B) Any person who violates a provision of this chapter, except § 51.25, may be required to forfeit not less than \$10 nor more than \$1000 for each violation.

(Ord. passed - -)

CHAPTER 52: GARBAGE AND REFUSE

Section

52.01 Dumping areas

Cross-reference:

Solid waste disposal facilities, see Ch. 113

§ 52.01 DUMPING AREAS.

(A) *Definitions.* For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

DUMPING AREA. Any area intended to be used for disposal of garbage, refuse, rubbish or waste, whether by mere dumping, incineration or sanitary landfill method.

(B) *Dumping areas prohibited.* No person or municipality shall acquire any land or use any land now owned or permit such land to be used for the purposes of a dumping area within the boundaries of the town.

(C) *Exceptions.*

(1) This section shall not prohibit the continuance of the lawful use of dumping areas in use by persons or municipalities at such time as this section takes effect, provided however, that if the dumping areas are unused for a period of one year, such areas shall come within the restrictions of this section and shall thereafter be prohibited from being used as dumping areas.

(2) This section shall not prohibit any person from using his or her land as a dumping area for his or her private use only, so long as such use is lawful in all respects, provided however, that no person shall establish or use a dumping area for disposal of his or her commercial waste unless he first obtains a permit from the Town Board. Application for permit shall be made in writing, setting forth intended use, location of areas and manner of disposal. The Town Board may grant such permit only after considering the nature and effect of such dumping area and its location and proximity to other land uses in the area. The Town Board may deny such application or may impose any reasonable restrictions or limitations on the granting of the permit as it deems reasonable within the general purpose and intent of this section.

(Ord. 5-72, passed 6-13-72) Penalty, see § 10.99