

## Chapter 296

### SOLID WASTE

**[HISTORY: Adopted by the Town Board of the Town of Port Washington as indicated in article histories. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Nuisances — See Ch. 250.

#### ARTICLE I

##### Recycling

**[Adopted 12-20-1994 by Ord. No. 94-2]**

##### **§ 296-1. Title.**

This article shall be known as the "Recycling Ordinance for the Town of Port Washington, Ozaukee County, Wisconsin."

##### **§ 296-2. Purpose.**

The purpose of this article is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in § 287.11, Wis. Stats., and Ch. NR 544, Wis. Adm. Code.

##### **§ 296-3. Statutory authority.**

This article is adopted as authorized under § 287.09, Wis. Stats.

##### **§ 296-4. Abrogation and greater restrictions.**

It is not intended by this article 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 article imposes greater restrictions, the provisions of this article shall apply.

##### **§ 296-5. Interpretation.**

In their interpretation and application, the provisions of this article 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 article may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this article is required by Wisconsin Statutes, or by a standard in Ch. NR 544, Wis. Adm. Code, and where the provision in this article is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Ch. NR 544 standards in effect on the date of the adoption of this article, or in effect on the

date of the more recent text amendment to this article.

**§ 296-6. Applicability.**

The requirements of this article apply to all persons within the Town of Port Washington, Ozaukee County, Wisconsin.

**§ 296-7. Administration.**

The provisions of this article shall be administered by the Town Board of the Town of Port Washington or its designated representative.

**§ 296-8. Definitions.**

For the purpose of this article, the following terms shall have the meaning indicated:

**BIMETAL CONTAINER** — A container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.

**CONTAINER BOARD** — Corrugated paperboard used in the manufacture of shipping containers and related products.

**FOAM POLYSTYRENE PACKAGING** — Packaging made primarily from foam polystyrene that satisfies one of the following criteria:

- A. It is designed for serving food or beverages.
- B. It consists of loose particles intended to fill space and cushion the packaged article in a shipping container.
- C. It consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.

**HDPE** — High-density polyethylene, labeled by the SPI Code No. 2.

**LDPE** — Low-density polyethylene, labeled by the SPI Code No. 4.

**MAGAZINES** — Magazines and other materials printed on similar paper.

**MAJOR APPLIANCES** — A residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, furnace, boiler, dehumidifier, water heater, or stove.

**MULTIPLE-FAMILY DWELLING** — A property containing five or more residential units, including those which are occupied seasonally. This term includes condominiums and housing cooperatives with five or more units in one building.

**NEWSPAPER** — A newspaper and other materials printed on newsprint.

**NONRESIDENTIAL FACILITIES AND PROPERTIES** — Commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple-family dwellings.

**OFFICE PAPER** — High-grade printing and writing papers, excluding papers containing carbon, from offices in nonresidential 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.

**OTHER RESINS or MULTIPLE RESINS** — Plastic resins labeled by the SPI Code No. 7.

**PERSON** — Any individual, corporation, partnership, association, local governmental unit, as defined in § 66.0131(1)(a), Wis. Stats., state agency or authority or federal agency.

**PETE** — Polyethylene terephthalate, labeled by the SPI Code No. 1.

**PLASTIC CONTAINER** — 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.

**POSTCONSUMER WASTE** — Solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in § 291.01(7), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in § 289.01(17), Wis. Stats.

**PP** — Polypropylene, labeled by the SPI Code No. 5.

**PS** — Polystyrene, labeled by the SPI Code No. 6.

**PVC** — Polyvinyl chloride, labeled by the SPI Code No. 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; waste tires; and bimetal containers.

**RESIDENCE** — A place in which a person resides or dwells, including houses, whether occupied seasonally or not. This term includes agricultural properties, mobile homes, single-family dwellings, and condominiums or housing cooperatives containing two to four units in one building.

**SOLID WASTE** — Has the meaning specified in § 289.01(33), Wis. Stats.

**SOLID WASTE FACILITY** — Has the meaning specified in § 289.01(35), Wis. Stats.

**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.

**TOWN BOARD** — The Board of Supervisors of the Town of Port Washington, Ozaukee County, Wisconsin.

**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.

**§ 296-9. Separation of recyclable materials.**

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. Bimetal containers.
- G. Corrugated paper or other container board.
- H. Foam polystyrene packaging.
- I. Glass containers.
- J. Magazines.
- K. Newspaper.
- L. Office paper.
- M. Rigid plastic containers made of PETE (No. 1), HDPE (No. 2), PVC (No. 3), LDPE (No. 4), PP (No. 5), PS (No. 6) and other resins or multiple resins (No. 7).
- N. Steel containers.
- O. Waste tires.

**§ 296-10. Exceptions.**

The separation requirements of § 296-9 do not apply to the following:

- A. 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 recovers the materials specified in § 296-9 from solid waste in as pure a form as is technically feasible.
- B. 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.

- C. A recyclable material specified in § 296-9E through O for which a variance has been granted by the Department of Natural Resources under § 287.11(2m), Wis. Stats., or Sec. NR 544.14, Wis. Adm. Code.

**§ 296-11. Care of separated recyclable materials.**

To the greatest extent practicable, the recyclable materials separated in accordance with § 296-9 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. Recyclable materials shall be stored in a manner which protects them from wind, rain and other inclement weather conditions.

**§ 296-12. 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 taken to a local authorized dealer accepting this product.
- B. Major appliances shall be taken to a local authorized dealer accepting this product.
- C. Waste oil shall be taken to a local authorized dealer accepting this product.
- D. Yard waste shall be spread or composted at the site of its production or disposed of in an acceptable manner at a facility authorized in writing by the Town Board. Yard waste shall not be accepted at the Town of Port Washington Recycling Center Site.

**§ 296-13. Single-family and two- to four-unit residences.**

Except as otherwise directed by the Town Board, or its designated representative, 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 § 296-9E through O:

- A. Aluminum containers shall be separated from bimetal containers, delivered to the Town of Port Washington Recycling Center Site and placed in designated containers during the days and hours of operation.
- B. Bimetal containers shall be separated from other waste, delivered to the Town of Port Washington Recycling Center Site and placed in designated containers during the days and hours of operation.
- C. Corrugated paper (cardboard) or other container board shall be free of debris, flattened, separated from other waste, delivered to the Town of Port Washington Recycling Center Site and placed in designated containers during the days and hours of operation.
- D. Foam polystyrene packaging shall be separated from other waste, delivered to the Town of Port Washington Recycling Center Site and placed in designated containers during the days and hours of operation.

- E. Glass containers shall be free of debris, separated from other waste, delivered to the Town of Port Washington Recycling Center Site and placed in designated containers during the days and hours of operation.
- F. Magazines or other materials (e.g., junk mail) printed on similar papers shall be separated from other waste, delivered to the Town of Port Washington Recycling Center Site and placed in designated containers during the days and hours of operation.
- G. Newspaper or other materials printed on newsprint shall be separated from other waste, delivered to the Town of Port Washington Recycling Center Site and placed in designated containers during the days and hours of operation.
- H. Office paper shall be separated from other waste, delivered to the Town of Port Washington Recycling Center Site and placed in designated containers during the days and hours of operation.
- I. Rigid plastic containers shall be prepared and collected as follows: plastic containers made of PETE (No. 1), HDPE (No. 2), including milk bottles and detergent bottles, PVC (No. 3), LDPE (No. 4), PP (No. 5), and PS (No. 6), and including containers made of other resins or multiple resins (No. 7), shall be rinsed free of product residue, shall have caps removed and discarded, and shall be separated from other waste, delivered to the Town of Port Washington Recycling Center Site and placed in designated containers during the days and hours of operation.
- J. Steel containers shall be separated from other waste, delivered to the Town of Port Washington Recycling Center Site and placed in designated containers during the days and hours of operation.
- K. Waste tires shall be separated from other waste, delivered to the Town of Port Washington Recycling Center Site, where a fee will be charged for each tire accepted, and placed in designated containers during the days and hours of operation, or shall be taken to a local authorized dealer accepting this product.
- L. Special materials such as couches, mattresses and other furniture items shall be separated from other waste and delivered to the Town of Port Washington Recycling Center Site during the days and hours of operation, where a fee will be charged for the disposal of each such item.

**§ 296-14. Multiple-family dwellings.**

- A. Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in § 296-9E through O:
  - (1) Provide adequate, separate containers for the recyclable materials.
  - (2) Notify tenants in writing at the time of renting or leasing the dwelling and at least semiannually thereafter about the established recycling program.
  - (3) 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.

- (4) 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 operations, and a contact person or company, including a name, address and telephone number.
- B. The requirements specified in Subsection A 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 § 296-9E through O from solid waste in as pure a form as is technically feasible.

**§ 296-15. Nonresidential facilities and properties.**

- A. Owners or designated agents of nonresidential facilities and properties shall do all of the following to recycle the materials specified in § 296-9E through O:
- (1) Provide adequate, separate containers for the recyclable materials.
  - (2) Notify in writing, at least semiannually, all users, tenants and occupants of the properties about the established recycling program.
  - (3) 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.
  - (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.
- B. The requirements specified in Subsection A 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 § 296-9E through O from solid waste in as pure a form as is technically feasible.

**§ 296-16. Prohibitions on disposal.**

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 § 296-9E through O which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

**§ 296-17. Dumping of nonrecyclable materials.**

- A. No person may place, dispose of or dump nonrecyclable materials (refuse) in, upon or along any street, highway, alley or other public place within the Town of Port Washington, or in any receptacles or upon private property, unless it is placed in bags or containers in the manner and at the times specified in this article and with the property owner's consent.
- B. No person shall place for collection, dispose of or dump any nonrecyclable materials (refuse) at the curb of any property which is not owned or occupied by such person.

**§ 296-18. Nondisposable materials.**

No person shall 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 (except personal needles, which shall be contained in approved, puncture-proof containers to eliminate injury to collection personnel).

**§ 296-19. Right to reject materials.**

The hauler or Town of Port Washington Recycling Center Site attendant shall have the right to reject or leave at the curb any recyclable materials that are not prepared according to the specifications of §§ 296-9, 296-11 and 296-13 of this article. Materials may also be rejected or left if not separated from solid waste, placed in the proper container, or not designated recyclable materials for collection. The hauler also has the right to reject or refuse to pick up any solid waste if it contains recyclable containers and materials. In such cases, the hauler or site attendant shall notify the generator of the materials, either in writing or verbally, as to the reasons for rejecting or refusing to pick up such items.

**§ 296-20. Hauler licensing.**

Haulers who collect solid wastes or recyclable materials in the Town of Port Washington for storage, treatment, processing, marketing or disposal shall obtain and maintain all necessary municipal and state permits, licenses and approvals prior to collecting any such wastes or materials in the Town of Port Washington.

**§ 296-21. Establishment of fees.**

The Town of Port Washington may establish fees for service recipients for the payment of collection services for solid waste and recyclable materials. Fees shall be assessed on such bases, and charged in the manner and at such times, as may be determined by the Town of Port Washington.

**§ 296-22. Ownership of recyclables and refuse.**

Unless rejected by the hauler or Town of Port Washington Recycling Center Site attendant, recyclable materials and refuse, upon placement at the curb or delivery to the Town of Port Washington Recycling Center Site, shall become the property of the hauler. Recyclable materials, upon collection by any authorized collector, shall become the property of the collector.

**§ 296-23. Placement of solid waste and recyclables for collection.**

- A. Effective April 15, 1995, solid waste and recyclable materials shall be placed for collection or delivered to the Town of Port Washington Recycling Center Site in clear or transparent plastic bags and contained in a manner to avoid litter.
- B. All solid waste and recyclable materials which are placed for curbside pickup shall be placed as herein required no earlier than 24 hours prior to the regularly scheduled collection time and shall not be allowed to remain at the curb longer than 12 hours after such collection time.
- C. No person shall place any refuse or recyclable materials at the Town of Port Washington Recycling Center Site during any times other than the posted hours for which the site is open for use by the public.

**§ 296-24. Changes to designated recyclables.**

The Town Board reserves the right to designate additional solid waste materials as recyclable materials, or delete materials from the list of currently collected materials as no longer recyclable or exempt from recycling in accordance with state law, and to either add or delete such materials from any collection services provided by the Town of Port Washington or its haulers or contractors. The Town of Port Washington shall provide a written notice to its service recipients of such changes.

**§ 296-25. Enforcement; violations and penalties.**

- A. For the purpose of ascertaining compliance with the provisions of this article, any authorized officer, employee or representative of the Town Board 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 nonresidential 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 Board who requests access for purposes of inspection and who presents appropriate credentials. Such inspection shall be authorized in writing by the Town Board. No person may obstruct, hamper, or interfere with such an inspection.
- B. Any person who violates a provision of this article may be issued a citation by the Town Board, or its designated representative, 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 subsection.
- C. Penalties for violating this article may be assessed as follows:
  - (1) Any person who violates § 296-16 may be required to forfeit \$50 for a first violation, \$200 for a second violation, and not more than \$2,000 for a third or subsequent violation.

(2) Any person who violates a provision of this article, except § 296-16, may be required to forfeit not less than \$10 nor more than \$1,000 for each violation.

D. The Town Board may also seek injunctive relief to terminate violations of this article, when appropriate.