

## Chapter 394

### SOLID WASTE

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

#### GENERAL REFERENCES

Citations — See Ch. 14.  
Nuisances — See Ch. 342.

#### ARTICLE I

##### Recycling

**[Adopted 1-1-1995]**

#### **§ 394-1. Title.**

This article is titled the "Recycling Ordinance for Town of Middle Inlet."

#### **§ 394-2. 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.

#### **§ 394-3. Statutory authority.**

This article is adopted as authorized under §§ 287.09, 60.10(2)(c) and 61.345, Wis. Stats.

#### **§ 394-4. 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.

#### **§ 394-5. 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 ordinance provision 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 most recent text amendment to this article.

**§ 394-6. Applicability.**

The requirements of this article apply to all persons within the Town of Middle Inlet.

**§ 394-7. Administration.**

The provisions of this article shall be administered by Town Board of Middle Inlet.

**§ 394-8. Definitions.**

As used in this article, the following terms shall have the meanings 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. 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.

**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 APPLIANCE** — A residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator or stove.

**MULTIPLE-FAMILY DWELLING** — A property containing five or more residential units, including those which are occupied seasonally.

**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 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 — Includes any individual, corporation, partnership, association, local government 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.

SOLID WASTE — The meaning specified in § 289.01(33), Wis. Stats.

SOLID WASTE FACILITY — 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.

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.

#### **§ 394-9. 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. Newspapers.
- 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.

**§ 394-10. Separation requirements exempted.**

The separation requirements of § 394-9 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 sent their postconsumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in § 394-9 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 § 394-9E through O for which a variance has been granted by the Department of Natural Resources under § 287.11(2m), Wis. Stats., or § NR 544.14, Wis. Admin. Code.

**§ 394-11. Care of separated recyclable materials.**

To the greatest extent practicable, the recyclable materials separated in accordance with § 394-9 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.

**§ 394-12. 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 taken to a retail center or designated recycling center.<sup>1</sup>
- B. Major appliances shall be picked up by private arrangement or taken to designated recycling center.<sup>2</sup>
- C. Waste oil shall be disposed of at an outlet that accepts and properly disposes of the item or taken to designated recycling center.<sup>3</sup>
- D. Yard waste shall be of a diameter no more than six inches and taken to a compost site or composted on site.

**§ 394-13. Preparation and collection of recyclable materials.** <sup>4</sup>

Except as otherwise directed by the Town Board of Middle Inlet, 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 § 394-9A through N or for dropoff at the designated recycling center:

- A. Aluminum containers shall be rinsed free of product residue.
- B. Bimetal containers shall be rinsed free of product residue, labels removed.
- C. Corrugated paper or other container board shall be free of debris, flattened, stacked and tied.
- D. Foam polystyrene packaging shall be free of debris.
- E. Glass containers shall be rinsed free of product residue, remove lids and separate by color.
- F. Magazines shall be tied in bundles.
- G. Newspaper shall be tied in bundles.
- H. Office paper shall be tied in bundles.
- I. Rigid plastic containers shall be prepared and collected as follows:
  - (1) Plastic containers made of PETE shall be rinsed free of product residue, caps and rings removed and discarded.
  - (2) Plastic containers made of HDPE shall be rinsed free of product residue, caps and rings removed and discarded.

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1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (3) Plastic containers made of PVC shall be rinsed free of product residue, caps and rings removed and discarded.
  - (4) Plastic containers made of LDPE shall be rinsed free of product residue, caps and rings removed and discarded.
  - (5) Plastic containers made of PP shall be rinsed free of product residue, caps and rings removed and discarded.
  - (6) Plastic containers made of PS shall be rinsed free of product residue, caps and rings removed and discarded.
  - (7) Plastic containers made of other resins or multiple resins shall be rinsed free of product residue, caps and rings removed and discarded.
- J. Steel containers shall be rinsed free of product residue, ends cut out, labels removed.
- K. Waste tires shall be taken to retail center or county landfill.

**§ 394-14. Responsibilities of owners or designated agents of multiple-family dwellings.**<sup>5</sup>

- A. Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in § 394-9A through N:
- (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 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 owner 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 § 394-9A through N from solid waste in as pure a form as is technically feasible.

**§ 394-15. Responsibilities of owners or designated agents of nonresidential facilities and properties.**<sup>6</sup>

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<sup>5</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

<sup>6</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- A. Owners or designated agents of nonresidential facilities and properties shall do all of the following to recycle the materials specified in § 394-9S through N:
- (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 § 394-9A through N from solid waste in a pure a form as is technically feasible.

**§ 394-16. Prohibitions on disposal of recyclable materials separated for recycling.**

- A. 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 § 394-9A through N which have been separated for recycling, except tires may be burned with energy recovery in a solid waste treatment facility, and except for those items exempt pursuant to Wisconsin Department of Natural Resources rules and regulations.<sup>7</sup>
- B. Antiscavenging or unlawful removal of recyclables. It shall be unlawful for any person, unless under contract with or licensed by the Town of Middle Inlet, to collect or remove any recyclable material adjacent to a home or nonresidential building for the purposes of collection or recycling.<sup>8</sup>
- C. Nondisposable materials. It shall be unlawful for any person to place for curbside waste pickup any of the following wastes: hazardous and toxic wastes, chemicals, explosives, flammable liquids, paint, trees and stumps, construction debris, carcasses, animal feces, or medical wastes (unless personal needles which shall be contained in cans to eliminate personal injury to collection personnel).<sup>9</sup>
- D. Garbage from outside municipality. It shall be unlawful to bring refuse for disposal (and recyclables) from outside the corporate limits into the Town of Middle Inlet

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7. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

8. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

9. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

unless authorized by agreement with the municipality.

- E. Right to reject materials. The hauler or drop-off site attendant has the right to reject or leave at the curb any recyclable material. The hauler also has the right to refuse to pick up any solid waste if it contains recyclable containers and material. In such cases, the hauler or attendant shall notify the generator of the materials about the reasons for rejecting the items either in writing or verbally. The hauler shall also keep a list of such occurrences and provide it to the Town of Middle Inlet quarterly or at any other designated time period specified in their contract.<sup>10</sup>
- F. Hauler licensing. Haulers who collect solid waste in the Town of Middle Inlet for storage, treatment, processing, marketing or disposal shall obtain and maintain all necessary municipal and state permits, licenses and approvals prior to collecting any material in the Town of Middle Inlet.<sup>11</sup>
- G. Ownership of refuse. Refuse, upon placement at the curb, shall become the property of the hauler or the Town of Middle Inlet.<sup>12</sup>
- H. Future items designated as recyclable or nonrecyclable items. The Town of Middle Inlet reserves the right to designate additional solid waste materials as recyclables 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 Town of Middle Inlet or its contractors. The Town of Middle Inlet shall provide written notice to its service recipients of this declaration.

**§ 394-17. Enforcement.**

- A. For the purpose of ascertaining compliance with the provisions of this article, any authorized officer, employee or representative of the Town of Middle Inlet may inspect recyclables 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 record 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 Middle Inlet who requests access for purpose of inspection and who presents appropriate credentials. 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 of Middle Inlet 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.

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10. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

11. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

12. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).



**§ 394-18. Violations and penalties.** [Amended 6-10-2004<sup>13</sup>]

Violators shall be cited and subject to the penalty in Chapter 1, General Provisions, § 1-4.

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13. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).