

TOWN OF CABLE RECYCLABLE MATERIAL COLLECTION ORDINANCE

1.01. TITLE.

The title of this ordinance is the Town Recyclable Material Ordinance.

1.02. PURPOSE

The purpose of this ordinance is to promote recycling, composting and resource recovery through the administration of an effective recycling program in the Town and to allow the Town to comply with Chapter 159 Wis. Stats and Chapter NR 544 Adm. Code or their successor provisions. In addition, the purpose of this ordinance is to protect the public health and safety of the occupants of the Town by providing certain recyclable material, waste and other material collection, storage, treatment, processing and disposal regulations, as authorized and provided in s.159.09(2), 159.11 Wis. Stats. and Chapter NR 544, Wis. Adm. Code or their successor provisions.

1.03. STATUTORY AUTHORITY

This ordinance is adopted as authorized under s. 159.09(3)(b), Wis. Stats. or its successor provision. In addition, the Town of Cable has under its village powers in Chapter 60 and 61 Wis Stats or there successive chapters the power to regulate and permit solid waste, hazardous waste and recyclable material collection in the town.

1.04. 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.

1.05. INTERPRETATION

In their interpretation and application, the provisions of this ordinance shall be held to 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. Adm. Code, or its successor chapter and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and Chapter NR 544 Wis. Adm. Code standards or its successor chapter 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.

1.06 SEVERABILITY

Should any portion of this ordinance be declared unconstitutional or invalid by a court or competent jurisdiction the remainder of this ordinance shall not be affected.

1.07 APPLICABILITY

The requirements of this ordinance apply to all persons in the Town of Cable except where noted as exempt under this ordinance.

1.08 ADMINISTRATION

The provisions of this ordinance shall be administered by the Town Board of the Town of Cable or its designee.

1.09 EFFECTIVE DATE

These provisions pursuant to NR 544 Wis. Adm. Code must take effect on or before January 1, 1995. The provisions of this ordinance shall take effect on July 1, 1994. The penalty provisions shall not take effect until January 1, 1995

1.10 DEFINITIONS.

For the purpose of this ordinance

- (1) "Asbestos" means chrysotile, crocidolite, amosite, fibrous tremolite, fibrous actinokite or fibrous anthophyllite.
- (2) "Ash wastes" means waste from the solid residue of combustion.
- (3) "Bi-metal container" means a container for carbonated malt beverages that is made primarily of a combination of steel and aluminum.
- (4) "Container board" mean corrugated paperboard used in the manufacture of shipping containers and related products.
- (5) "Contaminated" means wastes and residuals from wastes or recyclable materials that are contaminated with a hazardous wastes, hazardous substances, toxic wastes or other non-collection wastes, as noted in this ordinance, or that have been determined by the Town Board of the Town to be mixed or contaminated with wastes and other materials that make the recyclable material unacceptable for collection by the Town, its agents, or its contractor(s).
- (6) "Demolition and Construction Wastes" means waste resulting from the construction, demolition or razing of buildings, roads, and other structures. Demolition and construction materials typically consists of concrete, bricks, bituminous concrete, wood, glass, masonry, roofing, siding and plaster, alone or in combinations. It does not include wastes containing hazardous waste, toxic waste, asbestos, waste paints, solvents, sealers, adhesives or similar hazardous or toxic material.

- (7) "DNR" means the Wisconsin Department of Natural Resources.
- (8) "Green Box" recyclable material facility means recyclable material containers placed by the Town, its agents or its contractor(s) to be used by the service recipients in the Town for the temporary collection of recyclable material.
- (9) "Hazardous waste" means any substances or combination of substances, including waste of a solid, semi-solid, liquid or gaseous form which may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or which may pose a substantial present or potential hazard to human health or to the environment because of its quantity, concentration or physical, chemical or infectious characteristics. This term includes, but is not limited to, substances which are toxic, corrosive, flammable, irritants, strong sensitizers or explosives. This term also includes all hazardous wastes or hazardous materials as determined by the rules or regulations of the DNR.
- (10) "HDPE" means high density polyethylene, labeled by the SPI code #2.
- (11) "LDPE" means low density polyethylene, labeled by the SPI code #4.
- (12) "Magazines" means magazines and other materials printed on similar paper.
- (13) "Major appliance" has the meaning specified in s. 159.07 (1m), of the Wisconsin Statutes.
- (14) "Marketable Quality" means a quality of recycled material that meets or exceeds normal standards established by purchasers and collectors of recyclable goods within the normal market area for the purchase and collection of these recyclable materials. The Town Board or its designee shall be the sole determinant to decide if the recyclable material received by the Town, its agents or its contractor(s) under the regular collection service meets the marketable quality standards.
- (15) "Medical wastes" means containers, packages and material that contain infectious wastes, or those wastes that are from a medical research or treatment area and are mixed with infectious wastes.
- (16) "Mobile home park" means any plot or plots of ground upon which two or more mobile home units, occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for accommodation.
- (17) "Multiple-family dwelling" means a property containing 5 or more residential units, including those which are occupied seasonally.
- (18) "Newspaper" means a newspaper and other materials printed on newsprint.
- (19) "Non-residential facilities and properties" means commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.
- (20) "Occupant" means a person who occupies a dwelling unit or other property in the Town on a temporary or regular full time basis and who has a legal right to occupy the dwelling or other property. This includes also a person

occupying a dwelling unit on a seasonal basis. A person who occupies a dwelling unit or other property in the Town for less than one (1) week in any calendar year shall not be considered an occupant.

- (21) "Office paper" means high grade printing and writing 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.
- (22) "Other resins or multiple resins" means plastic resins labeled by the SPI code #7.
- (23) "Person" includes any individual, corporation, partnership, association, local governmental unit, as defined on s 66.299(1)(a), Wis. Stats., state agency or authority or federal agency.
- (24) "Pesticide" means any substances or mixture of substances labeled or designed or intended for use in preventing, destroying, repelling or mitigating any pest or as a plant regulator, defoliant or desiccate.
- (25) "PETE" means polyethylene terephthalate, labeled by the SPI code #1.
- (26) "Plastics" means any of various complex organic compounds produced by polymerization, capable of being molded, extruded, or cast into various shapes and films, or drawn into filaments used as textile fibers.
- (27) "Postconsumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in s. 144.61(5), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in s. 144.44(7)(a)1., Wis. Stats.
- (28) "PP" means polypropylene, labeled by the SPI code #5.
- (29) "PS" means polystyrene, labeled by the SPI code #6.
- (30) "PVC" means polyvinyl chloride, labeled by the SPI code #3.
- (31) "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.
- (32) "Septage wastes" means the scum, liquid, sludge sewage or other wastes from a septic tank, soil absorption field, holding tank or privy. This term does not include the wastes from a grease trap.
- (33) "Sludge" means mud, mire, ooze, any heavy slimy deposit or sediment that is not septage.
- (34) "Solid waste" has the meaning specified in s. 144.01(15), Wis. Stats.
- (35) "Solid waste disposal facility" means a solid waste facility that provides for permanent disposal of solid waste.
- (36) "Solid waste treatment facility" means a solid waste facility that provides for solid waste treatment..
- (37) "Toxic wastes" means wastes that are toxic or poisonous to humans.

- (38) "Waste tire" means a tire that is not longer suitable for its original purpose because of wear, damage or defect.
- (39) "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.

1.11 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 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) 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

The Town Board reserves the right to designate by order in writing, additional solid waste as recyclable materials to be separated by occupants and/or to be collected by the Town or its contractor and to designate by order in writing, after a variance has been obtained by the Town Board from the DNR under NR 159.11(2m) Adm. Code or its successor provision, currently collected recyclable materials as no longer recyclable material to be separated and/or to be collected by the Town or by its contractors in the Town. The Town Board shall provide written notice of this written order in a method determined by the Town Board to known occupants effected by these changes and to any contractor. Upon any designation notice to known occupants by the methods established by the Town Board, the Town or its contractor may reject any recyclable material waste or material determined to no longer be collected by the Town or by its contractor. The Town Board shall direct whether these recyclable materials not to be collected shall be separated from post-consumer waste and how they shall be managed by any occupant of the Town. For purposes of this ordinance, occupants residing in mobile home parks located in the Town shall be considered occupants of single family residences unless a

written agreement to the contrary that is satisfactory to the mobile home park operator or owner, the Town Board and the DNR is established.

1.12 SEPARATION REQUIREMENTS EXEMPTED

The separation requirements of s. 1.11 do not apply to any occupants of the Town regarding 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 post-consumer waste to a processing facility licensed by the Wisconsin Department of Resources that recovers the materials specified in s. 1.11 from solid waste in as pure a form as is technically feasible.
- (2) Solid waste from these occupants 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 of these occupants specified in s. 1.1(5) through (15) for which a variance has been granted to the Town by the Department of Natural Resources under s. 159.11(2m), Wis. Stats., or s. NR 544.14, Wis. Adm. Code or their successor provisions and the Town Board by order does not require separation of the recyclable material from the solid waste.

1.13 CARE OF SEPARATED RECYCLABLE MATERIALS

A. To the greatest extent practicable, the recyclable materials separated in accordance with s. 1.15 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

No person may place or deposit for any recyclable material collection by the Town or its contractor in the Town, in violation of s. 1.25, any household hazardous waste, hazardous waste, medical waste, agricultural pesticide containers, or any other wastes and materials noted in s. 1.25. Recyclable materials separated for recyclable material collection shall be stored by all persons in a manner which protects them from wind, rain, snow, and other inclement weather conditions.

B. No person may place for recyclable material collection in the Town by the Town, its contractors or by any permitted collector any separated recyclable materials that are not of marketable quality or that are contaminated, that are placed and stored for collection in a manner that will cause the recyclable material to be declared not of marketable quality or to be declared contaminated by the Town, its contractor, or by any permittee of the Town, or that when placed or deposited for recyclable material collection will create or have created a public nuisance or that will create or have created litter conditions in the Town.

1.14 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, except as otherwise directed by order of the Town Board, shall manage lead acid batteries, major appliances, waste oil, and yard waste as follows:

- (1) Lead acid batteries shall be taken by the occupants to any vendor who will accept batteries within the state of Wisconsin; or if provided by the Town, to a Town collection facility or to a contractor for the Town.
- (2) Major appliances shall be taken by the occupants to any vendor who will accept major appliances or, if provided by the Town, to a Town collection facility or to a contractor for the Town.
- (3) Waste oil shall be taken by the occupants to any vendor who will accept waste oil or if provided by the Town, to a Town collection facility or to a contractor for the Town.
- (4) Yard waste shall be self-composted by the occupants or, if provided by the Town, to a Town compost facility or to a contractor for the Town.

1.15 PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS

- (1) ALUMINUM CONTAINERS - Aluminum containers shall be rinsed, cleaned and shall be emptied for collection. These containers shall be placed by the occupants within the proper authorized containers for recyclable material collection. Aluminum containers separated and placed for recyclable material collection shall in 1994 be only aluminum beverage and food cans unless the Town Board and its contractor agree to collect and accept other aluminum containers. The above provisions regarding separating and collecting only aluminum beverage containers shall not apply in 1995 and thereafter unless the Town Board in writing directs by order its occupants to only separate and directs its contractor, if any, to collect only aluminum beverage and food containers..
- (2) BI-METAL CONTAINERS - Bi-metal containers shall be rinsed, cleaned, emptied, shall have labels and ends removed, and shall be flattened for recyclable material collection. these containers shall include the bi-metallic containers. Occupants shall not need to flatten round bottom cans. The tin and steel cans shall be placed by occupants within the proper authorized containers for recyclable material collection.. Aerosol containers shall not be accepted.

- (3) CORRUGATED PAPER - Corrugated paper and container board shall be bundled for collection and placed for recyclable material collection by occupants in bundles that are not more than twelve (12) inches high. Only clean and dry corrugated cardboard that has been flattened shall be placed for recyclable material collection. No bundles shall exceed thirty (30) pounds in weight and cut to be management for collection by one person. Corrugated cardboard does not include waxed cardboard or "chipboard" such as cereal boxes, shoe boxes and similar materials. The cardboard shall be placed by occupants within the proper authorized containers for recyclable material collection.
- (4) GLASS CONTAINERS - Glass containers shall be rinsed, cleaned and shall not be broken during recyclable material collection. Occupants may allow labels to remain on glass for recyclable collection. Service recipients shall remove caps and rings for recyclable material collection. Occupants shall need to separate glass by color with clear, brown blue and green. Blue and green may be placed together. For this provision glass includes container glass only. Container glass does not include ceramic cups, dishes, ovenware, plate glass, safety and window glass, heat-resistant glass such as Pyrex, lead based glass such as crystal, or TV tubes. This container glass shall be placed by occupants within the proper authorized containers for recyclable material collection..
- (5) MAGAZINES/MIXED PAPERS - Any soiled or contaminated paper and magazines, shall be discarded by occupants prior to placement for recyclable material collection. Occupants shall stack the mixed paper and magazines together in bundles not more than twelve (12) inches high and shall tie the bundles in two (2) directions with string or twine, or place them in a brown grocery bag. Mixed paper includes all grades of paper: including office paper, white, pastel, colored, ledger, shiny, coated, carbonless or NCR papers; envelopes, including labeled, and kraft, phone books, computer print out paper, file folders, keypunch cards etc. Mixed paper can include paper clips and staples. Mixed paper does not include hand towels or other paper products from rest rooms, or soiled napkins and paper plates. Mixed paper also does not include carbon paper, cellophane, or any waxed paper. The mixed papers and magazines shall be placed by occupants within the proper authorized containers for recyclable material collection.
- (6) NEWSPAPERS - Newspapers shall be stacked in bundles not more than twelve (12) inches high and shall be tied in bundles in two (2) directions with string or twine, or place them in a brown paper grocery bag. Newspapers shall mean newspapers and newspaper advertisements. Only clean newspapers shall be placed for recyclable material collection.

Newspapers do not include the mingling and integration of catalogues, magazines, cardboard, or other paper products. the newspapers shall be placed by occupants within the proper authorized containers for recyclable material collection.

- (7) PLASTICS - Plastic rigid containers shall be rinsed, cleaned, and shall have the caps and rings removed for collection. These plastic rigid containers shall be placed by occupants within the proper authorized container for collection. In 1994 and 1995 only PETE and HDPE plastic bottles need be separated from post-consumer waste and placed for recyclable material collection. In 1994 plastic agricultural pesticide containers shall not be separated from post-consumer waste and placed for recyclable material collection. In 1996, unless the Town Board directs by order that its occupants shall not separate and/or shall not place for recyclable material collection any one or all of these below noted container, the Town by this ordinance will require separation and will provide recyclable material collection by the Town or its contractor of the below noted additional rigid plastic containers made of:

1. PS
2. PP
3. PVC
4. LDPE
5. Foam polystyrene

In 1995, unless the Town Board directs by order that its occupants shall not separate and/or shall not place for recyclable collection, the Town by this ordinance will require separation and will provide recyclable material collection by the Town or its contractor plastic agricultural pesticide containers. These containers shall be fully cleaned, emptied of all residue and shall not be contaminated upon placement. All plastic containers shall be placed by occupants within the proper authorized containers for recyclable material collection.. Automotive containers including motor oil containers, anti-freeze containers and windshield solvent containers will be collected but must be separated from other plastics.

- (8) WASTE TIRES - Waste tires shall be taken by the occupants to any vendor arranged for by the Town who will accept waste tires, or if provided by the Town, to a collection facility or to a contractor for the Town.

1.16 RIGHT TO REJECT MATERIALS

- A. The Town by its designee or its contractor has the right to reject and leave at the curb or roadside, if there is curbside or roadside recyclable material collection provided by

the Town or by its contractor and the right to reject and order removal at any "green box" recyclable material facility, any recyclable material, waste or other materials placed by any person for recyclable material collection provided by the Town or its contractor, where these recyclable materials are not prepared according to the specifications of this ordinance as noted in s. 1.15 of this ordinance.

B. No person, unless the persons are exempt under s. 1.12 or unless the persons are provided written permission from the Town Board, may collect for the Town, including any contractor of the Town, any recyclable materials if:

- (1) the recyclable materials are not completely and properly separated from other wastes or other materials.
- (2) the recyclable materials are not placed for collection in the proper bins, containers or bags.
- (3) the recyclable materials are contaminated with other wastes or residuals, including those wastes and materials noted in s. 1.25.
- (4) the recyclable material are commingled with glass contrary to s.1.33.
- (5) the recyclable materials are not of a marketable quality at time of collection.
- (6) the recyclable materials are not generated from the proper sources within the Town.
- (7) the person, who placed the recyclable materials for collection, is not eligible to receive collection service from the Town or its contractor.
- (8) the recyclable materials are not placed for collection on the proper dates or times or locations.
- (9) the recyclable materials are not currently authorized for collection by the Town or its contractor.

Upon rejection of any of these materials or waste, the person authorized to reject the recyclable materials, waste or other materials for the Town or its contractor shall provide to the occupant the reason(s) for the rejection of these materials or waste either in writing or orally. The contractor or any other person authorized or permitted to operate any curbside or roadside recyclable material collection service for the Town or to operate any "green box" recyclable material collection facility for the Town shall provide to the Town Board on a monthly basis a list of the names, in writing, of occupants or other persons, if known, whose recyclable materials, waste or other materials were rejected for collection and the reason(s) for such rejection.

C. No person may place or deposit for recyclable material collection by the Town or its contractor, unless the person is exempt under s. 1.12 or unless provided written permission by the Town Board, any recyclable materials where the recyclable materials have not been properly separated from the waste or other materials as required by order of the Town Board, as required by this NR 544 Wis. Adm. Code, or its successor chapter, or as required by this ordinance and where the recyclable materials have not been properly

contained in the bags , bins or other containers as required by order of the Town Board or by this ordinance.

D. No person may, unless the person is exempt under s. 1.12 or unless with the written permission of the Town Board, may place or deposit for recyclable material collection any recyclable material for recyclable material collection, by any permittee of the Town, unless in compliance with this section.

E. No person, unless provided written permission from the Town Board, may for consideration collect from owners or designated agents of multiple family dwellings or owners of non-residential facilities and properties, with or without a permit issued to that person by the Town, any recyclable material noted in s. 1.11 unless the recyclable material placed for recyclable material collection is separated from the post consumer waste. This provision shall not apply to any owners or agents if the recyclable material to be collected from these owners or agents is exempt from separation under s. 1.12.

1.17 RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF MULTIPLE-FAMILY DWELLINGS

A. Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in s. 1.11(5) through (15):

- (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 semi-annually thereafter about the established recycling program.
- (3) Provide for the recyclable material 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 (1) do not apply to the owners or designated agents of multiple-family dwellings if the post consumer waste generated within the dwelling is treated as a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in s. 1.11(5) through (15) from solid waste in as pure a form as is technically feasible.

1.18 RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF NON-RESIDENTIAL FACILITIES AND PROPERTIES

A. Owners or designated agents of non-residential facilities and properties shall do the all of the following to recycle the materials specified in s. 1.11(5) through (15):

- (1) Provide adequate, separate containers for the recyclable materials.
- (2) Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.
- (3) Provide for the recyclable material 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 or 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 (1) do not apply to the owners or designated agents of non-residential facilities and properties if the post consumer 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(5) through (15) from solid waste in as pure a form as is technically feasible.

1.19 PROHIBITIONS OF DISPOSAL OF RECYCLABLE MATERIALS SEPARATED FOR RECYCLING

A. No persons unless exempted as noted below, may dispose of in a solid waste disposal facility or burn in solid waste treatment facility any of the recyclable materials specified in s. 1.11(5) through (15) which have been separated in the Town for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility. This prohibition shall include the Town, any contractor for the Town or any permittee of the Town. This prohibition shall not apply if the Town receives a variance from the DNR for a specific recyclable material under 159.11(2m) Wis. Stats. or its successor provisions.

B. No persons when the Town is provided an exemption as noted, may dispose or burn any recyclable material, as noted above, without providing in writing to the Town Clerk within ten (10) days prior to disposal or treatment, the projected location, the date and the amount and type of recyclable material to be disposed or treated and the reason(s) for such disposal or treatment to the Town Clerk.

1.20 ENFORCEMENT/RULES OF CONSTRUCTION/CITATIONS

A. Inspection

For the purpose of ascertaining compliance with the provisions of NR 544 Wis. Adm. Code or its successor chapter and compliance with this ordinance, any authorized officer, employee or representative of the Town may, pursuant to 66.122 or its successor provisions and pursuant to NR 544 Wis. Adm. Code or its successor provisions, inspect recyclable materials in the Town separated for

recycling, inspect post-consumer waste in the Town intended for disposal, inspect any recyclable material collection locations and any other collection facilities, and collection vehicles in the Town, including any collection areas for single family, two (2) to four (4) residential dwelling units, multiple family dwelling units and non-residential facilities and properties that are controlled by any occupants, any contractor of the Town any permittee collector, or any other person participating in any recycling activity in the Town, any solid waste disposal facilities and solid waste disposal facilities and solid waste treatment facilities and, in addition, inspect any records relating to recyclable material activities of any occupants, any contractor for the Town, any permitted collectors or other persons in the Town. These records shall be kept confidential by the Town Board when necessary to protect proprietary information.

No persons who have recyclable material collection permits issued under this ordinance for recyclable material collection may refuse access to any records or property controlled by that person related to these recyclable material activities in the Town to any authorized officer, employee or authorized representative of the Town who requests access to the records or property for purposes of this inspection, and who presents appropriate credentials. In addition, no persons with these permits may obstruct, hamper, or interfere with any such authorized inspection.

Occupants of the Town and any person with the above noted permits issued by the Town providing recyclable material collection services in the Town shall cooperate fully with the Town Board or its designees in any inspection of their facilities or properties. The Town Board shall designate the person or persons charged under 66.122 Wis. Stats. to have the authority to exercise the powers or duties of inspector. The Town Board or its designees shall provide to occupants or other persons twenty-four (24) hours oral or written notice prior to inspection of the records, facilities, or properties unless the Town Board, by order, declares that inspections with less or no notice are necessary to insure compliance by the occupants or these persons.

B. Penalties

- (1) Any person who violates a provision of this ordinance may be issued a citation by the Town pursuant to this ordinance 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.
- (2) Penalties for violating this ordinance may be assessed as follows:

- (a) Any person who violates s. 1.19 may be required to forfeit \$50 for the first violation, \$200 for a second violation, and not more than \$2000 for a third or subsequent violation.
- (b) Any person who violates a provision of this ordinance, except s. 1.19, may be required to forfeit not less than \$10 nor more than \$1000 for each violation.
- (c) Citations for violations of this ordinance may be issued as noted in this ordinance.
- (d) The Town Board may also seek injunctive relief, when appropriate.
- (e) These penalties shall not be construed to abrogate any minimum or maximum penalties prescribed by the laws of the State of Wisconsin.
- (f) Any person who shall be requested by ordinance or by order of the Town Board to obtain or maintain a permit under this ordinance and who is required to post a bond as a condition of the permit may be required to forfeit the permit and the bond to reimburse the Town for any costs or expenses reasonably incurred by the Town to revoke the permit, to insure compliance with the ordinance, to enforce violations of this ordinance or insure compliance with conditions of the permit.

C. Citations for Violators

The Town, by adoption of this ordinance and pursuant to §66.119, Wis. Stats., or its successor provision hereby elects to use the citation method for enforcement of the ordinance.

The citation issued by the Town shall, at minimum, contain the following:

- (1) The name and address of the alleged violator.
- (2) The factual allegations describing the alleged violation.
- (3) The time and place of the offense.
- (4) The section of the ordinance violated.
- (5) A designation of the offense in such as can readily be understood by a person making a reasonable effort to do so.
- (6) The time at which the alleged violator may appear in court.
- (7) A statement which in essence informs the alleged violator:
 - (a) That a cash deposit with the appropriate court costs and surcharges, based on the schedule established by the ordinances, may be made which shall be delivered or mailed to the County Clerk of the Court prior to the time of the

- scheduled court appearance or to the municipal court if this court has been established by the Town Board.
- (b) That if the appropriate cash deposit with the appropriate court costs and surcharges is paid, no appearance in court is necessary unless the alleged violator is subsequently summoned.
 - (c) That if a cash deposit with the appropriate court costs and surcharges is paid and the alleged violator does not appear in court, the alleged violator will be deemed to have entered a plea of no contest, or if the court does not accept the plea of no contest, a summons will be issued commanding the alleged violator to appear in court to answer the complaint.
 - (d) That if no cash deposit with the appropriate court costs and surcharges is made and the alleged violator does not appear in court at the time specified, an action may be commenced to collect the forfeiture.
- (8) A direction that if the alleged violator elects to make a cash deposit with the appropriate court costs and surcharges, the statement which accompanies the citation shall be signed to indicate that the statement required under (7) above has been read. Such statement shall be sent or brought with the cash deposit.
 - (9) Such other information as the Town Board of the Town or the officer issuing the citation deems proper and necessary.
 - (10) The offenses in this ordinance require the following deposits with the County Clerk of Court or with other established court officers with the appropriate court costs and surcharges to be attached as required by the Court:

CITATION CHART		
<u>Section</u>	<u>Reference</u>	<u>Deposit</u>
Section 1.13	Inadequate storage of recyclable material (A) (B)	\$25
Section 1.15	Inadequate preparation and placement of recyclable material	\$25
Section 1.16	Improper collection for Town	\$50
	Inadequate separation and containment (B) (C) (D) (E)	\$25
Section 1.17	Inadequate compliance by owners or designated agents of multiple family dwellings	\$50

Section 1.18	Inadequate compliance by owners or designated agents of non-residential facilities and properties	\$50
Section 1.19	Improper disposal or treatment of recyclable material (A) (B)	\$50.00 (1st Time Violator) \$200.00 (2nd Time Violator) \$400.00 (3rd Time Violator)
Section 1.20	Improper restriction or inspection (A)	\$50
Section 1.21	Lack of permit from DNR and/or Town	\$200.00
Section 1.22	Scavenging of recyclable material	\$100.00
Section 1.23	Placement of out-of-town recyclable material	\$100.00
Section 1.24	Dumping of recyclable material (A) (B) (C)	\$50.00
Section 1.25	Improper placement of non-collectable materials (A) (B)	\$200.00
Section 1.26	Improper placement/collection of recyclable materials by non-qualified persons	\$100.00
Section 1.27	Failure to properly and timely file report	\$200.00
Section 1.29	Improper collection time (B)	\$100.00
Section 1.30	Improper placement (A) (B) (C) (D) (E) (F)	\$50.00
Section 1.33	Glass commingled	\$50.00
Section 1.35	General collection service restrictions (A1) (A2) (A3) (A4) (A5) (A6)	\$100.00
Section 1.36	General regulatory placement provisions (A1) (A2) (A3)	\$50.00

Deposits shall be made in cash, money order or certified check to the County Clerk of Court or other established court officers who shall provide a receipt therefor.

The following persons may issue, serve or have served citations for the Town with respect to the ordinances.

- 1.) Town Chair
- 2.) Any other Town Supervisor
- 3.) Any person designated by the Town Board to issue, serve or have served these citations.

No citation may be issued without the approval and signature of at least two (2) of the above noted Town Board officers of the Town. The town officer that issues and serves or has served the citation shall be responsible to attach the appropriate court costs and surcharges to the deposit to the citation. Service of the citation may be by personal service or by first class mail to last known address.

Sec. 66.119(3), Wis. Stats., or its successor provision relating to options and procedures for alleged violation on default is hereby adopted by the ordinances and incorporated by reference.

1.21 PERMITTING

No person may engage in the use, operation or business of collecting solid waste or recyclable material for consideration within the Town without being licensed or permitted by the DNR under NR 502.06 Wis. Adm. Code or its successor provision.

No person may engage in the use, operation or the business of collecting solid waste, hazardous waste, recyclable material or other material noted in 1.25 for consideration within the Town without being permitted by the Town pursuant to this ordinance. This required Town recyclable material collection permit requirement shall include any persons contracted by the Town to provide for recyclable material collection services for the Town and for its occupants. The Town recyclable material collection permit shall be obtained and maintained as noted in s. 1.37.

1.22 ANTI-SCAVENGING OR UNLAWFUL REMOVAL OF RECYCLABLE MATERIALS

No person, unless under contract with the Town, unless under permit by the Town Board or unless provided written permission by the Town Board, may collect or remove any recyclable material that has been deposited or placed for recyclable material collection by any occupant of the Town at the curb or roadside, at any "green box" recyclable material collection locations or at any other locations in the Town approved by the Town Board for recyclable material collection. This provision shall not apply to any occupant who has placed recyclable material for recyclable material collection and then withdraws it from recyclable material collection prior to collection.

1.23 RECYCLABLE MATERIAL/SOLID WASTE FROM OUTSIDE THE TOWN

No person, unless provided written permission by the Town Board, may deposit or place for recyclable material collection by the Town or its contractor at any location in the Town, any recyclable materials, wastes, or other materials, where these recyclable materials, wastes, or other materials have been generated from sources outside the Town.

This provision shall not apply to any recyclable material that is clean, of marketable quality and not contaminated, properly placed on public or private land by any person in any authorized recyclable material containers established for and approved by the Town Board for general public deposit of recyclable material.

1.24 NO DUMPING OF RECYCLABLE MATERIALS

A. No person, unless provided written permission by the Town Board, may litter, dispose, discharge or dump any recyclable material in any road, highway, road right-of-way, waters, street, alley or other public land or location, within the Town unless it is deposited or placed properly for collection in the proper bags, bins, receptacles or containers in the proper manner, date, time and location specified in this ordinance or as authorized and specified by the Town Board. This provision shall not apply to any recyclable material, clean, of marketable quality and not contaminated, properly placed on public land or private land in the Town by any person in any authorized recyclable material containers established for an approved by the Town Board for general public deposit of recyclable material.

B. No person, unless provided permission by the owner or occupant of the land, shall litter, dispose, discharge or dump any recyclable material on private land.

C. No persons shall litter or permit any recyclable material to be thrown from a vehicle operated by that person in the Town.

1.25 NON-COLLECTABLE MATERIALS

A. No person, unless provided written permission by the Town Board, may deposit or place for any recyclable material collection by the Town or by its contractor, at any location in the Town any of the following recyclable materials, wastes, residuals, and other materials:

- (1) hazardous wastes, including household hazardous wastes
- (2) toxic wastes
- (3) free liquid in any containers, including paints and solvents
- (4) pesticides, excluding non-agricultural pesticide containers if properly cleaned, not contaminated, and if approved by the Town Board for separation and for recyclable material collection.
- (5) medical wastes

- (6) asbestos
- (7) sludge wastes
- (8) industrial or commercial wastes from any industrial or commercial facility or operation
- (9) waste from pollution control equipment
- (10) residue and debris from clean-up of a chemical discharge or chemical residue and debris from any facility or operation using chemicals in any commercial, agricultural or industrial processes
- (11) ash waste
- (12) hazardous and toxic demolition and construction wastes and demolition and construction wastes containing asbestos
- (13) bio-medical wastes
- (14) septage (human or otherwise) wastes
- (15) animal fecal wastes
- (16) dead animals
- (17) brush or trees
- (18) wood treated with chemical preservatives
- (19) explosive material
- (20) contaminated recyclable material as determined by the Town Board or its contractor

B. No person may in any recyclable material collection knowingly collect for the Town any of the above noted wastes, materials, contaminated recyclable materials and any other recyclable materials which are not of marketable quality or which are placed for recyclable material collection in a contaminated condition, unless provided written permission by the Town Board. This prohibition shall apply to any contractor for the Town.

1.26 PLACEMENT RESTRICTION

No persons, unless provided written permission by the Town Board or unless they are occupants of a single family or two (2) to four (4) unit residence in the Town, may deposit or place for recyclable material collection in the Town any recyclable material at any "green box" recyclable material collection facility owned or operated by or for the Town or deposit or place any recyclable material at any curbside or roadway location established for recyclable material collection by the Town or its contractor.

1.27 REPORTING REQUIREMENTS

Any person permitted by or contracted by the Town to collect for consideration, any recyclable material for the Town or other persons in the Town shall be required as a provision of the contract or as a condition of the Town recyclable material collection permit to maintain appropriate records for the Town and to report in writing to the Town Clerk at least annually by February 1st of each year sufficient and accurate information and data related to the amount, weight and type of recyclable material, waste and other

material collected by the contractor or by the permittee in the Town for the Town or for any occupants in the Town in the previous calendar year. The information and data to be provided shall be sufficient in detail to allow the Town to meet the recyclable material collection, compliance and data requirements established for the Town in NR 544 Wis. Adm. Code or its successor chapter. The annual reports may, at minimum, specifically require from the contractor or permittee:

- (1) the amount, weight and type of recyclable material, waste and other material collected in the Town for the Town or for other occupants in the Town.
- (2) the amount, weight and type of recyclable material processed or marketed for the Town or for other persons and the amount, weight and type of recyclable material for the Town or for other occupants in the Town rejected for processing or marketing. This shall include weight slips.
- (3) the amount, weight, type and final disposal or treatment location for any recyclable material, contaminated recyclable material, waste or other material collected in the Town for the Town or for other occupants which was later disposed or treated in any solid waste disposal facility or solid waste treatment facility.

In addition, each contractor of the Town may be required as a provision of its contract and its permit to file, unless waived in writing by the Town Board, with the Town Clerk, a written quarterly report related to the amount, type and weight of recyclable materials collected for the Town by the contractor for the preceding three (3) calendar months. This report shall be filed with the Town Clerk within fifteen (15) days after the end of the three (3) month term period with the first report due by April 15th. This report shall specifically include amounts, types and weights for newspapers corrugated paper, magazines, aluminum containers, steel and bi-metal containers, plastic containers, glass containers and foam polystyrene packages. This may include weight slips and a statement identifying how recyclable materials are processed and marketable and what if any material was rejected for processing.

Failure by any contractor of the Town or any person with a Town recyclable material collection permit to file the above noted information, data and reports with the Town Clerk in an accurate and timely manner shall be cause for the Town Board to seek enforcement or penalties, to revoke any permit and/or terminate any contract with the contractor or permittee.

1.28 OWNERSHIP OF RECYCLABLE MATERIAL

Any recyclable material, waste or other material not rejected by the Town, its employees, agents or by any of its contractors in its recyclable material collection at any Town "green box" recyclable material collection facility, unless previously rejected by the Town, its employees, its agents or by any of its contractors, upon its placement by an

occupant in the recyclable material collection bins or containers, shall become the property of the Town, unless the Town has a contract to the contrary with its contractors.

The recyclable material, waste, or other material deposited for collection by the Town or its contractor at any curbside or roadside collection location, shall, upon its collection by any contractor of the Town, become the property of the contractor unless the Town has a contract to the contrary with its contractors.

1.29 RECYCLABLE MATERIAL COLLECTION SCHEDULE

A. The Town Board may establish the dates and times of authorized placement and collection for recyclable materials, wastes or other materials where these materials or wastes are to be collected in the Town by the Town, by any contractor of the Town or by any permitted collector of the Town. The Town Clerk shall publish a notice in the official newspaper or by other means established by the Town Board of the collection schedule with these notices to be provided annually at least once before April 1st and at any other time when the recyclable material collection schedule is changed by the Town Board.

B. No person, including any contractor of the Town, or any permitted collector, unless provided written permission by the Town Board, may collect, for consideration in the Town, any recyclable material between the times noted below. This collection restriction provision shall include recyclable materials to be collected from multi-family dwellings and non-residential facilities and properties.

1.) Between 10:00 p.m. and 5:00 a.m.

1.30 SPECIFIED CONTAINERS/SPECIFIED LOCATIONS, TIMES AND DATES FOR COLLECTION

A. No person, unless provided written permission by the Town Board, may deposit or place for recyclable material collection, by the Town or its contractors for curbside or roadside collection or for collection at a "green box" recyclable material collection facility, any recyclable material in bags or bins that exceed forty (40) gallons of volume per bag or fifty (50) pounds per bag. No persons shall deposit or place these bags or bins for collection unless these bags are properly fastened and unless the recyclable materials are properly contained and placed within the bags and within the bins to avoid any littering.

B. No person, unless provided written permission by the Town Boards, may deposit or place the bags, bins and the recyclable materials for recyclable material collection by the Town or its contractor unless these bags, bins and the recyclable materials are either placed within recyclable materials bins located at the proper curbside or roadside collection locations or these bags and the recyclable materials are properly placed within the proper "green box" recyclable material collection containers located at the proper "green box" recyclable material collection facility locations.

C. No person may deposit or place for recyclable material collection by the Town, or its contractors, unless provided written permission by the Town Board, any bags, bins, any recyclable materials or other wastes and materials at any location in the Town for curbside or roadside recyclable material collection by the Town or its contractor at any time prior to twenty four (24) hours from the regularly scheduled collection time. No persons shall allow such bags, recyclable materials or other waste and materials to remain at the curbside or roadside location in the Town longer than twelve (12) hours after the regularly scheduled collection time. No person may place or deposit for recyclable material collection any recyclable material for collection by any permittee of the Town in the Town unless in compliance with these provisions.

D. No person may deposit or place for recyclable material collection by the Town or its contractors, unless provided written permission by the Town Board, any bags, bins, any recyclable materials, or other wastes and materials for curbside or roadside recyclable material collection at any location in the Town except at locations next to the Town right of way on the premises owned or occupied by that person. No persons shall place or deposit for recyclable material curbside or roadside collection any recyclable material for collection by any permittee of the Town in the Town unless in compliance with these provisions.

E. No person may deposit or place for recyclable material collection by the Town or its contractors any bags, bins, recyclable materials or other wastes and materials on the traveled portion of the roadway in the Town. No persons shall place or deposit for recyclable material collection any recyclable material for curbside or roadside collection by any permittee of the Town in the Town unless in compliance with these provisions.

F. No person, unless provided written permission by the Town Board, may deposit or place for recyclable material collection any bags, bins, recyclable materials or waste and materials for recyclable material curbside or roadside collection by the Town by its contractor or by any permittee of the Town except on the scheduled times and days established and noticed by the Town Board.

1.31 REGULATIONS

A. The Town Board may establish any orders, permits, rules and regulations necessary to properly administer and properly enforce this ordinance and to provide a proper, safe and efficient recyclable material collection program for the Town and its occupants. The Town Board may designate a person or persons to administer the recyclable material collection program for the Town.

1.32 MANAGEMENT OF UNAUTHORIZED WASTE

The Town and any contractor for the Town shall return within sixty (60) days after placement to any person, if known, who has placed any recyclable materials, waste or other material, not authorized by order of the Town Board for placement any recyclable

material collection, not authorized by this ordinance or not permitted in writing by the Town Board for either any "green box" recyclable material collection or any curbside or roadside recyclable material collection by the Town or by its contractor. This return shall be considered a rejection of the materials or waste by the Town or contractor. If the person is not known by the Town or by the contractor, or the material or waste is not returned during the time period, the contractor shall be responsible to properly control, store, treat, process, dispose or otherwise care for the unauthorized recyclable material, waste or other material and shall be considered, pursuant to s. 1.28, to be the owner of the material or waste unless the Town has a contract to the contrary with the contractor.

1.33 GLASS COMMINGLED

A. No person may knowingly place or deposit for recyclable material collection by the Town or by its contractors, unless provided written permission by the Town Board, any recyclable glass, glass containers or other types of glass that are mixed, commingled or integrated with newspapers, magazines/mixed paper or with other recyclable materials, wastes and other materials in a manner likely to cause injury or harm to any person collecting or handling the recyclable material or likely to cause the recyclable material to be declared to not be in marketable condition.

B. No person shall knowingly collect in any recyclable material collection for the Town, including any contractor of the Town, in the Town any recyclable glass, glass containers or other types of glass that are mixed, commingled or integrated with newspaper, magazines/mixed paper, other recyclable materials or other wastes and materials in a manner likely to cause injury or harm to any person collecting or handling the recyclable material or likely to cause the recyclable material to be declared to not be in marketable condition unless provided written permission by the Town Board.

1.34 GENERAL RECYCLABLE MATERIAL COLLECTION PROVISIONS

A. No person, with or without a proper Town recyclable material collection permit issued by the Town Board, who owns or operates a recyclable material collection service operation in the Town and who collects, for consideration, recyclable materials from any persons in the Town for transport, treatment, storage, processing, marketing or disposal in or out of the Town may:

- (1) Collect knowingly in the Town for any person, any contaminated recyclable material, hazardous waste, solid waste toxic waste or any other waste or material that is not authorized for collection by the conditions of any recyclable material contract with the Town, that is not authorized for collection by any conditions of any recyclable material collection permit issued to that person by the Town, that is not authorized for collection by order of the Town Board or is not authorized for any type of collection from any person in the Town under this ordinance.

- (2) Fail to prepare and provide a written report within twelve (12) hours of an occurrence to the Town Clerk regarding any intentional or unintentional discharge, littering or abandonment by that person during collection or transportation by that person of any recyclable material, waste or other material in the Town. This reporting requirement does not include any recyclable material, waste or other material refused for collection by that person. This reporting requirement does not include any proper storage, treatment, processing or disposal of any recyclable material, waste or other material in the Town by that person, when that storage, treatment, processing or disposal that has been permitted or approved by the Town Board.
- (3) Fail to obtain and maintain proper and sufficient general liability insurance, auto liability insurance and workers compensation insurance that will provide insurance coverage for any person damaged or injured during recyclable material collection services provided by that person. The Town Board may establish, as a condition of any permit, the amount, type and scope of coverage to be obtained and maintained during collection services.
- (4) Fail to obtain and maintain for recyclable material collection operations in the Town all necessary federal, state, county and town licenses, permits and approvals or fail to comply with all laws, regulations, ordinances, permits, and orders related to recyclable material collection operations in the Town.
- (5) Fail to operate and maintain all recyclable material collection vehicles and recyclable material collection equipment in the Town in proper working order; including use of proper waste containment equipment for the collection vehicles and use and maintenance of proper mufflers on the collection vehicles.
- (6) Fail to report to the Town Board, at the request of the Town Board, regarding any compliance or lack of compliance of any specific person in the Town with NR 544 Wis. Adm. Code or its successor chapter or compliance or lack of compliance with any specified person with this ordinance.

1.35 GENERAL REGULATORY PROVISIONS

A. No person in the Town may:

- (1) Continue to place for recyclable material collection at any location in the Town any unauthorized recyclable materials, wastes or other materials after receipt of written warning notice by certified mail or personal service from the Town Board or its designee, that the specific recyclable materials,

wastes or other materials will not be collected by the Town, its contractor, and/or any permitted collector and the person therefore may not continue to place for recyclable material collection in the Town these unauthorized wastes or materials.

- (2) Place, discharge, litter or deposit in the Town for collection, storage, treatment, processing or disposal any recyclable materials, any wastes or other materials at any temporarily closed or permanently closed "green-box" recyclable material collection facility or other any other closed recycled material or waste storage, treatment, processing or disposal facility. This provision shall include any placement, littering, discharge or deposit by any person on any public or private land in the Town of any recyclable materials, wastes or other materials where the materials or wastes were not authorized for placement by the owner or occupant of the land where the materials or wastes were placed.
- (3) Place for solid waste, hazardous waste or other material collection in the Town by the Town, its contractor, permittee collector or any other person any recyclable material, where the person is not exempt under s 1.12, where these recyclable materials should have been properly separated from the solid waste, hazardous waste, or other material and where these recyclable materials should have been placed for only recyclable material collection as required under NR 544 Wis. Adm. Code or its successor chapter or as required under this ordinance.

1.36 FEES AND VOLUME BASED RATES

The Town Board may establish fee charges for occupants of the Town for the payment of recyclable material collection services. Fees may be assessed on a per occupant basis, with or without differential rates for seasonal or full-time occupant services. In addition special charges, for the recyclable material collection service pursuant to Sec. 66.60(16) or its successor provision may be charged to the landowners and extended on the tax roll, if not paid by the landowners,, as a delinquent tax.

The Town Board may establish volume based fee charges for occupants for the payment of recyclable material collection services. Fees may be assessed on each container or each bag placed or deposited by occupants for collection by the Town or its contractor with the fee charge, the method of payment and the time and location for payment determined by the Town Board. If the Town and its occupants do not comply with NR 544.04(6), Wis. Adm. Code or its successor provision related to demonstrating separation for recycling of at least 25% by volume or by weight of the total solid waste collected within the Town, then the Town Board shall require a volume based fee system that meets the requirements of NR 544.04(6) Wis. Adm. Code or its successor provision.

1.37 SPECIFIC PERMIT PROVISIONS

The Town, by the Town Board, shall establish an application form for a Town recyclable material collection permit with permit forms to be approved by the Town Board. Permits shall be issued on a one (1) year basis and shall be required of any person who collects recyclable material in the Town for consideration from any occupant unless exempted as noted herein. The Town shall provide a public hearing prior to issuance or denial of these permits. Notice of the hearing shall be provided by a statutory Class 1 Notice with the applicant required to pay the cost of publication in the legal newspaper prior to publication by the Town. The permit shall be effective from January 1st to December 31st each year. For 1994, the permit shall be from the date of issuance until December 31, 1994.

Any person who owns, operates or maintains the following recyclable material uses, activities, businesses or collection operations, in the Town, shall be exempt from obtaining and maintaining any Town recyclable material collection permit under this ordinance, unless so specifically noted herein in this ordinance:

- (1) uses, activities, businesses or collection operations in the Town under the municipal ownership, municipal operation or direct municipal control of the Town, its Town Board, its officers, its employees or its authorized agents. This exemption shall not include any uses, activities, businesses or collection operations owned, operated or controlled by any persons permitted or licensed by the Town.
- (2) uses, activities, businesses or collection operations in the Town for the following individual recyclable materials.
 - 1.) Waste Oil
 - 2.) Yard Waste
 - 3.) Waste Tires
 - 2.) Lead acid batteries
 - 4.) Major appliances

This exemption shall not apply to any collectors in the Town who collect these individual noted recyclable materials for consideration in any locations, businesses or operations in the Town.

- (3) uses, activities, businesses or collection operations in the Town for specifically scrap metal, junk vehicles or junk implements of husbandry collection. This exemption includes the collectors or transporters who collect or transport, with or without consideration, in any locations, businesses or operations in the Town.
- (4) uses, activities, businesses or collection operations in the Town specifically only using reverse recyclable materials vending machines or mobile recycling machines and vehicles for aluminum container collections only.

- (5) uses, activities, business or collection operations in the Town approved to operate or collect recyclable material for a designated period of time by written order of the Town Board. This shall include any non-profit charitable organization collectors approved by the Town Board, for specified recyclable material collection in the Town where the organization has agreed to provide certain collection data to the Town Clerk as established by the Town Board.

The above noted exemptions for persons owning, constructing, operating or maintaining the above uses, activities, businesses or collection operations shall not apply to any person who causes, allows or permits by any storage, disposal, treatment, collection or processing location, business, use, operation or activity, a public nuisance in the Town or violates any public nuisance ordinance enacted by the Town.

The Town shall annually establish permit fees for the herein noted. The permit shall be issued by the Town Clerk upon approval by the Town Board, upon acceptance in writing of conditions to the permit by the applicant and upon proper payment of the fees by applicant. The Town can, prior to issuance, establish any conditions in the permit, including the requirement of bond or other financial security to insure compliance with the conditions of the permit, state and federal law, DNR rules and this ordinance.

The permits under this ordinance are not transferable. The permits shall be issued only for specific operations businesses, activities or uses in the Town. The initial application fees shall be twenty five (\$25) dollars unless increased or lowered by specific action of the Town Board.

The Town Board shall review the permit application and shall insure completeness of the application prior to issuance or denial of the permit. The Town Board of the Town may, upon its order, request additional information from any applicant beyond that information required in the application and may, upon its order, request an investigation and report related to the applicant and the proposed operation business, activity or use.

The Town Board, prior to issuance or denial of a permit, may request of the applicant:

- (1) written agreement from the applicant to comply with all conditions established in the permit.
- (2) written agreement from the applicant to provide reasonable physical access to land, facilities or buildings of the applicant to the Town, its officers, employees or its designated agent(s), to:
 - (a) aid in the compliance of the DNR effective recycling program
 - (b) aid in permit compliance investigations under this ordinance
 - (c) aid public health and safety investigations
 - (d) prevent potential public or private nuisances

- (3) written agreement from the applicant to maintain appropriate bond or other financial security as determined by the Town Board
- (4) written agreement from the applicant to comply with all state and federal laws and all state and federal regulations, including the DNR effective recycling program rules

The Town, to avoid the termination of any previous permitted authority of the applicant, shall receive, from the applicant, the application for any re-issuance of a permit at least one hundred twenty (120) days prior to the expiration date of the currently issued permit.

All suspensions or revocations of any permits will be, after a public hearing if requested by permittee, unless emergency conditions require an immediate temporary suspension of the permit by the Town Board of the Town. For purposes of the ordinances, "licenses" shall include "permits" and "licensees" shall include "permittees". Following any temporary suspension, written notice of same shall be attempted to be personally served on the permittee or the agent of the permittee. Such notice of temporary suspension shall include a statement that the party may have an emergency public hearing regarding temporary suspension before the Town Board not before two (2) days nor not after five (5) business days from receipt of the notice by delivering to the Town Clerk a written request for a hearing. No temporary suspension shall continue beyond six (6) days from the date the Town Clerk receives a written request for a hearing.

Prior to any action for a non-temporary suspension or permanent revocation, except in an emergency condition that requires a temporary suspension, the Town Board of the Town must, by the Town Clerk, receive a written complaint concerning the permittee. The following persons may file a written complaint with the Town Board of the Town:

- (1) The Town Clerk
- (2) Any Town officer designated by the Town Chair or Town Board to file such complaints

Any person, subject to charges of violation of the permit or any violation of a condition of any permit, shall be served except in an emergency condition that requires a temporary suspension, a copy of the written complaint and notice of a right to hearing before the Town Board of the Town. The hearing shall be required to be not less than ten (10) days nor more than thirty (30) days after service of notice, unless stipulated in writing by the Town Board of the Town and by the person subject to charges of violation or unless an emergency public hearing is required due to a temporary suspension as noted herein.

Any person subject to charges for violation of the permit or any violation of a condition of any permit shall be entitled to a public hearing and to the following:

- (1) Representation by legal counsel at the expense of the person subject to charges
- (2) Right to present and cross examine witnesses
- (3) Right to subpoena witnesses with the Town Chair issuing subpoenas to compel attendance of the witnesses

The Town Board may, after the public hearing, for any person previously issued a permit by the Town Board of the Town, act as follows:

- (1) Revoke the permit as a final decision
- (2) Suspend the permit for a date certain as a final decision
- (3) Request additional information as an interim decision prior to taking future final action
- (4) Take no action on the permit as a final decision

The final decision of the Town Board to revoke or suspend a permit, including a temporary suspension, shall be subject to appeal pursuant to Chapter 68, Wis. Stats or its successor chapter. The final decision of the Town Board for permanent revocation or non-temporary suspension shall be made in writing within thirty (30) days after the public hearing.

The Town Board shall, except in an emergency condition for any temporary suspension as determined by the Town Board, prior to revoking or suspending any permit or prior to refusing to issue or re-issue a permit, state on the record specific written findings as to the reason or reasons the Town Board did take such action. Any applicant or permittee shall, as noted previously for a permanent revocation or non-temporary suspension of a permit, be provided the opportunity for a public hearing as noted, an opportunity to cross examine witnesses, an opportunity to present relevant evidence and to require that witnesses to testify against the applicant(s) or permittee be under oath. The Town Board, in lieu of refusing to issue or re-issue a permit, may delay final determination action pending further investigation by the Town, upon its own motion, for up to thirty (30) days beyond any previous final determination date established by the Town Board or by this ordinance.

If no hearing is requested by the person subject to charge within the time herein noted, any final decision shall be made by the Town Board of the Town at its next scheduled meeting or at a time established for the final decision by the Town Board. This date shall be not more than sixty (60) days after service of a notice upon applicant or permittee of a right to hearing.

The Town Chair or the Town Clerk, by order of the Town Board, shall repossess any permit revoked or suspended, including temporary suspension, by the Town Board.

The following specific reasons or criteria may be considered, at minimum, by the Town Board in determining whether to issue, re-issue, revoke or suspend, including any temporary suspension, of a permit:

- (1) A false statement was made by the applicant or permittee in the application filed with the Town Clerk and/or a false statement was included in the material attached to the application by applicant or the permittee.
- (2) The proposed, current or former uses, activities, business or operations as proposed operated or controlled by the applicant or permittee are, have been or are likely to be detrimental to the public peace, public health, public safety and general welfare of the public in the Town.
- (3) The proposed, current or former uses, activities, businesses or operations as proposed operated or controlled by the applicant or permittee have not, do not or are not likely to conform to or likely to meet the conditions of the ordinances or do not conform to or do not meet specific state or federal laws or to meet specific state or federal regulations.
- (4) The proposed, current or former uses, activities, businesses or operations as proposed operated or controlled by the applicant or permittee have, are causing or are likely to cause a public nuisance in the Town or will be operating contrary to any County or Town zoning.
- (5) The applicant or permittee, if a corporation, has not been or is not authorized to do business in the State of Wisconsin.
- (6) The applicant or permittee, as a natural person, is not of age.
- (7) The applicant or permittee, as a natural person, is not legally competent.
- (8) The applicant or permittee has not currently complied with the specific written conditions included in a previously issued permit or will not agree to the written conditions in the permit to be issued.
- (9) The applicant or permittee failed to operate or control the uses, activities, businesses or operations as set forth in the original application filed with the Town or in the material attached to the original application or plan by the permittee.
- (10) The applicant or permittee failed as required to conduct the use, activity, business or operation and instead allowed other persons not employees or agents of applicant(s) to own, operate or control the use, activity, business or operation.
- (11) The applicant or permittee failed to obtain or maintain adequate financial security or financial protections for the Town or the residents of the Town as required by the permit and the specific written conditions in the permit.

Unless otherwise noted by order of the Town Board, the Town Chair shall be the primary official of the Town responsible to investigate matters related to permits and violations of this ordinance.

Unless otherwise noted by order of the Town Board, the Town Chair shall be the primary official of the Town responsible to implement the enforcement of the conditions

established in permits issued by the Town and to implement the enforcement of the ordinances of the Town against any applicant or permittee or other person violating the ordinances or conditions of any permit.

Any Town officer and employee of the Town shall, in a timely fashion, inform the Town Chair of any alleged or real violation of the conditions established in any permits issued under the ordinances by the Town and any alleged or real violations of the ordinances.

The Town Chair shall report permit and ordinance violations for prosecution to the Town attorney.

Any Town officer and employee of the Town shall be responsible to inform the Town Chair regarding his or her knowledge of the refusal of any person to obtain a permit who should be required to hold a proper permit under the ordinances from the Town. The Town shall have the right, upon the order of the Town Board, to suspend or revoke an issued permit. The Town may temporarily suspend an issued permit without a public hearing if emergency reasons require suspension.

Permanent revocation of an previously issued permit by the Town shall only occur after a public hearing. The proper legal due process shall be provided by the Town Board to the applicant or permittee prior to permanent revocation of an issued permit. The Town Board may establish written criteria and standards to be placed in the permit and to be complied with by the applicant or permittee upon any approval, or upon any approval upon condition of any recyclable material collection permits.

1.38 ENACTMENT PROVISIONS

A. Specific Repeal of Ordinances Related to Recyclable Material

All previous ordinances specifically related to recyclable material, uses, activities, businesses or operations heretofore adopted by the Town Board are hereby repealed upon the adoption of this ordinance.

B. Businesses Which are Prohibited/Liberal Construction

If any use, activity, business or operation proposed to be operated in the Town is not specifically named in the ordinances, the lack of such mention shall not be deemed to prohibit the operation of the use, activity, business or operation. If the ordinances requires a permit for the particular use, activity, business or operation, the use, activity, business or operation may operate without a permit until such time as the ordinances, by amendment, covers the use, activity, business or operation.

Descriptions of uses, activities, businesses or operations or any categories of uses, activities, businesses or operations in this ordinance shall be broadly interpreted in

determining whether a particular use, activity, business or operation shall be liberally interpreted to establish that the use, activity, business or operation is under the scope and coverage of this ordinance.

C. Guarantee/Warranty

Nothing in this ordinance shall be interpreted as guaranteeing or warranting that any method, construction, product, service, land building, facility, premise, service, use, activity, business, operation or anything whatsoever is safe, free from defects or suited for the purpose for which it is intended.

No issuance of a permit, approval, inspection or other action by the Town Board any Town officer, employee or agent of the Town shall constitute a warranty or guarantee that any method, construction, product, land, building, facility, premise, service, use, activity, business, operation or anything whatsoever is safe, free from defects or suited for the purpose for which it is intended.

D. Scope of Review of Town Determination

Any person having a substantial interest which is adversely affected by an administrative determination under this ordinance of the Town Board of the Town, any board, commission, committee, agency, Town officer, Town employee or any agent acting on behalf of the Town, pursuant to s.68.02, or its successor provisions Wis. Stats., may have such determination reviewed as provided in Chapter 68, Wis. Stats., and this ordinance. The remedies under Chapter 68, Wis. Stats., and this ordinance shall not be exclusive.

E. Availability of Other Methods

Chapter 68, Wis. Stats., and this ordinance does not preclude the Town and any person aggrieved from employing arbitration, mediation or other methods of resolving disputes and does not supersede contractual provisions for this purpose.

The ordinance was enacted the 13th day of April, 1994.

Thomas W. Fels

Town Chair

David Amundson

Town Supervisor

Jan Mahocker

Town Supervisor

Filed this 13th day of April 1994

Crystal Radloff

Town Clerk

TOWN of CABLE

BAYFIELD COUNTY



CABLE, WI 54821

NOTICE IS HEREBY GIVEN THAT ORDINANCE NO. 18 TITLED "RECYCLING"
OF THE "MUNICIPAL CODE OF THE TOWN OF CABLE" IS AMENDED AS FOLLOWS:

1.10 (13) "Major appliance" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven refrigerator, stove, commercial and residential furnace, boiler, water heater, or dehumidifier.

1.15 (2) BI-METAL/STEEL CONTAINERS - Bi-metal/steel containers shall be rinsed, cleaned, emptied, shall have labels and ends removed, and shall be flattened for recyclable material collection. These containers shall include the bi-metallic containers. Occupants shall not need to flatten round bottom cans. The tin and steel cans shall be placed by occupants within the proper authorized containers for recyclable material collection. Aerosol containers shall not be accepted.

ORDINANCE NO.18 MAY BE VIEWED IN ITS ENTIRETY DURING TOWN OFFICE
HOURS: MONDAY & FRIDAY 9:00-1:00


Crystal Radloff, clerk

AMENDMENT TO RECYCLING ORDINANCE NO. 18

DELETE 1.37 (4) uses, activities, businesses or collection operations in the Town specifically only using reverse recyclable materials vending machines or mobile recycling machines and vehicles for aluminum container collections only.

June 14, 1995
Effective

Crystal Radloff
Crystal Radloff, clerk