

**TOWN OF BAYFIELD**  
**Bayfield County – Wisconsin**

**ORDINANCE 2006-16**  
**Establishing Recycling**

This is the re-codification and adoption of an ordinance that the Town of Bayfield adopted in the year 1999 or 2000 that the original document has become misplaced or lost. In the event the original document is discovered, this document rescinds that previous ordinance.

1.01 Title. Recycling Ordinance for the Town of Bayfield, Bayfield County, Wisconsin.

1.02 Purpose. The purpose of this ordinance is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in s. 159.11 Wis. Stats., and Chapter NR 544, Wis. Administrative Code.

1.03 Statutory Authority. This ordinance is adopted as authorized under s. 159.09(3)(b) and s. 66.119 Wis. Stats.

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 be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any terms or requirements of this ordinance may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this ordinance is required by Wisconsin Statutes, or by a standard in Chapter NR544, Wis. Administrative Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Chapter NR 544 standards 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 of competent jurisdiction, the remainder of this ordinance shall not be affected.

1.07 Applicability. The requirements of this ordinance apply to all persons within the Town of Bayfield.

1.08 Administration. The provisions of this ordinance shall be administered by the Town of Bayfield Board of Supervisors and the officials of the Cooperative BRB Recycling Authority.

1.09 Effective Date. The provisions of this ordinance shall take effect on January 1, 1999.

1.10 Definitions. For the purpose of this ordinance:

(1) "Bi-metal container" means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.

(2) "BRB Transfer Station" means the facility for the collection and transfer of post consumer waste located in the Town of Russell opposite the easterly intersection of State Highway 13 and Old County Highway K and operated by the City of Bayfield, Town of Russell, and Town of Bayfield.

(3) "Container board" means corrugated paperboard used in the manufacture of shipping containers and related products.

(4) "Foam polystyrene packaging" means packaging made primarily from foam polystyrene that satisfies one of the following criteria:

(a) Is designated 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.

(5) "Hauler" is a person who transports post consumer waste for compensation.

(6) "HDPE" means high density polyethylene, labeled by the SPI code #2.

(7) "LDPE" means low density polyethylene, labeled by the SPI code #4.

(8) "Magazines" means magazines and other materials printed on similar paper.

(9) "Major appliance" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, furnace, boiler, de-humidifier, water heater or stove.

(10) "Multiple-family dwelling" means a property containing 5 or more residential units, including those which are occupied seasonally.

(11) "The municipality" means the Town of Bayfield.

(12) "Newspaper" means a newspaper and other materials printed on newsprint.

(13) "Non-residential facilities and properties" mean commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.

(14) "Office paper" means high grade printing and writing papers 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.

(15) "Other resins or multiple resins" means plastic resins labeled by the SPI code V.

(16) "Person" includes any individual, corporation, partnership, association, local governmental unit, as defined in s. 66.299(1)(a) Wis. Stats., state agency or authority or federal agency.

(17) "PETE" means polyethylene terephthalate, labeled by the SPI code #1.

(18) "Plastic container" means 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.

(19) "Post consumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in s. 144.61(5) Wis. States., 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.

(20) "PP" means polypropylene, labeled by the SPI code #5.

(21) "PS" means polystyrene, labeled by the SPI code #6.

(22) "PVC" means polyvinyl chloride, labeled by the SPI code #3

(23) "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; bi-metal containers, and scrap metal.

(24) "Solid waste" has the meaning specified in s. 144.01(15) Wis. Stats.

(25) "Scrap metal" is metal post consumer waste other than that contained in or comprising aluminum containers, steel containers, bi-metal containers, major appliances, or lead acid batteries.

(26) "Solid waste facility" has the meaning specified in s. 144.43(5) Wis. Stats.

(27) "Solid waste treatment" means any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste. "Treatment" includes incineration.

(28) "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.

(29) "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 and all other persons disposing of post consumer waste within the municipality 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
- (16) Scrap metal

1.12 Separation Requirements Exempted. The separation requirements of s. 1.11 do not apply to 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 Natural Resources that

recovers the materials specified in s. 1.11 from solid waste in as pure form as is technically feasible.

(2) Solid waste which is burned as a supplemental fuel at a facility if less than 30% of the heat input to the facility is derived from the solid waste burned as supplemental fuel.

(3) A recyclable material specified in s. 1.1(5) through (15) for which a variance has been granted by the Department of Natural Resources under s. 159.11(2m), Wis. Stats., or s. NR 544.14, Wis. Administrative Code.

1.13 Care of Separated Recyclable Materials. To the greatest extent practicable, the recyclable materials separated in accordance with s. 1.11 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. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions.

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 shall manage lead acid batteries, major appliances, waste oil, and yard waste as follows:

(1) Lead acid batteries shall be taken to a retailer of lead acid batteries or other business that accepts lead acid batteries for recycling.

(2) Major appliances shall be taken to the BRB transfer station, a retailer of major appliances, or other business which accepts such appliances for recycling.

(3) Waste oil shall be taken to the BRB transfer station or other site or facility which collects waste oil for reuse, reprocessing, or burning.

(4) Yard waste shall be composted or otherwise disposed of on-site or on the property of another with his or her consent in a manner which is environmentally sound, does not create a nuisance, and meets applicable regulations of the Wisconsin Department of Natural Resources.

1.15 Preparation and Collection of Other Recyclable Materials. Except as otherwise specifically provided, occupants of single family and 2 to 4 unit residences shall take the separated materials specified in Section 1.11(5) through (16) to the BRB transfer station or other facility or business which collects such materials for recycling, or, if an occupant has contracted for the collection of such materials from his or her residence by a licensed hauler, they may be placed at street or road side for pickup no earlier than eight (8) hours before pickup, if they are contained in a manner to prevent scattering and undue unsightliness and odor and if they are in compliance with all regulations of the hauler. In

addition to the requirements of Section 1.13 the materials shall be prepared for collection as follows:

- (1) Aluminum containers shall be crushed and flattened.
- (2) Bi-metal containers shall be crushed or flattened.
- (3) Corrugated paper or other container board shall be flattened and bundled.
- (4) Foam polystyrene packaging shall be contained in plastic bags.
- (5) Glass containers shall be separated by color (clear, green, and brown) with caps removed and kept in an unbroken condition.
- (6) Magazines shall be contained in cardboard boxes or paper or plastic bags.
- (7) Newspaper shall be contained in cardboard boxes or paper or plastic bags.
- (8) Office paper shall be contained in cardboard boxes or paper or plastic bags.
- (9) Rigid plastic containers shall be flattened to the extent practicable with caps removed.
- (10) Steel containers shall be flattened to the extent practicable with labels removed.
- (11) Waste tires shall be taken to a retailer of tires or other business which collects tires, or shall be taken to the appropriate drop off location for any tire collection arranged by the municipality. They shall not be taken to the BRB transfer station unless such action has been specifically authorized by the municipality.

#### 1.16 Responsibilities of Owners or Designated Agents of Multiple-Family Dwellings.

- (1) 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 (16):
  - (a) Provide adequate, separate containers for the recyclable materials.
  - (b) Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
  - (c) Provide for the collection of the materials separated from the solid waste by the tenants and the delivery of the materials, which shall meet the requirements of Section 1.13 and 1.15, to a recycling facility.
  - (d) Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet the processing requirements,

collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address,, and telephone number.

(2) The requirements specified in (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 at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in s. 1.11(5) through (16) from solid waste in as pure a form as is technically feasible.

#### 1.17 Responsibilities of Owners or Designated Agents of Non-Residential Facilities and Properties.

(1) Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in s. 1.11(5) through (16) :

- (a) Provide adequate, separate containers for the recyclable materials.
- (b) Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.
- (c) Provide for the collection of the materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials, which shall meet the requirements of Sections 1.13 and 1.15, to a recycling facility.
- (d) Notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.

(2) The requirements specified in (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 (16) from solid waste in as pure a form as is technically feasible.

#### 1.18 Prohibitions on Disposal of Recyclable Materials.

No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility or otherwise dispose of within the municipality any of the materials specified in s. 1.11 (5) through (16) except as provided herein, provided that waste tires may be burned with energy recovery in a solid waste treatment facility, and provided further that visitors to the municipality who do not use or occupy residences, properties, or facilities subject to Sections 1.15, 1.16, or 1.17 may dispose of recyclable materials

within the municipality in receptacles provided by the municipality for such purpose in accordance with such rules as the municipality shall adopt and post at the receptacles.

1.19 Enforcement. (1) For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the municipality may inspect recyclable materials separated for recycling, post consumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and non-residential facilities and properties, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to any authorized officer, employee or authorized representative of the municipality who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.

(2) Any person who violates a provision of this ordinance may be issued a citation by the governing body of the municipality or its designated agent, or any law enforcement officer of the municipality, for violation of the ordinance, as authorized under s. 66.119 Stats. The form of the citation shall be approved by the governing body of the municipality and shall contain the information required by s. 66.119(1)(b) Stats. The schedule of cash deposits for violations of this ordinance required by s. 66.119(1)(c) Stats. is as follows:

Offense	Base Deposit
Any provision of this Ordinance -- 1st offense	\$50.00 plus applicable assessments and fees.
Any provision of this ordinance--2nd offense	\$200.00 plus applicable assessments and fees.
Any provision of this ordinance--3rd or subsequent offense	\$500.00 plus applicable assessments and fees.

Cash deposits shall be made to the Bayfield County Clerk of Courts office at the Bayfield County Courthouse in Washburn, Wisconsin. The Clerk of Court shall give depositors receipts for such deposits.

(3) Penalties for violating this ordinance may be assessed as follows:

(a) Any person who violates s. 1.18 may be required to forfeit \$50 for a first violation, \$200 for a second violation, and not more than \$2,000 for a third or subsequent violation.

(b) Any person who violates a provision of this ordinance, except s. 1.18, may be required to forfeit not less than \$10 nor more than \$1,000 for each violation.

(4) In lieu of issuing a citation for a violation of this ordinance, the municipality, by decision of its governing body, may commence a legal action by filing a summons and complaint seeking a forfeiture and/or injunctive relief. The issuance of a citation shall not preclude the commencement of such an action.

#### 1.20 Haulers.

(1) No hauler shall operate within the municipality without being first licensed by the Wisconsin Department of Natural Resources under Sec. NR502.06 Wis. Adm. Code.

(2) Any hauler operating within the municipality shall transport recyclable materials from the municipality for processing only to facilities approved in writing by the municipality and self-certified with the Wisconsin Department of Natural Resources under Sec. NR544.16 Wis. Adm. Code.

(3) No hauler shall dispose of in a landfill or elsewhere by dumping or burn in a solid waste facility or elsewhere any recyclable materials from the municipality except as provided by s. 1.12 and except that a hauler may dispose of a microwave oven in a solid waste disposal facility if the capacitor has been removed and disposed of in accordance with s. 144.79(7) of the Wis. Stats., if applicable.

(4) Any hauler operating within the municipality shall maintain records and report in writing to the municipal clerk at least twice each year. Each report shall include the amounts of recyclable materials and other solid waste collected and transported from the municipality; the amounts of recyclable materials and other solid waste processed and/or marketed by item type from the municipality; and the final disposal location of such recyclable materials and other solid waste.

(5) Fees charged by haulers for the collection of recyclable materials or other solid waste within the municipality shall be volume based.

#### 1.21 Unlawful Removal of Recyclable Materials.

No person, without the consent of the owner, shall collect or remove any recyclable materials that have been deposited or placed at street or roadside or in a container adjacent to a residence non-residential building for the purposes of collection for recycling.

#### 1.22 Placement of Solid Waste.

(1) No person shall dispose of, dump, or place any recyclable materials or solid waste in any street, alley, or other public place within the municipality or in any receptacle or upon any private property without the owner's consent except as otherwise permitted by this ordinance or other ordinance of the municipality.

(2) No person shall place for collection any recyclable materials or other solid waste at street or roadside, except at a location upon or adjacent to property owned or occupied by such person.

#### 1.23 Burning and Burying of Recyclable Materials Prohibited.

No person shall burn or bury any recyclable materials within the municipality except as permitted under s. 1.12(2) and s. 1.18.

#### 1.24 Materials Prohibited From Solid Waste Collection.

No person shall, without the written consent of the municipality, place for collection or cause to be delivered to the BRB transfer station any solid waste consisting of or containing hazardous or toxic wastes, chemicals, explosives, flammable liquids, paint, trees or stumps, construction debris, carcasses, or medical wastes (except personal needles contained in cardboard to eliminate injury to collection personnel).

#### 1.25 Solid Waste Originating Outside the Municipality.

No person shall bring solid waste for disposal or collection within the municipality from without the municipality except as authorized by agreement with the municipality.

#### 1.26 Right to Reject Recyclable Materials or Other Solid Waste.

A hauler may refuse to collect, and a BRB transfer station attendant may reject, recyclable materials or other solid waste for any of the following reasons:

- (1) The recyclable materials do not comply with the requirements of s. 1.13 or s. 1.15.
- (2) The recyclable materials contain other solid waste.
- (3) The other solid waste contains recyclable materials.
- (4) The materials or solid waste are not contained or separated as required by the hauler or BRB transfer station attendant.

Upon such refusal or rejection the hauler or attendant shall inform the person proffering the recyclable materials or other solid waste for collection of the reasons therefore.

#### 1.27 Ownership of Recyclable Materials and Other Solid Waste.

Recyclable materials and other solid waste shall become the property of an owner who has contracted to haul them when the hauler takes possession of a them.

Adopted this 18<sup>th</sup> day of September in the year 2006.

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Tom Gordon, Chair

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Gerald L. Carlson, Supervisor

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Richard L. Carver, Supervisor

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Richard C. Compton, Supervisor

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William Ferraro, Supervisor

THIS IS TO CERTIFY THAT the foregoing is a true and correct copy of a resolution duly and legally adopted by the TOWN OF BAYFIELD at a regular meeting held on the 18<sup>th</sup> day of September 2006.

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David L. Good, Clerk