

Ordinance #29B

Unit Recycling Ordinance

State of Wisconsin
Bayfield County
Town of Namakagon

1.01 Title. Recycling Ordinance for the Town of Namakagon.

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. 287.11, Wis. Stats., and Ch. NR 544, Wis. Adm. Code. 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. 287.09(2) and 287.11 Wis. Stats. and Ch. NR 544, wis. Adm. Code or their successor provisions.

1.03 Statutory Authority. This ordinance is adopted as authorized under s. 287.09(3)(b), Wis. Stats. In addition, the Town of Namakagon has under its village powers in Chapter 60 and 61 Wis. Stats. 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 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 ch. NR 544, Wis. Adm. Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the ch. NR 544 standards in effect on the date of the adoption of this 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 Namakagon 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 Namakagon or its designee.

1.09 Effective Date. The provisions of this ordinance shall take effect on April 13, 2026.

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 or malt beverages that is made primarily of a combination of steel and aluminum.
- 4) "Container board" means 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 agenda, 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, adhesives or similar hazardous or toxic material.
- 7) "DNR" means the Wisconsin Department of Natural Resources.
- 8) "Foam polystyrene packaging" means packaging made primarily from foam polystyrene that satisfies one of the following criteria:
 - a) Is designed for serving food or beverages.
 - b) Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.
 - c) Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.
- 9) "Glass Container" means a glass bottle, jar or other packaging container used to contain a product that is the subject of a retail sale and does not include ceramic cups, dishes, oven ware, plate glass, safety and window glass, heat-resistant glass such as Pyrex, lead based glass such as crystal, or TV tubes.
- 10) "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.
- 11) "HDPE" means high density polyethylene, labeled by the resin code # 2.
- 12) "LDPE" means low density polyethylene, labeled by the resin code # 4.
- 13) "Magazines" means magazines and other materials printed on similar paper.
- 14) "Major appliance" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, furnace, boiler, dehumidifier, water heater or stove.
- 15) "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.
- 16) "Medical Waste" 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 waste.
 - 17) "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.
 - 18) "Multiple-family dwelling" means a structure containing 5 or more residential units, including units that are occupied seasonally.
 - 19) "Newspaper" means a newspaper and other materials printed on newsprint.
 - 20) "Non-residential facilities and properties" means commercial, retail, industrial, institutional and government facilities and properties. Non-residential facilities and properties includes any location at which goods or services are provided or manufactured, including locations under construction, demolition, or remodeling, or used for special events such as fairs, festivals, sport venues, conferences, and exhibits. This term does not include multiple family dwellings.
 - 21) "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 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.
 - 22) "Office paper" means a variety of high-grade printing and writing papers. This term does not include industrial process waste, newspaper or packaging.
 - 23) "Other resins or multiple resins" mean plastic resins labeled by the resin code # 7.
 - 24) "Person" includes any individual, corporation, limited liability company, partnership, association, local government unit, as defined in s. 66.0131(1)(a), Wis. Stats., state agency or authority or federal agency.
 - 25) "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.
 - 26) "PETE" or "PET" means polyethylene terephthalate, labeled by the resin code # 1.
 - 27) "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.
 - 28) "Postconsumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in s. 291.01(7) Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in s. 289.01(17)., Wis. Stats.
 - 29) "PP" means polypropylene, labeled by the resin code # 5.
 - 30) "PS" means polystyrene, labeled by the resin code # 6.
 - 31) "PVC" means polyvinyl chloride, labeled by the resin code # 3.
 - 32) "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.
 - 33) "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.

- 34) "Sludge" means mud, mire, ooze, any heavy slimy deposit or sediment that is not septage.
- 35) "Solid waste" has the meaning specified in [s. 289.01\(33\), Wis. Stats.](#)
- 36) "Solid waste facility" has the meaning specified in [s. 289.01\(35\), Wis. Stats.](#)
- 37) "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.
- 38) "Toxic Wastes" means wastes that are toxic or poisonous to humans.
- 39) "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
- 40) "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 postconsumer 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

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 postconsumer 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 a form as is technically feasible.
- 2) Solid waste which is burned as a supplement fuel at a facility if less than 30 % of the heat input to the facility is derived from the solid waste burned as supplement fuel.
- 3) A recyclable material specified in s. 1.11(5) through (15) for which a variance has been granted by the Department of Natural Resources under s. 287.11(2m), Wis. Stats., or s. NR 544.14, Wis. Adm. 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 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 batteries within the State of Wisconsin, 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 batteries within the State of Wisconsin, 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. Burning of yard waste is allowed within the Town with required burning permits. Residents may burn waste in a managed site or taken to an approved site managed by the Town.

1.15 Preparation and Collection of Recyclable Materials. Except as otherwise directed by the Town of Namakagon, occupants of single family and 2-to-4-unit residences shall do the following for the preparation and collection of the separated materials specified in s. 1.11(5) through (15):

- 1) 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 beverage cans shall be separated and placed for recyclable material collection in a separate bin.
- 2) 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.
- 3) Corrugated paper or other 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 corrugated cardboard that has been flattened shall be placed for recyclable material collection. 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) Foam polystyrene packaging shall be placed in the trash until local recycling markets are available or DNR lifts the variance.
- 5) 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 not need to separate glass by color. 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 Crustal, or TV tubes. This container glass shall be placed by occupants within the proper authorized containers for recyclable material collection.

- 6) Magazines/Mixed Papers shall be stacked together in bundles not more than twelve (12) inches high and tied in two (2) directions with string or twine or placed in a brown grocery bag. Any soiled or contaminated paper and magazines shall be discarded by occupants prior to placement for recyclable material collection. Mixed paper includes all grades of paper: including office paper, white, colored, ledger, shiny, coated, carbonless or NCR paper; envelopes, including windowed, labeled, and kraft, phone books, computer printout paper, glued pads and tablets, file folders, keypunch cards, post it notes, spiral notebooks, cereal boxes, shoe boxes, etc. Mixed paper can include paper clips and staples. Mixed paper does not include hand towels or other paper products from restrooms, or soiled napkins and paper plates. Mixed paper also does not include carbon paper, cellophane, or any waxes paper. The mixed papers and magazines shall be placed by occupants within the proper authorized containers for recyclable material collection.
- 7) Newspaper 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. 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.
- 8) Rigid Plastic 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.
- 9) 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.
- 10) 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 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 (15):
 - a) Provide adequate, separate containers for the recycling program established in compliance with the ordinance. The number of recycling containers shall equal or be greater than the number of trash containers and at least one of the following shall be met:
 - i. The minimum total volume of recycling container space is equal to 20 gallons per week per dwelling unit.
 - ii. The ratio of trash container volume to recycling container volume is at most 2:1.
 - iii. An alternative method that does not result in the overflow of a recycling container during the time period between collection of materials and delivery to a recycling facility.
 - 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 to a recycling facility.

- d) Notify tenants which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, and locations of drop-off collection sites to recycle materials not collected on-site.
- 2) The requirements specified in 1) do not apply to the owners or designated agents of multiple-family dwellings if the postconsumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in s. 1.11(5) through (15) 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 (15):
 - (a) Provide adequate, separate containers for the recycling program established under this section. The total volume of recycling containers shall be sufficient to avoid overflow during the time period between collection of materials and delivery to a recycling facility.
 - (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 to a recycling facility.
 - (d) Notify users, tenants and occupants which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, and locations of drop-off collection sites to recycle materials not collected on-site.
- 2) The requirements specified in 1) do not apply to the owners or designated agents of non-residential facilities and properties if the postconsumer waste generated within the facility or property is treated at a processing facility licensed by the DNR 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 Prohibitions on Disposal of Recyclable Materials Separated for Recycling.

- 1) No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in s. 1.11 (5) through (15) that have been separated 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 287.11(2M) Wis. Stats. or its successor provisions.
- 2) 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.

1.19 Recyclable Material/Solid Waste from Outside the Town.

- 1) 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.

- 2) 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.

1.20 Non-Collectable Materials

- 1) 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 materials, wastes, residuals, and other materials:
 - a. Hazardous wastes, including household hazardous wastes
 - b. Toxic wastes
 - c. Free liquid in any containers, including paints and solvents
 - d. Pesticides, excluding non-agricultural pesticide containers if properly cleaned, not contaminated, and if approved by the Town Board for separation and for recyclable materials collection.
 - e. Medical wastes
 - f. Asbestos
 - g. Sludge wastes
 - h. Industrial or commercial wastes from any industrial or commercial facility or operation
 - i. Waste from pollution control equipment
 - j. 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
 - k. Ash waste
 - l. Foam Polystyrene Packaging
 - m. Hazardous and toxic demolition and construction wastes and demolition and construction wastes containing asbestos
 - n. Bio-medical wastes
 - o. Septage (human or otherwise) wastes
 - p. Animal fecal wastes
 - q. Dead animals
 - r. Wood treated with chemical preservatives
 - s. Explosive material
 - t. Contaminated recyclable material as determined by the Town Board or its contractor
- 2) 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.

1.21 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 collections 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.

1.22 Enforcement.

- 1) Inspection

- (a) For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the Town may inspect recyclable materials separated for recycling, postconsumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and 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 Town who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.

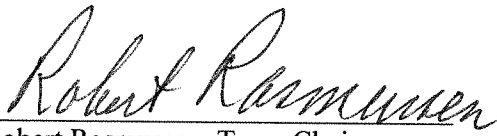
2) Penalties

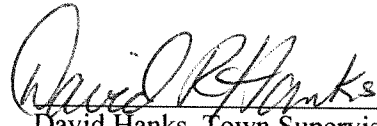
The Town hereby elects to use the Citation Method for enforcement of this ordinance as described in detail in the Town of Namakagon Ordinance #44A Citation Ordinance.

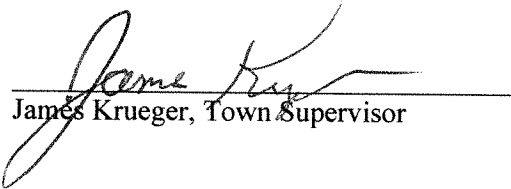
- (a) Any person that fails to comply with any provision of this ordinance shall be warned one time. A second offense for the same noncompliance shall be a forfeiture of \$50.00. A third offense for the same noncompliance shall be a forfeiture of \$200.00. The Town Board may also seek injunctive relief, when appropriate.

1.23 **Enactment Provisions.** 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.

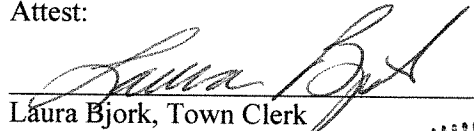
1.24 **Effective Date.** The ordinance was enacted on the 13th day of April 2026.


Robert Rasmussen, Town Chairman


David Hanks, Town Supervisor


James Krueger, Town Supervisor

Attest:


Laura Bjork, Town Clerk
Posted 4/23/24

