

TOWN OF NAMAKOGAN 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 Namakogan 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 Namakogan 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 Namakogan 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 April 1, 1994. The penalty provisions shall not take effect until November 1, 1994.

1.10 DEFINITIONS.

For the purpose of this ordinance

- (1) "Asbestos" means chrysotile, crocidolite, amosite, fibrous tremolite, fibrous actinolite 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" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, hot water heater or stove. *Subranges, boilers, dehumidifier*
- (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. 1.26, any household hazardous waste, hazardous waste, medical waste, agricultural pesticide containers, or any other wastes and materials noted in s. 1.26. 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.

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 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 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..

- (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 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) 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 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 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, colored, ledger, shiny, coated, carbonless or NCR papers; envelopes, including windowed, labeled, and kraft, phone books, computer print out 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 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 only PETE and HDPE plastic bottles need be separated from post-consumer waste and placed for recyclable material collection. In 1994 no plastic motor oil containers nor any agricultural pesticide containers shall be separated from post-consumer waste and placed for recyclable material collection. In 1995, 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 of plastic motor oil containers and 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..

- (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. 1.26.
- (4) the recyclable material are commingled with glass contrary to s.1.34.
- (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 burning or burying of recyclable material	\$50.00 (first time violator) \$200.00 (2nd time violator) \$400.00 (3rd time violator)
Section 1.26	Improper placement of non-collectable materials (A) (B)	\$200.00
Section 1.27	Improper placement/collection of recyclable materials by non-qualified persons	\$100.00
Section 1.28	Failure to properly and timely file report	\$200.00
Section 1.30	Improper collection time (B)	\$100.00
Section 1.31	Improper placement (A) (B) (C) (D) (E) (F)	\$50.00
Section 1.34	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