

Section 5

Town of Humboldt Waste Disposal and Recycling Ordinance

1. Purpose
2. Abrogation and Greater Restrictions
3. Interpretation
4. Severability
5. Applicability
6. Administration
7. Effective Date
8. Definitions
9. Mandatory Source Separation
10. Separation Requirements Exempted
11. Waste Processing Requirements
12. Preparation and Collection of Recyclable Waste
13. Responsibilities of Owners or Designated Agents of
Multiple-Family Dwellings
14. Responsibilities of Owners or Designated Agents of
Non-Residential Facilities and Properties
15. Prohibitions on Disposal of Recyclable Materials
16. Other Prohibited Acts
17. Enforcement and Penalties

TOWN OF HUMBOLDT WASTE DISPOSAL AND RECYCLING ORDINANCE

The Town Board of the Town of Humboldt hereby adopts the following ordinance to protect the health, safety and general welfare of the citizens of the Town of Humboldt and pursuant to Wisconsin Statutes Sections 159.05(7), 159.05(8), 159.09(1)(a), 159.09(2)(a), 159.09(3)(b), and 159.11(2), and 60.22 and Chapter NR 544, Wis. Administrative Code. The general purpose of this ordinance is to recover recyclable materials, protect the environment and minimize landfilling of solid waste to the greatest extent possible in accord with the policy of the State of Wisconsin on solid waste, recyclable waste, and non-acceptable waste management.

1. **Purpose.** The specific purpose of this Ordinance is to repeal the Ordinance entitled "An Ordinance of the Town of Humboldt Pertaining to Solid Waste Disposal and Recycling" originally promulgated on August 6, 1991, and recreate said Ordinance as revised, amended and provided herein.
2. **Abrogation and Greater Restrictions.** Except as provided herein, it is not intended by this Ordinance to repeal, abrogate, annul, impair or interfere with any other 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.
3. **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 NR 544, 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.
4. **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.
5. **Applicability.** The requirements of this Ordinance apply to all occupants of residences, dwellings, non-residential facilities, and properties within the Town of Humboldt.
6. **Administration.** The provisions of this Ordinance shall be administered by the Town Board, which may ~~by~~ resolution hereafter

delegate certain administrative duties hereunder to a designated "person", as that term is defined hereinbelow, including but not limited to the "Facility Director" as that term is defined hereinbelow.

7. **Effective Date.** The provisions of this Ordinance shall take effect on June 1, 1994.

8. **Definitions:**

- (a) "Bi-metal container" means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.
- (b) "Container board" means corrugated paperboard used in the manufacture of shipping containers and related products.
- (c) "Facility Director" includes the individual or individuals responsible for opening, closing, monitoring, and operating the Town of Humboldt Solid Waste and Recycling Facility. The Facility Director(s) shall be appointed by and serve at the will of the Town Board.
- (d) "HDPE" means high density polyethylene plastic containers marked by the SPI code No. 2.
- (e) "LDPE" means low density polyethylene plastic containers marked by the SPI code No. 4.
- (f) "Magazines" means magazines and other materials printed on similar paper.
- (g) "Major appliance" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator or stove.
- (h) "Mixed or other plastic resin types" means plastic containers marked by the SPI code No. 7.
- (i) "Multiple-family dwelling" means a property containing five (5) or more residential units, including those which are occupied seasonally.
- (j) "Newspaper" means a newspaper and other

materials printed on newsprint.

(k) "Non-acceptable Waste" includes the following:

- (1) Hazardous waste, including, but not limited to, asbestos, paints, sealers, adhesives, solvents, pesticides, and other substances which are toxic, corrosive, flammable, irritants, strong sensitizers, explosives or other sub-stances or materials as determined by the DNR as hazardous under Section 144.62(2).
- (2) Industrial waste, including liquid or other wastes resulting from any process of industry, manufacture, trade or business or the development of any natural resource.
- (3) Demolition waste, i.e. the materials left from the demolition or razing of any building including glass, roofing, plaster, drywall, siding, and painted or treated wood.
- (4) Clean fill, including brush, stumps, branches, vegetative materials in excess of six (6) inches in diameter, unpainted and untreated wood, concrete, building stone, blacktop, stones and uncontaminated soil.
- (5) Medical waste means containers, packages and materials that contain infectious waste or that are from a treatment area and are mixed with infectious waste.

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

(m) "Occupant" includes the title holder, landlord, tenant, sublessor, sublessee,

agent, or owner of real property within the Town of Humboldt, including an individual, corporation, partnership, limited liability company, association, non-profit corporation, religious organization, industrial, commercial, agricultural, private business, municipality and all entities that are within the Town of Humboldt as their place of residence or business.

- (n) "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.
- (o) "Other facility" includes any and all other approved and licensed solid waste, recyclable waste and non-acceptable waste facilities within or outside the Town of Humboldt.
- (p) "Person" includes any individual, corporation, limited liability company, partnership, association, local governmental unit, as defined in sec. 66.299(1)(a), Wis. Stats., state agency or authority or federal agency.
- (q) "PETE" means polyethylene terephthalate plastic containers marked by the SPI code No. 1.
- (r) "Postconsumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in sec. 144.61(5), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in sec. 144.44(7)(a)1., Wis. Stats.
- (s) "PP" means polypropylene plastic containers marked by the SPI code No. 5.
- (t) "PS" means polystyrene plastic containers marked by the SPI code No. 6.
- (u) "PVC" means polyvinyl chloride plastic containers marked by the SPI code No. 3.

- (v) "Recyclable waste" includes lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspapers; office paper; plastic containers including those made of PETE, HDPE, PVC, LDPE, PP, PS, and mixed or other plastic resin types; steel containers; waste tires; and bi-metal containers.
- (w) "Solid waste" means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility and other discarded or salvageable materials, including solid, liquid, semisolid, or contained gaseous materials resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include solids or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under ch. 147, or source, special nuclear or by-product material as defined under s. 140.52, and other discarded or non-recyclable waste materials resulting from activities or operations occurring within the boundaries of the Town of Humboldt.
- (x) "Solid waste facility" has the meaning specified in sec. 144.43(5), Wis. Stats.
- (y) "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.
- (z) "Town Facility" means the Town of Humboldt Solid Waste and Recycling Facility located at Luxemburg Road, New Franken, Wisconsin, 54229.
- (aa) "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
- (bb) "Yard waste" means leaves, grass clippings, yard and garden debris and brush, including

clean woody vegetative material no greater than six (6) inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

9. **Mandatory Source Separation:** All occupants of the Town of Humboldt shall separate all wastes into three (3) separate categories and shall dispose of each such category of waste as follows:

- a. **Solid Waste:** All solid waste shall be disposed of at the Town Facility or other facility. Burn barrel permits may be obtained from the Wisconsin Department of Natural Resources, however, no burning is allowed without a permit granted by the Wisconsin Department of Natural Resources.
- b. **Recyclable Waste** shall be separated and disposed of as follows:
 - (1) Lead acid batteries shall be separated and disposed of only at the Town Facility or at an other facility.
 - (2) Major appliances including air conditioners, clothes washers and dryers, dishwashers, freezers, ovens, microwave ovens, refrigerators, and stoves shall be separated and disposed of only at the Town Facility or at an other facility.
 - (3) Waste oil shall be separated and may be disposed of at the Town Facility or other facility. Burning of waste oil is specifically prohibited unless all permits required by the Wisconsin Department of Natural Resources and the United States Environmental Protection Agency have been obtained and all Federal and State regulations have been abided.
 - (4) Yard waste shall be separated and may be disposed of in a backyard or neighborhood compost site containing less than fifty (50) cubic yards of such material. Otherwise, yard waste shall be separated and disposed of at an other facility.

- (5) Aluminum containers, bi-metal containers, corrugated paper and other container board, foam polystyrene packaging, glass containers, magazines and other material printed on similar paper, newspapers and other material printed on newsprint, office paper, plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS and mixed or other plastic resin types, and steel containers shall be separated and disposed of at the Town Facility or other facility. If disposed of at the Town Facility, all recyclable waste shall be separated and placed into the specific container at the facility designated for that particular recyclable waste item.
- (6) Waste tires shall be separated and disposed of at the Town Facility or at an other facility. Waste tires shall not be burned in the Town of Humboldt, except pursuant to a licensed program for converting to fuel or burning with energy recovery approved by the Wisconsin Department of Natural Resources.

c. Non-acceptable waste shall be separated and disposed of at an other facility.

10. Separation Requirements Exempted. The separation requirements of sec. 9 do not apply to the following:

- (a) 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 sec. 9(b) from solid waste in as pure a form as is technically feasible.
- (b) Solid waste which is burned as a supplemental fuel at a facility if less than 30% of the heat input to the facility is derived from the solid waste burned as supplemental fuel.
- (c) A recyclable material specified in sec. 9(b)

for which a variance or exemption has been granted by the Department of Natural Resources under ss. 159.07(7)(d) or 159.11(2m), Wis. Stats., or s. NR 544.14, Wis. Administrative Code.

11. **Waste Processing Requirements.** All solid waste and recyclable waste disposed of at the Town Facility shall be processed in accord with the rules and directions set forth by the Town Board and the Facility Director. All necessary processing shall be concluded prior to presentment of the solid waste or recyclable waste at the Town Facility. Failure to properly process any solid waste or recyclable waste may result in the refusal to accept such waste at the Town Facility. Processing requirements such as crushing, cleaning, removing of caps, and bundling shall be posted at the Town Facility with additional copies of such requirements being made available upon request made to the Town Clerk or Facility Director. To the greatest extent practicable, recyclable waste shall be cleaned 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. The Town Board and the Facility Director may hereafter promulgate additional separation, preparation and care of recyclable material rules as may be necessary to preserve, protect and enhance the collection, storage and recycling of recyclable waste.

12. **Preparation and Collection of Recyclable Waste.** Except as otherwise directed by subsequent Town Board rule or the Facility Director, occupants of single family and 2 to 4 unit residences shall do the following for the preparation and collection of the following recyclable waste:

- (a) Aluminum containers shall be placed in the designated bin at the Town Facility during the days and hours of operation.
- (b) Bi-metal containers shall be rinsed free of product residue, and deposited in the designated bin at the Town Facility during the days and hours of operation.
- (c) Corrugated paper or other container board shall be deposited in the designated bin at the Town Facility during the days and hours of operation.
- (d) Foam polystyrene packaging shall be deposited at the Town Facility for recycling only upon

further notification from the Facility Director.

- (e) Glass containers shall be rinsed free of product residue and deposited in the designated bin at the Town Facility during the days and hours of operation.
- (f) Magazines or other materials printed on similar paper shall be deposited in the designated bin at the Town Facility during the days and hours of operation.
- (g) Newspapers or other materials printed on newsprint shall be deposited in the designated bin at the Town Facility during the days and hours of operation.
- (h) Office paper shall be deposited in the designated bin at the Town Facility during the days and hours of operation.
- (i) Plastic containers shall be prepared and collected as follows:
 - (1) Plastic containers made of PETE, marked by SPI code No. 1, shall be rinsed free of product residue and deposited in the designated bin at the Town Facility during the days and hours of operation.
 - (2) Plastic containers made of HDPE, marked by SPI code No. 2, including milk jugs and detergent bottles, shall be rinsed free of product residue and deposited in the designated bin at the Town Facility during the days and hours of operation.
 - (3) Plastic containers made of PVC, marked by SPI code No. 3, shall be deposited in the designated bin at the Town Facility during the days and hours of operation.
 - (4) Plastic containers made of LDPE, marked by SPI code No. 4, shall be prepared and deposited at the Town Facility for recycling only upon further notification from the Facility Director.
 - (5) Plastic containers made of PP, marked by SPI code No. 5, shall be

- prepared and deposited at the Town Facility for recycling only upon further notification from the Facility Director.
- (6) Plastic containers made of PS, marked by SPI code No. 6, shall be prepared and deposited at the Town Facility for recycling only upon further notification from the Facility Director.
 - (7) Plastic containers made of mixed or other plastic resin types, shall be prepared and deposited at the Town Facility for recycling only upon further notification from the Facility Director.
- j. Steel containers shall be rinsed free of product residue and deposited in the designated bin at the Town Facility during the days and hours of operation.
- k. Waste tires shall be deposited in the container designated for same at the Town Facility during the days and hours of operation.

13. 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 with regard to recyclable waste:
 - (a) Provide adequate, separate containers for the recyclable waste.
 - (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 recyclable waste separated from the solid waste by the tenants and the delivery of the materials to the Town Facility or an other 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 postconsumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling, recyclable waste including:

- (a) Aluminum containers
- (b) Bi-metal containers
- (c) Corrugated paper or other container board
- (d) Foam polystyrene packaging
- (e) Glass containers
- (f) Magazines or other materials printed on similar paper
- (g) Newspapers or other materials printed on newsprint
- (h) Office paper
- (i) Plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and mixed or other plastic resin types
- (j) Steel containers
- (k) Waste tires

14. 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 for recycling recyclable waste including: Aluminum containers, bi-metal containers, corrugated paper or other container board, foam polystyrene packaging, glass containers, magazines or other materials printed on similar paper, newspapers or other materials printed on newsprint, office paper, plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS and mixed or other plastic resin types, steel containers and waste tires:

- (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 to the Town facility or another 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 postconsumer waste generated within the facility or property is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling recyclable waste including: Aluminum containers, bi-metal containers, corrugated paper or other container board, foam polystyrene packaging, glass containers, magazines or other materials printed on similar paper, newspapers or other materials printed on newsprint, office paper, plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS and mixed or other plastic resin types, steel containers and waste tires from solid waste in as pure a form as is technically feasible.

15. 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 any of the following: Aluminum containers, bi-metal containers, corrugated paper or other container board, foam polystyrene packaging, glass containers, magazines or other materials printed on similar paper, newspapers or other materials printed on newsprint, office paper, plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS and mixed or other plastic resin types, steel containers and waste tires which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

16. Other Prohibited Acts:

- (a) No resident or non-resident shall attempt to utilize or be upon the premises of the Town Facility at any time other than during those hours of operation as determined by the Town Board and posted in a conspicuous place at the Town Facility.
- (b) No resident or non-resident shall utilize the Town Facility without first obtaining proper identification from the Town Clerk identifying the individual as a lawful user of the Town Facility. Any use or attempted use of the Town Facility by anyone not possessing properly issued identification or any fraudulent use of identification by anyone is strictly prohibited.
- (c) Except as provided in this paragraph, no resident or non-resident shall incinerate or burn any recyclable waste, non-recyclable waste, or yard waste in the Town of Humboldt. Burn barrel permits may be obtained from the Wisconsin Department of Natural Resources. However, open burning shall be permitted only of clean wood and paper products, and no burning is allowed without a permit granted by the Wisconsin Department of Natural Resources. Any person engaging in open burning outside of a burn barrel shall, prior to such burning, contact the Brown County Sheriff's Department to advise as to the location and nature of the intended burning. The cost(s) of all fire calls which result from the failure to notify the Brown County Sheriff concerning such non-burn barrel burning, shall be charged against the violator and may be collected in a suit at law by the Town of Humboldt against the violator, including the costs of prosecution and actual attorney's fees incurred by the Town in such proceeding, in addition to the forfeitures otherwise provided herein.
- (d) No one shall attempt disposal or dispose of any non-acceptable waste at the Town Facility.
- (e) It shall be a violation of this Ordinance for any person unauthorized by the Town Board of the Town of Humboldt to collect or pick up, or cause to be collected or picked up, any item previously disposed of at the Town

Facility. Any and each such collection in violation hereof shall constitute a separate and distinct offense punishable as hereinafter provided.

- (f) No person shall deposit or discharge any solid waste, recyclable waste, yard waste, or non-acceptable waste on or along any highway, in any waters, on the ice of any waters, or on any other public or private property within the Town of Humboldt. No person shall permit any solid waste, recyclable waste, yard waste, or non-acceptable waste to be thrown from a vehicle operated by the person. No person shall fail to remove within thirty (30) days or otherwise abandon any automobile, boat or other vehicle in the waters of the Town of Humboldt. This section does not apply to a person who places solid waste in a receptacle designed for solid waste storage that is located along a highway or on other public or private property. This subsection does not apply to a person who places solid waste, recyclable waste, yard waste, or non-acceptable waste at an approved facility.
- g. No person shall disobey or refuse to abide a lawful order of the Facility Director.

17. Enforcement and Penalties.

- (1) Any authorized officer, employee or representative of the Town of Humboldt or Facility Director, may inspect recyclable materials separated for recycling, postconsumer waste intended for disposal, collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and non-residential facilities and properties, solid waste disposal facilities and solid waste treatment facilities, and any records relating to recycling activities, for the purpose of ascertaining compliance with the provisions of this Ordinance. No person may refuse access to any authorized officer, employee or authorized representative of the Town of Humboldt or Facility Director 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 Facility Director or any other authorized representative of the Town of Humboldt. 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.
- (3) Penalties for violating this Ordinance may be assessed as follows:
- (a) Any person who violates sec. 15 of this Ordinance may be required to forfeit \$50.00 for a first violation, \$200.00 for a second violation, and not more than \$2,000.00 for a third or subsequent violation.
 - (b) Any person who violates any provision of this Ordinance, except sec. 15, may be required to forfeit not less than \$10.00 nor more than \$1,000.00 for each violation.
 - (c) In addition to the forfeitures provided herein, any person who violates this Ordinance shall pay court assessments and costs and the actual attorney's fees incurred by the Town prosecuting such violation.

THIS ORDINANCE PROMULGATED THIS 2nd DAY OF MAY, 1994.

BY THE TOWN BOARD OF THE TOWN OF HUMBOLDT:

151

NORBERT DANTINNE, JR.
Chairman

151

STUART ALLEN
Supervisor

151

MERLIN VANDEN PLAS
Supervisor

Approved, Attested by:

151

Emerence Jadin, Town Clerk

Publication Date: per code of ordinances