

ORDINANCE No. 2020-02

AN ORDINANCE REGARDING RECYCLING
MUNICIPALITY 17014 – STATE OF WISCONSIN

The Town Board of the Town of Lucas, Dunn County, Wisconsin, do ordain as follows:

Section 1- Purpose and Intent

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 Chapter NR 544, Wis. Administrative Code.

Section 2 - Statutory Authority

The Town Board has the specific authority under ss. 287.09(3)(b), Wis. Stats., and general authority under its village powers under s. 60.22, Wis. Stats., to adopt and administer this ordinance.

Section 3 – Adoption of Ordinance

This ordinance, adopted by a majority vote of the town board with a quorum present and voting and proper notice having been given, provides for the regulation, control, and enforcement of recycling.

Section 4 - 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.

Section 5 - 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.

Section 6-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.

Section 7-Applicability

The requirements of this ordinance apply to all persons within the Town of Lucas.

Section 8-Administration

The provisions of this ordinance shall be administered by the Town of Lucas.

Section 9- Definitions.

Without limitation, the following definitions apply herein:

1. "Bi-metal container" means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.
2. "Container board" means corrugated paperboard used in the manufacture of shipping containers and related products.
3. "Foam polystyrene packaging" means packaging made primarily from foam polystyrene that satisfies one of the following criteria:
 - Is designed for serving food or beverages.
 - Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.
 - Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.
4. "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.
5. "HDPE" means high density polyethylene, labeled by the SPI code # 2.
6. "LDPE" means low density polyethylene, labeled by the SPI code # 4.
7. "Magazines" means magazines and other materials printed on similar paper.
8. "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.
9. "Multiple-family dwelling" means a property containing 5 or more residential units, including those that are occupied seasonally.
10. "Newspaper" means a newspaper and other materials printed on newsprint.

11. "Non-residential facilities and properties" means commercial, retail, industrial, institutional and government facilities and properties. This term does not include multiple family dwellings.
12. "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.
13. "Other resins or multiple resins" mean plastic resins labeled by the SPI code # 7.
14. "Person" includes any individual, corporation, partnership, association, local government unit, as defined in s.66.0131(1)(a), Wis. Stats., state agency or authority or federal agency.
15. "PETE" or "PET" means polyethylene terephthalate, labeled by the SPI code # 1.
16. "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.
17. "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.
18. "PP" means polypropylene, labeled by the SPI code # 5.
19. "PS" means polystyrene, labeled by the SPI code # 6.
20. "PVC" means polyvinyl chloride, labeled by the SPI code # 3.
21. "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.
22. "Solid waste" has the meaning specified in s. 289.01(33), Wis. Stats.
23. "Solid waste facility" has the meaning specified in s. 289.01(35), Wis. Stats.
24. "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.
25. "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
26. "Yard waste" means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material.

Section 10 - 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 another 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

Section 11 - Separation Requirements Exempted

The separation requirements of Section 10 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 Section 5 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 Section 10 (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. Administrative Code.

Section 12 – 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. The disposal of lead acid batteries shall be the responsibility of residents. The batteries may be recycled at a retailer that sells these types of batteries or a salvage yard. These options may include a fee.
2. The disposal of major appliances shall be the responsibility of residents. Major appliances may be recycled at a retailer that sells major appliances

or a salvage yard. These options may include a fee.

3. Waste oil shall be the responsibility of residents to properly dispose of or taken to a retailer or service provider which accepts waste oil for recycling. These options may include a fee.
4. Yard waste shall be the responsibility of residents to properly dispose of by home composting or otherwise legally managing onsite

Section 13 – Care of Separated Recyclable Materials

To the greatest extent practicable, the recyclable materials separated in accordance with Section 10 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 that protects them from wind, rain, and other inclement weather conditions.

Section 14 – Preparation and Collection of Recyclable Materials

Except as otherwise directed by the Town of Lucas, 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 Section 10 (5) through (15):

1. Aluminum containers shall be clean, rinsed, and flattened if possible, to save space and placed in the proper recycling receptacle provided at the Lucas Town Hall located at E 2301 State Highway 29, Menomonie, WI 54751.
2. Bi-metal containers shall be clean, rinsed, and flattened if possible, to save space and placed in the proper recycling receptacle provided at the Lucas Town Hall located at E 2301 State Highway 29, Menomonie, WI 54751.
3. Corrugated paper or other container board shall be flattened if possible, to save space and placed in the proper recycling receptacle at the Lucas Town Hall located at E 2301 State Highway 29, Menomonie, WI 54751.
4. Foam polystyrene packaging shall be flattened if possible, to save space and placed in the waste container until such time that recycling markets exist or recycling is required.
5. Glass containers shall be clean and rinsed and placed in the proper recycling receptacle provided at the Lucas Town Hall located at E 2301 State Highway 29, Menomonie, WI 54751.
6. Magazines shall be placed in the proper recycling receptacle provided at the Lucas Town Hall located at E 2301 State Highway 29, Menomonie, WI 54751.
7. Newspaper shall be placed in the proper recycling receptacle provided at

the Lucas Town Hall located at E 2301 State Highway 29, Menomonie, WI 54751.

8. Office paper shall be placed in the proper recycling receptacle at the Lucas Town Hall located at E 2301 State Highway 29, Menomonie, WI 54751.
9. The listed rigid plastic containers shall be prepared and collected and placed in the proper recycling receptacle provided at the Lucas Town Hall located at E 2301 State Highway 29, Menomonie, WI 54751.
 - Plastic containers made of PETE, including SPI Code # 1.
 - Plastic containers made of HDPE, including SPI Code # 2.
 - Plastic containers made of PVC, including SPI Code # 3 shall be flattened if possible, to save space and placed in the waste container until such time that recycling markets exist or recycling is required.
 - Plastic containers made of LDPE, including SPI Code # 4 shall be flattened if possible, to save space and placed in the waste container until such time that recycling markets exist or recycling is required.
 - Plastic containers made of PP, including SPI Code # 5
 - Plastic containers made of PS, including SPI Code # 6 shall be flattened if possible, to save space and placed in the waste container until such time that recycling markets exist or recycling is required.
 - Plastic containers made of other resins or multiple resins, including SPI Code # 7 shall be flattened if possible, to save space and placed in the waste container until such time that recycling markets exist or recycling is required.
10. Steel containers shall be recycled at the Lucas Town Hall located at E 2301 State Highway 29, Menomonie, WI 54751.
11. The disposal of tires shall be the responsibility of residents. The tires may be recycled at a retailer that sells tires or a salvage yard. These options may include a fee.

Section 15 - 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 Section 10 (5) through (15):
 - Provide adequate, separate containers for the recyclable materials.
 - Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
 - 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.
 - 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 the materials specified in Section 10(5) through (15) from solid waste in as pure a form as is technically feasible.

Section 16 - 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 Section 10 (5) through (15):
 - Provide adequate, separate containers for the recyclable materials.
 - Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.
 - 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.
 - Notify users, tenants and occupants 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 non-residential facilities and properties 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 Section 10(5) through (15) from solid waste in as pure a form as is technically feasible.

Section 17 - Prohibitions on Disposal of Recyclable Materials Separated for Recycling

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 Section 10 (5) through (15) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

Section 18 - Enforcement

1. For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the Town of Lucas 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 of Lucas 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 Town of Lucas 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.
3. Penalties for violating this ordinance may be assessed as follows:
 - Any person who violates Section 17 may be required to forfeit \$50 for a first violation, \$200 for a second violation, and not more than \$2,000 for a third or subsequent violation.
 - Any person who violates a provision of this ordinance, except Section 18, may be required to forfeit not less than \$10 or more than \$1,000 for each violation.

Section 19 - Conflicting Provisions Repealed.

All Ordinances in conflict with any provision of this Ordinance are hereby repealed.

Section 20 - Effective Date.

The provisions of this ordinance shall take effect January 1, 2021.

ADOPTED this 22nd day of September, 2020.

TOWN OF LUCAS, WISCONSIN


Town Chair


Town Clerk

INTRODUCED: September 22, 2020

ADOPTED: September 22, 2020

PUBLISHED: _____
(POSTED)

State of Wisconsin:
County of Dunn:

I hereby certify that the foregoing Ordinance is a true, correct, and complete copy of an Ordinance duly and regularly enacted by the Lucas Town Board on the 22nd day of September, 2020

Dated this 22nd day of September, 2020.

Municipality Code 17014

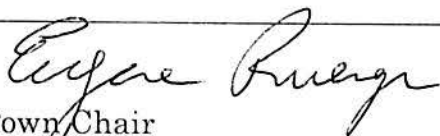
RESOLUTION

WHEREAS, the Town of Lucas hereby requests financial assistance under s. 287.23 and s. 287.24, Wis. Stats., Chapters NR 542, 544, Wis. Admin. Code, for the purpose of planning, constructing or operating a recycling program with one or more components specified in s. 287.11(2)(a) to (h), Wis. Stats.

THEREFORE, BE IT RESOLVED, that the Town of Lucas HEREBY AUTHORIZES the Town Chair, an Official of the responsible unit, to act on its behalf to: Submit an application to the Department of Natural Resources for financial assistance under s. 287.23 and s. 287.24, Wis. Stats., Chapters NR 542, 544, Wis. Admin. Code; Sign necessary documents; and Submit a final report.

Adopted this 22nd day of September 2020

Name



Town Chair
Title

Name



Town Board Member
Title

Name

Town Board Member
Title

I hereby certify that the foregoing resolution was duly adopted by the Town of Lucas at a legal meeting on the 22nd day of September 2020.

Name



Town Clerk
Title

