

Chapter 282

SOLID WASTE

[HISTORY: Adopted by the Town Board of the Town of Scott as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Nuisances and littering — See Ch. 206.

ARTICLE I

Recycling

[Adopted 6-6-1994]

§ 282-1. Title.

This article shall be known and may be cited as the "Recycling Ordinance for the Town of Scott, Brown County, Wisconsin."

§ 282-2. Purpose.

The purpose of this article is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in § 287.11, Wis. Stats., and Ch. NR 544, Wis. Adm. Code.

§ 282-3. Statutory authority.

This article is adopted as authorized under § 287.09, Wis. Stats., and village powers under §§ 60.10(2)(c) and 60.22(3), Wis. Stats.

§ 282-4. Effect on other regulations.

It is not intended by this article 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 article imposes greater restrictions, the provisions of this article shall apply.

§ 282-5. Interpretation.

In their interpretation and application, the provisions of this article 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 article may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this article is required by Wisconsin Statutes, or by a standard in Ch. NR 544, Wis. Adm. Code, and where the provision of this article is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Ch.

NR 544, Wis. Adm. Code, standards in effect on the date of the adoption of this article, or in effect on the date of the most recent text amendment to this article.

§ 282-6. Applicability.

The requirements of this article apply to all persons in the Town of Scott, Brown County, Wisconsin.

§ 282-7. Administration.

The provisions of this article shall be administered by the Town Board of the Town of Scott, Brown County, Wisconsin or its designee.

§ 282-8. Definitions.

For the purpose of this article, the following terms shall have the meanings indicated:

BIMETAL CONTAINER — A container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.

CONTAINER BOARD — Corrugated paperboard used in the manufacture of shipping containers and related products.

FOAM POLYSTYRENE PACKAGING — 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.

HPDE — High-density polyethelene labeled Code No. 2.

LPDE — Low-density polyethelene labeled Code No. 4.

MAGAZINES — Magazines and other materials printed on similar paper.

MAJOR APPLIANCE — A residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, stove, residential or commercial furnace, dehumidifier, boiler or water heater.

MULTIPLE-FAMILY DWELLING — A property containing five or more residential units, including those that are occupied seasonally.

NEWSPAPER — A newspaper and other materials printed on newsprint.

NONRESIDENTIAL FACILITIES AND PROPERTIES — Commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple-family dwellings.

OFFICE PAPER — High-grade printing and writing papers from offices in nonresidential facilities and properties.

OTHER RESINS or MULTIPLE RESINS — Plastic resins labeled Code No. 7.

PERSON — Includes any individual, corporation, partnership, association, local government unit as defined in § 66.0131(1)(a), Wis. Stats., state agency or authority or federal agency.

PETE — Polyethelene terephthalate labeled Code No. 1.

PLASTIC CONTAINER — 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.

POSTCONSUMER WASTE — Solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in § 291.01(7), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste as defined in § 289.01(17), Wis. Stats.

PP — Polypropylene labeled Code No. 5.

PS — Polystyrene labeled Code No. 6.

PVC — Polyvinyl chloride labeled Code No. 3.

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, office paper, rigid plastic containers including those made of PETE, HDPE, PVC, LPDE, PP, PS and other resins or multiple resins, steel containers, waste tires and bimetal containers.

SOLID WASTE — Has the meaning specified in § 289.01(35), Wis. Stats.

SOLID WASTE FACILITY — Has the meaning specified in § 289.01(33), Wis. Stats.

SOLID WASTE TREATMENT — Any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste. Treatment includes incineration.

WASTE TIRE — A tire that is no longer suitable for its original purpose because of wear, damage or defect.

YARD WASTE — Leaves, grass clippings, yard and garden debris, including woody vegetative matter no greater than six inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

§ 282-9. Separation of recyclable materials.

- A. Occupants of single-family and two-unit to four-unit residences, multiple-family dwellings and nonresidential facilities and properties shall separate the following materials from postconsumer waste unless otherwise directed by the Town of Scott Town Board:

- (1) Lead acid batteries.
 - (2) Major appliances.
 - (3) Waste oil and filters.¹
 - (4) Yard wastes.
 - (5) Aluminum containers.
 - (6) Bimetal containers.
 - (7) Corrugated paper or other container board.
 - (8) Foam polystyrene packaging.
 - (9) Glass containers.
 - (10) Magazines.
 - (11) s.
 - (12) Office paper.
 - (13) Rigid plastic containers made of PETE, HPDE, PVC, LPDE, PP, PS, and other resins or multiple resins.
 - (14) Steel containers.
 - (15) Waste tires.
 - (16) Electronic devices.²
- B. 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, after a variance has been obtained by the Town Board from DNR under § 287.11(2m), Wis. Stats., or its successor provision, currently separated and collected recyclable materials as no longer recyclable material to be separated and/or to be collected by the Town or its contractors in the Town and to add or delete any of these materials or waste from any recyclable material collection services provided for or contracted by the Town. The Town Board shall provide written notice of this written order to known occupants affected by these changes and to any contractor. Upon any designation notice to known occupants forwarded by first class mail, 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 postconsumer waste and how they shall be managed by any occupant of the Town.

§ 282-10. Exceptions to separation requirements.

¹. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

². Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

Unless otherwise directed by the Town of Scott Town Board, the separation requirements of § 282-9 do not apply to the following:

- A. Occupants of single-family and two-unit to four-unit residences, multiple-family dwellings and nonresidential facilities and properties that send their postconsumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers materials specified in § 282-9 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 § 282-10A(5) through (16) for which a variance has been granted by the Department of Natural Resources under § 287.11(2m), Wis. Stats., or § NR 544.14, Wis. Adm. Code.

§ 282-11. Care of separated recyclable materials.

To the greatest extent practicable, the recyclable materials separated in accordance with § 282-13 shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other nonrecyclable 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, snow and other inclement weather conditions.

§ 282-12. Lead acid batteries, major appliances, waste oil and yard waste.

Occupants of single-family and two-unit to four-unit residences, multiple-family dwellings and nonresidential facilities and properties shall manage lead acid batteries, major appliances, waste oil and yard waste as follows unless otherwise directed by the Town of Scott Town Board:

- A. Lead acid batteries shall be returned to the retailer or scrap yard, which may charge a fee for the collection of batteries. Fees are to be paid by the owner of the battery.
- B. Major appliances shall be delivered at the owner's expense to the authorized scrap yards or the Brown County Landfill. Microwave ovens may be disposed of in landfills when the capacitor is removed.
- C. Waste oil shall not be disposed of by placing it with refuse for regular collection or by pouring it on the ground, in ditches or waterways. Any person wishing to dispose of waste oil shall deliver it to authorized recycling sites.
- D. Yard waste, including grass, leaves, garden debris and shrubbery cuttings, shall not be disposed of by placing it with rubbish.

§ 282-13. Preparation and collection of recyclable materials.

Except as otherwise indicated by the Town of Scott Town Board, occupants of single-family, and two-unit to four-unit residences shall do the following for the preparation and collection of the separated materials specified in § 282-9A(5) through (16):

- A. Mixed corrugated paper or other container board, newspapers, magazines and office waste shall be clean and dry, free of food residue or rest room wastes. Tissue products (toilet tissue or facial tissue) and wax-coated paper shall not be included. Plastic or wax liners shall be removed from corrugated boxes. All boxes shall be flattened to save space. All materials should be bundled or contained so as to prevent littering. Mixed papers can be placed in bags, boxes or bundles.³
- B. Commingled recyclables will be all placed in designated recycling containers unless otherwise directed by the Town Board of the Town of Scott. Specific instructions for each category of commingled recyclables follow:
 - (1) Glass bottles and jars. Remove foil caps, lids, rings, foil labels and place them in rubbish. Paper labels can stay on. Rinse the bottles and jars to remove food residue. Remove any metal, rubber or wood parts.
 - (2) Plastic containers. Identify the recycling code on the bottom of each container. Unless otherwise directed by the Town Board of the Town of Scott, only plastic with recycling codes of "1" or "2" are accepted. Remove caps, rings, pumps, lids and detachable handles and place in rubbish. Rinse the containers to remove any residue. Paper labels can remain on the container.
 - (3) Aluminum and tin or steel cans. Remove paper labels and any nonmetal parts and place in rubbish. Rinse can to remove residue.
 - (4) PVC rigid plastic containers. Beginning on January 1, 1995, rigid plastic containers made of PVC will be recycled. Remove any labels and caps. Rinse to remove any residue and deposit with other commingled recyclables.
- C. The Town of Scott prohibits, unless specifically exempted by this article or by order of the Town Board of the Town of Scott, certain waste from being placed in any type of solid waste containers or receptacles in the Town of Scott for any solid waste removal and for any later disposal, storage, treatment or recycling, namely:
 - (1) Dead animals.
 - (2) Feces.
 - (3) Hazardous toxic wastes.
 - (4) Explosives.
 - (5) Contaminated material.
 - (6) Heavy metal materials.
 - (7) Lumber, trees and brush.

³. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (8) Dirt.
 - (9) Rocks.
 - (10) Concrete blocks.
 - (11) Tires.
 - (12) Appliances.
 - (13) Construction, remodeling or demolition waste.
 - (14) Waste oil and filters.⁴
 - (15) Lead acid batteries.
 - (16) Electronic devices.⁵
- D. Antiscavenging or unlawful removal of receptacle. It shall be unlawful for any person, unless under contract with the Town of Scott, to collect or remove any recyclable material that has been deposited or placed at the curb or in a container adjacent to a home or nonresidential building for the purpose of collecting for recycling.
- E. Dumping prohibited. It shall be unlawful for any person to dispose of or dump garbage in any street, alley or public place within the Town of Scott or to dispose of any garbage in any receptacle on private property.
- F. Burning. Burning of clean wood, brush and tree limbs and paper products only shall be permitted. Burning of garbage or any recyclable materials is prohibited.⁶
- G. Garbage from outside Town of Scott. It shall be unlawful to bring refuse for disposal and recyclables from outside the limits of the Town of Scott into the Town.
- H. Hauler restrictions. Haulers may not dispose of in a landfill any recyclable materials generated in the Town of Scott that have been separated for recycling. Haulers shall not mix glass, metals and plastics with paper during collection and transport and shall maintain materials in a marketable condition.
- I. Right to reject materials. The hauler has the right to reject or leave at the premises any recyclable material that is not prepared according to specifications in this article or educational material provided to service recipients. Materials may also be left if not separated from solid waste, placed in a proper container or which are not designated recyclable materials for collection. The hauler has the right to refuse to pick up any solid waste if it contains recyclable materials. In such cases, the hauler shall provide written notice to the generator of the materials about the reasons for rejecting the material. The hauler shall provide a quarterly report to the Town of Scott of incidents where solid waste/recyclables were not picked up. The report is to

⁴. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

⁵. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

⁶. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

include the date, name, address of the residence where the waste was rejected and type of waste.

- J. Hauler licensing. Haulers who collect solid waste or recyclables in the Town of Scott shall obtain necessary municipal and state permits, licenses and approvals prior to collecting any materials in the Town of Scott.
- K. Reporting requirements. The haulers operating in the Town of Scott are required to maintain records and provide a monthly report in writing to the Town Clerk, unless otherwise determined by the Town Clerk. The reports shall include the amount of solid waste and recyclables collected, the dates of the collections, and the final disposal location of solid waste, commingled recyclables and paper products. Failure to report shall be cause for the Town of Scott to sever any contract with the hauler.
- L. Ownership of recyclables and refuse. Recyclable materials and refuse, upon placement at the curb or roadway, shall become the property of the Town of Scott.
- M. Exemptions. The Town Board of the Town of Scott reserves the right to designate additional solid waste materials as recyclable or currently collected materials as no longer recyclable in accordance with state law and to either add or delete them from any collection services provided by the municipality or its contractors. The municipality shall provide written notice to its service recipients of this declaration.
- N. Collection schedule. The Town of Scott shall establish the time of collection of solid waste and recyclables, and the Clerk shall publish and post the written notice of the collection schedule at least once each year and at any time when the collection schedule is changed.
- O. Specified containers.⁷
 - (1) Solid waste shall be placed for collection in approved containers.
 - (2) Recyclables shall be placed in approved recycling containers.
 - (3) Containers must be set out for collection by 5:00 a.m. Solid waste must not be set out before 5:00 p.m. of the day preceding a regularly scheduled collection. Containers shall be returned to the point of storage within 12 hours after collection.
- P. Placement of recyclables and solid waste for collection. Except as otherwise specifically directed or authorized by the Town Board of the Town of Scott, solid waste and recycling containers shall be placed at the curblineline or mail box adjacent to the premises owned or occupied by the person, at least four feet apart, of the street designated in the published collection schedule for collection. Materials shall be placed out for collection according to the scheduled days established and published by the Town of Scott.⁸

⁷. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

⁸. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- Q. Special materials. Residents shall contact the Town of Scott or the hauler when they have couches and bulky items and arrangements for collection will be made for a fee. Construction material from household remodeling or repair shall be the responsibility of the owner. Special containers are available from the hauler for a fee. Landfill charges are to be paid for by the owner.

§ 282-14. Fees.

Unless otherwise determined by the Town of Scott Town Board, there will be no additional fees for rubbish or recyclable collection.

§ 282-15. Multiple-family dwellings.

- A. Owners or designated agents of multiple-family dwellings shall do all of the following for recycling the materials specified in § 282-9A(5) through (16):
- (1) Provide adequate, separate containers for recyclable materials.
 - (2) Notify tenants about the established recycling program, in writing, at the time of renting or leasing the dwelling and at least semiannually thereafter.
 - (3) 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.
 - (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 site locations and hours of operation, and a contact person or company, including a name, address and telephone number.
- B. The requirements specified in Subsection A 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 § 282-9A(5) through (16) from solid waste in as pure a form as is technically feasible.

§ 282-16. Nonresidential facilities and properties.

- A. Owners or designated agents of nonresidential facilities and properties shall do all of the following for recycling the materials specified in § 282-9A(5) through (16):
- (1) Provide adequate, separate containers for the recyclable material.
 - (2) Notify all users, tenants, occupants of the properties about the established recycling program, in writing, at least semiannually.
 - (3) 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.

- (4) 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 site locations and hours of operation, and a contact person or company, including a name, address and telephone number.
- B. The requirements specified in Subsection A above do not apply to the owners or designated agents of nonresidential 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 the materials specified in § 282-9A(5) through (16) from solid waste in as pure a form as is technically feasible.

§ 282-17. Prohibited 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 materials specified in § 282-9A(5) through (16) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

§ 282-18. Enforcement; violations and penalties.

- A. Inspection. Residents of the Town and any person with permits issued by the Town Board providing recyclable material collection services in the Town shall cooperate fully with the Town Board or its designees in any inspection of the facilities or property. The Town Board or its designees shall provide to occupants or other persons 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 ensure compliance by the occupants or these persons.
- B. Penalties.
- (1) Any person who violates a provision of this article may be issued a citation by the Town pursuant to this article 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 subsection.
 - (2) Penalties for violating this article may be assessed as follows:
 - (a) Any person who violates § 282-17 may be required to forfeit \$50 for the first violation, \$200 for a second violation, and not more than \$2,000 for a third or subsequent violations.

(b) Any person who violates a provision of this article, except § 282-17, may be required to forfeit not less than \$50 nor more than \$1,000 for each violation.⁹

C. Citations for violations. The Town of Scott, by adoption of this article and pursuant to § 66.0113, Wis. Stats., or its successor provision, hereby elects to use the citation method for enforcement of this article.

ARTICLE II
Disposal of Sharps
[Adopted 9-2-1997]

§ 282-19. Purpose.

The purpose of this article is to outline those "sharps" materials which are prohibited from entering the solid waste and recycling stream and to outline the disposal methods of home-generated sharps in the Town of Scott consistent with Ch. NR 526, Wis. Adm. Code, Wisconsin's Medical Waste Regulations.

§ 282-20. Authority.

These regulations are adopted under the authority granted by §§ 60.10(2)(c) and 60.22(3), Wis. Stats., and Ch. NR 526, Wis. Adm. Code.

§ 282-21. Definitions.

As used in this article, the following terms shall have the meanings indicated:

HOME GENERATOR OF INFECTIOUS WASTE — A person who generates infectious waste through self-administration of medication or who receives injected medication at home from other members of the household or from employees of a home care or hospice program under § NR 500.03(102), Wis. Adm. Code.

INFECTIOUS WASTE — Solid waste that contains pathogens with sufficient virulence and in sufficient quantity that exposure of a susceptible human or animal to the solid waste could cause the human or animal to contract an infectious disease under § 287.07(7)(c)1c, Wis. Stats.

SHARPS — Household sharps, specifically hypodermic needles, syringes with needles attached, scalpel blades and lancets as specified in §§ NR 526.05(1)(a) and NR 500.03(209), Wis. Adm. Code.

SHARPS COLLECTION STATION — Any clinic, hospital or pharmacy which has registered with the Department of Natural Resources. The sharps collection stations will distribute one-gallon sharps collection containers and education materials to household sharps users. The sharps collection stations will accept full sharps collection containers for disposal.

⁹. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

SOLID WASTE — Any garbage, refuse, sludge from a wastewater treatment plant, water supply treatment plant or air pollution control facility and other discarded or salvageable materials, including solid, liquid, semiliquid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solids or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permit under Ch. 283, Wis. Stats., or source, special nuclear or by-product material as defined under § 254.31, Wis. Stats.

STERILIZATION — A process by which all forms of microbial life, including spores, viruses and fungi, are destroyed under § NR 500.03(223), Wis. Adm. Code.

§ 282-22. Prohibited disposal methods.

- A. Contaminated, unused, or disinfected sharps, which may include hypodermic needles, syringes with needles, scalpel blades, lancets, broken glass vials, broken plastic vials and laboratory slides, shall not be placed curbside for collection with normal refuse or placed with recyclables, and no person may deposit sharps in the solid waste or recycling streams.
- B. Business and agricultural sharps generators may not use the Brown County Household Sharps Collection Program.

§ 282-23. Required disposal methods.

- A. Home generators shall package discarded sharps properly to reduce the risk to the people who will be treating and handling those sharps. Chapter NR 526, Wis. Adm. Code, provides for the safe, convenient collection of sharps by enabling hospitals, pharmacies, municipalities and others to collect sharps from people, such as diabetics, who generate small amounts of needles, syringes and other sharps, and such disposal complies with these regulations.
- B. Brown County's Household Sharps Collection Program has established "sharps collection stations" to service household generators of sharps with a need to dispose of home-generated sharps, and such disposal complies with these regulations.
- C. Business and agricultural sharps generators shall deposit and dispose of sharps in accordance with applicable state regulations set forth in Ch. NR 526, Wis. Adm. Code.

§ 282-24. Violations and penalties.

Any violation of any provision of this article by any person, firm, corporation or agent, employee or officer shall be subject to a forfeiture. Upon a finding that a violation exists, the violator shall forfeit to the municipality not less than \$200 nor more than \$500 together, plus court costs.