

**ORDINANCE NO: 3****AN ORDINANCE TO REGULATE RECYCLING, COMPOSTING, RESOURCE RECOVERY AND THE KEEPING AND DISPOSAL OF SOLID WASTE AND RUBBISH**

The Town Board of the Town of Grand Rapids, Wisconsin, pursuant to § 287.09 and § 66.0405 Wisconsin Statutes and the exercise of its village powers does ordain as follows with regard to its Town Ordinances:

**3.1 Purpose**

The purpose of this ordinance is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in, Chapter 287, Wis. Stats., and Chapter NR 544, Wis. Administrative Code.

**3.2 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.

**3.3 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.

**3.4 Definitions**

Unless otherwise indicated, the following terms used in this ordinance shall be deemed for the purpose of this ordinance to have the meaning hereinafter set forth:

- A. **Bag:** Means a plastic sack, clear or non-opaque, designed for refuse collection with sufficient wall strength to maintain physical integrity when lifted at the top.
- B. **Bi-Metal Container:** Means a container for carbonated or malt beverage that is made primarily of a combination of steel and aluminum.
- C. **Business:** Means a for-profit enterprise. A business that occupies a separate building or which has a separate personal property tax account shall be classified as a separate business.
- D. **Collector.** Means any town employee, licensed hauler, or individual engaged in collecting or transporting of recyclables or landfill waste to either a processing center or landfill.
- E. **Commercial Waste:** Means any waste material that accumulates in or upon property used for wholesale or retail purposes.

- F. Commingle: Means the combining of aluminum containers; all colors of glass containers; plastic bottles labeled by the SPI code #1 - #7; steel containers, and bi-metal steel/aluminum containers for carbonated and malt beverages into one bag.
- G. Container: Means a steel, aluminum or plastic structure with or without a cover to hold post-consumer waste materials.
- H. Container Board: Means corrugated paperboard used in the manufacture of shipping containers and related products.
- I. Curbside: Means the installed curb and gutter or the shoulder of the road.
- J. Dead Animals: Means all dead animals and parts thereof.
- K. Demolition and Construction Wastes: Means scrap lumber, pipes, brick, masonry, rock, concrete, roofing materials, doors, windows, and similar materials generated during demolition or construction activities.
- L. DNR: Means State of Wisconsin Department of Natural Resources.
- M. Foam Polystyrene Packaging: Means packaging made primarily from foam polystyrene that satisfies one of the following criteria:
  - 1) Is designed for serving food or beverages.
  - 2) Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.
  - 3) Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.
- N. Garbage: Means materials resulting from the handling, processing, storage and consumption of any non-recyclable item.
- O. Governmental: Means any Federal, State, County or Town.
- P. HDPE: Means high density polyethylene, labeled by the SPI code #2.
- Q. Household: Means a family unit or a person or persons living in a structure designed for a single-family residence.
- R. Household Rubbish: Means discarded furniture, rugs, television sets, and carpeting, but shall not include major appliances or items identified as recyclable under Wisconsin Recycling Law.
- S. Institutional: Means a recognized not-for-profit organized society, element, or corporate body established for the purpose of providing educational, religious, training, health, or similar services to the public.
- T. LDPE: Means low density polyethylene, labeled by the SPI code #4.

- U. Magazines: Means magazines and other materials printed on similar paper, which, are glued or stapled.
- V. Major Appliance: Means air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave, oven, refrigerator, stove, residential and commercial furnaces, boilers, de-humidifiers and water heaters.
- W. Metal Products: Means any parts from cars, trucks, bicycles, snowmobiles, or machinery including doors, frames, hoods, wheels, fenders, motors, transmissions, axles, etc., and all metal products used in construction, such as iron, steel, aluminum, cast iron, etc., to include metal roofing, or siding used in building construction.
- X. Multiple-family Dwelling: Means a property containing 5 or more residential units, including those which are occupied seasonally.
- Y. Newspaper: Means a newspaper and other materials printed an newsprint.
- Z. Non-residential Facilities and Properties: Means business, commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.
- AA. 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.
- AB. Other Resins or Multiple Resins: Means plastic resins labeled by the SPI code #7.
- AC. Packaging: Means wrapping or otherwise enclosing landfill waste in plastic, metal, wood, or other containers for the purpose of containing material to be recycled or landfilled. For the purposes of this ordinance, the containers of landfill material shall not be considered as recyclable and may be deposited in an approved landfill.
- AD. Person: Means any individual, corporation, partnership, association, local governmental unit, state agency or authority or federal agency.
- AE. PETE: Means polyethylene terephthalate, labeled by the SPI code #1.
- AF. 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.
- AG. Post-consumer Waste: Means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in s.291.07 (7), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as that term is used in Chapter 289, Wis. Stats.
- AH. PP: Means polypropylene, labeled by the SPI code #5.
- AI. Processing Center: Means any location where recycled material is separated, assembled or converted into a salable product.

- AJ. PS: Means polystyrene, labeled by the SPI code #6.
- AK. PVC: Means polyvinyl chloride, labeled by the SPI code #3.
- AL. Recycling Law: Means Chapter 287, Wis. Stats. and Chapter NR 544 as adopted or updated and/or any future modifications or revisions of said law.
- AM. Recyclable Material: 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; and any additional items referenced in sec. 287.07. Wis. Stats.
- AN. Refuse: Refers to recyclable materials and garbage collected at the curbside by the Town.
- AO. Residential Properties: Refers to a family unit or a person or persons living in a structure used as a single family residence and mobile homes.
- AP. Solid Waste: Has the meaning specified in s. 289.01(33), Wis. Stats.
- AQ. Solid Waste Facility: Has the meaning specified in s. 289.01(35), Wis. Stats.
- AR. 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.
- AS. Town: Means Town of Grand Rapids, Wood County, Wisconsin, or its Town Board, its designee, or assignee.
- AT. Vehicle Unit: Means any vehicle used in the collection or transportation of recyclables or landfill waste.
- AU. Waste Tire: Means a tire that is no longer suitable for its original purpose because of wear, damage, or defect.
- AV. 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.

### **3.5 Separation of Recyclable Materials**

Occupants of all properties shall separate the following materials from post consumer waste:

- A. Lead acid batteries
- B. Major appliances and electronics
- C. Metal Products and automotive parts
- D. Waste oil

- E. Yard waste
- F. Aluminum containers
- G. Bi-metal containers
- H. Corrugated paper or other container board
- I. Foam polystyrene packaging
- J. Glass containers that had contained food or beverages
- K. Magazines
- L. Newspaper
- M. Office paper
- N. Rigid plastic containers made of PETE (SP[ #1), HDPE (SPI #2), PVC (SPI #3), LDPE (SPI #4), PP (SPI #5), PS (SPI #6), and Other resins or multiple resins (SPI #7)
- O. Steel containers that had contained food or beverages
- P. Waste tires
- Q. Anti-freeze
- R. The separation requirements of Section 3.5(A-Q) do not apply to the activities excepted in sec. 287.07(7) (b)-(h), Wis. Stats.

### **3.6 Collection of Recyclables**

Of the recyclable materials required to be separated in Section 3.5, the following materials shall be collected for single family and 2 to 4 unit residences at the curbside by the Town or by a licensed hauler, and recyclables collected shall be deposited at an approved drop-off site for recyclables and post-consumer waste.

- A. The materials to be collected at the curbside are:
  - 1) Aluminum containers;
  - 2) Glass containers that had contained food or beverages;
  - 3) Rigid plastic containers of PETE, labeled by SPI Code #1; made of HDPE, labeled by SP[ Code #2; PVC, labeled by Code #3; LDPE, labeled by SP[ Code #4; PP, labeled by SPI Code #5; PS, labeled by SPI Code #6; and other resins or multiple resins, labeled by SPI Code #7.
  - 4) Steel containers that had contained food or beverages;
  - 5) Bi-metal steel/aluminum containers for carbonated and malt beverages;

- 6) Magazines;
  - 7) Office paper;
  - 8) Newspaper;
  - 9) Corrugated paper or other container board;
- B. As authorized by Wis. Stats. 66.0405, there is hereby created a residential collection district which district shall include those properties defined as "residential properties" in Section 3.4.
- 1) Residential properties receiving refuse collection services from the Town shall be assessed a special charge as authorized by Wis. Stats. 66.0627, which shall be referred to as a residential refuse collection fee.
    - a) The amount of the special charge for the residential refuse collection fee shall be established by resolution by the Town Board. Such residential refuse collection fee shall be made payable by insertion of the special charge on the tax roll for all residential properties.
    - b) If a parcel of real property contains multiple residential properties such parcel shall be imposed a special charge for each residential property on such parcel of real property.
    - c) The special charge for the residential refuse collection fee shall be included as a special charge on the tax bills sent out in December and shall be due and payable in full at the time set for payment of the first installment of the real estate property tax. The special charge for residential refuse Collection shall not be payable in installments. If the special charge is not paid within the period fixed by this ordinance, then such special charge shall be deemed delinquent and shall be extended upon the current tax roll as a delinquent tax against the property and all proceedings in relation to the collection return and sale of property for delinquent real estate taxes shall apply to such special charge, except as otherwise provided by Wisconsin Statute.
  - 2) Whenever a residential property is established and that residential property had not been included in the special charge imposed on the real estate tax parcel where the residential property is located, the Clerk of the Town shall charge by sending an invoice of the expense of refuse collection to said property.
    - a) The said invoice shall be due and payable within 60 days of date of invoice. The invoice shall not be payable in installments. If the invoice is not paid within the period fixed by this ordinance, the unpaid invoice shall become a special charge on the next tax roll. If the special charge is not paid within the period fixed by this ordinance, then such special charge shall be deemed delinquent and shall be extended upon the current tax roll as a delinquent tax against the property and all proceedings in relation to the collection return and sale of property for delinquent real estate taxes shall apply to such special charge, except as otherwise provided by Wisconsin Statute.

### **3.7 Disposal of Recyclables**

- A. Yard waste shall be composted or transferred and deposited at an approved DNR site.
- 1) The policy of the Town is to encourage home composting. Bins and compost piles shall be located in a rear yard, screened from the view of neighbors' living areas, and maintained in a clean, odor-free condition.
  - 2) Yard waste will not be accepted at the transfer site for disposal. Such material shall be taken to a DNR approved site for composting, or yard waste may be composted on private property provided it is nuisance free, does not create offensive odors, and does not attract vermin or undesirable animals.
- B. The following materials shall only be deposited at a site approved by the DNR:
- 1) Lead acid batteries; and
  - 2) Anti-freeze.
  - 3) The Town Clerk shall make available a list of approved DNR sites for the deposit of yard waste, waste oil, batteries, tires, anti-freeze and major appliances.

### **3.8 Care of Separated Recyclable Materials**

To the greatest extent practicable, the recyclable materials separated in accordance with Section 3.6 A. shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other non-recyclable materials, including but not limited to household hazardous waste, medical waste, and agricultural chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions.

### **3.9 Preparation of Materials for Curbside Collection**

Except as otherwise specifically directed or authorized by the Town, bags containing recyclables and containers containing post-consumer waste shall be placed at the curbside, adjacent to the premises owned or occupied by the person, 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. The size, weight and number of the bags and containers shall not exceed the limits set in the Town's current waste removal contract, which limits shall be published by the Town.

- A. Aluminum containers, glass containers, plastic bottles labeled by the SPI code #1, #2, #3, #4, #5, #6 and #7, steel containers, and bi-metal steel/aluminum containers for carbonated and malt beverages shall be commingled into one bag or bags for collection. The plastic bags shall be clear, and the total weight of a filled bag shall not exceed 50 pounds.
- B. Magazines are to be bound or bundled in a paper bag, and may be commingled with newspaper, office paper or container board.
- C. Container board and office paper can be commingled and bound or bundled in a paper bag. Container board is to be flattened and bound, into bundles no greater in size than 2 ft. by 3 ft.

D. All recyclables shall be placed as herein required at the specified collection point no sooner than 24 hours prior to the regularly scheduled collection time or be allowed to remain at the curbside longer than 24 hours thereafter. All garbage and solid waste placed at the curbside shall be placed no sooner than 24 hours prior to the regularly scheduled collection time or be allowed to remain at the curbside longer than 24 hours thereafter.

### **3.10 Use of Transfer Site**

The transfer site is available for deposit of certain recyclables as determined by the Town Board.

### **3.11 Garbage and Post-Consumer Waste**

Garbage and solid waste shall be picked up by a licensed hauler, or deposited at an approved DNR landfill.

A. No person shall deposit, throw, or place any garbage, solid waste, or recyclable wastes on or within any public street, alley, park, sidewalk, or other public place or private property of others, except as provided under Section 3.20 herein.

B. All garbage, solid waste and recyclable materials including those from non-residential facilities and properties, or multi-family dwellings, whether hauled by an individual, a licensed collector, a firm or corporation shall be hauled in such a manner so as to ensure that it is not blown or dropped from the vehicle on any public street or right-of-way or onto private property.

### **3.12 Non-residential Collection**

Non-residential facilities and properties shall contract with a licensed hauler for separate collection of garbage, solid waste and recyclables, or transport their own garbage, solid waste and recyclables to an approved recycling processing center or approved DNR site.

### **3.13 Special Pickup**

The Town may elect to provide special pickups for Christmas trees, storm damaged materials, or solid wastes.

### **3.14 Right to Reject Materials**

The Town reserves the right to designate additional solid waste materials as recyclable or recyclable materials as non-recyclable in accordance with State law and to either add or delete them from any collection services provided by the Town or its contractors, or from the listing of materials accepted at the transfer site. The Town shall provide written notice to its service recipients of this declaration.

### **3.15 Recycling Education**

The Town of Grand Rapids shall, to the extent deemed practical and necessary, provide continuing information and education on waste reduction, reuse and recycling to residents of single family and 2 to 4 unit residences, youths, consumers, owners or managers of multiple-family residences and owners or managers of non-residential facilities and properties.

### **3.16 Rejection of Recyclables and Landfill Waste**

Any garbage or solid wastes containing recyclables shall be rejected by the collector.



- A. Collectors knowingly accepting recyclables for placement in any landfill shall be subject to a forfeiture as per Ordinance 39 "Schedule of Fees and Forfeitures" for each day during which said violation shall continue together with the costs of prosecution.
- B. Any garbage, solid wastes or recyclables not placed in accordance with the provisions of this ordinance may be rejected by the collector, in which case garbage, solid waste and recyclables not picked up on a scheduled pickup must be removed from the curbside within 24 hours of the time said garbage, solid waste and recyclables were scheduled to be picked up. A property owner or tenant failing to remove said garbage, solid waste and recyclables as outlined above, shall be subject to a forfeiture as per Ordinance 39 "Schedule of Fees and Forfeitures" for each day during which said violation shall continue together with the costs of prosecution.

### **3.17 Scavenging and Theft**

It shall be unlawful for any person, partnership, or corporation unless the person, partnership or corporation is under contract with or has obtained a permit from the Town, to disturb, remove, or carry away any garbage, solid waste or recyclable material that has been deposited or placed at the curbside or in a container for the purposes of collection.

### **3.18 Deposit of Recyclables and Solid Waste Containers**

It shall be unlawful for any person, firm, or corporation to deposit garbage, solid waste or recyclable material in any container without authorization from the party responsible for said container.

### **3.19 Supervision**

The collection and transportation of all garbage, solid waste and recyclables shall be under the supervision, direction, and control of the Town Board or its designee in strict conformity with the provisions of this ordinance and with such additional rules and regulations as may be made from time to time by the Town Board.

### **3.20 Demolition and Construction Wastes**

The Town will not collect or accept demolition or construction wastes for landfill delivery or recycling.

### **3.21 Collection Regulation and Licenses**

- A. No person, partnership, or corporation shall engage in, exercise, or carry on a trade or business of picking up and hauling of garbage, solid waste or recyclable material within the Town unless licensed by State of Wisconsin DNR under Section NR502.06, Wisconsin Administrative Code, nor continue in such a business after such license has been revoked. A license issued by the Town shall also be required.
- B. All vehicles used for the transportation of garbage, landfill waste, solid waste or recyclables shall be of substantial construction and the body shall be water tight or of a design approved by the Town as acceptable for transporting garbage, solid waste or recyclables. All vehicles used in the transportation of recyclables or garbage or landfill waste shall be constructed and loaded in such manner as to prevent the contents from blowing or falling from said vehicle while either moving or standing.

- C. Every person, partnership or corporation desiring a permit required by this Section shall, prior to the issuance thereof, pay an annual license fee as per Ordinance 39 "Schedule of Fees and Forfeitures". Proof of insurance shall be required of all applicants.
- D. Failure to comply with the following operational rules and regulations will result in the revocation of the permit to operate in the Town:
- 1) The permittee must be properly licensed by the Department of Natural Resources of the State of Wisconsin and must display a Wisconsin state permit or license number on his vehicle.
  - 2) All containers placed at non-residential facilities and properties, or multi-family dwelling accounts of the permittee shall have the name of the permittee displayed on the containers.
  - 3) Permittees shall be responsible for cleaning up any debris spilled, dumped, or blown from their collection vehicle while traveling or collecting within the Town limits.
- E. Non-residential facilities and properties may transport garbage, landfill waste, solid waste or recyclables generated by their own firm without a permit, but may not engage in picking up or transporting garbage, landfill waste, solid waste or recyclables generated by another firm, agency, or corporation without obtaining a permit regardless of whether or not there is a monetary exchange for the service.

### **3.22 Disposal of Recyclables and Solid Wastes not collected**

It shall be the responsibility of the owners and occupants of every property to dispose of all garbage, landfill waste, solid waste and recyclables generated by them and which is not collected in the Town's curbside pickup program and which is not permitted to be deposited at the transfer site. All such material must be recycled, hauled to a compost drop-off site, or hauled to an approved private sanitary landfill.

### **3.23 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 materials specified in Section 3.5 which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

### **3.24 Non-residency**

It shall be unlawful for any person not residing or located within the Town to deposit any garbage curbside in the Town. It shall further be unlawful for any Town resident, business, firm, agency, or institution to deposit any such garbage, solid waste or recyclables generated outside of the corporate limits of the Town curbside in the Town.

**3.25 Enforcement**

Any authorized officer, employee or representative of the Town may inspect recyclable materials separated for recycling; post-consumer 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 who requests access for the purpose of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.

**3.26 Penalties**

Any person who violates a provision of this ordinance may, upon conviction, be subject to a forfeiture per Ordinance 39 "Schedule of Fees and Forfeitures" for each day during which said violation shall continue together with the costs of prosecution.

**This ordinance shall take effect from and after the date of its passage and publication as provided by law.**

**HISTORY****Declaration/Ordinance/Resolution No****Dated****RESOLUTION NO:**

2005-08  
2006-07  
2012-29

11-October-1994  
28-November-1995  
13-September-2005  
23-May-2006  
9-October-2012