

**O-02-07 Recycling Ordinance for the Town of Stockton**

**Portage County, Wisconsin**

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- 1.01 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.
- 1.03 This ordinance is authorized under s. 287.09(3)(b), Wis. Stats., and the Town of Stockton.
- 1.04 It is not intended by this ordinance to repeal, abrogate, annul, impair or interfere with any existing rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, whenever this ordinance imposes greater restrictions, the provisions of this ordinance shall apply.
- 1.05 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 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.
- 1.06 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.
- 1.07 The requirements of this ordinance apply to all persons within the limits of the Town of Stockton.
- 1.08 The provisions of this ordinance shall be administered by the Board of the Town of Stockton
- 1.09 The provisions of this ordinance shall take effect on January 1, 2003.
- 1.10 For the purposes of this ordinance:
- (1) "Bi-metal container" means a container for carbonated or malt beverage 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) "HDPE" means high-density polyethylene plastic containers marked by the SPI code No. 2.

- (4) "LDPE" means low-density polyethylene plastic containers marked by the SPI code No. 4.
- (5) "Magazines" means magazines and other materials printed on similar paper.
- (6) "Major appliance" means a residential or commercial air conditioner, residential or commercial furnace, boiler, dehumidifier, water heater, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator or stove.
- (7) "Mixed or other plastic resin types" means plastic containers marked by the SPI code No. 7.
- (8) "Multiple-family dwelling" means a property containing 5 or more residential units, including those, which are occupied seasonally.
- (9) "Newspaper" means a newspaper and other materials printed on newsprint.
- (10) "Non-residential facilities and properties" means commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.
- (11) "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.
- (12) "Person" includes any individual, corporation, partnership, association, local governmental unit, as defined in s. 66.299(1)(1), Wis. Stats., state agency or authority or federal agency.
- (13) "PETE" means polyethylene terephthalate plastic containers marked by the SPI code No. 1.
- (14) "Post consumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in s. 144.61(5), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in s. 144.44(7)(a)1., Wis. Stats.
- (15) "PP" means polypropylene plastic containers marked by the SPI code No. 5.
- (16) "PS" means polystyrene plastic containers marked by the SPI code No. 6.
- (17) "PVC" means polyvinyl chloride plastic containers marked by the SPI code No. 3.
- (18) "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; 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.
- (19) "Solid waste" has the meaning specified in s. 144.01(15), Wis. Stats.
- (20) "Solid waste facility" has the meaning specified in s. 144.43(5), Wis. Stats.
- (21) "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.
- (22) "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.

(23) “Yard waste” means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than 6 inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

1.11 Separation of Recyclable Materials. Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties shall separate the following materials from post consumer waste.

- (1) Lead acid batteries
- (2) Major appliances
- (3) Waste oil
- (4) Yard waste
- (5) Aluminum containers
- (6) Bi-metal containers
- (7) Corrugated paper or other container board
- (8) Foam polystyrene packaging
- (9) Glass containers
- (10) Magazines or other materials printed on similar paper
- (11) Newspapers or other materials printed on newsprint
- (12) Office paper
- (13) Plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS and mixed or other plastic resin types
- (14) Steel containers
- (15) Waste tires

1.12 Separation Requirements Exempted. The separation requirements of s. 1.11 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 post consumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in s. 1.11 from solid waste in an as pure a form as is technically feasible.
- (2) 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.
- (3) A recyclable material specified in s. 1.11 for which a variance or exemption has been granted by the Department of Natural Resources under ss. 287.07(7)(d) or 287.11(2m). Wis. Stats. Of s. NR 544.14, Wis. Administrative Code.
- (4) The Town of Stockton Board reserves the right to designate additional solid waste materials as recyclable or currently collected materials as no longer recyclables 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 in written notice to its service recipients of this declaration.
- (5) Microwaves may be disposed of in a landfill after the capacitor has been removed.

- 1.13 Care of Separated Recyclable Materials. To the greatest extent practicable, the recyclable materials separated in accordance with s. 1.11 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.
- 1.14 Management of Lead Acid Batteries, Major Appliances, Waste Oil and Yard Waste. Occupants of single family and 2 and 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) Lead acid batteries shall be taken to established drop-off site and placed in designated receptacle during days and hours of operation.
  - (2) Major appliances shall be hauled away at owner's expenses. Waste oil shall be placed in sealed container, clearly marked and taken to established drop-off site and placed in designated receptacle during days and hours of operation.
  - (3) Resident shall compost yard waste. The Town of Stockton will provide information and training on composting. Larger items, such as tree limbs and brush can be chipped by township, by contacting a town official.
- 1.15 Preparation and Collection of Recyclable Materials. Except as otherwise directed by the Board of the Town of Stockton, occupants of single family and 2 and 4 unit residences shall do the following for the preparation and collection of the separated materials specified in s. 1.11(5) through (15):
- (1) Aluminum containers shall be rinsed free of product residue and placed in the designated receptacle of an established drop-off site during days and hours of operation.
  - (2) Beginning on January 1, 2003, Bi-metal containers shall be rinsed free of product residue and placed in the designated receptacle of an established drop-off site during days and hours of operation.
  - (3) Beginning on January 1, 2003, Corrugated paper or other container board shall be free of debris, flattened, stacked and tied, and placed in the designated receptacle of an established drop-off site during days and hours of operation.
  - (4) Beginning on January 1, 2003, Foam polystyrene packaging shall be free of debris and product residue and placed in the designated receptacle of an established drop-off site during days and hours of operation.

- (5) Glass containers shall be rinsed free of product residue and caps shall be removed and discarded. The glass shall be placed in the designated receptacle of an established drop-off site during days and hours of operation.
- (6) Beginning on January 1, 2003, Magazines or other materials printed on similar paper shall be free of debris, stacked and tied, and placed in the designated receptacle of an established drop-off site during days and hours of operation.
- (7) Newspapers or other materials printed on newsprint shall be free of debris, stacked and tied, and placed in the designated receptacle of an established drop-off site during days and hours of operation.
- (8) Beginning on January 1, 2003, Office paper shall be free of debris, stacked and tied, and placed in the designated receptacle of an established drop-off site during days and hours of operation.
- (9) Plastic containers shall be prepared and collected as follows:
  - (a) Beginning on January 1, 2003, Plastic containers made of PETE, including soda bottled and laundry detergent containers, shall be rinsed free of product residue and caps shall be removed and discarded. The containers shall be placed in the designated receptacle of an established drop-off site during the days and hours of operation.
  - (b) Beginning on January 1, 2003, Plastic container made of HDPE, including milk jugs and soda bottled, shall be rinsed free of product residue and caps shall be removed and discarded. The containers shall be placed in the designated receptacle of an established drop-off site during the days and hours of operation.
  - (c) Beginning on January 1, 2003, Plastic that have held oil or antifreeze should be drained adequately and disposed of as, garbage.
- (10) Beginning January 1, 2003, Steel containers shall be rinsed free of product residue and placed in the designated receptacle of an established drop-off site during days and hours of operation.
- (11) Beginning January 1, 2003, Waste tires shall be left at service center where new tires are purchased, or dropped off at the County Landfill until 2006, at owner's expenses.

1.16 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 for recycling the materials specified in s. 1.11(3) through (15):
  - (a) Provide adequate, separate containers for the recyclable materials.
  - (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 the materials separated from the solid waste by the tenants and the delivery of the materials to a recycling 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 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 post consumer 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 s. 1.11(5) through (15) from solid waste in as pure a form as is technically feasible.

1.17 Responsibilities of Owners or Designated Agents on Non-Residential Facilities and Properties.

- (1) Owners or designated agents of non-residential facilities and properties shall do all of the following for recycling the materials specified in s. 1.11(3) through (15):
  - (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 a recycling 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 post consumer waste generated within the facility or property is treated at processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in s. 1.11(5) through (15) from solid waste in as pure a form as is technically feasible.

1.18 Prohibitions on Disposal of Recyclable Materials.

- (1) 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 s. 1.11(3) through (15) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.
- (2) It shall be unlawful for any person, unless under contract with or licensed by the municipality, 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 non-residential building for the purposes of collection for recycling.
- (3) Dumping.
  - (a) It shall be unlawful for any person to dispose of or dump garbage in any street or other public place within the Town of Stockton or in any receptacles or private property without the owner's consent unless it is placed in bags or containers in the manner and at the times specified by this ordinance.
  - (b) No person shall place for collection any garbage at the curb not owned or occupied by such person.
- (4) It shall be unlawful to burn or bury solid waste and recyclables by residential and non-residential sectors and at construction sites. (Burning shall be permitted only of clean wood and paper products).
- (5) It shall be unlawful for any person to place for disposal any of the following wastes: Hazardous and toxic waste, chemicals, explosives, flammable liquids, paints, trees and stumps, construction debris, carcasses, medical wastes (unless personal needles which shall be contained in cardboard to eliminate injury to collection personnel).
- (6) It shall be unlawful to bring refuse for disposal (and recyclables) from outside the corporate limits into the Town of Stockton unless authorized by agreement with the municipality.

1.19 Enforcement. (1) Any authorized officer, employee or representative of the Town of Stockton may inspect recyclable materials separated for recycling, post consumer waste intended for disposal, for the purpose of ascertaining compliance with the provisions of this ordinance.

- (3) The Board of the Town of Stockton to collect forfeitures may issue any person who violates a provision of this ordinance a citation. The issuance of a citation shall not preclude a 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.
- (4) Penalties for violating this ordinance may be assessed as follows:
  - (a) Any person who violates s. 1.18 may be required to forfeit \$50 for a first violation. \$200 for a second violation, and not more than \$2000 for a third or subsequent violation.
  - (b) Any person who violates a provision of this ordinance, except s. 1.18 may be required to forfeit not less than \$10 nor more than \$1000 for each violation.

This Ordinance shall become effective on January 1, 2003.

ADOPTED ON August 12, 2002 by a majority of the Town Board, by a roll call vote.

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Ron Borski      Town Chairman

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Jeanne Dodge    Town Supervisor

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Chris Pehoski    Town Supervisor

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ATTEST: Marie Helminiak    Clerk