

**TOWN OF BELL
BAYFIELD COUNTY, WISCONSIN**

Recycling Ordinance
Ordinance #2021-01

SECTION (1) – TITLE

This ordinance is entitled the Recycling Ordinance for the Town of Bell, Bayfield County, Wisconsin.

SECTION (2) – PURPOSE

The purpose of this ordinance is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, provided in S. 287.11, Wis. Stats., and Chapter NR 544, Wis. Administrative Code.

SECTION (3) – AUTHORITY

This ordinance is adopted as authorized under S. 287.09(3)(b), Wis. Stats.

The Town Board of the Town of Bell does ordain as follows:

SECTION (4) – DEFINITIONS

For the purpose of this ordinance:

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:
 - 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.
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 which 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. "Electronic Waste" means electric appliances with circuit boards this includes but not limited to television and computer monitors, computers, routers etc., stereo equipment, VCR and DVD players and microwave ovens.
18. "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.
19. "PP" means polypropylene, labeled by the SPI code #5.
20. "PS" means polystyrene, labeled by the SPI code #6.
21. "PVC" means polyvinyl chloride, labeled by the SPI code #3.
22. "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.
23. "Solid waste" has the meaning specified in S. 289.01(33), Wis. Stats.
24. "Solid waste facility" has the meaning specified in S. 289.01(35), Wis. Stats.
25. "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.
26. "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.

27. "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.

SECTION (5) – 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 any other fiber-based 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
16. Electronic waste

SECTION (6) – SEPARATION REQUIREMENTS EXEMPTED

The separation requirements of S. 5 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 S. 5 from solid waste in as pure a form as is technically feasible.
2. A recyclable material specified in S. 5(5) through (15) for which a variance has been granted by the Department of Natural Resources under S. 287.11(2m), Wis. Stats., or Chapter NR 544.14, Wis. Administrative Code.

SECTION (7) – CARE OF SEPARATED RECYCLABLE MATERIALS

To the greatest extent practicable, the recyclable materials separated in accordance with S. 5 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.

SECTION (8) – 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. Lead acid batteries shall be taken to a commercial recycler. The Recycle Center will maintain a list of local options.
2. Major appliances shall be placed as directed by the Recycle Center manager.
3. Waste oil shall be taken to a commercial recycler. The Recycle Center will maintain a list of local options.
4. Yard waste consisting of grass clippings and leaves shall be composted on home owner site. Larger sticks, tree limbs and brush can be taken to the town gravel pit by appointment only.

SECTION (9) – PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS

Except as otherwise directed by the Recycle Center manager, 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 S. 5(5) through (15):

1. Aluminum beverage containers shall be separated and placed in designated containers at the Recycle Center.
2. Bi-metal containers shall be rinsed and placed in the scrap metal bin.
3. Corrugated paper or other container board shall be placed as directed by the Recycle Center manager.
4. Glass containers shall be placed in the recycle bin.
5. Magazines shall be placed in the recycle bin.
6. Newspaper shall be placed in the recycle bin.
7. Office paper shall be placed in the recycle bin.
8. Rigid plastic containers shall be prepared and collected as follows:
 - a. Plastic containers made of PETE
 - b. Plastic containers made of HDPE
 - c. Plastic containers made of PVC
 - d. Plastic containers made of LDPE
 - e. Plastic containers made of PP
 - f. Plastic containers made of PS
 - g. Plastic containers made of other resins or multiple resins
9. Will be clean and placed in recycle bin as directed by Recycle Center manager.
10. Steel containers shall be rinsed and placed in the scrap metal bin.
11. Waste tires shall be taken to a commercial recycler. The Recycle Center will maintain a list of local options.
12. Electronic waste shall be placed as directed by the Recycle Center Manager.
13. Major Appliances shall be placed as directed by the Recycle Center Manager.

SECTION (10) – RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF SINGLE OR MULTIPLE-FAMILY DWELLINGS INCLUDING SHORT TERM RENTALS

1. Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in S. 5(5) 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 a contact person or company, including a name, address and telephone number.
2. The requirements specified in 10(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 S. 5(5) through (15) from solid waste in as pure a form as is technically feasible.

SECTION (11) – 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 S. 5(5) 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.

SECTION (12) – PROHIBITIONS ON DISPOSAL OF RECYCLABLE MATERIALS SEPARATED FOR RECYCLING

Of the materials specified in S. 5(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 (13) – NONCONFORMING MATERIALS

The Town of Bell Recycling Center will refuse non-conforming materials.

SECTION (14) – FEES FOR USE OF RECYCLE CENTER

Fees shall be set and reviewed annually by the Town of Bell Board of Supervisors. They will be posted at the Recycling Center and on the Town of Bell website.

SECTION (15) – PENALTY

Penalties for violating this ordinance may be assessed as follows:

1. Any person who violates S. 12 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.
2. Any person who violates a provision of this ordinance, except S. 12, may be required to forfeit not less than \$10 or more than \$1000 for each violation.

SECTION (16) – CITATION AND ENFORCEMENT

1. For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the Town of Bell, Bayfield County, Wisconsin may inspect recyclable materials separated for recycling, postconsumer waste intended for disposal. 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 Bell, Bayfield County, Wisconsin Board Chairman 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.

SECTION (17) – ADMINISTRATION

The provisions of this ordinance shall be administered by the Town of Bell Supervisors and the Recycling Center manager.

SECTION (18) – ABROGATION AND GREATER RESTRICTIONS

It is not intended by this ordinance to repeal, abrogate, annul, impair or interfere with any existing federal, state or county rules or regulations. This ordinance shall replace any previous Town of Bell, Bayfield County, Wisconsin ordinances pertaining to solid waste and recycling.

SECTION (19) – 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 (20) – APPLICABILITY

The requirements of this ordinance apply to all persons using the Town of Bell Recycling Center.

SECTION (21) – SEVERABILITY

If any section, subsection, sentence, clause or phrase of this Ordinance is held for any reason or be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this ordinance. The Town of Bell hereby declares that it would have passed and adopted this ordinance and each section, subsection, sentence, clause or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION (22) – EFFECTIVE DATE

Following passage by the Town of Bell Town Board, this ordinance shall take effect upon publication.

Adopted by the Town Board of Supervisors for the Town of Bell on the 12th day of January, 2021.

Roger Lindgren, Chair

Attest: MaryBeth Tillmans, Clerk