

General Code of Ordinances
Chapter 8 - Recycling/Solid Waste

CHAPTER 8
RECYCLING/SOLID WASTE

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8.01 TITLE/PURPOSE. This Ordinance is entitled the "Town of Centerville Recycling/Solid Waste Ordinance." The purpose of this Ordinance is to regulate the handling of recyclables/solid waste in the Town of Centerville according to the powers given to towns by the Wisconsin Statutes, to protect public health and sanitation, to promote recycling, composting and resource recovery through the administration of an effective recycling program as provided in Section 287.11 Wisconsin Statutes and Chapter NR 544 Wisconsin Administrative Code.

8.02 AUTHORITY. The Town Board of the Town of Centerville has the specific authority, powers and duties, under Section 66.0415 Wisconsin Statutes and Chapters 287 and 823 Wisconsin Statutes, and pursuant to the specific statutory sections noted in this Ordinance and by adoption of village powers under Section 60.10 Wisconsin Statutes, to regulate, control, prevent and enforce against certain uses, activities, business and operations by persons that may affect public health and sanitation.

8.03 ADOPTION OF ORDINANCE. The Town Board of the Town of Centerville has, by adoption of this Ordinance, confirmed the specific statutory authority, powers and duties noted in the specific sections of this Ordinance and have established the regulation, control, prevention and enforcement against certain uses, activities, business and operations by persons that may affect public safety and order.

8.04 DEFINITIONS. As used in this chapter, the following definitions shall apply:

1. Bi-metal Container. A container for carbonated or malt beverages that is made primarily of steel and aluminum.

2. Container Board. Corrugated paperboard used in the manufacture of shipping containers and related products.

3. Dispose. Includes, but is not limited to, dump, unload, discard, throw away, abandon, empty or bury.

4. Garbage. Includes discarded materials resulting from the handling, processing, storage or consumption of food.

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5. HDPE. High-density polyethylene plastic containers marked by the SPI code #2.
6. LDPE. Low-density polyethylene plastic containers marked by the SPI code #4.
7. Magazines. Magazines and other materials printed on similar paper.
8. Major Appliances. A residential or commercial furnace, boiler, dehumidifier, water heater, air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator or stove.
9. Mixed or Other Plastic Resin Types. Plastic containers marked by the SPI code #7.
10. Multiple Family Dwelling. A property containing five or more residential units, including those which are occupied seasonally.
11. Newspaper. A newspaper and other materials printed on newsprint.
12. Non-Residential Facilities and Properties. Commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.
13. Office Paper. High grade, staple-free, 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.
14. Person. An individual, sole proprietorship, corporation, partnership, association or municipality, including town, village, city, county, sanitary district, state or federal agency, as defined in Section 66.0131 (1) (a) Wisconsin Statutes.
15. PETE. Polyethylene terephthalate plastic containers marked by the SPI code #1.
16. Post Consumer Waste. Solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in Section 291.07 (7) Wisconsin Statutes, waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in Section 289.01 (17) Wisconsin Statutes.
17. PP. Polypropylene plastic containers marked by SPI code #5.
18. PS. Polystyrene plastic containers marked by SPI code #6.
19. PVC. Polyvinyl chloride plastic containers marked by the SPI code #3.

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20. Recyclable Materials. Lead acid batteries, major appliances (except those containing freon or a capacitor), 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.

21. Refuse. Includes combustible and noncombustible discarded material including, but not limited to, trash, rubbish, paper, wood, metal, glass, plastic, rubber, cloth, industrial wastes, dead animals, toxic and hazardous wastes, and material resulting from construction or demolition.

22. Solid Waste. Meaning specified in Section 289.01 (33) Wisconsin Statutes.

23. Solid Waste Facility. Meaning specified in Section 289.01 (35) Wisconsin Statutes.

24. 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.

25. Waste Tire. A tire that is no longer suitable for its original purpose because of wear, damage or defect.

26. Yard Waste. Leaves, grass clippings, and yard and garden debris.

8.05 TOWN RECYCLING/SOLID WASTE SITE. The Site for handling Town of Centerville's solid waste and recycling material is located in the Town of Newton. The Town of Newton Transfer Station is located at 6315 Center Road. An agreement is drawn up yearly with the Town of Newton stating conditions, term, fee (percentage for recycling and percentage for compacting), rules and regulations. Transfer Station hours will be 8:00 A.M. to 4:00 P.M. on Saturdays (except Holidays--closed) and during summer months (June through September) open Wednesdays from 3:00-6:00 PM.

8.06 TRASH COMPACTION AND RECYCLING SITE REGULATIONS.

A. No person shall throw or dump any rubbish, garbage or other refuse any place within the limits of the Town except at the established Town Site noted in Section 8.05.

B. No person shall dump rubbish, garbage or other refuse in the Town Transfer Station except in compliance with the rules and regulations of the station.

C. Large items such as furniture, mattresses, carpets, etc., if broken down to fit into compactor, will be accepted for a fee.

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D. All non-recyclables shall be put into the compactor. Bags can be purchased at the Newton Transfer Station at a cost of Two Dollars (\$2.00) for four bags.

E. State Law prohibits burning anything but clean wood and paper. Ashes must be free of recyclables including recyclable paper.

8.07 WASTE DISPOSAL AND WASTE DISPOSAL SITES PROHIBITED.

A. DISPOSAL PROHIBITED. No person shall dispose of garbage, waste, or refuse within the limits of the Town.

B. EXCEPTIONS. The following are specifically excepted from the terms of Section A of this section:

1. The Town Transfer Station as per section 8.05.
2. A sanitary septic tank or seepage bed that is at all times in compliance with all applicable Town ordinances, and County and State laws and regulations.
3. A farm on which animal waste directly resulting from the operation of the farm is disposed of on the same farm premises or on contracted cropland.

C. HEALTH HAZARD. The Town Board hereby declares the disposing of garbage, waste, or refuse within the limits of the Town to be contrary to the health and welfare of the citizens of the Town and to create a health hazard to its citizens.

D. STATE LAW. Nothing contained in this section shall be deemed to limit or restrict the application of any State law or administrative rule regulating the subject matter of this section.

8.08 MANDATORY RECYCLING.

A. Occupants of single family and two-to-four-unit residences, multiple family dwellings, non-residential facilities, places of business, industry or commerce, farms and governmental facilities 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 other containerboard.
8. Foam polystyrene packaging.
9. Glass containers.

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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 (#1), HDPE (#2), PVC (#3), LDPE (#4), PP (#5), PS (#6) and mixed or other plastic resin types (#7). Please refer to Section 8.08 L.2. for exempt plastics.
14. Steel/tin containers.
15. Scrap metals.
16. Waste tires.

B. Separation Requirements Exempted. The separation requirements of Section 8.08 A. do not apply to the following:

1. Occupants of single family and two-to-four-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 8.08 A. from solid waste in as pure a form as technically possible.
2. Solid waste that 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 Section 8.08 A. for which a variance or exemption has been granted by the Department of Natural Resources under Section 287.11 (2m) Statutes or NR 544.14 Wisconsin Administrative Code.

C. Care of Separated Recyclable Materials. To the greatest extent practical, the recyclable materials separated in accordance with Section 8.08 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 that protects them from wind, rain and other inclement weather conditions.

D. Care of Lead Acid Batteries, Major Appliances, Waste Oil, Waste Tires and Yard Waste. Occupants of single and two-to-four-unit residences, multiple family dwellings and non-residential facilities and properties shall manage lead acid batteries, major appliances, waste oil, waste tires and yard waste as follows:

1. Lead acid batteries shall be dropped off at the recycling center or the resident may recycle them at any authorized location. A list of authorized locations can be obtained from personnel at the Town of Newton Transfer Station.
2. Major appliances shall be disposed through an authorized agent.
3. Waste oil shall be deposited in the container provided at the Town of Newton Transfer Station. The resident is required to retain his original container.

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4. Waste tires will not be accepted at the Town of Newton Transfer Station. The resident must take tires to an authorized location.

5. Yard waste shall be disposed of by composting of the material on the site at which it is produced or can be taken to the Manitowoc County compost site.

E. Preparation and Collection of Recyclable Materials. Except as otherwise directed by the Town Board or its representatives, occupants of single family and two-to-four unit residences shall do the following for the preparation and collection of separated materials specified in Section 8.08.A:

1. ALUMINUM. Rinse out thoroughly, separate from other household cans. Flatten. Labels permitted. All products made of aluminum including cans, screen frames, TV dinner trays, foil wrap, potpie pans, siding and lawn chairs.

2. BI-METAL/STEEL/TIN CANS. Any type household cans including aerosol. Rinse and flatten (except aerosol). Labels permitted.

3. CARDBOARD. Corrugated, non-corrugated or brown paper bags. Flattened and bundled.

4. FOAM POLYSTYRENE. Not accepted at this time.

5. GLASS. Clear, brown and green. Sort by color and rinse. Labels permitted. Remove all caps and rings. (No contaminants such as ceramics, china, car headlights, florescent light bulbs, light bulbs, TV tubes or window glass.)

6. MAGAZINES. Bundled and tied or bagged along with materials printed on similar paper.

7. NEWSPAPERS. Bundled and tied or bagged along with materials printed on newsprint.

8. OFFICE PAPER. Bundled and tied, bagged or boxed separately.

9. PLASTIC CONTAINERS. Shall be prepared and collected as follows:

a. Plastic containers made of PETE (including beverage bottles, dressing, peanut butter, mustard, mouthwash) shall be rinsed, remove caps/covers and must be bundled or bagged.

b. Plastic containers made of HDPE (including milk jugs, detergent bottles, orange juice) shall be rinsed, remove caps/covers and must be bundled or bagged.

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c. Plastic containers made of PVC (including wrapping for packaged meats and blister wrap) are not accepted at this time.

d. Plastic containers made of LDPE (including bread bags, cardboard milk containers) are not accepted at this time.

e. Plastic containers made of PP (including butter and margarine tubs, yogurt containers, shampoo, medicine containers) are not accepted at this time.

f. Plastic containers made of PS (including egg cartons, meat trays, disposable dishes) are not accepted at this time.

g. Plastic containers made of mixed or other plastic resin types (including microwave serveware, snack bags, squeezable bottles) are not accepted at this time.

10. SCRAP METALS. Container provided at recycling site.

The Town of Centerville reserves the right to change the method of preparing and collecting the materials in this section and shall provide a written notice to its residents, businesses and organizations of such changes.

F. Site Location. Sections E (1-10) above are to be delivered separated and placed in the appropriate containers at the Town of Newton Transfer Station. See Section 8.05.

G. Responsibility of Owners or Designated Agents of Multiple-Family Dwellings.

1. Owners or designated agents of multiple-family dwellings shall do the following for recycling the materials as specified in 8.08 (A):

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 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 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 the recycling of

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the materials as specified in Section 8.08 A. from solid waste in as pure a form as technically feasible.

H. Responsibility 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 for recycling the materials specified in Section 8.08 A:

a. A person in the Town of Centerville owning or occupying new building or a building that is remodeled or expanded by 50% or more in floor area, shall provide a designated area for separation, temporary storage, and collection of solid waste and recyclables either within or adjacent to the building.

b. Provide adequate containers for the separated recyclable materials.

c. Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.

d. Provide for the collection of materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.

e. Notify tenants of reasons to reduce and recycling solid waste, which materials are collected, how to prepare the materials in order to meet processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including 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 postconsumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for the recycling of the materials as specified in Section 8.08 A. from solid waste in as pure a form as technically feasible.

I. Prohibitions on Disposal of Recyclable Materials, Hauler Licensing, Restrictions, and Processing Facilities.

1. No person or corporation shall engage in the business of hauling recyclables within the Town of Centerville limits without being licensed by the Department of Natural Resources under Section NR 502.06 Wisconsin Administrative Code.

2. Haulers who collect solid waste or recyclables in the Town of Centerville for storage, treatment, processing, marketing or disposal shall obtain and maintain all necessary municipal and state permits, licenses, and approvals prior to collecting any materials in the Town of Centerville.

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3. No person or hauler may dispose in a landfill or burn in a solid waste facility any recyclable materials as specified in Section 8.08 A. generated in the Town of Centerville that have been separated for recycling.

4. Any hauling contractor operating in the Town of Centerville shall not transport for processing any recyclables to a processing facility unless that facility has been approved by the Town of Centerville, or unless the contractor notifies the Town of Centerville which facility they are using and, by January 1, 1995, the facility has self-certified with the Department of Natural Resources under Section NR 544.16 Wisconsin Administrative Code.

J. Ownership of Recyclable Materials. Recyclable materials, upon placement at the collection site, shall become the property of the hauler. Recyclable materials, upon collection by any permitted collector, shall become the property of the contractor.

K. Exemptions, Variances, and Temporary Suspensions.

1. The Town of Centerville 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 Town of Centerville or its contractors. The Town of Centerville shall provide written notice to its service recipients of this declaration.

2. A variance and exemption has been granted to the responsible unit of the Town of Centerville under Sections 287.07(7)(h)1 and 287.11(2m)(b) Wisconsin Statutes and NR 544.14 (3) (b) Wis. Administrative Code, from the requirements and prohibition in Sections 287.07(7)(h)1 and 287.07(3) and (4) Wisconsin Statutes, NR 544.04 (3), NR 544.05 (1) and NR 544.06 (2) (a) Wisconsin Administrative Code, that effective recycling programs require the separation and collection, and the disposal in a solid waste disposal facility or the burning in a solid waste treatment facility of the following materials:

- Polyvinyl chloride (PVC) (#3) containers
- Low-density polyethylene (LDPE) (#4) containers
- Polypropylene (PP) (#5) containers
- Polystyrene (PS) (#6) containers
- Other/multi-layer (#7) containers
- Polystyrene (PS) foam packaging

L. Enforcement.

1. Any Town Board member or representative of the Town Board of the Town of Centerville may inspect recyclable materials separated for recycling, postconsumer waste intended for disposal, collection sites and facilities, 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 or solid waste disposal activities, for the purpose of ascertaining compliance with the provisions of this Ordinance. No person may refuse access to any

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Town Board member or its representative of the Town of Centerville who requests access for the purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.

8.09 HOLDING TANKS. Holding tanks in the Town of Centerville will be prohibited.

A. EXCEPTIONS.

1. For new construction only where no alternative system is practical.
2. For systems replacing already existing systems where the existing system has failed and where no alternative system is practical.
3. Where the person seeking the holding tank under sub. 1. and 2. above has entered into a holding tank agreement with the Town of Centerville on terms approved by the Town of Centerville.

8.10 HAZARDOUS WASTES.

A. PROHIBITED DISCHARGES. No person, firm or corporation shall discharge or cause to be discharged, leaked, leached or spilled upon any public or private street, alley, public or private property, or unto the ground, surface waters, subsurface waters, or aquifers, or within the Town, except those areas specifically licensed for waste disposal or landfill activities and to receive such materials, any explosive, flammable or combustible solid liquid or gas, any radioactive material at or above Nuclear Regulatory Restriction levels, etiologic agents, or any solid, liquid or gas having a deleterious effect on the environment or any hazardous waste listed under the authority set forth in Section 287.07 Wisconsin Statutes.

B. CONTAINMENT, CLEANUP AND RESTORATION. Any person, firm or corporation in violation of the above section shall, upon direction of any Emergency Government Officer, begin immediate actions to contain, cleanup and remove the offending material(s) to an approved repository and restore the site to its original condition, with the offending person, firm or corporation being responsible for all expenses incurred. Should any person, firm or corporation fail to engage the necessary men and equipment to comply or to complete the requirements of this section, the Office of Emergency Government may order the required actions to be taken by public or private resources and allow the recovery of any and all costs incurred by the Town of Centerville as action imposed by subsection C below.

C. EMERGENCY SERVICES RESPONSE. Includes, but is not limited to: Fire Service, Emergency Medical Service, and Law Enforcement. A person, firm or corporation who possesses or controls a hazardous substance which is discharged or who causes the discharge of a hazardous substance shall be responsible for reimbursement to the responding agencies for actual and necessary expenses incurred in carrying out their duties under this Ordinance. Actual and necessary expenses include but are not limited to: replacement of equipment damaged by the hazardous material, cleaning, decontamination and maintenance of the equipment specific to the incident, costs incurred

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in the procurement and use of specialized equipment specific to the incident, specific laboratory expenses incurred in the recognition and identification of hazardous substances in the evaluation of response, decontamination, cleanup and medical surveillances, and incurred costs in future medical surveillance of response personnel as required by the responding agencies medical advisor.

D. **SITE ACCESS.** Access to any site, public or private, where a prohibited discharge is indicated or suspected will be provided to Emergency Government Officers and staff, and to police and fire department personnel for the purpose of evaluating the threat to the public and monitoring containment, cleanup and restoration activities.

E. **PUBLIC PROTECTION.** Should any prohibited discharge occur that threatens the life, safety or health of the public at, near, or around the site of a prohibited discharge, and that the situation is so critical that immediate steps must be taken to protect life and limb, the Coordinator of Emergency Government, his assistant or supervising police or fire official on the scene of the emergency may order an evacuation of the area or take other appropriate steps for a period of time until the Town Board can take appropriate action.

F. **ENFORCEMENT.** The Coordinator of Emergency Government and his deputies, as well as the Town of Centerville Law Enforcement Officer and Manitowoc County Sheriff Department, shall have authority to issue citations or complaints under this Section.

G. **CIVIL LIABILITY.** Any person, firm or corporation in violation of this section shall be liable to the Town of Centerville for any expenses incurred by the Town or loss or damage sustained by the Town by reason of such violations.

8.11 LAND SPREADING PETROLEUM CONTAMINATED SOIL PROHIBITED. This section is made pursuant to Section 60.22 Wisconsin Statutes and by virtue of adoption of village powers under Section 60.10 Wisconsin Statutes, and pursuant to the interest of the Town in preserving and protecting private water supplies, and for the health and welfare of the citizens of the Town, pursuant to Section 281.33(1) Wisconsin Statutes.

A. **LAND SPREADING PROHIBITED.** No person shall land spread or permit land spreading of petroleum-contaminated soil in the Town of Centerville, Manitowoc County, Wisconsin, except as set forth in Section B herein.

B. **EXCEPTION.** A person who is an owner of land in the Town may land spread petroleum-contaminated soil on owner's land wherein the contamination discharge occurred, provided all of the following conditions are met:

1. The materials involved in the discharge were not brought on the land for purposes of land spreading.

2. The discharge was caused by the owner of the land, a member of the owner's family, or an employee of the owner.

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3. The land spreading is in accordance with all applicable regulations and requirements of the Wisconsin Department of Natural Resources.

C. **DEFINITIONS.** Definitions applicable to this section only:

1. Discharge. Spilling, leaking, pumping, pouring, emitting, emptying or dumping.
2. Heavier Petroleum Products. Numbers 4 and 6 fuel oil, and waste oil.
3. Land Spread and Land Spreading. The controlled application of a waste to the land surface and incorporation of the waste into the upper soil zone for the purpose of treatment.
4. Light and Middle Petroleum Distillates. Gasoline, diesel, numbers 1 and 2 fuel oil, jet fuel, kerosene, and aviation gasoline.
5. Person. An individual, partnership, corporation, limited liability company, municipality, governmental entity, or any other entity.
6. Petroleum-Contaminated Soil. Soil contaminated with light and middle petroleum distillates or heavier petroleum products.
7. Waste. Petroleum-contaminated soil.

D. PENALTY. Any person who shall violate any of the provisions of this section shall, upon conviction of such violation, be subject to a penalty forfeiture of \$500.00, together with costs of prosecution. Each violation, each day a violation continues or occurs, and each day the situation as a result of spreading continues, shall constitute a separate offense. Nothing in this ordinance shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of this ordinance. The Town shall have any and all other remedies afforded by the Wisconsin Statutes, including, but not limited to, restraining orders and injunctions, in addition to the forfeitures and costs of prosecution set forth above.

8.12 PENALTY. Any person, who violates any provision of this chapter, except as otherwise provided, shall be subject to a penalty as provided in Section 13.09 of this General Code.