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4-29-96

**ORDINANCE TO REPEAL AND RECREATE  
TITLE 6, CHAPTER 1, HEALTH AND SANITATION  
OF THE CODE OF ORDINANCES FOR THE  
TOWN OF BURKE, DANE COUNTY, WISCONSIN**

THE TOWN BOARD OF THE TOWN OF BURKE, DANE COUNTY, WISCONSIN DO  
ORDAIN AS FOLLOWS:

Title 6, Chapter 1, Health and Sanitation of the Code of Ordinances for the Town of  
Burke, Dane County, Wisconsin, is hereby repealed and recreated to read as follows:

**CHAPTER 1**

Mandatory Recycling and Solid Waste Disposal

- 6-1-1 Mandatory Recycling
- 6-1-2 Solid Waste Disposal
- 6-1-3 Enforcement and Penalty

**SEC. 6-1-1 MANDATORY RECYCLING**

**(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 s.  
159.11, Stats., and ch. NR 544.

**(2) AUTHORITY AND SCOPE**

(a) This ordinance is adopted as authorized under s. 159.09(3)(b), Stats.; and ch.  
NR 544.

(b) This ordinance is not intended 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.

(c) The provisions of this ordinance shall be considered 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 with the statutory text, the more restrictive requirements or  
interpretation shall apply. Where a provision of this ordinance is required by statute, or  
by a standard in ch. NR 544, and where the ordinance provision is unclear; the  
provision shall be interpreted in favor of the statutes and the ch. NR 544 standards in  
effect on the date of the adoption of this ordinance; or in effect on the date of the most  
recent amendment to the affected provision of the ordinance.

(d) The requirements of this ordinance apply to all persons within the Town of  
Burke, Dane County, Wisconsin; regardless of whether or not they are residents of the  
town.

### **(3) ADMINISTRATION**

The provisions of this ordinance, as well as the town's recycling and solid waste disposal program as a whole, shall be administered by the town clerk; as designated in the Town of Burke.

### **(4) DEFINITIONS**

(a) "Bi-metal container" means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.

(b) "Container board" means corrugated paperboard used in the manufacture of shipping containers and related products.

(c) "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.

(d) "HDPE" means high density polyethylene, labeled by the SPI code #2.

(e) "LDPE" means low density polyethylene, labeled by the SPI code #4.

(f) "Magazines" means magazines and other materials printed on similar paper.

(g) "Major appliance" means a residential or commercial air conditioner, clothes dryer, clothes washer, freezer, microwave oven, oven, refrigerator, furnace, boiler, dehumidifier, water heater or stove.

(h) "Multiple-family dwelling" means a property containing 5 or more residential units; including those which are occupied seasonally.

(i) "Newspaper" means a newspaper and other materials printed on newsprint.

(j) "Non-residential facilities and properties" means commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple-family dwellings.

(k) "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.

(l) "Other resins or multiple resins" means plastic resins, labeled by the SPI code #7.

(m) "Person" has the meaning specified in s. 144.01(9m), Stats.; and includes any local governmental unit, as defined in s. 66.299(1)(a), Stats.

(n) "PETE" means polyethylene terephthalate, labeled by the SPI code "1.

(o) "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.

(p) "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), Stats.; waste from construction and demolition of structures; scrap automobiles; or high-volume industrial waste, as defined in s. 144.44(7)(a)1, Stats.

(q) "PP" means polypropylene, labeled by the SPI code #5.

(r) "PS" means polystyrene, labeled by the SPI code #6.

(s) "PVC" means polyvinyl chloride, labeled by the SPI code #3.

(t) "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.

(u) "Solid waste" has the meaning specified in s. 144.01(15), Stats.; and includes the materials as defined in (t) and (y).

(v) "Solid waste facility" has the meaning specified in s. 144.43(5), Stats.

(w) "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; including incineration.

(x) "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.

(y) "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.

#### (5) SEPARATION OF RECYCLABLE MATERIALS

Occupants of single family and 2-4 unit residences, multiple-family dwellings and non-residential facilities and properties, shall separate the following materials from post-consumer waste:

(a) Lead acid batteries

- (b) Major appliances
- (c) Waste oil
- (d) Yard waste
- (e) Aluminum containers
- (f) Bi-metal containers
- (g) Corrugated paper or other container board
- (h) Foam polystyrene packaging
- (i) Glass containers
- (j) Magazines
- (k) Newspaper
- (l) Office paper
- (m) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins
- (n) Steel containers
- (o) Waste tires

**(6) SEPARATION REQUIREMENTS EXEMPTED**

The separation requirements of (5), do not apply to the following:

- (a) Occupants of single family and 2 - 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 (DNR) that recovers the materials specified in (5), 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 40% of the heat input to the facility is derived from the solid waste burned as supplemental fuel.
- (c) A recyclable material specified in (5)(a-o), for which a variance has been granted by the DNR under s. 159.11(2m), Stats., or s. NR 544.14.

**(7) CARE OF SEPARATED RECYCLABLE MATERIALS**

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

**(8) MANAGEMENT OF LEAD ACID BATTERIES, MAJOR APPLIANCES, WASTE OIL AND YARD WASTE**

Occupants of single family and 2-4 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:

(a) Lead acid batteries shall NOT be disposed of as solid waste. Old batteries should be left with the vendor where new batteries are purchased; or taken to an authorized battery recycling facility.

(b) Major appliances shall NOT be disposed of as solid waste. Arrangements can be made with the town's contract hauler to have these items picked up on a fee-per-call basis; or may be taken to a recycling center that is authorized to process such items.

(c) Waste oil shall NOT be disposed of as solid waste, and shall NOT be dumped down drains, in fields, etc. Waste oil can be taken to a county disposal site; or may be taken to various vendors throughout the county that are authorized to collect and properly dispose of such materials.

(d) Yard waste shall NOT be disposed of as solid waste. We encourage town residents to compost their own yard waste. However, yard waste may be taken to any designated disposal facility.

## **(9) PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS**

Except as otherwise directed by the Town Clerk, occupants of single family and 2-4 unit residences shall do the following for the preparation and collection of the separated materials specified in (5)(e-o):

(a) Aluminum containers shall be disposed of in the recycle bin provided.

(b) Bi-metal containers shall be disposed of in the recycle bin provided.

(c) Corrugated paper or other container board shall be flattened and securely tied in bundles less than 12 inches thick; or placed in suitable containers facilitating handling and collection. Corrugated paper or other container board shall NOT be intermixed, bundled together, or mixed with other recyclable materials.

(d) Foam polystyrene packaging shall be disposed of as solid waste; until recycle markets are developed and/or legislation is passed which prohibits such disposal.

(e) Glass containers shall be rinsed free of product residue and disposed of in the recycle bin provided.

(f) Magazines shall be securely tied in bundles less than 8 inches thick; or placed in suitable containers facilitating handling and collection. Magazines shall NOT be intermixed, bundled together or mixed with other recyclable materials.

(g) Newspapers shall be securely tied in bundles less than 8 inches thick; or placed in suitable containers facilitating handling and collection. Newspaper shall NOT be intermixed, bundled together, or mixed with other recyclable materials.

(h) Office paper shall be disposed of in clear plastic trash bags, or brown paper grocery bags, as a recyclable material; and shall NOT be intermixed, bundled together, or mixed with other recyclable materials.

- (i) Rigid plastic containers shall be prepared and collected as follows:
- (1) Plastic containers made of PETE, shall be disposed of in the recycle bin provided.
  - (2) Plastic containers made of HDPE, shall be disposed of in the recycle bin provided.
  - (3) Plastic containers made of PVC, shall be disposed of as solid waste; until recycle markets are developed and/or legislation is passed which prohibits such disposal.
  - (4) Plastic containers made of LDPE, shall be disposed of as solid waste; until recycle markets are developed and/or legislation is passed which prohibits such disposal.
  - (5) Plastic containers made of PP, shall be disposed of as solid waste; until recycle markets are developed and/or legislation is passed which prohibits such disposal.
  - (6) Plastic containers made of PS, shall be disposed of as solid waste; until recycle markets are developed and/or legislation is passed which prohibits such disposal.
  - (7) Plastic containers made of other resins or multiple resins, shall be disposed of as solid waste; until recycle markets are developed and/or legislation is passed which prohibits such disposal.
- (j) Steel containers shall be disposed of in the recycle bin provided.
- (k) Waste tires shall NOT be disposed of as solid waste. Old tires should be left with the vendor where new tires are purchased; or taken to an authorized tire recycling facility.

**(10) RESPONSIBILITIES OF OWNERS, OR DESIGNATED AGENTS, OF MULTIPLE-FAMILY DWELLINGS**

- (a) Owners, or designated agents, of multiple-family dwellings shall do all of the following to recycle the materials as specified in (5)(c-o):
- (1) Provide adequate, separate containers for the recyclable materials.
  - (2) Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
  - (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 sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.
- (b) The requirements specified in (a) 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 DNR that recovers for recycling the materials specified in (5)(e-o), from solid waste in as pure a form as is technically feasible.

**(11) RESPONSIBILITIES OF OWNERS, OR DESIGNATED AGENTS, OF NON-RESIDENTIAL FACILITIES AND PROPERTIES**

(a) Owners, or designated agents, of non-residential facilities and properties shall do all of the following to recycle the materials specified in (5)(e-o):

- (1) Provide adequate, separate containers for the recyclable materials.
- (2) Notify in writing, at least semi-annually; all users, tenants and occupants of the properties about the established recycling program.
- (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 sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.

(b) The requirements specified in (a) 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 a processing facility licensed by the DNR; that recovers for recycling the materials specified in (5)(e-o), from solid waste in as pure a form as is technically feasible.

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

(a) No person may dispose of or burn any of the materials specified in (5)(e-o), which have been separated for recycling; except waste tires may be burned with energy recovery in a licensed solid waste facility.

(b) No person may collect or remove any of the materials specified in (5)(e-o), which have been placed for curbside collection, or deposited at any other location designated by the town board as a recyclable material collection point, unless provided written authorization by the town board. This provision shall not apply to any occupant who has placed any of the materials specified in (5)(e-o) for curbside collection and then withdraws it prior to collection.

(c) No person may dispose of or place for curbside collection, any recyclable materials or solid waste that have been generated for sources outside of the town. This provision shall not apply to any container, or collection point designated by the town board for use by the general public.

## **SEC. 6-1-2 SOLID WASTE DISPOSAL**

### **(1) REGULATION OF SOLID WASTE DISPOSAL**

(a) No person owning, controlling, or occupying any lands within the town limits shall permit, or allow the disposal of solid waste upon said lands; without having been granted a license from the Wisconsin Department of Natural Resources (DNR); and having obtained a conditional use permit (CUP from the town board.

(b) No person shall litter, dump, dispose of, or store solid waste upon any lands public or private, within the town limits, outside of a solid waste facility which has been licensed by the DNR; and has been permitted by the town board.

(c) No person shall litter, dump, or deposit any solid waste on any private property within the town limits, unless the prior written consent of the landowner, or the owner's authorized agent has been obtained; and is on file with the town board.

(d) No person shall allow the accumulation of rocks, trees, brush, stumps, waste building materials, or other debris from land development, building construction, roadway construction, or installation of underground utilities; upon any lands within the town limits for a period of more than fifteen (15) days, unless the accumulation is directly related to a construction activity previously permitted for the site, or area, by the town building inspector, or the town board.

(e) No person may dispose of, or place for curbside collection within the town limits; any solid waste or recyclable materials that have been generated from sources outside of the town. This provision shall not apply to any container, or collection point designated by the town board for use by the general public.



**SEC. 6-1-3 ENFORCEMENT AND PENALTY**

**(1) ENFORCEMENT**

For the purpose of ensuring compliance with the provisions of this ordinance, any authorized officer, employee or representative of the Town of Burke may inspect recyclable materials separated for recycling, post-consumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and non-residential facilities and properties, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to any authorized officer, employee or authorized representative of the Town of Burke who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.

**(2) PENALTY FOR VIOLATION(S)**

In addition to, and separate from, any possible liability which results from a failure to comply with any applicable statute or DNR regulation; violations of this ordinance shall be punishable under section 1-1-6 of the code of ordinances of the Town of Burke.

**EFFECTIVE DATE**

This ordinance shall take effect upon passage and publication.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 1994

TOWN BOARD OF SUPERVISORS, TOWN OF BURKE

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\_\_\_\_\_  
\_\_\_\_\_

I certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 1994, the ordinance set out above was adopted by a majority of the members of the Town Board present and voting.