

**TOWN OF ALTO**

(Fond du Lac County, Wisconsin)

**RECYCLING ORDINANCE**

(Note: This is a July, 2014 update. References to Wi. Stats. and Ad. Code were updated along with a change from Samuels to Aronsons. No substantive changes were made).

**1.01 TITLE.** Recycling Ordinance for the Town of Alto, Ordinance No. 4-94.

**1.02 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. 287.11, Wis. Stats., and Chapter NR 544, Wis. Administrative Code.

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

**1.04 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.

**1.05 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 Administrative Statutes, or be 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 amendment to this ordinance.

**1.06 SEVERABILITY.** 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 APPLICABILITY.** The requirements of this ordinance apply to all persons within the Town of Alto, Fond du Lac County, Wisconsin.

**1.08 ADMINISTRATION.** The provisions of the ordinance shall be administered by the Town Board of the Town of Alto or its designee.

**1.09 EFFECTIVE DATE.** The provisions of this ordinance shall take effect on March 31, 1994.

**1.10 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) "HDPE" means high density polyethylene, labeled by the SPI code #2.
- (5) "LDPE" means low density polyethylene, labeled by the SPI code #4.
- (6) "Magazines" means magazines and other materials printed on similar paper.
- (7) "Major appliance" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator or stove.
- (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) "Other resins or multiple resins" means plastic resins labeled by the SPI code #7.
- (13) "Person" includes any individual, corporation, partnership, association, local governmental unit, as defined in S 66.0131(1)(a), Wis. Stats., state agency or authority or federal agency.
- (14) "PETE" means polyethylene terephthalate, labeled by the SPI code #1.

(15) "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.

(16) "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.

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

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

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

(20) "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.

(21) "Solid waste" has the meaning specified in S. 289.01(33), Wis. Stats.

(22) "Solid waste facility" has the meaning specified in S. 289.01(35).

(23) "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.

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

(25) "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, root 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 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 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

**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 postconsumer 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 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 a supplemental fuel.
- (3) A recyclable material specified in S. 1.1(5) through (15) for which a variance has been granted by the Department of Natural Resources under S. 287.11(2m), Wis. Stats., or S. NR 544.14, Wis. Administrative Code.

**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 store in a manner which protects them from wind, rain, and other inclement weather conditions.

**1.14 MANAGEMENT OF LEAD ACID BATTERIES, MAJOR APPLIANCE, WASTE OIL AND YARD WASTE.** Occupants of single family and 2 to 4 unit residences, multiple-family dwelling 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 disposed of by delivering them to either Aronson Recycling Company at 513 Fond du Lac Street, Waupun, WI. (hereinafter referred to "Aronsons"), or to the City of Waupun at 901 North Madison Street, Waupun, WI. (hereinafter referred to as the "City". Both Aronsons and the City have agreements with the Town of Alto. Both the City and Aronsons have specifications for the preparation of said item which are available from Aronsons or the City upon request. Furthermore, these specifications are available with regard to all items which they accept as set forth in S. 1.14 and 1.15, below.
- (2) Major appliances shall be delivered to the City according to its specifications. Appliances without refrigerants may also be delivered to Aronsons.
- (3) Waste oil shall be disposed of by delivering to either Aronsons or the City according to their specifications.
- (4) Yard waste shall be disposed of by composting or in another manner consistent with this ordinance and other regulations, on the site where it was generated.

**1.15 PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS.** Except as otherwise directed by the Town Board or its designee, 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. 1.11(5) through (15):

- (1) Aluminum containers shall be disposed of by delivering them to Aronsons according to Aronsons specifications.
- (2) Bi-metal containers shall be disposed of by delivering them to Aronsons according to Aronsons specifications.
- (3) Corrugated paper or other container board shall be disposed of by delivering them to Aronsons according to Aronsons specifications.
- (4) Foam polystyrene packing shall be separated from other waste beginning on January 1, 1995 and disposed of according to further directions to be provided by the Town Board as markets develop for this item.
- (5) Glass containers shall be disposed of by delivering them to Aronsons according to Aronsons specifications.
- (6) Magazines shall be disposed of by delivering them to Aronsons according to Aronsons specifications.

- (7) Newspaper shall be disposed of by delivering them to Aronsons according to Aronsons specifications.
- (8) Office paper: It will be the responsibility of the office or business generating office paper to contract with a private contractor for disposal.
- (9) Rigid plastic containers shall be prepared and collected as follows:
- (a) Plastic containers made of PETE shall be disposed of by delivering them to Aronsons according to Aronsons specifications.
  - (b) Plastic containers made of HDPE shall be disposed of by delivering them to Aronsons according to Aronsons specifications.
  - (c) Plastic containers made of PVC shall be separated from other waste beginning on January 1, 1995 and disposed of according to further directions to be provided by the Town Board as markets develop for this item.
  - (d) Plastic containers made of LDPE shall be separated from other waste beginning on January 1, 1995 and disposed of according to further directions to be provided by the Town Board as markets develop for this item.
  - (e) Plastic containers made of PP shall be separated from other waste beginning on January 1, 1995 and disposed of according to further directions to be provided by the Town Board as markets develop for this item.
  - (f) Plastic containers made of PS shall be separated from other waste beginning on January 1, 1995 and disposed of according to further directions to be provided by the Town Board as markets develop for this item.
  - (g) Plastic containers made of other resins or multiple resins shall be separated from other waste beginning on January 1, 1995 and disposed of according to further directions to be provided by the Town Board as markets develop for this item.
- (10) Steel containers shall be disposed of by delivering them to Aronsons according to Aronsons specifications.
- (11) Waste tires shall be disposed of by delivering them to the City according to its specifications.

**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 to recycle the materials specified in S. 1.11(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 (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 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 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. 1.11(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 numbers.

(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 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 RECYCABLE MATERIALS SEPARATED FOR RECYCLING.**

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(5) through (15) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

**1.19 ENFORCEMENT.**

(1) For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the Town of Alto may inspect recyclable materials separated for recycling, postconsumer 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 Alto who requests access for purposes of inspection, and who presents appropriate credentials. 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 a Town Board member or a Town Board designee 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.

(3) 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.

That this ordinance shall be in full force and effect upon its passage and publication as provided by law.

Enacted this 9<sup>th</sup> day of April, 1994

ALTO TOWN BOARD

Courtland A. Sperger, Sr., Chairman  
Barrie Tenpas, Supervisor

Bernard Kloosterboer, Supervisor  
John Buwalda, Clerk



**TOWN OF ALTO**  
(Fond du Lac County, Wisconsin)

**AMENDMENT TO RECYCLING ORDINANCE NO. 4-94**

**SECTION 1:** That Section 1.14(3) of the Recycling Ordinance entitled “Management of lead Acid Batteries, Major Appliances, Waste Oil and Yard Waste” of the Town of Alto is hereby amended so that there is deleted from paragraph (3) the words “either Aronsons or”.

**SECTION 2:** That Section 1.15 of the Recycling Ordinance entitled “Preparation and Collection of Recyclable Materials.” Is hereby amended so that there is added to Section 1.15 the following new subsection:

“(12) Catalogs, phone books, cereal boxes, cracker boxes, detergent boxes, and soft drink and other beverage cartons.”

**SECTION 3:** That Section 1.11 of the Recycling Ordinance entitled “Separation of Recyclable Material.” Is hereby amended so that there is added to Section 1.11 the following new subsection:

“(16) Catalogs, phone books, cereal boxes, cracker boxes, detergent boxes, and soft drink and other beverage cartons.”

**SECTION 4:** That this ordinance shall be in full force and effect upon its passage and publication as provided by law.

Enacted the 27<sup>th</sup> day of December, 1994.

TOWN OF ALTO

Courtland A. Sperger, Sr., Chairman

John Buwalda, Clerk

As noted in the beginning, except for minor updates no substantive changes have been made to this ordinance.

Updates approved by the Alto Town Board on August 11, 2014.

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Duane Bille, Chairman

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Lowell Prill, Supervisor

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Briqan Tenpas, Supervisor

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Roger Karsten, Clerk/Treasurer