

TOWN OF SPIDER LAKE RECYCLABLE MATERIAL COLLECTION ORDINANCE
1-94 AMENDED 11/14/2007

1.01 Title. The title of this ordinance is the Town Recyclable Material Ordinance for the Town of Spider Lake.

1.02 Purpose. The purpose of this ordinance is to promote recycling, composting, and resource recovery through the administration of an effective recycling program in the Town and to allow the Town to comply with Chapter 287 Wis. Stats. and Chapter NR 544. Adm. Code or their successor provisions.

In addition, the purpose of this ordinance is to protect the public health and safety of the occupants of the Town by providing certain recyclable material, waste and other material collection, storage, treatment, processing and disposal regulations, as authorized and provided in S. 28709 (2), 287.11 Wis. Stats. and chapter NR 544, Wis. Adm. Code or their successor provisions.

1.03 Statutory Authority. This ordinance is adopted as authorized under S. 287.09, Wis. Stats., or its successor provision and Chapter 66.

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 Wisconsin Statutes, or by a standard in Chapter NR 544, Wis. Administrative Code, or its successor chapter and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Chapter NR 544 Wis. Adm. Code standards or its successor chapter in effect on the date of the adoption of this ordinance, or in effect on the date of the most recent test 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 in the Town of Spider Lake.

1.08 Administration. The provisions of this ordinance shall be administered by the Town Board of the Town of Spider Lake or its designee.

1.09 Effective Date. These provisions pursuant to NR 544 Wis. Adm. Code will take effect on January 1, 1995.

1.10 Definitions. For the purposes 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, furnace, boiler or dehumidifier. Note: Microwaves with capacitors removed may be landfilled..
- (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 66.299(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) "Post consumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in S 287.01 (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 SSPI Code #6
- (19) "PVC" means polyvinyl chloride, labeled by the SPI #3
- (20) "Recyclable materials" includes lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; corrugated paper or the 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), Wis. Stats.

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(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, 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 dwelling 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
- (11) Newspaper
- (12) Office paper
- (13) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PLP, PS and other resins or multiple resins.
- (14) Steel containers
- (15) Waste tires

The Town Board reserves the right to designate by order in writing, additional solid waste as recyclable materials to be separated by occupants and/or to be collected by the Town or its contractor and to designate, after a variance has been obtained by the Town Board from the DNR under NR 287.11 (2m) Wis. Stats. or its successor provision, currently separated and collected recyclable materials as no longer recyclable material to be separated and/or to be collected by the Town or by its contractors in the Town and to add or delete any of these materials or waste from any recyclable material collection services provided for or contracted by the Town. The Town Board shall provide written notice to known occupants effected by these changes and to any contractor of this written order. Upon any designation notice to known occupants forwarded by first class mail, the Town or its contractor may reject any recyclable material waste or material determined to no longer be collected by the Town or by its contractor. The Town Board shall direct whether these recyclable materials not to be collected shall be separated from post-consumer waste and how they shall be managed by any occupant of the Town.

1.12 Separation requirements exempted: The separation requirements of s 1.11 do not apply to any occupants of the Town regarding 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 Wis. Dept. of 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 from these occupants 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 of these occupants specified in s. 1.1(5) through (15) for which a variance has been granted to the Town by the Dept. of Nat. Resources under s. 287.11 (2M), Wis. Stats., or s. NR 544.14, Wis. Adm. Code or their successor provisions.

(4) A recyclable material for which the Town Board has obtained the above variances from the DNR under 287.11 (2m) Wis. Stats. or its successor recyclable material from post-consumer waste.

1.13 Care of Separated Recyclable Materials

A. To the greatest extent practicable, the recyclable materials separated in accordance with s 1.15 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.

B. No person may place for recyclable material collection in the Town by the Town, its contractors or by any permitted collector any separated recyclable materials that are unmarketable or contaminated or that are placed and stored for collection in a manner that will cause the recyclable material to be declared unmarketable or to be declared contaminated by the Town, its contractor, or by any permittee of the Town, that when placed or deposited for recyclable material collection will create a public nuisance or that will create litter conditions in the Town.

1.14 Management of Lead Acid Batteries, Major appliances, 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 taken to a battery recycling center or any retailer that sells lead acid batteries.
- (2) Major appliances shall be taken to a licensed disposal service.
- (3) Waste oil shall be taken to any retail business or licensed disposal generated site.
- (4) Yard waste shall be left lying where generated or composted at the generated site.

1.15 Preparation and collection of recyclable materials. Except as otherwise directed by the Town Board, 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 rinsed clean and flattened. Sell or bring to the Town recycling site, or store for pickup.
- (2) Bi-metal containers shall be rinsed clean, remove bottom, remove labels, flatten, bring to recycling site, or store for pickup.
- (3) Corrugated paper or other container board shall be free of debris, flattened, stacked and tied. Bring to recycling site or store for pickup.
- (4) Foam polystyrene packaging shall be free of debris, package and bring to recycling site or store for pickup.
- (5) Glass containers shall be unbroken, rinse clean and bring to recycling site or store for pickup. Labels may be left on.
- (6) Magazines shall be bundled and tied. Bring to recycling site or store for pickup.
- (7) Newspaper shall be bundled in paper grocery bags. Bring to recycling site or store for pickup.
- (8) Office paper shall be free of debris, bundled and tied. Bring to recycling site or store for pickup.
- (9) Rigid plastic containers shall be prepared and collected as follows:
 - (a) Plastic containers made of PETE-SPI#1, including pop bottles, and juice bottles shall be rinsed clean and have caps and rings removed. Bring to recycling site or store for pickup.
 - (b) Plastic containers made of HDPE-PI#2, including milk jugs, detergent bottles, oil containers shall be rinsed clean, caps and rings removed. Bring to recycling site or store for pickup

- (c) Plastic containers made of PVC-SPI#3, shall be rinsed clean, caps and rings removed. Bring to recycling site or store for pickup.
- (d) Plastic containers made of LDPE-SPI#4, shall be rinsed clean, caps and rings removed. Bring to recycling site or store for pickup.
- (e) Plastic containers made of PP-SPI#5, shall be rinsed clean, caps and rings removed. Bring to recycling site or store for pickup.
- (f) Plastic containers made of PS-SPI#6, foam containers, packaging or other Styrofoam shall be rinsed clean, caps and rings removed. Bring to recycling site or store for pickup.
- (g) Plastic containers made of other resin or multiple resins-SPI #7 shall be rinsed clean, caps and rings removed, bring to recycling site or store for pickup.
- (10) Steel containers shall be rinsed clean, flattened and brought to recycling site or stored for pickup.
- (11) Waste tires shall be returned to retailer or seller where replacements were purchased.

1.16 Right to Reject Materials

A. No person unless the persons are exempt under s1.12 or unless the persons are provided written permission from the Town Board, may collect for the Town, including any contractor of the Town, any recyclables materials if:

- (1) the recyclable materials are not completely and properly separated from other wastes or other materials.
- (2) the recyclable materials are not placed for collection in the proper bins, containers or bags.
- (3) the recyclable material are contaminated with other waste or residuals, including those wastes and materials noted in s.1.26.
- (4) the recyclable material are commingled with glass contrary to s 1.34.
- (5) the recyclable materials are not of a marketable quality or are not placed for collection in a marketable condition.
- (6) the recyclable materials are not generated from the proper sources within the Town.
- (7) the person, who placed the recyclable materials for collection, is not eligible to receive collection service from the Town or its contractor.
- (8) the recyclable materials are not placed for collection on the proper dates or times or location.
- (9) the recyclable materials are not currently authorized for collection by the Town or its contractor.

Upon rejection of any of these materials or waste, the person authorized to reject the recyclable materials, waste or other materials for the Town or its contractor shall provide to the occupant the reason (s) for the rejection of these materials or waste either in writing or orally. The contractor or any other person authorized or permitted to operate any curbside or roadside recyclable material collection service for the Town or to operate any "green box" recyclable material collection facility for the Town shall provide to the Town Board on a monthly basis a list of the names, in writing, of occupants or other persons, if known, whose recyclable materials, waste or other materials were rejected for collection and the reason(s) for such rejection.

1.17 Responsibilities of owners or designated agents of multiple-family dwellings.

A. Owners or designated agents of multiple-family dwelling shall do all of the following to recycle the materials specified in s. 1.11(5) through (15):

- (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 recyclable material 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, location and hours of operation, and a contact person or company, including a name, address and telephone number.

B. 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 as a processing facility licensed

b) 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 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 s. 1.11(5) through (15):

- (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 recyclable material 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 or 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 (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 a processing facility licensed by the DNR 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.

1.19 Prohibitions of disposal of recyclable materials Separated for recycling.

A. No persons may dispose of in a solid waste disposal facility or burn in solid waste treatment facility any of the recyclable materials specified in s 1.11 (5) through (15) which have been separated in the Town for recycling except waste tires may be burned with energy recovery in a solid waste treatment facility.

1.20 Enforcement/rules of construction/citations

A. Inspection

For the purpose of ascertaining compliance with the provisions of NR 544 Wis. Adm. Code or its successor chapter and compliance with this ordinance, any authorized officer, employee or representative of the Town may, pursuant to s 66.122 or its successor chapters and pursuant to NR 544 Wis. Adm. Code or its successor provisions, inspect recyclable materials in the Town separated for recycling, inspect post-consumer waste in the Town intended for disposal, inspect any recyclable material collection locations and any other collection facilities, and collection vehicles in the Town, including any collection areas for single family, two (2) to four (4) residential dwelling units, multiple family dwelling units and non-residential facilities and properties that are controlled by any occupants, and contractor of the Town any permittee collector, or any properties that are controlled by any occupants, any contractor of the Town and permittee collector, or any other person participating in any recycling activity in the Town, any solid waste disposal facilities and solid waste disposal facilities and solid waste treatment facilities and, in addition, inspect any records relating to recyclable material activities of any occupants, any contractor for the Town, any permitted collectors or other persons in the Town. These records shall be kept confidential by the Town Board when necessary to protect proprietary information.

B. Penalties

(1) Any person who violates a provision of this ordinance may be issued a citation by the Town pursuant to this ordinance to collect forfeitures. The issuance or a citation shall not preclude 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.

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(2) Penalties for violating this ordinance may be assessed as follows:

(a) Any person who violates 1.19 may be required to forfeit \$50 for the 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 1.19 may be required to forfeit not less than \$10. nor more than \$1000. for each violation.

(c) Citations for Violators.

The Town, by adoption of this ordinance and pursuant to s 66.119, Wis. Stats, or its successor provision hereby elects to use the citation method for enforcement of the ordinance.

The citation issued by the Town shall, at minimum, contain the following:

(1) The name and address of the alleged violator,

(2) The factual allegations describing the alleged violation.

(3) The time and place of the offense.

(4) The section of the ordinance violated.

(5) A designation of the offense in such as can readily be understood by a person making a reasonable effort to do so.

(6) The time at which the alleged violator may appear in court.

(7) A statement which in essence informs the alleged violator:

(a) That a cash deposit with the appropriate court costs and surcharges, based on the schedule established by the ordinance, may be made which shall be delivered or mailed to the County Clerk of the Court prior to the time of the scheduled court appearance or to the municipal court if this court has been established by the Town Board.

(b) That if the appropriate cash deposit with the appropriate court costs and surcharges is paid, no appearance in court is necessary unless the alleged violator is subsequently summoned.

(c) That if a cash deposit with the appropriate court costs and surcharges is paid and the alleged violator does not appear in court, the alleged violator will be deemed to have entered a plea of no contest, or if the court does not accept the plea of no contest, a summons will be issued commanding the alleged violator to appear in court to answer the complaint.

(d) That if no cash deposit with the appropriate court costs and surcharges is made and the alleged violator does not appear in court at the time specified, an action may be commenced to collect the forfeiture.

(8) A direction that if the alleged violator elects to make a cash deposit with the appropriate court costs and surcharges, the statement which accompanies the citation shall be signed to indicate that the statement required under (7) above has been made. Such statement shall be sent or brought with the cash deposit.

(9) Such other information as the Town Board of the Town or the officer issuing the citation deems proper and necessary.

1.21 Permitting. No person may engage in the use, operation or business of collecting solid waste or recyclable material for consideration within the Town without being licensed or permitted by the DNR under NR 502.06 Wis. Adm. Code or its successor provision.

No person may engage in the use, operation or the business of collecting solid waste, hazardous waste, recyclable material or other material noted in 1.15 for consideration within the Town without being permitted by the Town pursuant to this ordinance. This required Town permit provision shall include any persons contracted by the Town to provide for recyclable material collection services for the Town and for its occupants. The Town permit shall be obtained and maintained as noted in s.1.36.

1.22 Anti-Scavenging or unlawful removal of recyclable materials

No person, unless under contact with the Town, unless under permit by the Town Board or unless provided written permission by the Town Board, may collect or remove any recyclable material that has been deposited

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or placed for recyclable material collection by any occupants of the Town at the curb or roadside, at any "green box" recyclable material collection locations or at any other locations in the Town approved by the Town Board for recyclable material collection. This provision shall not apply to any occupant who has placed recyclable material for recyclable material collection and then withdraws it from recyclable material collection prior to collection.

1.23 Recyclable Material/Solid Waste from Outside the Town

No person, unless provided written permission by the Town Board, may deposit or place for recyclable material collection by the Town or its contractor at any location in the Town, any recyclable materials, wastes, or other materials have been generated from sources outside the Town.

1.24 No dumping of recyclable materials

No person, unless provided written permission by the Town Board, may litter, dispose, discharge or dump any recyclable material in any road, highway, road right-of-way, waters, street, alley or other public land or location, within the Town unless it is deposited or placed properly for collection in the proper bags, bins, receptacles or containers in the proper manner, date, time and location specified in this ordinance or as authorized and specified by the Town Board.

1.25 No burning or Burying

No person, unless with written approval of the DNR or unless provided written permission by the Town Board, may burn or otherwise treat or bury for disposal or treatment any separated recyclable material on any public or private land in the Town except that open burning by occupants of the Town of clean wood and paper products generated by those occupants of the Town and not separated for recycling by those occupants shall be permitted.

1.26 Non-collectable Materials

A. No person, unless provided written permission by the Town Board, may deposit or place for any recyclable material collection by the Town or by its contractor, at any location in the Town any of the following recyclable materials, wastes, residuals, and other materials:

- (1) hazardous wastes, including household hazardous wastes
- (2) toxic wastes
- (3) free liquid in any containers, including paints and solvents
- (4) Pesticides, excluding non-agricultural pesticide containers if properly cleaned, not contaminated, and if approved by the Town Board for separation and for recyclable material collection.
- (5) Medical wastes
- (6) asbestos
- (7) sludge wastes
- (8) industrial or commercial wastes from any industrial or commercial facility or operation
- (9) waste from pollution control equipment
- (10) residue and debris from clean-up of a chemical discharge or chemical residue and debris from any facility or operation using chemicals in any commercial, agricultural or industrial processes
- (11) ash waste
- (12) hazardous and toxic demolition and construction wastes and demolition and construction wastes containing asbestos
- (13) bio-medical wastes
- (14) seepage (human or otherwise) wastes
- (15) animal fecal wastes

- (16) dead animals
- (17) brush or trees
- (18) wood treated with chemical preservatives
- (19) explosive material
- (20) contaminated recyclable material as determined by the Town Board or its contractor.

B. No person may in any recyclable material collection knowingly collect for the Town any of the above noted wastes, materials, contaminated recyclable materials and any other recyclable materials which are not of marketable quality or which are placed for recyclable material collection in an unmarketable condition, unless provided written permission by the Town Board. This prohibition shall apply to any contractor for the Town.

1.27 Placement Restriction

No persons, unless provided written permission by the Town Board or unless they are occupants of a single family or two (2) to four (4) unit residence in the Town, may deposit or place for recyclable material collection in the Town any recyclable material at any "green box" recyclable material collection facility owned or operated by or for the Town or deposit or place any recyclable material at any curbside or roadway location established for recyclable material collection by the Town or its contractor.

1.28 Reporting Requirements

Any person permitted by or contracted by the Town to collect for consideration, any recyclable material for the Town or other persons in the Town shall be required as a provision of the contract or as a condition of the Town recyclable material collection permit to maintain appropriate records for the Town and to report in writing to the Town Clerk at least annually by March 1 or each year sufficient and accurate information and data related to the amount, weight and type of recyclable material, waste and other material collected by the contractor or by the permittee in the Town for the Town or for any occupants in the Town in the previous calendar year. The information and data to be provided shall be sufficient in detail to allow the Town to meet the recyclable material collection, compliance and date requirements established for the Town in NR 544 Wis. Adm. Code or its successor chapter. The annual reports may at minimum, specifically require from the contractor permittee:

- (1) the amount, weight and type of recyclable material, waste and other material collected in the Town for the Town or for other occupants in the Town.
- (2) the amount, weight and type of recyclable material processed or marketed for the Town or for other persons and the amount, weight and type of recyclable material for the Town or for other occupants in the Town rejected for processing or marketing. This shall include weight slips.
- (3) the amount, weight, type and final disposal or treatment location for any recyclable material, contaminated recyclable material, waste or other material collected in the Town for the Town or for other occupants which was later disposed or treated in any solid waste disposal facility or solid waste treatment facility.

Failure by any contractor of the Town or any person with a Town recyclable material collection permit to file the above noted information, data and reports with the Town Clerk in an accurate and timely manner shall be cause for the Town Board to seek enforcement or penalties, to revoke any permit and/or terminate any contact with the contractor or permittee.

1.29 Ownership of Recyclable Material

Recyclable materials and refuse, upon placement at the curb or delivered to the Town recycling station, shall become the property of the Town or hauler.

1.30 Recyclable Material Collection Schedule

The Town shall establish the time of collection of solid waste and recyclables and the clerk shall publish written notice of the collection scheduled at least once in the spring and fall of each year and at any time when the collection schedule is changed.

1.31 Specified Containers/specified locations, times and dates for collection

Solid waste shall be placed for collection in bags not to exceed 50 pounds per container or 33 gallons, and contained in a manner to avoid litter. Recyclables shall be placed in designated containers. All solid waste and recyclables shall be placed as required at the specified collection point no sooner than 24 hours prior to the regularly scheduled collection time or be allowed to remain at the curb longer than 12 hours thereafter when serviced by a hauler.

1.32 General Recyclable Material Collection Provisions

No person may place or deposit for recyclable material collection by the Town or by its contractors, unless provided written permission by the Town Board, any recyclable glass, glass containers or other types of glass that are commingled or integrated with newspapers, magazines/mixed paper or with other recyclable materials, wastes and other materials.

1.33 General Recyclable Material Collection Provisions

A. No person, with or without a proper Town recyclable material collection permit issued by the Town Board, who owns or operates recyclable material collection service operation in the Town and who collects for consideration, recyclable materials from any persons in the Town for transport, treatment, storage, processing, marketing or disposal in or out of the Town may”

(1) Collect knowingly in the Town for any person, any contaminated recyclable material, hazardous waste, solid waste, toxic waste or any other waste or material that is not authorized for collection by the conditions of any recyclable material contact with the Town, that is not authorized for collection by any conditions of any recyclable material collection permit issued to that person by the Town, that is not authorized for collection by order of the Town Board or is not authorized for any type of collection from any person in the Town under this ordinance.

(2) Fail to obtain and maintain proper and sufficient general liability insurance, auto liability insurance and workers compensation insurance that will provide insurance coverage for any person damaged or injured during recyclable material collection services provided by that person. The Town Board may establish as a condition of any permit, the amount, type and scope of coverage to be obtained and maintained during collection services.

(3) Fail to obtain and maintain for recyclable material collection operations in the Town all necessary federal, state, county and town licenses, permits and approvals or fail to comply with all laws, regulations, ordinances, permits, and orders related to recyclable material collection operations in the Town.

(4) Fail to report to the Town Board, at the request of the Town Board, regarding any compliance or lack of compliance of any specific person in the Town with NR 544 Wis. Adm. Code or its successor chapter or compliance or lack of compliance with any specified person with this ordinance.

1.34 General Regulatory Provisions

A. No person in the Town may:

(1) Continue to place for recyclable material collection at any location in the Town any unauthorized recyclable materials, wastes or other materials after receipt of written warning notice by certified mail or personal service from the Town Board or its designee, that the specific recyclable materials, wastes or other materials will not be collected by the Town, its contractor, and/or any permitted collector and the person therefore may not continue to place for recyclable material collection in the Town these unauthorized wastes or materials.

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(2) Place, discharge, litter or deposit in the Town for collection, storage, treatment, processing or disposal any recyclable materials, any wastes or other materials at any temporarily closed or permanently closed "green-box" recyclable material collection facility or any other closed recycled material or waste storage, treatment, processing or disposal facility. This provision shall include any placement, littering, discharge or deposit by any person on any public or private land in the Town of any recyclable materials, wastes or other materials where the materials or wastes were not authorized for placement by the owner or occupant of the land where the materials or wastes were placed.

(3) Place for solid waste, hazardous waste or other material collection in the Town by the Town, its contractor, permittee collector or any other person any recyclable material, where the person is not exempt under s 1.12, where these recyclable materials should have been properly separated and where these recyclable materials should have been placed for recyclable material collection as required under NR 544 WIS. Adm. Code or its successor chapter or as required under this ordinance.

1.35 Fees and Volume Based Rates

The Town Board may establish volume based fee charges for occupants for the payment of recyclable material collection services. Fees may be assessed on each container or each bag placed or deposited by occupants for collection by the Town or its contractor with the fee charge, the method of payment and the time and location for payment determined by the Town Board. If the Town and its occupants do not comply with NR 544.04(6), Wis. Adm. Code or its successor chapter related to demonstrating separation for recycling of at least 25% by volume or by weight of the total solid waste collected within the Town, then the Town Board shall require a volume based fee system that meets the Town Board shall require a volume based fee system that meets the requirements of NR 544.04(6) Wis. Adm. Code or its successor chapter.

1.36 Specific Permit Provisions

The Town shall annually establish permit fees for the herein noted. The permit shall be issued by the Town Clerk upon approval by the Town Board, upon acceptance in writing of conditions to the permit by the applicant and upon proper payment of the fees by applicant. The Town can, prior to issuance, establish any conditions in the permit, including the requirement of bond or other financial security to insure compliance with the conditions of the permit, state and federal law, DNR rules and this ordinance.

The permits under this ordinance are not transferable. The permits shall be issued only for specific operation businesses, activities uses in the Town. The initial application fees shall be \$20.00 dollars unless increased or lowered by specific action of the Town Board.

The Town Board shall review the permit application and shall insure completeness of the application prior to issuance or denial of the permit. The Town Board of the Town may, upon its order, request additional information from any applicant beyond that information required in the application and may, upon its order, request an investigation and report related to the applicant and the proposed business, activity or use.

The Town Board, prior to issuance or denial of a permit, may request of the applicant:

- (1) written agreement from the applicant to comply with all conditions established in the permit.
- (2) written agreement from the applicant to provide reasonable physical access to land, facilities or buildings of the applicant to the Town, its officers, employees or its designated agent(s), to:
 - (a) aid in the compliance of the DNR effective recycling program
 - (b) aid in permit compliance investigations under this ordinance
 - (c) aid public health and safety investigations.

12)

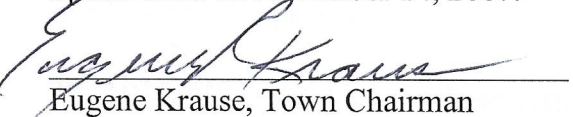
The Town, to avoid the termination of any previous permitted authority of the applicant, shall receive, from the applicant, the application for any re-issuance of a permit at least 90 days prior to the expiration date of the currently issued permit.

Any Town officer and employee of the Town shall be responsible to inform the Town Chair regarding his or her knowledge of the refusal of any person to obtain a permit who should be required to hold a proper permit under the ordinances from the Town.

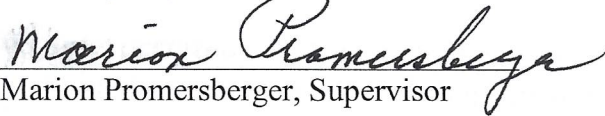
The Town shall have the right, upon the order of the Town Board to suspend or revoke an issued permit. The Town may temporarily suspend an issued permit without a public hearing if emergency reasons require suspension.

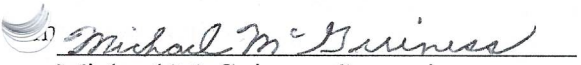
1.37 Passage.

This Amendment to Ordinance #1-94 was adopted at a regular meeting of the Town Board of the Town of Spider Lake on November 14, 2007.


Eugene Krause, Town Chairman



George J. Brandt, Supervisor


Marion Promersberger, Supervisor


Michael McGuinness, Supervisor

ABSENT
James Inse, Supervisor

Attest:



Ruth Guyer, Clerk