Ordinance

Town of Utica, Winnebago County, State of Wisconsin

No. 2026-106

1.01 Title. Recycling Ordinance for Town of Utica.

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., and 6.022 (3).

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, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Chapter NR 544 standards in effect on the date of the adoption of this ordinance, or in effect on the date of the most recent text amendment to this ordinance.

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 Utica, Winnebago County, Wisconsin.

1.08 Administration. The provisions of this ordinance shall be administered by the Town of Utica Board or its Designee.

1.09 Effective Date. The provisions of this ordinance shall take effect upon publication.

1.10 Definitions. For the purpose of this ordinance:

1) "Bi-metal container" means a container for carbonated or malt beverages that are made primarily of a combination of steel and aluminum.
2) "Container board" means corrugated paperboard used in the manufacture of shipping containers and related products.
3) "Foam polystyrene packaging" means packaging made primarily from foam polystyrene that satisfies one of the following criteria:
   a) Is designed for serving food or beverages.
   b) Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.
   c) Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.
4) "Glass Container" means a glass bottle, jar or other packaging container used to contain a product that is the subject of a retail sale and does not include ceramic cups, dishes, oven ware, plate glass, safety and window glass, heat resistant glass such as pyrex, lead based glass such as crystal, or TV tubes.
5) "HDPE" means high density polyethylene, labeled by the resin code # 2.
6) "LDPE" means low density polyethylene, labeled by the resin code # 4.
7) "Magazines" means magazines and other materials printed on similar paper.
8) "Major appliance" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, furnace, boiler, dehumidifier, water heater or stove.
9) "Multiple-family dwelling" means a structure containing 5 or more residential units, including units that are occupied seasonally.
10) "Newspaper" means a newspaper and other materials printed on newsprint.
11) "Non-residential facilities and properties" means commercial, retail, industrial, institutional and government facilities and properties. Non-residential facilities and properties includes any location at which goods or services are provided or manufactured, including locations under construction, demolition, or remodeling, or used for special events such as fairs, festivals, sport venues, conferences, and exhibits. This term does not include multiple family dwellings.
12) "Office paper" means a variety of high-grade printing and writing papers. This term does not include industrial process waste, newspaper, or packaging.
13) "Other resins or multiple resins" means plastic resins labeled by the resin code # 7.
14) "Person" includes any individual, corporation, limited liability company, partnership, association, local government unit, as defined in s. 66.0131(1)(a), Wis. Stats., state agency or authority or federal agency.
15) "PETE" or "PET" means polyethylene terephthalate plastic containers, labeled by the resin code # 1.
16) "Plastic container" means an individual, separate, rigid plastic bottle, can, jar or carton, except for a blister pack, that is originally used to contain a product that is the subject of a retail sale.
17) "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.
18) "PP" means polypropylene, labeled by the resin code # 5.
19) "PS" means polystyrene, labeled by the resin code # 6.
20) "PVC" means polyvinyl chloride, labeled by the resin code # 3.

21) "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.
22) "Solid waste" has the meaning specified in s. 289.01(33), Wis. Stats.
23) "Solid waste facility" has the meaning specified in s. 289.01(35), Wis. Stats.
24) "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.
25) "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
26) "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 dwellings 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, 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 supplement fuel at a facility if less than 30 % of the heat input to the facility is derived from the solid waste burned as supplement 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 stored in a manner which protects them from wind, rain, and other inclement weather conditions.

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 dwellings and non-residential facilities and properties shall manage lead acid batteries, major appliances, waste oil, and yard waste as follows: couches and bulky items and other items not otherwise provided for in this ordinance as follows: By contacting a State licensed hauler or by personal delivery to the Winnebago County Landfill. Many items are also required to be recycled in accordance with State Law. It is the responsibility of the producer of such waste to properly dispose of these items or face penalties imposed by Wisconsin State Law, which may include fines and/or imprisonment.

1.15 Preparation and Collection of Recyclable Materials. Except as otherwise directed by the Town of Utica, 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) The following shall be cleaned of all product reside, placed in the recycling container provided to each household, and then at the curbside for pickup:
   a) Aluminum containers
   b) Bi-metal containers
   c) Glass containers
   d) Plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS and other plastic/resins
   e) Steel and bi-metal containers
   f) Foam polystyrene packaging
2) The following shall be included with those mentioned above:
   a) Corrugated paper or other container boards shall be crushed to fit easily inside the bin
   b) Magazines or other materials printed on similar paper
   c) Newspaper or other materials printed on newsprint
   d) Office paper

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 program established in compliance with the Ordinance. The number of recycling containers shall equal or be greater than the number of trash containers and at least one of the following shall be met:
      i) The minimum total volume of recycling container space is equal to 20 gallons per week per dwelling unit.
      ii) The ration of trash container volume to recycling container volume is at most 2:1
      iii) An alternative method that does not result in the overflow of a recycling container during the time period between collection of materials and delivery to a recycling facility.
   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 which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, and locations of drop-off collection sites to recycling materials not collected on-site.

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 program established under this section. The total volume of recycling containers shall be sufficient to avoid overflow during the time period between collection of materials and delivery to a recycling facility.
   (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 which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, and locations of drop-off collection sites to recycling materials not collected on-site.
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 facility or property 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 Recyclable 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 Non-Disposable Materials – It shall be unlawful for any person to place for disposal any of the following wastes: Hazardous and toxic waste, chemicals, explosives, flammable liquids, paint, trees and stumps, construction debris, carcasses, medical waste (except personal needles which shall be contained in cardboard to eliminate injury to collection personnel).

1.20 Special Items – Materials such as couches and bulky items and other items not otherwise provided for in this ordinance shall be disposed of by contacting a State licensed hauler or by personal delivery to the Winnebago County Landfill. Many items are also required to be recycled in accordance with State law. These items include lead acid batteries, major appliances, waste oil, and waste tires. It is the responsibility of the producer of such waste to properly dispose of these items or face penalties imposed by Wisconsin State law, which may include fines and/or imprisonment.

1.21 Recyclables From Outside the Municipality – It shall be unlawful to bring solid waste for recycling from outside the corporate limits into the Town of Utica unless authorized by agreement with the Town.

1.22 Ownership of Recyclables – Title to recyclables shall pass to Winnebago County when placed in the Town's contractor's collection vehicle, removed by contractor from the container, or removed by contractor from the residential unit, whichever occurs last.

1.23 Exemptions – The Town Board reserves the right to designate additional solid waste materials as recyclable where currently collected materials are no longer recyclable in accordance with State law and to either add or delete them from any collection services provided by the municipality or its contractors. The Town Board, in cooperation with its contracted hauler, shall establish the times and routes of collection of recyclables. Written notice of the collection schedule shall be provided at least once per year and upon approval of proposed changes shall be given either in writing or by publication.

1.24 Burning or Burying – It shall be unlawful to burn or bury solid waste or recyclable materials other than yard waste by residential and non-residential sectors and at construction sites. Open burning shall be permitted only in accordance with the applicable burning ordinance as set forth by the Town.

1.25 Fees

The municipality shall determine the cost for regular and special recycling collection and user fees to cover those costs. Fees shall be assessed as a line item on taxes pursuant to Wisconsin State Statutes on a yearly basis.

1.26 Enforcement

1) For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the Town of Utica or the Hauler 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 Utica or the Hauler 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 the Town of Utica 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 or more than $1000 for each violation.

1.27 Hauler

1) Certificate of Insurance - The Hauler shall provide the Town of Utica annually.
2) Collection Totals - Total of garbage and recyclables collected annually.
3) Licensing – No person or corporation shall engage in the business of hauling recyclables within the Town of Utica without being licensed by the Department of Natural Resources under Wisconsin Administrative Code.
4) Processing Facilities – Any contractor operating in the Town of Utica shall not transport for processing any recyclable to a processing facility unless that facility has been by January 1, 1995 self-certified with the Wisconsin Department of Natural Resources under Wisconsin Administrative Code.

1.28 Effective Date

This Ordinance is effective on publication or posting. The Town Clerk shall properly post or publish this Ordinance as required under s. 60.80, Wis stats. Adopted on this 14th day of September, 2026 by the Town Board of the Town of Utica.

Chairman – Leonard Schmick

Supervisor 1 – Ben Sawall

Supervisor 2 – Chuck Kuhrt

I, Jenny Sonnleitner, duly elected, qualified and acting Clerk of the Town of Utica do hereby certify that the above is a true copy of an Ordinance adopted by the Town Board by the Town of Utica on September 14, 2026 and that the same is in full force and effect.

Jenny Sonnleitner, Town Clerk, Town of Utica