TOWN OF GREEN BAY
BROWN COUNTY, WISCONSIN

SOLID WASTE AND RECYCLING ORDINANCE

Section 1. Title.

Recycling and Solid Waste Ordinance for the Town of Green Bay.

Section 2. 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 Wis. Stat. § 287.11, and Chapter NR 544, Wis. Administrative Code.

Section 3. Statutory Authority.

This ordinance is adopted as authorized under Wis. Stat. § 287.09(3)(b).

Section 4. 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.

Section 5. 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.

Section 6. 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.

Section 7. Applicability.

The requirements of this ordinance apply to all persons and lands within the Town of Green Bay.

Section 8. Administration.

The provisions of this ordinance shall be administered by the Town of Green Bay.

Section 9. Effective Date.

The provisions of this ordinance shall take effect on December 8, 2020.

Section 10. Definitions. For the purpose of this ordinance:

(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) "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.

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

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

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

(h) "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.

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

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

(k) "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.

(l) "Office paper" means a variety of high-grade printing and writing papers from offices in non- residential facilities and properties. This term does not include industrial process waste, newspaper or packaging.

(m) "Other resins or multiple resins" mean plastic resins labeled by the resin code # 7.

(n) "Person" includes any individual, corporation, limited liability company, partnership, association, local government unit, as defined in Wis. Stat. § 66.0131(1)(a), state agency or authority or federal agency.

(o) "PETE" or "PET" means polyethylene terephthalate, labeled by the resin code # 1.

(p) "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.

(q) "Postconsumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in Wis. Stat. § 291.01(7), waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in Wis. Stat. § 289.01(17).

(r) "PP" means polypropylene, labeled by the resin code # 5.

(s) "PS" means polystyrene, labeled by the resin code # 6.

(t) "PVC" means polyvinyl chloride, labeled by the resin code # 3.

(u) "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.

(v) "Solid waste" has the meaning specified in Wis. Stat. § 289.01(33).

(w) "Solid waste facility" has the meaning specified in Wis. Stat. § 289.01(35).

(x) "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.

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

(z) "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.

Section 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:

(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

Section 12. Separation Requirements Exempted.

The separation requirements of Section 11 do not apply to the following:

(a) 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.

(b) 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.

(c) A recyclable material specified in Section 11(e) through (o) for which a variance has been granted by the Department of Natural Resources under Wis. Stat. § 287.11(2m), or NR 544.14, Wis. Administrative Code.

Section 13. Care of Separated Recyclable Materials.

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

Section 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:

(a) All lead acid batteries shall be taken to a local authorized dealer accepting this product or to a permitted collection or transportation service location under NR 502.06.

(b) All major appliances shall be taken to a local authorized dealer accepting this

product or to a permitted collection or transportation service location under NR 502.06.

(c) All waste oil shall be taken to a local authorized dealer accepting this product or to a permitted collection or transportation service location under NR 502.06.

(d) Yard waste shall be disposed of in a land spreading facility approved in accordance with Chapter 289 of the Wisconsin Statutes or burned in a manner not inconsistent with Wis. Stat. § 287.07 and not inconsistent with local ordinances.

Section 15. Preparation and Collection of Garbage and Recyclable Materials.

Except as otherwise directed by the Town of Green Bay, 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 Section 1(e) through (o):

(a) Aluminum containers shall be properly rinsed and placed in recycling container.
(b) Bi-metal containers shall be disposed of by the homeowner or by contacting the nearest steel recycling center.
(c) Corrugated paper or other container board shall be flattened.
(d) Foam polystyrene packaging shall be disposed of in the garbage.
(e) Glass containers shall be rinsed until clean labels on are ok. Not acceptable mirrors, ceramic cups, and plates, clay flower pots, crystal, light bulbs, window glass, heat resistant ovenware, drinking glasses.
(f) Magazines shall be bundled and tied.
(g) Newspaper shall be bundled and tied and placed in box or paper bag.
(h) Office paper shall be placed in a paper bag
(i) Rigid plastic containers shall be plastics 1 through 7 (plastic bags are not recyclable) Items which can be tied together (such as milk cartons). Please rinse. Styrofoam is not recyclable.
(j) Steel containers shall have special arrangements made for pick up.
(k) Waste tires are not accepted as curb-side recycling and shall be disposed of by the homeowner.

Garbage and recyclable materials shall be disposed of in conformance with the Town's current disposal practices and procedures as published, the Town of Green Bay currently offers curb-side pickup. Do not crush cans and do not place in plastic bags. Further information can be found on the Town of Green Bay website: www.townofgreenbay.com.

Section 16. 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 specified in Section 11(e) through (o):

(1) Provide adequate, separate containers for the recycling 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 ratio 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.

(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 which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, and locations and hours of operation, and a contact person or company, including a name, address and telephone number to recycle materials not collected on-site.

(d) The requirements specified in (a) 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 Section 11(e) through (o) from solid waste in as pure a form as is technically feasible.

Section 17. 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 Section 11(e) through (o):

(1) Provide adequate, separate containers for the recycling 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.

(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 which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, and locations and hours of operation, and a contact person or company, including a name, address and telephone number to recycle materials not collected on-site.

(b) The requirements specified in (a) 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 Section 11 (e) through (o) from solid waste in as pure a form as is technically feasible.

Section 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 Section 11 (e) through (o) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

Section 19. Additional requirements:

(a) Provide space for recycling in public buildings: A person in the Town of Green Bay owning or occupying a new building or a building that is remodeled or expanded by 50% or more in floor area, shall provide a designated area for the separation, temporary storage and collection of solid waste and recyclables either within or adjacent to the building.

(b) Hauler license: No person or corporation shall engage in the business of hauling recyclables with the Town of Green Bay without being licensed under NR 502.06. Additionally, Haulers who collect solid waste or recyclables in the Town of Green Bay for storage, treatment, processing, marketing, or disposal shall obtain and maintain all necessary municipal and state permits, licenses, and approval prior to collecting any materials in the Town of Green Bay.

(c) Processing facilities: any contractor operating within the Town of Green Bay shall not transport for processing any recyclables to a facility unless that facility has been approved by the Town of Green Bay or the facility has self-certified under NR 544.16.

(d) Anti-scavenging or Unlawful removal of recyclables: It shall be unlawful for any person, unless under contract with or licensed by the Town of Green Bay, to collect or remove any recyclable material that has been deposited or placed at the curb or in a container adjacent to a home or nonresidential building for the purposes of collection for recycling.

(e) No dumping:

(1) It shall be unlawful for any person to dispose of or dump garbage in any street, alley, or other public place within the Town of Green Bay or in any receptacle or private property without the owner's consent unless it is placed in bags or containers in the manner and at the times specified by this ordinance.

(2) No person shall place for collection any garbage at the curb not owned or occupied by such person.

(f) Non-disposable materials: It shall be unlawful for any person to place for disposal any of the following wastes: hazardous and toxic wastes; chemicals; explosives; flammable liquids; paint; trees and stumps; construction debris; carcasses; medical waste.

(g) Garbage from outside of the Town of Green Bay: It shall be unlawful to bring refuse for disposal and recyclables from outside the corporate limits of the Town of Green Bay unless authorized by agreement with the Town of Green Bay.

(h) Hauler Restrictions: Haulers may not dispose in a landfill or burn in a solid waste facility any recyclable materials generated in the Town of Green Bay that have been separated for recycling.

(i) Right to reject materials: The hauler has the right to reject or leave at the curb any recyclable material that is not prepared according to the specifications in this ordinance (see Section 15) or in education material provided by the contractor to the service recipient. Material may also be left if not separated from solid waste, placed in the proper container, or are not designated recyclable material for collection. The hauler also has the right to refuse to pick-up any solid waste if it contains recyclable containers and material. In such cases, the hauler or attended shall notify the generator of the materials regarding the reasons for rejecting the items either in writing or verbally. The hauler shall also keep a list of such occurrences and provide it to the Town of Green Bay if requested.

Section 20. Enforcement.

(a) For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the Town of Green Bay 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 Green Bay who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.

(b) Any person who violates a provision of this ordinance may be issued a citation by the Town Board of the Town of Green Bay 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.

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

(1) Any person who violates Section 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.

(2) Any person who violates a provision of this ordinance, except Section 18, may be required to forfeit not less than $10 or more than $1000 for each violation.

This ordinance shall be effective upon passage and publication or posting as required by law.

The Town Clerk and Town attorney are authorized to take such further action as may be necessary to implement this Ordinance.

Adopted on the 8th day of December, 2020.
Amended on the 9th day of December, 2025.
Amended on the 8th day of September, 2026.

TOWN OF GREEN BAY

By: */s/ Matthew Bosman*
Matthew Bosman, Town Chairman

Attest:

/s/ Debbie Mercier
Debbie Mercier, Town Clerk