

RECYCLING ORDINANCE

1.01 TITLE

Recycling Ordinance for the Town of Haney, Crawford County, WI.

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 §159.11 Wis. Stats., and Chapter NR 544, Wis. Administrative Code.

1.03 STATUTORY AUTHORITY

This ordinance is adopted as authorized under §159.09(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, wherever this Ordinance imposes greater restrictions, the provisions of this Ordinance shall apply.

1.05 INTERPRETATIONS

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 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 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 effected.

1.07 APPLICABILITY

The requirements of this ordinance shall apply to all persons within the Town of Haney.

1.08 ADMINISTRATION

The provisions of this ordinance shall be administered by the Town Board officials or the Recycling Administrator.

1.09 EFFECTIVE DATE

The provisions of this ordinance shall take effect on January 1, 1995.

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 use 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, institutions, and governmental facilities and properties. This term does not include multiple family dwellings
- (11) "Office paper" means high grade printing and writing paper from offices in non-residential facilities and properties. Printed white ledger and computer printout and 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 SPI code #7.
- (13) "Person" includes any individual, corporation, partnership, association, local government unit, as defined in §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) "Postconsumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in §144.61 (5), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in § 144,44 (7)(a)1., 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 PERE, 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 §144.01(15), Wis. Stats.
- (22) "Solid waste facility" has the meaning specified in §144.43(5), Wis. Stats
- (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, toots and 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 SEPARATIONS REQUIREMENTS EXEMPTED

The separation requirements of s 1.11 (*above*)so 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 post-consumer 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 as it 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 supplemental fuel.
- (3) A recyclable material specified in s. 1.11(5) through (15) for which a variance has been granted by the Department of Natural Resources under §159.11(2m), Wis. Stats., or s. NR544.14 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 contaminants such as food or product residue, oil or grease, or other non-recyclable materials, including not limited to household hazardous waste, medical waste, and agricultural chemical containers. Recyclable materials 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:

- (1) Lead acid batteries shall be taken to an area retail business that sells vehicle batteries.
- (2) Major appliances shall be collected at a specified time of year and a charge will be made for disposal.
- (3) Waste oil shall be taken to an oil collection center
- (4) Yard waste shall be composted and managed on-site.

1.15 PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS

Except as otherwise directed by the Town Board officials or the Recycling Administrator, 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 in a clean condition and placed in the designated receptacle at the drop-off site during the day and hours of operation.
2. Bi-metal containers shall be in a clean condition and placed in the designated receptacle at the drop-off site during the day and hours of operation.
3. Corrugated paper or other container board shall be dry, free of debris, flattened, stacked and tied in bundles suitable for handling and placed in the designated receptacle at the drop of site during the day and hours of operation.
4. Foam polystyrene packaging shall be bundled or in a suitable container and placed in the designated receptacle at the drop of site during the day and hours of operation

5. Glass containers shall be in a clean condition, with covers removed, separated by color, and placed in the designated receptacle at the drop of site during the day and hours of operation
6. Magazines shall be dry, clean and tied in bundles suitable for handling and placed in the designated receptacle at the drop of site during the day and hours of operation
7. Newspaper shall be dry, clean and tied in bundles suitable for handling and placed in the designated receptacle at the drop of site during the day and hours of operation
8. Office paper shall be dry, clean and tied in bundles suitable for handling and placed in the designated receptacle at the drop of site during the day and hours of operation
9. Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS and other resins or multiple resins, shall be rinsed free of product residue and caps shall be removed and discarded, and containers placed in the designated receptacle at the drop of site during the day and hours of operation
10. Steel containers shall be rinsed free of product residue, paper removed, ends removed, crushed and placed in the designated receptacle at the drop of site during the day and hours of operation
11. Waste tires shall be collected at specified times of the year and a charge will be made for disposal. Waste tires shall be collected at specified times of the year and a charge will be made for disposal. Waste tires shall be collected at specified times of the year and a charge will be made for disposal.

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 site locations and hours of operation, and a contact person, 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 post-consumer 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 RESPONSIBILITY OF OWNERS OR DESIGNATED AGENTS OF NONRESIDENTIAL 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 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 number.
2. 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 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 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 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 Haney may inspect recyclable materials separated for recycling, post-consumer waste facilities, collection vehicles, collection area 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 Haney who requests access for purpose of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such inspection.
2. Any person who violates a provision of this ordinance may be issued a citation by any authorized officer, employee or representative of the Town of Haney, 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 \$50.00 for a first violation, \$200.00 for a second violation, and not more than \$2000.00 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 \$10.00 nor more than \$1,000.00 for each violation.

NOTICE

Please take notice that the Town Board of the Town of Haney will consider the adoption of a new code of ordinances (or a part of a code of ordinances specifically "Chapter 10 Mandatory Recycling Ordinance") at *:00 P>M> on Monday, March 14, 1994 at the town board meeting at the town hall.

You are further notified a copy of said proposed new code (or part of code – "Chapter 10 Mandatory recycling Ordinance") will be on file and open for public inspection in the home of the town clerk for a period of two weeks prior to its adoption, commencing Monday, February 28, 1994, in accordance with § 66.035 of Wis. Stats.

Adopted this 14th day of February, 1994, by the town board of the Town of Haney.

attested by:

Cheryl Klekamp
Clerk

signed by:

Robert Zinkle
Town Chairman

RESOLUTION

Whereas, a code of general ordinances entitled Municipal Code of Town of Haney (or a part of code of Municipal Code of Town of Haney specifically

A. Mandatory Recycling Ordinance has been prepared and tentatively approved by the Town Board of the Town of Haney.

Now therefore, be it resolved, that this code (or part of code) will be presented for adoption by the town board at the next regular board meeting on March 14, 1994; and;

Be it further resolved that the town clerk in accordance with the requirements of §66.035 of Wis. Stats., shall file a copy of the proposed "Municipal Code of the Town of Haney: (or a copy of part of code specifically Chapter 10 Mandatory Recycling Ordinance) in her home for public inspection commencing February 28, 1994, and cause a copy of the following notice be published in the Crawford County Independent and the Boscobel Dial.