

ORDINANCE 03-2025

AN ORDINANCE TO AMEND ORDINANCE 5.01 OF THE TOWN OF BLOOMING GROVE MUNICIPAL CODE PERTAINING TO THE COLLECTION OF RECYCLING

Section 1.1 TITLE. Recycling Ordinance for the Town of Blooming Grove.

Section 1.2 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 s. 287.11, Wis. Stats., and ch. NR 544, Wis. Adm. Code.

Section 1.3 STATUTORY AUTHORITY. This ordinance is adopted as authorized under s. 287.09(3)(b), Wis. Stats.

Section 1.4 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 1.5 INTERPRETATION. In 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 1.6 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 1.7 APPLICABILITY. The requirements of this ordinance apply to all persons and entities within the Town of Blooming Grove.

Section 1.8 ADMINISTRATION. The provisions of this ordinance shall be administered by the Town Board of the Town of Blooming Grove.

Section 1.9 EFFECTIVE DATE. The provisions in this ordinance shall take effect upon passage and the day after publication.

Section 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) "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, over 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" or heavy object 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) "Multi-family dwelling" means a property containing 5 or more residential units, including those which 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 governmental 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 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 SPI code #7. "Person" includes any individual, corporation, partnership, association, local government unit, as defined in s. 66.299(1)(a), Wis. Stats., state agency or authority or

federal agency.

(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, labeled by 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 resin code #5.

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

(20) "PVC" means polyvinyl chloride, labeled by 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 usable for its original purpose because of wear damage or defect.

(26) "Yard waste" means leaves, grass clippings, yard and garden debris including clean woody vegetative material no greater than 4 inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

Section 1.11 *SEPARATION OF RECYCLABLE MATERIALS. Occupants of single family and 2- to 4- unit residences, multiple-family dwellings and non-residential facilities and properties shall separate the following materials from postconsumer waste:

(1) Lead acid batteries

- (2) Major appliances
- (3) Waste oil
- (4) Yard waste
- (5) Aluminum containers
- (6) Bi-metal containers
- (7) Corrugated paper or other container board
- (8) Foam polystyrene packaging
- (9) Glass containers
- (10) Magazines
- (11) Newspaper
- (12) Office paper
- (13) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS and other resins or multiple resins
- (14) Steel containers
- (15) Waste tires

Section 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 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 s. 287.11(2m), Wis. Stats., or s. NR 544.14, Wis. Administrative Code.

Section 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, flammable liquids, household cleaners, concrete, wood, garden hoses, 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 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 returned to the establishment from which it was purchased by the owner of said lead acid batteries.

- (2) Major appliances may be dropped off at the annual Green Sweep event held at one of the Town Parks the first Saturday of May that will be identified in the Spring newsletter, property tax bill insert, and Town website.
- (3) Waste oil shall be brought by each individual possessing said waste oil to a Dane County waste oil drop off site or any other disposal site
- (4) Yard waste shall not be disposed of as solid waste. Town residents are encouraged to compost. Yard waste shall be as follows:
 - (a) during the designated spring and fall yard waste pick up time, leaves shall be place into paper bags (preferably) or plastic bags, tied up, and placed at the curb during the designated time shall be published by the Town Board in the Blooming Grove newsletter, or information may be obtained from the Town Hall; do not include brush, hedge trimmings or rubbish.
 - (b) brush and hedge trimmings no more than four inches in diameter shall be laid perpendicular to the curb.

Section 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 cleaned, with the labels removed, and placed into receptacles provided for all recyclable materials.
- (2) Bi-metal containers shall be cleaned, with the labels removed, and placed into receptacles provided for all recyclable materials. Electrical cords and batteries are not accepted.
- (3) Corrugated paper or other container board shall be cut up and placed with other recyclable materials. Paper milk or juice cartons are not accepted.
- (4) Foam polystyrene packaging shall be picked up with non-recyclable trash and rubbish.
- (5) Glass containers shall be cleaned, with the labels removed, and placed into receptacles provided for all recyclable materials.
- (6) Magazines shall be placed with other recyclable materials in the bin provided without a need to bundle or separate.
- (7) Newspaper shall be placed with other recyclable materials in the bin provided without a need to bundle or separate..

(8) Office paper shall be placed with other recyclable materials in the bin provided without a need to bundle or separate.

(9) Rigid plastic containers shall be prepared and collected as follows:

(a) Plastic containers made of PETE, Resin Code #1 shall be cleaned, with lids removed and placed into receptacles provided for all recyclable materials; all other plastic containers shall be picked up with non- recyclable trash and rubbish.

(b) Plastic containers made of HDPE, Resin Code #2 shall be cleaned, with lids removed and placed into receptacles provided for all recyclable materials.

(c) Plastic containers made of PVC, Resin Code #3 shall be picked up with non-recyclable trash and rubbish.

(d) Plastic containers made of LDPE, Resin Code #4 shall be picked up with non-recyclable trash and rubbish. Plastic bags are not accepted.

(e) Plastic containers made of PP, Resin Code #5 shall be picked up with non-recyclable trash and rubbish.

(f) Plastic containers made of PS, Resin Code #6 shall be picked up with non-recyclable trash and rubbish. This includes Styrofoam containers and packing materials. They are not accepted with recycling.

(g) Plastic containers made of other resins or multiple resins, Resin Code #7 shall be picked up with non-recyclable trash and rubbish.

(10) Steel food containers shall be clean and placed into receptacles provided for all other recyclable materials; all other steel containers shall be picked up with other non-recyclable trash and rubbish. Propane tanks and paint cans will not be accepted for recycling.

(11) Waste tires shall not be disposed of as solid waste and shall be taken to the Dane County landfill or authorized tire recycling authority by the individual or entity in possession of said waste tires.

Section 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 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.

(b) Notify tenants in writing at the time or 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 recycle 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.

Section 1.17 *RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF NON-RESIDENTIAL FACILITIES OR 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 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.

(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 recycle 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 recycles for recycling the materials specified in s. 1.11(5) through (15) from solid waste in as pure a form as is technically feasible.

Section 1.18 PROHIBITIONS ON DISPOSAL OF RECYCLABLE MATERIALS

SEPARATED FOR RECYCLING. No person may dispose of 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.

Section 1.19 REFUSE FROM OUTSIDE OF TOWN. It shall be unlawful to bring refuse from outside the Town of Blooming Grove limits into the Town limits for disposal unless specifically authorized by written agreement with the Town.

Section 1.20 *ENFORCEMENT.

- (1) For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the Dane County Sheriff's Department or the Town Board of the Town of Blooming Grove 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 Dane County Sheriff's Department or the Town Board of the Town of Blooming Grove who requests access for purposes of inspection, and who presents appropriate credentials. No person shall 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 Dane County Sheriff's Department and/or the Town of Blooming Grove 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 violating 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.

Any individual, corporation or municipality who places waste, garbage, refuse, yard waste, rubbish, heavy objects or appliances, noncollectible items or sludge on the property of another or on public property anywhere within the Town of Blooming Grove limits shall be subject to the penalty set forth in this section.

(4) If any entity, including those receiving collection from a private firm, is found in violation of the collection and storage requirements of this ordinance and fails to comply with a notification and/or requirements of this ordinance and fails to comply with a notification and/or citation, the Town Chairperson or his or her designated representative shall be empowered to order a special collection to remove such violation. The person shall be notified of such special collection and the charges therefore. The special collection shall be made; and if billing plus \$50 is unpaid, the bill shall be considered a lien on the property and shall be placed on the tax bill. A person shall not use the special collection provision of this ordinance to circumvent requirements for collection by a private firm.

Section 1.21 REFUSAL OF SERVICE. The collector shall refuse to furnish collection service to any person not complying with, or refusing to comply with this ordinance for the collection of garbage and rubbish, and the separation of recyclable materials. Incorrectly prepared materials shall be left at the curb, with a note explaining the reason for deficiency.

Section 1.22 COLLECTION BY UNAUTHORIZED PERSONS. From the time of placement of recyclable materials at the collection point for collection by the Town of Blooming Grove or its authorized agent(s) in accordance with the terms herein, recyclable materials shall be the property of the Town of Blooming Grove or its authorized agent(s). It shall be a violation of this ordinance for any person not authorized by the Town of Blooming Grove to collect or pick up or cause to be picked up any such recyclable materials. Any and each such collection in violation hereof from any recyclable material container shall constitute a separate and distinct offense punishable as provided herein.

The above and foregoing Ordinance was duly adopted by the Town Board of the Town of Blooming Grove at a regular meeting held on the 19th day of November, 2025.



Ronald Bristol, Chairman



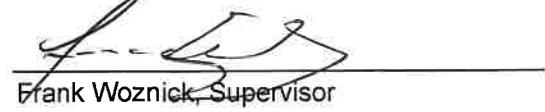
Jeff Teuscher, Supervisor



David Young, Supervisor



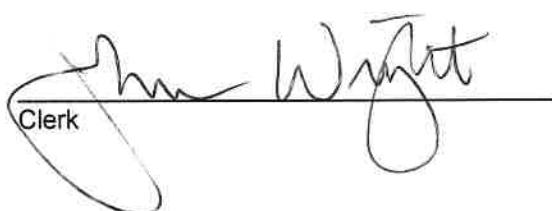
Amy Schroeder, Supervisor



Frank Woznick, Supervisor

I hereby certify that a summary of the foregoing Ordinance amendment regarding collection of recyclable materials was published as a Class 1 notice under ch. 895, Wis. Stats., on the 29th day of November, 2025

Dated: November 29, 2025



Clerk