

## ORDINANCE NO. 94-1

**TITLE:** Recycling ordinance for the Town of Dellona.

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

**STATUTORY AUTHORITY:** This ordinance is adopted as authorized under s. 159.09(3)(b), Wis. Stats.

**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.

**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 of 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, Wisconsin Administration 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.

**SEVERABILITY:** Should a portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

**APPLICABILITY:** The requirements of this ordinance apply to all persons within the Town of Dellona.

**ADMINISTRATION:** The provisions of this ordinance shall be administered by the town officers of the Town of Dellona.

**EFFECTIVE DATE:** The provisions of this ordinance shall take effect on October 1, 1994.

**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.
8. "Multi-family dwelling" means a property containing five or more residential units, including those which are occupied seasonally.
9. "Newspaper" means a newspaper or other materials printed on newsprint.
10. "Non-residential facilities and properties" mean 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" mean plastic resins labeled by the SPI code #7.

13. "Person" includes any individual, corporation, partnership, association, or local governmental unit, as defined in s. 66.299(1)(a), Wisconsin Statutes, 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, 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 s. 144.61(5) Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high volume industrial waste, as defined in s. 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; newspapers; 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. 144.01(15), Wis. Stats.
22. "Solid waste facility" has the meaning specified in s. 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 six inches in diameter. This term does not include stumps, roots, or shrubs with intact root balls.

**SEPARATION OF RECYCLABLE MATERIALS:** Occupants of single family and two to four 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 and other container board
8. foam polystyrene packaging
9. glass containers
10. magazines
11. newspapers
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

**SEPARATION REQUIREMENTS EXEMPTED:** The separation requirements of s. 1.11 do not apply to the following:

1. Occupants of single family and two to four 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 supplemental fuel at a facility if less than 30% of the heat input to the facility is derived from the solid waste burned as a supplemental 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. 159.11(2m), Wis. Stats., or s. NR 544.14, Wis. Administrative Code.

**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 cleaners. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions.

**MANAGEMENT OF LEAD ACID BATTERIES, MAJOR APPLIANCES, WASTE OIL, AND YARD WASTE:** Occupants of single and two to four 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 recycled by the consumer. Consumers shall be encouraged to trade in and old lead acid battery when obtaining a new one. Consumers shall be encouraged to take old lead acid batteries to a private recycler.
2. Major appliances shall be recycled through the private recycling contractor serving the Town of Dellona. Residents shall arrange for pick up with the contractor.
3. Waste oil shall be recycled by the consumer by taking to an available private recycling center.
4. Yard waste shall be managed on site. Composting is encouraged.

**PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS:** Except as otherwise directed by the Town of Dellona and/or the contracted recycling hauler, occupants of single and two to four 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 and bagged in clear plastic bags. May be commingled with other recyclable containers per agreement with contracted recycling hauler. Shall be placed at curbside on the day designated for collection. Preparation and collection may change at the request of the contracted recycling hauler. If so indicated, the Town of Dellona and/or contracted recycling hauler will be responsible for informing the public of such change.
2. Bi-metal containers shall be cleaned, labels removed, and bagged in clear plastic bags. May be commingled with other recyclable containers per agreement with contracted recycling hauler. Shall be placed at curbside on the day designated for collection. Preparation and collection may change at the request of the contracted recycling hauler. If so indicated, the Town of Dellona and/or contracted recycling hauler will be responsible for informing the public of such change.
3. Corrugated paper or other container board shall be free of debris, flattened, stacked, and tied. Shall be placed at curbside on the day designated for collection. Preparation and collection may change at the request of the contracted recycling hauler. If so indicated,

the Town of Dellona and/or contracted recycling hauler will be responsible for informing the public of such change.

4. Foam polystyrene packaging shall be put in a clear plastic bag. Shall be placed at curbside on the day designated for collection. Preparation and collection may change at the request of the contracted recycling hauler. If so indicated, the Town of Dellona and/or contracted recycling hauler will be responsible for informing the public of such change.
5. Glass containers shall be cleaned and bagged in clear plastic bags. May be commingled with other recyclable containers per agreement with contracted recycling hauler. Shall be placed at curbside on the day designated for collection. Preparation and collection may change at the request of the contracted recycling hauler. If so indicated, the Town of Dellona and/or contracted recycling hauler will be responsible for informing the public of such change.
6. Magazines shall be bundled and tied. Shall be placed at curbside on the day designated for collection. Preparation and collection may change at the request of the contracted recycling hauler. If so indicated, the Town of Dellona and/or contracted recycling hauler will be responsible for informing the public of such change.
7. Newspaper shall be bundled and tied. Shall be placed at curbside on the day designated for collection. Preparation and collection may change at the request of the contracted recycling hauler. If so indicated, the Town of Dellona and/or contracted recycling hauler will be responsible for informing the public of such change.
8. Office paper shall be bundled and tied. Shall be placed at curbside on the day designated for collection. Preparation and collection may change at the request of the contracted recycling hauler. If so indicated, the Town of Dellona and/or contracted recycling hauler will be responsible for informing the public of such change.
9. Rigid plastic containers shall be prepared and collected as follows:
  - a. Plastic containers made of PETTE (#1) shall be cleaned, have caps discarded, and bagged in clear plastic bags. May be commingled with other recyclable containers per agreement with contracted recycling hauler. Shall be placed at curbside on the day designated for collection. Preparation and collection may change at the request of the contracted recycling hauler. If so indicated, the Town of Dellona and/or contracted recycling hauler will be responsible for informing the public of such change.

- b. Plastic containers made of HDPE (#2) shall be cleaned, have caps discarded, and bagged in clear plastic bags. May be commingled with other recyclable containers per agreement with contracted recycling hauler. Shall be placed at curbside on the day designated for collection. Preparation and collection may change at the request of the contracted recycling hauler. If so indicated, the Town of Dellona and/or contracted recycling hauler will be responsible for informing the public of such change.
- c. Plastic containers made of PVC (#3) shall be cleaned, have caps discarded, and bagged in clear plastic bags. May be commingled with other recyclable containers per agreement with contracted recycling hauler. Shall be placed at curbside on the day designated for collection. Preparation and collection may change at the request of the contracted recycling hauler. If so indicated, the Town of Dellona and/or contracted recycling hauler will be responsible for informing the public of such change.
- d. Plastic containers made of LDPE (#4) shall be discarded until required by state law to be recycled. When required, they shall be cleaned, have caps discarded, and bagged in clear plastic bags. May be commingled with other recyclable containers per agreement with contracted recycling hauler. Shall be placed at curbside on the day designated for collection. Preparation and collection may change at the request of the contracted recycling hauler. If so indicated, the Town of Dellona and/or contracted recycling hauler will be responsible for informing the public of such change.
- e. Plastic containers made of PP (#5) shall be discarded until required by state law to be recycled. When required, they shall be cleaned, have caps discarded, and bagged in clear plastic bags. May be commingled with other recyclable containers per agreement with contracted recycling hauler. Shall be placed at curbside on the day designated for collection. Preparation and collection may change at the request of the contracted recycling hauler. If so indicated, the Town of Dellona and/or contracted recycling hauler will be responsible for informing the public of such change.
- f. Plastic containers made of PS (#6) shall be discarded until required by state law to be recycled. When required, they shall be cleaned, have caps discarded, and bagged in clear plastic bags. May be commingled with other recyclable containers per agreement with contracted recycling hauler. Shall be placed at curbside on the day designated for collection. Preparation and collection may change at the request of the contracted recycling hauler. If so indicated, the Town of Dellona and/or contracted recycling hauler will be responsible for informing the public of such change.

- g. Plastic containers made of other resins or multiple resins (#7) shall be discarded until required by state law to be recycled. When required, they shall be cleaned, have caps discarded, and bagged in clear plastic bags. May be commingled with other recyclable containers per agreement with contracted recycling hauler. Shall be placed at curbside on the day designated for collection. Preparation and collection may change at the request of the contracted recycling hauler. If so indicated, the Town of Dellona and/or contracted recycling hauler will be responsible for informing the public of such change.
10. Steel containers shall be cleaned, labels removed, and bagged in clear plastic bags. May be commingled with other recyclable containers per agreement with contracted recycling hauler. Shall be placed at curbside on the day designated for collection. Preparation and collection may change at the request of the contracted recycling hauler. If so indicated, the Town of Dellona and/or contracted recycling hauler will be responsible for informing the public of such change.
11. Waste tires shall be recycled by the consumer by taking to an available recycling center.

**COLLECTION SCHEDULE:** The Town of Dellona shall establish the time of collection of solid waste and recyclables. The Town of Dellona will inform the public in writing annually of this collection schedule.

**SPECIAL MATERIALS:** Materials such as couches and bulky items may be collected at the discretion of the hauler. Residents shall contact the hauler for approval and cost of disposal, to be paid for by the resident.

**ANTI-SCAVENGING OR UNLAWFUL REMOVAL OF RECYCLABLES:** It shall be unlawful for any person, unless under contract with or licensed by the Town of Dellona, to collect or remove any recyclable material that has been placed at the curb for the purposes of collection of recycling.

**NO DUMPING:** It shall be unlawful for any person to dispose of or dump garbage on any town, county, or state road within the Town of Dellona or in any receptacles 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. No person shall place for collection any garbage at the curb not owned or occupied by such person.

**NO BURNING OR BURYING:** It shall be unlawful to burn or bury recyclable material by residential and non-residential sections and at construction sites. Open burning shall be permitted only of clean wood and paper products.



**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 wastes (unless personal needles which shall be contained in cardboard to eliminate injury to collection personnel).

**GARBAGE FROM OUTSIDE THE TOW OF DELLONA:** It shall be unlawful to bring refuse for disposal (and recyclables) from outside the town limits into the Town of Dellona unless authorized by agreement with the Town of Dellona.

**OWNERSHIP OF RECYCLABLES AND REFUSE:** Recyclable materials and refuse, upon placement at the curb, shall become the property of the hauler.

**EXEMPTIONS:** The Town of Dellona reserves the right to designate additional solid waste materials as recyclable or currently collected materials as no longer recyclable in accordance with state law and to either add or delete them from any collection service provided by the Town of Dellona or its contractors. The Town of Dellona shall provide written notice to its service recipients of this declaration.

**RIGHT TO REJECT MATERIALS:** The recycling hauler has the right to reject or leave at the curbside any recyclable material that is not prepared according to the specifications of this ordinance. Materials may also be left if not separated from solid waste, placed in proper containers, or are not designated recyclable materials for collection. The hauler shall notify the generator of the materials about the reasons for rejecting the items in writing or verbally.

**HAUL LICENSING:** No person or corporation shall engage in the business of hauling recyclable material within the Town of Dellona without being licensed by the Wisconsin Department of Natural Resources under section NR 502.06, Wisconsin Administrative Code. Haulers who collect solid waste or recyclable in the Town of Dellona for storage, treatment, processing, market, or disposal shall obtain and maintain all necessary municipal and state permits, licenses, and approvals prior to collecting any materials in the Town of Dellona.

**REPORTING REQUIREMENTS:** The recycling haulers and processors operating in the Town of Dellona are required to maintain records and report in writing to the Town of Dellona clerk at least quarterly. Reports shall include the amount of solid waste and recyclables (by item type) collected and transported from the Town of Dellona. Failure to report shall be cause for the Town of Dellona to revoke any license or sever any contract with the hauler.

**PROCESSING FACILITIES:** Any contractor operating in the Town of Dellona shall not transport for processing any recyclables to a processing facility unless that facility has been approved (in writing) by the Town of Dellona (or, unless the contractor notifies the Town of Dellona which facility they're using) and, by January 1, 1995, the facility has self-certified with

the Wisconsin Department of Natural Resources under section NR 544.16 Wisconsin Administrative Code.

**HAULER RESTRICTIONS:** Haulers may not dispose in a landfill or burn in a solid waste facility any recyclable materials generated in the Town of Dellona that have been separated for recycling. Haulers shall not compact glass with paper during collection and transport of recyclables to a processing facility, or market, and shall maintain materials in marketable condition.

**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 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 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 materials specified in s. 1.11(5) through (15) from solid waste in a pure a form as is technically feasible.

**RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF NON-RESIDENTIAL FACILITIES AND PROPERTIES:**

1. Owners or designated agents of non-residential facilities or 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 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 the 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 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 materials specified in s. 1.11(5) through (15) from solid waste in as pure a form as is technically feasible.

**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.

**ESTABLISH FEES:** The Town of Dellona shall establish fees for service recipients for the collection of recyclable material (and solid waste) based on the contract amount with the hauler. Fee shall be included on the tax roll for each residence in the Town of Dellona.

**ENFORCEMENT:**

1. For the purpose of ascertaining compliance with the provision of this ordinance, any authorized officer, employee, or representative of the Town of Dellona and its contracted recycling 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 Dellona and its contracted recycling hauler who requests access for purposes 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 Sauk County law enforcement officials at the request of the Town of Dellona to collect forfeitures. The issuance of a citation shall not preclude proceeding under any other ordinance of 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 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. 1.18, may be required to forfeit not less than \$10 nor more than \$1000 for each violation.

**Adopted: September 6, 1994**

**Published: Code of Ordinances Week of September 19, 1994**

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**James Howley, Town Chairperson**

**Approved, Attested by:**

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**Brenda A Hendricks, Town Clerk**