

TOWN OF DECATUR
ORDINANCE NO. 29

AN ORDINANCE CREATING CHAPTER 29 OF SAID CODE OF ORDINANCES TO
PROVIDE FOR THE REGULATION OF RECYCLABLE MATERIAL.

NOW, THEREFORE, the Town Board of the Town of Decatur, County of Green, State of Wisconsin, ordains as follows:

SECTION I: Chapter 29 of the Town of Decatur Code of Ordinances, to be captioned "Responsible Unit Recycling Ordinance," is created as follows:

SECTION 1. INTRODUCTION AND DEFINITIONS

1.1 Authority

The Town Board of Decatur has created this Chapter of the Municipal Code of the Town of Decatur, Green County, Wisconsin, under the authority of Wis. Stats. 287.09(3)(b).

1.2 Purpose

The purpose of this Chapter is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in Wis. Stats. 287.11, and Chapter NR 544 of the Wisconsin Administrative Code.

1.3 Abrogation and Greater Restrictions

It is not intended by this Chapter 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.

1.4 Interpretation

In their interpretation and application, the provisions of this Chapter 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 Chapter may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this Chapter is required by Wisconsin Statutes, or by a standard in Chapter NR 544 of the Wisconsin Administrative Code, and where the Chapter provision is unclear, the provision shall be interpreted in the light of the Wisconsin Statutes and Chapter NR 544 standards in effect on the date of the adoption of this Chapter, or in effect on the date of the most recent text amendment to this Chapter.

1.5 Severability

Should any provision in this Chapter be declared unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected.

1.6 Applicability

The requirements of this Chapter shall apply to all persons within the Town of Decatur, Green County, Wisconsin.

1.7 Administration

The provisions of this Chapter shall be administered by the Town Board of the Town of Decatur, Green County, Wisconsin.

1.8 Effective Date

The provisions of this Chapter shall take effect on the date of passage and approval by the Town Board of the Town of Decatur, Green County, Wisconsin.

1.9 Definitions

- (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; or
 - (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 condition, 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 governmental facilities and properties. This term does not include multiple-family dwellings.
- (L) 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.
- (M) Other Resins or Multiple Resins – mean plastic resins labeled by the SPI Code #7.
- (N) Person – includes any individual, corporation, partnership, association, local government unit, as defined in Wis. Stats. 66.0131(1)(a), state agency, or authority or federal agency.
- (O) PETE or PET – means polyethylene terephthalate, labeled by the SPI 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 this is 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. Stats. 291.01(7), waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in Wis. Stats. 289.01(17).
- (R) PP – means polypropylene, labeled by SPI code #5.
- (S) PS – means polystyrene, labeled by SPI code #6.
- (T) PVS – means polyvinyl chloride, labeled by SPI 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, newspapers, office paper, rigid plastic containers, including those made of PETE, HDPE, PVS, 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. Stats. 289.01(33).
- (W) Solid Waste Facility – has the meaning specified in Wis. Stats. 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.

1.10 Separation of Recyclable Materials

Occupants of single family and 2 to 4-unit residence, 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) Newspapers
- (L) Office Paper
- (M) Rigid Plastic Containers made of PETE, HDPE, LDPE< PP, PS, and other resins or multiple resins
- (N) Steel Containers
- (O) Waste Tires

1.11 Separation Requirements Exempted

The separation requirements of Section 1.10 herein 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 1.10 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 1.09 (E) through (O) for which a variance has been granted by the Department of Natural Resources under Wis. Stats. 287.11(2m), or NR 544.14 of the Wisconsin Administrative Code.

1.12 Care of Separated Recyclable Materials

To the greatest extent practicable, the recyclable materials separated in accordance with Section 1.10 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.

1.13 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) Occupants who wish to dispose of lead acid batteries shall contact the Town of Decatur's designated waste and recycling provider to schedule pick up.
- (B) Occupants who wish to dispose of major appliances shall contact the Town of Decatur's designated waste and recycling provider to schedule pick up.
- (C) Occupants who wish to dispose of waste oil shall contact the Town of Decatur's designated waste and recycling provider to schedule pick up.
- (D) Yard waste shall be kept out of the trash and shall independently find a composting site to take such waste or manage it on-site.

1.14 Preparation and Collection of Recyclable Materials

Except as otherwise directed by the Town of Decatur, 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 1.10 (E) through (O):

- (A) Aluminum containers shall be rinsed free of product residue, placed in the approved recycling bin, and placed upon the curb on the day designated for collection.
- (B) Bi-metal containers shall be rinsed free of product residue, placed in the approved recycling bin, and placed upon the curb on the day designated for collection.
- (C) Corrugated paper or other container board shall be free of debris, flattened, cut into squares not greater than 2' x 2', placed in the approved recycling bin, and placed upon the curb on the day designated for collection.
- (D) Foam polystyrene packaging shall be free of debris, placed in the approved recycling bin, and placed upon the curb on the day designated for collection.
- (E) Glass containers shall be rinsed free of product residue, placed in the approved recycling bin, and placed upon the curb on the day designated for collection.
- (F) Magazines shall be free of debris, placed in the approved recycling bin, and placed upon the curb on the day designated for collection.
- (G) Newspapers shall be free of debris, placed in the approved recycling bin, and placed upon the curb on the day designated for collection.
- (H) Office paper shall be free of debris, placed in the approved recycling bin, and placed upon the curb on the day designated for collection.
- (I) Rigid plastic containers shall be prepared and collected as follows:
 - (1) Plastic containers made of PETE shall be rinsed free of product residue, caps shall be removed and discarded, placed in the approved recycling bin and placed upon the curb on the day designated for collection.
 - (2) Plastic containers made of HDPE shall be rinsed free of product residue, caps shall be removed and discarded, placed in the approved recycling bin and placed upon the curb on the day designated for collection.
 - (3) Plastic containers made of PVC shall be rinsed free of product residue, caps shall be removed and discarded, placed in the approved recycling bin and placed upon the curb on the day designated for collection.
 - (4) Plastic containers made of LDPE shall be rinsed free of product residue, caps shall be removed and discarded, placed in the approved recycling bin and placed upon the curb on the day designated for collection.

- (5) Plastic containers made of PP shall be rinsed free of product residue, caps shall be removed and discarded, placed in the approved recycling bin and placed upon the curb on the day designated for collection.
- (6) Plastic containers made of PS shall be rinsed free of product residue, caps shall be removed and discarded, placed in the approved recycling bin and placed upon the curb on the day designated for collection.
- (7) Plastic containers made of other resins or multiple resins, shall be rinsed free of product residue, caps shall be removed and discarded, placed in the approved recycling bin and placed upon the curb on the day designated for collection.
- (J) Steel containers shall be rinsed free of product residue, placed in the approved recycling bin, and placed upon the curb on the day designated for collection.
- (K) Waste tires shall be placed upon the curb on the day designated for collection adjacent to the approved recycling bin.

1.15 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 1.10 (E) through (O):
 - (1) Provide adequate, separate containers for the recyclable materials;
 - (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 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.
- (B) 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 1.10 (E) through (O) from solid waste in as pure a form as is technically feasible.

1.16 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 1.10 (E) through (O):
 - (1) Provide adequate, separate containers for the recyclable materials;
 - (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 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.
- (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 1.10 (E) through (O) from solid waste in as pure a form as is technically feasible.

1.17 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 1.10 (E) through (O) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

1.18 Enforcement

- (A) For the purpose of ascertaining compliance with the provisions of this Chapter, any authorized officer, employee, or representative of the Town of Decatur 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 the 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 Decatur who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such inspection.
- (B) Any person who violates a provision of this ordinance may be issued a citation by the Town of Decatur, or City of Brodhead Police Department, 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 Chapter may be assessed as follows:
 - (1) Any person who violates Section 1.17 may be required to forfeit \$50 for a first violation, \$200 for a second violation, and not more than \$2,000 for a third or subsequent violation.

(2) Any person who violates a provision of this Ordinance, except Section 1.17, may be required to forfeit not less than \$10 nor more than \$1,000 for each violation.

SECTION II. This Ordinance shall take effect and be in force from and after the day after passage and publication as required by law.

Dated this 21st day of October, 2019.



Allen Schneider

Allen Schneider, Town Chair

SUMMARY OF ORDINANCE FOR PUBLICATION

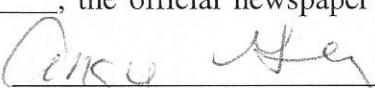
PLEASE TAKE NOTICE THAT the Town Board of the Town of Decatur, Green County, Wisconsin, has adopted Ordinance No. 29 on October 21, 2019, creating Chapter of the Town of Decatur Municipal Code.

Said Ordinance relates to the Town's requirements for its recycling program consistent with applicable state statutes and Department of Natural Resources provisions.

The full text of the Ordinance may be obtained from the Town Clerk, Angie Geiwitz, by calling her at 608-877-4965, by viewing it on the Town's web site at www.townofdecatur.com or by viewing the Ordinance at the Decatur Community Center at 1408 14th St., where it is posted.

CERTIFICATION

I hereby certify that the above ordinance was adopted by the Town Board of the Town of Decatur on the 21 day of October, 2019, and that on the 21 day of October, 2019, a summary of this ordinance, set forth above, consistent with Wis. Stat. § 60.80 (5), was published in , the official newspaper of the Town of Decatur.


Angie Geiwitz, Town Clerk

Subscribed and sworn to before me
this _____ day of _____, 2019.

Notary Public, Green County, Wisconsin
My Commission is permanent
or expires: _____

**TOWN OF DECATUR
GREEN COUNTY, WISCONSIN
COMPLIANCE ASSURANCE PLAN**

Purpose: This policy will establish standard guidelines that will lead to compliance with the Town of Decatur's recycling ordinance, Chapter ____, of the Town's Municipal Code.

The Town Chair, and other members of the Town Board as the Town Chair may designate, is responsible for enforcing the Town of Decatur's recycling ordinance. The Town of Decatur's staff and personnel shall follow the guidelines identified in this Compliance Assurance Plan in response to issues associated with recycling and solid waste. This plan is intended to meet the requirements of section NR 544.04(9g) of the Wisconsin Administrative Code as well as the Town of Decatur's recycling ordinance.

EXAMPLE 1:

Problem: Property found to have no methods for recycling in place.

Compliance Strategy:

1st Response – Recycling coordinator shall send a letter to the property owner reminding them of the requirement to comply with the local recycling ordinance. Other educational materials shall be provided as needed.

2nd Response – Recycling coordinator shall send a letter to the property owner giving them 30 days to comply with the local recycling ordinance.

After 30 days have passed, the recycling coordinator shall inspect the property to determine if the property is in compliance with the recycling ordinance. If found to be non-compliant, the recycling coordinator shall contact the City of Brodhead Police Department to request the issuance of a citation to the property owner consistent with the Town's citation ordinance.

EXAMPLE 2:

Problem: Unacceptable materials found mixed with recyclables.

Compliance Strategy: Recycling route driver shall notify resident by tagging the recycling bin and leave at curb.

Continued occurrences shall result in a letter issued by the recycling coordinator. If compliance is not achieved, the recycling coordinator shall contact the City of Brodhead Police Department to request the issuance of a citation to the property owner consistent with the Town's citation ordinance.

EXAMPLE 3:

Problem: Recyclable materials found in trash.

Compliance Strategy: Garbage route driver shall collect material and leave current recycling educational materials.

Continued occurrences shall result in a letter issued by the recycling coordinator. If compliance is not achieved, the recycling coordinator shall contact the City of Brodhead Police Department to request the issuance of a citation to the property owner consistent with the Town's citation ordinance.