



Town of Troy

Walworth County, Wisconsin

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STATE OF WISCONSIN

TOWN OF TROY

WALWORTH COUNTY

ORDINANCE NO. 2026-05

TOWN OF TROY ORDINANCE TO REPEAL ORDINANCE 94-1 AND ADOPT A NEW RECYCLING ORDINANCE

WHEREAS, the Town Board finds that it is in the best interest of the health, general welfare, and safety of the Town of Troy 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, and

WHEREAS, This ordinance is adopted as authorized under s. 287.09(3)(b), Wis. Stats.,

NOW, THEREFORE, the Town Board of the Town of Troy, Walworth County, Wisconsin, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: 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 ch. NR 544, Wis. Adm. Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the ch. 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 2: APPLICABILITY.

The requirements of this ordinance apply to all persons within the Town of Troy, Walworth County Wisconsin.

SECTION 3: ADMINISTRATION.

The provisions of this ordinance shall be administered by the Town Board of Town of Troy.

SECTION 4: 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 used in the manufacture of shipping containers and related products.

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- 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, ovenware, 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" 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) "Multiple-family dwelling" means a structure containing 5 or more residential units, including units that 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 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.
- 12) "Office paper" means a variety of high-grade printing and writing papers. This term does not include industrial process waste, newspaper or packaging.
- 13) "Other resins or multiple resins" mean plastic resins labeled by the resin code # 7.
- 14) "Person" includes any individual, corporation, limited liability company, partnership, association, local government unit, as defined in s. 56.0131(1)(a), Wis. Stats., state agency or authority or federal agency.
- 15) "PETE" or "PET" means polyethylene terephthalate, labeled by the resin code # 1.

SECTION 5: SEPARATION OF RECYCLABLE MATERIALS.

A. 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

B. The Town of Troy Board 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 services provided by the Town or its contractors. The Town of Troy shall provide written notice of this declaration to service recipients.

SECTION 6: SEPARATION REQUIREMENTS EXEMPTED.

The separation requirements of s. 5 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. 5 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 supplement fuel.
- 3) A recyclable material specified in s. 5(a)(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. Adm. Code.

SECTION 7: CARE OF SEPARATED RECYCLABLE MATERIALS.

To the greatest extent practicable, the recyclable materials separated in accordance with s. 5 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 8: MANAGEMENT OF LEAD ACID BATTERIES, MAJOR APPLIANCES, WASTE OIL AND YARD WASTE.

- A. 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 recycled at a retail business that sells lead acid batteries and accepts used batteries for the purpose of recycling, or at a solid waste facility that accepts used batteries for the purpose of recycling. Any fee imposed for the recycling of used batteries shall be the responsibility of the generator.

- 2) Major appliances shall be recycled at a retail business that sells appliances and accepts used appliances for the purpose of recycling, or at a solid waste facility that accepts appliances for the purpose of recycling. Any fee imposed for the recycling of used appliances shall be the responsibility of the generator.
- 3) Waste oil shall be recycled at a retail business that sells oil or automotive products and accepts oil for the purpose of recycling, or at a solid waste facility that accepts waste oil. Any fee charged for the disposal of waste oil shall be the responsibility of the generator.
- 4) Yard waste shall be collected by the residents and may be transported to the compost facility located at W1229 CTH L per the Intergovernmental Agreement among the Town of Troy, The Town of East Troy and the Village of East Troy for the Purpose of Implementing Efficiencies Related to Operating a Compost Site for the Collection and Processing of Yard Waste.
- 5) Waste tires shall be recycled at a retail business that sells tires or automotive products and accepts tires for the purpose of recycling, or at a solid waste facility that accepts tires for the purpose of recycling. Any fee charged for the disposal of used tires shall be the responsibility of the generator.

SECTION 9: PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS.

A. Except as otherwise directed by the Town of Troy, 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. 5(a)(5) through (15):

- 1) All recyclables shall be commingled in the 95-gallon wheeled cart provided by the Town of Troy and placed curbside by 6: 00 a.m. on the scheduled collection day.
- 2) Aluminum cans shall be empty and shall include used beverage cans only.
- 3) Container glass shall be cleaned, with caps and neck rings removed. Labels can remain on glass. Glass should not be broken. Glass does not include ceramic cups, dishes, ovenware, plate glass, safety and window glass, heat-resistant glass such as Pyrex®, lead-based glass such as crystal, or TV tubes.
- 4) Corrugated cardboard shall be clean, and must be flattened and does not include waxed cardboard or "chipboard," such as cereal boxes, shoe boxes and similar materials.
- 5) Mixed paper includes all grades of papers, including white, colored, ledger, shiny, coated, carbonless or NCR papers; envelopes, including windowed, labeled and kraft; magazines, phone books, computer print-out paper, glued pads and tablets, file folders, keypunch cards, Post -it® notes, spiral notebooks, cereal boxes, shoe boxes, etc. Can include paper clips and staples. Does not include hand towels or other paper products from restrooms, or soiled napkins and paper plates. Also does not include carbon paper, cellophane or any waxed paper.
- 6) Newspaper includes newspaper and newspaper advertisements only; does not include catalogs, magazines, cardboard or other paper products.
- 7) Plastic bottles include only plastic bottles and containers clearly marked with the recycling emblem encircling the # 1 through the # 7; does not include motor oil bottles or Styrofoam packaging materials. Labels and neck rings can remain on plastic. All plastic bottles and containers must be clean.
- 8) Tin cans include tin-coated or metal cans, bimetal cans and steel containers, which must be clean. Cut-out ends are recyclable.

B. The hauler may decline to collect any recyclable material not so placed, any material not defined in s. 5(a) or any material not properly prepared. Where the hauler has reason to leave recyclables uncollected at a residence, the hauler or agents shall inform the resident by means of a tag attached to the recyclables uncollected as to why the recyclable was not collected; e. g., not residential recyclables, unapproved materials, improperly prepared, improper placement, etc. Continued problems shall be reported to the municipality for enforcement.

C. Residential waste services.

- 1) The hauler shall provide curbside collection service for the collection of residential waste from residential units once per week. It is the resident's responsibility to see that containers are placed curbside or as close as practicable to collection vehicle routes by a time agreed upon with each community on the designated collection day. "Curbside" refers to that portion of the right-of-way adjacent to paved or traveled roadways (including alleys).
- 2) The hauler may decline to collect any container not so placed, any container not complying with this chapter, any containers that contain sharp objects or liquids or any residential waste not properly contained. Where the hauler has reason to leave solid waste uncollected at a residence, the hauler or the hauler's agents shall inform the resident by means of a tag attached to the solid waste uncollected as to why the solid waste was not collected; i. e., no residential solid waste, hazardous waste, unapproved containers, improper placement, etc.

SECTION 10: RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF MULTIPLE-FAMILY DWELLINGS.

A. Owners or designated agents of multi-family dwellings shall do all of the following to recycle the materials specified in s. 5(a)(5) through (15):

- 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 semiannually 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 of drop-off collection sites to recycle materials not collected on-site.

B. The requirements specified in 1) do not apply to the owners or designated agents of multi-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. 5(a)(5) through (15) from solid waste in as pure a form as is technically feasible.

SECTION 11: RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF NON - RESIDENTIAL FACILITIES AND PROPERTIES.

- A. Owners or designated agents of multiple -family dwellings shall do all of the following to recycle the materials specified in s. 5(a)(5) through (15):
- 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 of drop-off collection sites to recycle materials not collected on-site.
- B. 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 the materials specified in s. 5(a)(5) through (15) from solid waste in as pure a form as is technically feasible.

SECTION 12: 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. 5(a)(5) through (15) that have been separated for recycling, except waste tires, may be burned with energy recovery in a solid waste treatment facility.

SECTION 13: ENFORCEMENT

- A. For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the Town of Troy 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 Troy 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 of Troy 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 s. 12 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 s. 12, may be required to forfeit not less than \$10 or more than \$1000 for each violation.

SECTION 14: SEVERABILITY.

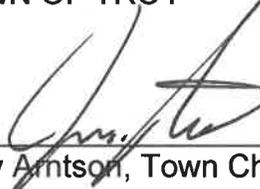
Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

SECTION 15: EFFECTIVE DATE.

This ordinance shall be effective upon publication or posting as provided by law.

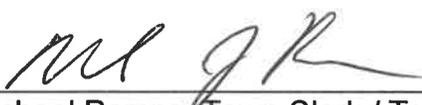
Dated this 11th day of MARCH, 2026.

TOWN OF TROY



Jerry Arntson, Town Chair

ATTEST:



Michael Ramps, Town Clerk / Treasurer

Published and posted this 12 day of March, 2026.