

## **Town of Cold Spring Recycling Ordinance #94-1**

### **1.01 TITLE.**

The title of this ordinance is the **TOWN OF COLD SPRING RECYCLING ORDINANCE**.

### **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 s. 159.11, Wis. Stats., and Chapter NR 544, Wis. Administrative Code or their successor provisions. The Town Board of the Town of Cold Spring finds and determines that: there is an increasing necessity to conserve natural resources and reduce the need for landfill space for the citizens of the Town of Cold Spring. A substantial portion of residential and business and solid waste material can be separated from other solid waste materials and recycled. This would benefit residents, taxpayers, and businesses of the Town by reducing the volume of solid waste materials collected by the Town and transported to and deposited in available authorized landfill sites.

### **1.03 STATUTORY AUTHORITY.**

This ordinance is adopted as authorized under s. 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, whenever this ordinance imposes greater restrictions, the provisions of this ordinance shall apply.

### **1.05 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 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 affected.

### **1.07 APPLICABILITY.**

The requirements of this ordinance apply to all persons within the Town of Cold Spring.

## **1.08 ADMINISTRATION.**

The provisions of this ordinance shall be administered by the Town Board of the Town of Cold Spring or its designee.

## **1.09 EFFECTIVE DATE.**

The provisions of this ordinance shall take effect on December 15, 1994.

## **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. "Collector" means the person or persons specifically authorized by the Town Board to collect garbage, rubbish, and recyclable materials and dispose of the same.
3. "Container board" means corrugated paperboard used in the manufacture of shipping containers and related products.
4. "Corrugated" means two-ply cardboard used in shipping and packaging containers.
5. "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.
6. "Garbage" means and includes all organic kitchen waste that attends the storage, preparation, use, cooking or serving of food.
7. "Hazardous waste" means any substance that can catch fire, can react or explode when mixed with another substance, or is corrosive or toxic. Such substances include but are not limited to chemicals, solvents, fertilizers, acids and caustics, poisons, herbicides, pesticides, insecticides, and wood preservatives.
8. "HDPE" means high density polyethylene, labeled by the SPI code #2.
9. "Infectious waste" means biological and medical waste which is a medium for communicating disease or illness. Such supplies, human and animal body waste, dead animals, and contaminated substances or materials such as food, water or clothing.
10. "LDPE" means low density polyethylene, labeled by the SPI code #4.
11. "Magazines" means magazines and other materials printed on similar paper.

12. "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. \*Microwaves may now be disposed of in a landfill after the capacitor has been removed.\*
13. "Mixed paper" means all other paper, including books, magazines, catalogs, phone books, office paper, junk mail, cereal boxes, and similar material.
14. "Multiple-family dwelling" means a property containing or more residential units, including those which are occupied seasonally.
15. "newspaper" means a newspaper and other materials printed on newsprint, including daily or weekly publications and advertising circulars, whether delivered separately or accompanying newspaper, normally delivered or mailed to residences or business for dissemination of public information.
16. "Non-recyclable materials" means all materials not defined as recyclable materials under subparagraph 27.
17. "Non-residential facilities and properties" means commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings or residential dwellings.
18. "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.
19. "Other resins or multiple resins" means plastic resins labeled by the SPI code #7.
20. "Person" includes any individual, corporation, partnership, association, local governmental unit, as defined in §66.299(1)(a). Wis. Stats., state agency or authority or federal agency.
21. "PETE" means polyethylene terephthalate, labeled by the SPI code #1.
22. "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.
23. "Post-consumer 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.
24. "PP" means polypropylene, labeled by the SPI code #5.
25. "PS" means polystyrene, labeled by the SPI code #6.
26. "PVC" means polyvinyl chloride, labeled by the SPI code #3.

27. "Recyclable material" includes lead acid batteries; major appliances; waste or unused oil; yard waste, including leaves, trees, tree limbs and brush; 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; scrap metal products; steel containers; waste tires; bi-metal containers; and other solid waste materials designated from time to time as recyclable.
28. "Recycling container" means any labeled or marked container for collecting recyclable materials from residential properties and businesses or clear plastic bags for holding recyclable paper products.
29. "Residential family dwelling" means a property containing four or fewer residential units.
30. "Rubbish" means and includes all useless waste except leaves, trees, tree limbs, brush, earth or stone.
31. "Scrap metal products" means heavy objects made of metal, including but not limited to iron and steel objects and large metal appliances.
32. "Solid waste" has the meaning specified in §144.01(15), Wis. Stats.
33. "Solid Waste facility" has the meaning specified in §144.43(5) Wis. Stats.
34. "Solid waste treatment" means any method, technique or process which is designed to change the physical, chemical or bio-logical character or composition of solid waste.  
"treatment" includes incineration.
35. "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, carriage or defect.
36. "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.

#### **1.11 SEPARATION OF RECYCLABLE MATERIALS.**

Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties, place of business, industry, institution, and places providing foods or services of any type 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 and other material printed on similar paper
11. Newspapers and other material printed on newsprint
12. Office paper
13. Rigid plastic containers made of PETE (#1), HDPE (#2), PVC (#3), LDPE (#4), PP (#5), PS (#6), and other resins or multiple resins (#7)
14. Steel containers
15. Waste tires.

#### **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 proper-ties that send their post-consumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that re-covers 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 3C% of the heat input to the facility is derived from the solid waste burnea as supplemental fuel.
3. A recyclable material specified in s•1.11 (5) through (15) for which a variance has been granted to the Town of Cold Spring by the Department of Natural Resources under §159.11(2m), Wis. Stats., or s. NR 544.14 Wis. Administrative code or their successor provisions.

#### **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, medical waste, and agricultural chemical containers. Recyclable materials separated for recyclable material collection shall be stored in a manner which protects them from wind, rain, and other inclement weather condistions.

#### **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, except as otherwise directed by order of the Town Board, shall manage lead

acid batteries, major appliances, rimless tires, and waste oil by keeping each category separate from other solid waste on the designated collection date. These items may also be recycled at private businesses where they are purchased or at private recycling centers. YARD WASTE must be kept out of the trash and managed on-site, unless otherwise directed by the town board and/or collector.

#### **1.15 PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS.**

Except as otherwise directed by the Town Board of the Town of Cold Spring, 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 clean, crushed down, and placed in a separate container for collection.
2. Bi-metal containers shall be clean, crushed down, and placed in a separate container for collection.
3. Corrugated paper or other container board shall be crushed down and stacked for collection.
4. Foam polystyrene packaging shall be free of contaminants and placed in a separate container for collection.
5. Glass containers shall be clean and placed in a separate container for collection.
6. Magazines shall be stacked and placed in a separate container for collection.
7. Newspaper shall be stacked and placed in a separate container for collection.
8. Office paper shall be stacked and placed in a separate container for collection.
9. The following rigid plastic containers shall be clean and crushed down when possible and placed in a separate container.
  - a. Plastic containers made of PETE.
  - b. Plastic containers made of HDPE.
  - c. Plastic containers made of PVC.
  - d. Plastic containers made of LDPE.
  - e. Plastic containers made of PP.
  - f. Plastic containers made of PS.
  - g. Plastic containers made of other resins or multiple resins.
10. Steel containers shall be clean, and crushed down when possible, and placed in a separate container unless size makes this requirement unreasonable.

11. Waste tires shall be clean and stacked up for collection. The Town Board of the Town of Cold Spring or its contractor has the right to reject and leave at the curb or roadside, if there is curb-side or roadside recyclable material collection by the Town or by its collector, and the right to reject any recyclable material, waste or other materials placed by any person for recyclable material collection by the Town or its collector where these recyclable materials are not prepared according the specifications of this Ordinance as noted in s. 1.15 of this Ordinance.

No person may place or deposit for recyclable material collection by the Town or its collector, unless the person is exempt under s.1.12 or unless provided written permission by the Town Board, any recyclable materials where the recyclable materials have not been properly separated from the waste as required by order of the Town Board, as required by NR 544, Wis. Adm. Code, or its successor provisions, or as required by this Ordinance and where the recyclable materials have not been properly contained in the bays, bins, or other containers as required by order of the Town Board or this Ordinance.

#### **1.16 RESPONSIBILITIES OF OWNERS CR DESIGNATED AGENTS OF RENTAL UNITS, (INCLUDING SINGLE-FAMILY AND MULTIPLE-FAMILY DWELLINGS)**

1. Owners or designated agents of rental units, (including single-family and 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 semiannually 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 rental units, (including single-family and 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 RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF NON-RESIDENTIAL 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 the recyclable materials.

- b. Notify in writing, at least semi-annually, all users, tenant: 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 a 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 sold 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.

#### **1.19 RESIDENTIAL COLLECTION SCHEDULE.**

- a. The Town Board and Town's collector shall establish the time of collection of solid waste, including recyclable materials, and the Town shall publish the collection schedule at least once in the spring and fall of each year and, in addition, at any time the collection schedule is changed.
- b. Solid waste containers and recycling containers shall be placed as herein required at required collection point not sooner than 4 p.m. of the day before the regularly scheduled collection and by 6 a.m. of the collection day, and no person shall permit solid waste or containers thereof to accumulate or remain at the curb line after 7 p.m. of the regularly scheduled collection day.

#### **1.20 PLACING SOLID WASTE FOR RESIDENTIAL COLLECTION.**

- a. Except as otherwise specifically directed or authorized by the Town under (b), solid waste and recycling containers from all residential premises shall be placed five feet from the curb line adjacent to the street designated in the published collection schedule. In addition, solid waste containers and recycling containers shall be placed five feet apart.
- b. The Town may direct or authorize the placing of solid waste and recycling containers in a manner different from that provided herein in order to facilitate a more reasonable mode of collection from particular premises.

#### **1.21 PREPARATION OF SOLID WASTE FOR RESIDENTIAL COLLECTION.**



- a. All garbage or rubbish placed for collection shall be well-drained, wrapped and deposited in water-tight containers or water-tight bags. No container or bag placed for collection shall exceed 30 gallons in capacity or 40 lbs. in weight.
- b. Any garbage or rubbish not placed for collection in accordance with the provisions of this section may be refused by the collector.

**1.22 GARBAGE OR RUBBISH NOT TO BE DEPOSITED IN ANY OTHER PLACE OR MANNER THAN HEREIN PROVIDED.**

- a. No person shall place any garbage on any street, alley, sidewalk, or other public or private property unless the same shall be placed in containers or bags for Town collection the times and in the manner as herein provided.

**1.23 ITEMS NOT TO BE PLACED FOR RESIDENTIAL PICK-UP BY THE COLLECTOR.**

No person shall dump, deposit or place at the curb line adjacent to any street or public alley for collection or for any other purpose or for any of the following:

- a. Construction and/or demolition materials, such as large amounts of stone, concrete, lumber, roofing materials, earth, or sod:
- b. Containers over 30 gallon or 40 lbs.
- c. Tree stumps, roots, and shrubs with intact root balls over 8 inches in diameter and/or greater than 40 lbs.;
- d. hazardous, toxic and infectious waste;
- e. Yard waste.

**1.24 ENFORCEMENT**

For the purpose of ascertaining compliance with the provisions of NR 544 Wis. Adm Code or its successor provisions and compliance with this Ordinance, any authorized officer, employee or representative of the Town may pursuant to §66.122 Wis. Stats., or its successor chapters and pursuant to NR 544, Wis. Adm. Code or its successor provisions, inspect recyclable materials separated for recycling, inspect post-consumer waste intended for disposal, inspect any recyclable material collection locations and any other collection facilities, and collection vehicles in the Town, including any collection areas for single-family, two (2) to four (4) residential dwelling units, multiple family dwelling units, and non-residential facilities and properties that are controlled by any occupants, any collector of the Town, any permittee collector or any other person participating in any recycling activity in the Town, any solid waste disposal facilities and solid waste treatment facilities, and in addition, inspect any records relating to recyclable material activities or any occupants, any collector for the Town any permitted collectors or other persons in the Town. These records shall be kept confidential by the Town Board when necessary to protect proprietary information.

No person may refuse access to any authorized officer, employee or authorized representative of the Town of Cold Spring who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.

#### **1.25 PENALTIES**

Any person who violates a provision of this ordinance may be issued a citation by the Town of Cold Spring 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. Penalties for violating this ordinance may be assessed as follows:

1. Any person who violates 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.
2. 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.

This ordinance shall be deemed to be in force effective Dec. 15, 1994 after its passage, approval, publication and recording according to law.

Lisle Piper, Jr (signed)  
*Town Chairman*

Wesley G. Freeman (signed)  
*Supervisor*

Lyle J. Pester (signed)  
*Supervisor*

Dated November 3, 1994  
Published November 23, 1994

Mary Ellen Findlay (signed)  
*Attest – Town Clerk*