

TOWN OF RUTLAND
ORDINANCE 2023-05-01
Recycling Ordinance

The Town board of the Town of Rutland, Dane County, Wisconsin, hereby ordains as follows:

Section 1. Purpose. The Town Board finds participation in a mandatory source separation recycling program appropriate in this jurisdiction. The Town Board further finds it appropriate to participate in both county-wide and state-wide recycling programs to conserve energy, recycle valuable resources, and to protect public health, welfare and the environment. The Town Board also finds participation in these programs appropriate to achieve consistency with the county-wide and State-wide recycling policies to ensure that the Town will be able to use the county-owned landfill and the county material recycling facility.

Section 2. Definitions. The following words are defined in this ordinance as follows:

- (a) "Collector/Hauler" means the contractor or entity chosen by the Town Board to handle, transport and dispose of the community's solid waste, recyclables and non-recyclables or a person or persons contracting with waste generators for these services.
- (b) "Corrugated cardboard" means heavy duty Kraft paper packaging material with a corrugated medium between two flat paper liners, and does not include paperboard such as that used in cereal or laundry detergent boxes or non-corrugated holders for beverage cans or bottles.
- (c) "Garbage" means discarded materials resulting from the handling, processing, storage preparation and consumption of food that are not "Recyclable Materials" as defined in par (s).
- (d) "Glass" means glass bottles, jars and containers but does not include windows glass, drinking glasses, Pyrex, light bulbs, or other non-container glass.
- (e) "Good faith" means reasonable efforts to adhere to the policies, standards, and rules of this ordinance.
- (f) "Hazardous waste" or Hazardous substance" means those wastes or substances as defined in Ch. NR 661 or the Wisconsin Administrative Code or in any other regulations promulgated by WDNR pursuant to sections 291.05-291.11, 291.91 and 291.93 Wis Stats. or any other authority vested in the Wisconsin Department of Natural Resources to describe and list hazardous wastes or substances, but also including all such materials exempted from such definitions solely because they consist of household waste.
- (g) "Lead-acid batteries" means automotive and related batteries that are comprised of lead plates with an acid electrolyte, and does not include nickel cadmium batteries, dry cell (flashlight) batteries or batteries used in calculators, watches, hearing aids, electric vehicles or similar devices.
- (h) "Major appliance" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, oven, refrigerator, stove, water heater or any other item commonly referred to as a white good.
- (i) "Metal cans" means tin coated steel cans, bi-metal cans, and aluminum cans used for food and other non-hazardous materials but excluding aerosol cans and cans that held paint, paint related products, pesticides or other toxic or hazardous substances.
- (j) "Multifamily dwelling" means a residential dwelling place intended to be the residence of four or more independent family units.

(k) "Newspapers" means matter printed on newsprint including daily or weekly publications and advertising materials but excludes glossy paper, magazines, catalogs or similar materials.

(l) "Non-recyclable material" means all items of waste not recyclable except hazardous waste or hazardous substances.

(m) "Other paper" shall mean all paper excluding newsprint materials or other materials specifically excluded in the definitions of "newspaper" and "corrugated cardboard" but including grades of fiber materials with available markets for recycling.

(n) "Oversize and bulky waste" means large items such as furniture, mattresses, carpeting, construction or demolition materials of substantial dimensions, brush, and other large items whose proportions are not easily reduced.

(o) "Person" includes any individual, corporation, organization, association, local governmental unit, as defined in §895.58(1)(b), Wis Stats., state agency or authority or federal agency.

(p) "Plastic container" means a blow molded plastic bottle made of high-density polyethylene (HDPE) or a plastic bottle or jar made of polyethylene terephthalate (PET), but does not include HDPE containers that are not blow molded including but not limited to containers for yogurt, cottage cheese, butter, margarine, ice cream and similar products.

(q) "Preparation standards" shall mean criteria establishing acceptable good faith requirements for introduction of materials into the source separation recycling program involving either transport to a material recycling center or temporary storage of such materials.

(r) "Recyclable material" means identified materials meeting preparation standards and shall include the following: newspapers; corrugated cardboard; broken brown, green and clear container glass; aluminum, metal cans; blow molded HDPE and PET plastic containers; tires regardless of size; used oil; lead-acid batteries; and major appliances. Recyclable material further means materials meeting preparation standards where economical markets or short-term storage are available and shall include the following: other paper; polystyrene foam; PVC containers; polypropylene containers; HDPE and PET containers other than bottles; types of plastic containers labeled "other"; and other materials determined to have economical markets available.

(s) "Refuse" means combustible and non-combustible materials including, but not limited to: paper products, wood, metal, glass, cloth, and products thereof in unrecoverable condition; litter and street rubbish not including yard waste; uncontaminated ashes; and building materials such as wood, concrete, glass, plaster, and other intermixed materials produced in construction or demolition of structures. "Refuse" for purposes of this ordinance shall not include "oversize and bulky waste."

(t) "Solid Waste" means garbage, refuse, trash and all other discarded or salvageable solid materials, including solid waste materials resulting from industrial, commercial, and agricultural operations and from community activities, but does not include solids or dissolved material in wastewater effluent or other common water pollutants.

(u) "Solid waste storage" shall mean safe, environmentally sound short-term containment of materials and, regarding recyclables, shall involve preserving materials in a condition meeting preparation standard as determined by the Wisconsin DNR.

(v) "Tires" for collection purposes shall mean rubber vehicle or equipment tires and other tires which are removed from rims.

(w) "Town" means the Town of Rutland, Dane County, Wisconsin.

(x) "Used oil" means any contaminated petroleum-derived or synthetic oil including but not limited to the following; engine and other mechanical lubricants; hydraulic and transmission fluid; metalworking fluid; and insulating fluid or coolant.

(y) "Yard waste" means leaves, grass clippings, yard, and garden debris, including clean woody vegetative material and holiday trees, but does not include tree stumps, extensive root systems or shrubs with intact root balls.

Section 3. Applicability. This ordinance shall apply to all persons, entities and appropriate waste generating activities, within the boundaries of the Town of Rutland. Owners/renters of all one- and two-family homes shall participate in a contract arranged by the property owner for the collection of recyclables and waste and/or use the collection center for both their recyclables and waste. Owners of multiunit residential homes, commercial, retail, industrial, institutional, and governmental facilities shall contract privately for non-recyclable and recyclable collection service.

Section 4. Conflict and Severability. The provisions of this ordinance shall be held to be minimum requirements, and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes in their interpretation and application. Where any terms or requirements of this ordinance may be inconsistent or conflicting, the more restrictive requirements or interpretations consistent with state shall control. If any section, provision, or portion of this ordinance is found unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall remain enforceable and shall not be affected by that ruling.

Section 5. Mandatory Source Separation and Collection. The following provisions shall apply to all non-hazardous solid waste generated within the Town.

(a) Non-recyclable Material.

1. The Town Collection Center is for residential use only. No business or contractor construction or remodeling materials may be deposited at the Center.
2. All residential garbage, refuse and other non-recyclable materials shall be collected removed and disposed of pursuant to the property owner's private agreement with the designated collector/hauler or deposited at the Town Collection Center unless such arrangements are unavailable or not required, in which case persons shall follow these guidelines in their own disposal of solid waste generated. Commercial, retail, industrial, institutional and government facilities shall arrange for the private collection of such wastes.
3. All garbage, refuse, trash and other non-recyclable materials shall be placed curbside for collection in the container provided by the collector/hauler or placed in the appropriate container at the Town Collection Center.
4. Any container placed curbside for collection as refuse or non-recyclable material or deposited at the Town Collection Center which contains any recyclable material may be refused by either the collector/hauler or attendant at the Town Collection Center unless the generator shows a good faith intent to comply with this ordinance.
5. All persons shall be responsible for appropriate disposal of yard waste from properties owned or occupied by them. Composting or burning of yard waste on private property is permitted where no nuisance is created. Residents must comply with the Town of Rutland Burning Control Ordinance. Burning shall comply with all applicable state and local regulations and restricting in effect at the time.

(b) Recyclable Materials.

1. All recyclable materials shall meet preparation standards, be separated from other solid waste, and placed in the container provided by the collector/hauler or,

in the case of one- and two-family home owners, in appropriate containers at the Collection Center.

2. Owners of multi-family dwellings shall provide adequate containers for handling and collection of recyclable materials to enabling tenants to ensure separation of recyclables from non-recyclables and that recyclables meet preparation standards. Occupants shall be provided with sufficient containers to achieve good faith recycling based upon size of the multi-family dwelling. Containers shall be maintained in clean, safe and water-tight condition. Owners of multi-family dwellings shall exercise good faith to assure that residents and occupants comply with recycling requirements of this ordinance.

Owners of multi-family dwellings not using a contracted contractor/hauler shall provide for the collection of all recyclable materials separated from solid waste generated by their tenants and ensure delivery to a material recycling facility.

3. Owners of Commercial, Retail, Industrial, Institutional and Governmental Facilities shall provide for the collection of all recyclable and non-recyclable material separated from solid waste generated by their tenants and ensure delivery to a material recycling facility. Owners shall provide adequate containers for handling and collection of recyclable materials enabling tenants to ensure separation of recyclables from non-recyclables and that recyclables meet preparation standards. Occupants shall be provided with sufficient containers to achieve good faith recycling based upon type of business, size of building and handling, transportation, and processing requirements of the collector/hauler.

(c) Prohibited Practices in Collection and Handling of Recyclables. No person generating or disposing of waste within the Town shall do any of the following:

(1) Mix or permit intermixing of recyclable and non-recyclable materials intended for collection by a collector/hauler or intended to be processed at the Collection Center unless a good faith intent to comply with this ordinance is shown.

(2) Deposit or cause to be deposited any recyclable material at any authorized collection point when the site is closed or not operating including at the Town Collection Center.

(3) Deposit or cause to be deposited any recyclable material in or upon any public street, public waters or public grounds in the Town except at authorized locations with appropriate packaging or placement into appropriate containers during specifically authorized collection periods if any are provided.

(4) Deposit or cause to be deposited any recyclable material in any container not specifically intended for the collection of that type or group of recyclable material.

(5) Deposit or cause to be deposited any non-recyclable material in any container specifically intended for the collection or deposit of recyclable material.

Section 6. Preparation Guidelines and Fee Schedule. Guidelines for the preparation of recyclable materials and fees for use of Town collection facilities shall be established by the Town Board by resolution from time to time.

Section 7. Anti-Scavenging Provision. No persons, other than the authorized waste collector/hauler or Town agent, shall remove, disturb, or take possession of recyclables once those materials are placed for collection by any other person. All recyclable materials placed for collection pursuant to this ordinance shall thereupon become the property of the Town or the Town's authorized agent, if placed at a Town facility, or a private collector/hauler under contract for the collection of such recyclables in all other

cases. Any and each collection by unauthorized persons in violation of this provision shall constitute a separate and distinct offense punishable as provided herein.

Section 8. Violation and Penalty. Any person found to have violated any provision of this ordinance or any regulations promulgated pursuant hereto in connection with the use of the Town Collection Center shall be notified either in person, via letter or both, of the violation. In the event the same person shall commit a second violation he or she shall forfeit the right to use the Collection Center.

Section 9. Public Information. The Town Clerk shall make available to the public all policies, procedures and fee schedules adopted by the Town Board under this ordinance. When directed by the Town Board, the clerk shall prepare notices and distribute other information to persons and entities generating waste within the Town for the purpose of informing them about the requirements established under this ordinance.

Section 10. Consistency. All ordinances of the Town or parts of those ordinances construed to be inconsistent with this ordinance for the purpose of achieving an effective recycling program in the Town shall be hereby repealed as to such inconsistency only for the limited purpose of making effective all provisions in this ordinance.

Section 11. Effective Date. This ordinance shall be in full force and effect on the 18th day of May, 2023.

Adopted this 10th day of May, 2023 by order of the Town Board of Rutland, Dane County, Wisconsin

Kent Knutson, Town Chair

Attest: _____
Dawn George, Clerk