

RECYCLING ORDINANCE

ORDINANCE #0194 FOREST TOWNSHIP, WISCONSIN

The Town Board for the Town of Forest does ordain, as follows:

(1) TITLE. The title of this ordinance shall be the Town of Forest Recycling Ordinance.

(2) AUTHORITY. This ordinance is enacted to sections 159.03(3)(b) and 62.11(5) and 62.225, Wisconsin Statutes.

(3) 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.

(4) 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, Wisconsin 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 at the time of the interpretation.

(5) 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.

(6) PURPOSE. The purpose of this ordinance is to regulate and require the separation, collection, and processing of recyclable materials to the greatest extent feasible.

(7) MANDATORY RECYCLING. Owners and occupants of single family and multi-family residences and non-residential facilities located within Forest Township are required to separate and recycle, from their municipal solid waste, those items identified in section (10) of this ordinance.

(8) DEFINITIONS. For the purposes of this ordinance:

(a) "Aluminum container" means all aluminum beverage cans and foil.

(b) "Bi-metal container" means a container for carbonated or malt beverages that is primarily made of a combination of steel and aluminum.

(c) "Burnable Materials" as used herein, shall mean only clean scrap lumber, trees, woody vegetative material in excess of 6 inches in diameter, stumps, roots, and shrubs with intact root bulbs.

(d) "Corrugated Cardboard" means corrugated paperboard or cardboard used in the manufacture of shipping containers and related products.

(e) "Composting" means the decomposition or breakdown of organic materials.

(f) "Drop-off system" means a system for collecting recyclable materials in which the recyclable materials are deposited into designated containers from which the recyclable materials are transported for processing and marketing.

(g) "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 that packaged article in a shipping container.

(3) Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.

(h) "Glass Container" means bottles and jars, such as food jars, beer and pop bottles, wine and liquor bottles, etc., except window glass, mirrors, and light bulbs.

(i) "HDPE" means a plastic container made from high density polyethylene resin and labeled by the SPI code #2.

(j) "Household Waste" means any material, including garbage, trash and sanitary waste in septic tanks, derived from households, including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas.

(k) "LDPE" means low density polyethylene, labeled by the SPI code #4.

(l) "Lead acid battery" means a battery, such as a car, tractor, or marine battery.

(m) "Magazines" means magazines and other materials printed on similar paper.

(n) "Major appliance" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven (except those from which the capacitor has been removed), oven, refrigerator, stove, residential or commercial furnaces, boilers, dehumidifiers, or water heaters.

(o) "Multi-family dwelling" means a property containing 5 or more residential units, including those which are occupied seasonally.

(p) "Municipal Solid Waste (MSW)" means household waste or solid waste from commercial or industrial sources that does not contain hazardous waste and does not contain any process waste which is the direct or indirect result of the manufacturing of a product or the performance of a service, such as dry cleaners or paint shops.

(q) "Municipality" means any in-state or out-of-state city, village, town, or county.

(r) "Newspaper" means a newspaper and other materials printed on newsprint.

(s) "Non-burnable material and rubble" as used herein, shall mean only concrete, stone, asphalt, shingles, ashes, sand, and dirt.

(t) "Non-residential facilities and properties" means commercial, retail, industrial, institutional, and governmental facilities and properties.

(u) "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.

(v) "Owner" means any individual, corporation, partnership, association, or local government unit, as defined in section 66.299(1)(a), Wisconsin Statutes, state agency or authority or federal agency.

(w) "Out-of-state unit" means a general purpose local governmental unit located in a state other than Wisconsin.

(x) "Person" has the same meaning as (v) above.

(y) "PETE" means a plastic container made from polyethylene resin and labeled by the SPI code #1.

(z) "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.

(aa) "Recycling" means the collection, transfer, transporting, processing, marketing, and conversion of solid wastes into usable materials or products.

(bb) "Recyclable material" means any item as designated in section (10) of this ordinance.

(cc) "Reduce" means decreasing the quantity of materials or products or both that are generated as waste or disposed of.

(dd) "Residential properties" means properties containing single family and 2 to 4 family residential units, including those that are occupied seasonally.

(ee) "Responsible unit" means a municipality, county, or solid waste management system under section 59.07(135), Wisconsin Statutes that is designated under section 159.09(1), Wisconsin Statutes.

(ff) "Reuse" means using a component of municipal solid waste again for its original purpose.

(gg) "Solid waste facility" means a facility for solid waste treatment, storage, or disposal as defined in section 144.43(5), Wisconsin Statutes.

(hh) "SPI" means the Society of the Plastic Industry.

(ii) "Steel container" means a food or beverage container made from steel.

(jj) "Tin cans" means all containers such as soup cans, vegetable cans, etc., made from tin, except aerosol cans, paint cans, and oil cans.

(kk) "Waste oil" means automotive engine oil after it has been used and removed from the engine or crankcase of a motor vehicle.

(ll) "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage, or defect.

(mm) "Yard waste" means leaves, grass clippings, yard and garden debris and brush, including woody vegetative material no greater than 6 inches in diameter. This term does not include stumps, roots or shrubs with intact root bulbs.

(9) APPLICABILITY. This ordinance shall apply to all persons within the Town of Forest responsible unit, including

the following:

(a) Any solid waste hauler or recycler conducting business within the Town of Forest.

(b) Occupants of single family residences, seasonal residences, property containing two (2) or more dwelling units and non-residential facilities and properties.

(c) Owners or agents of properties containing five (5) or more dwelling units.

(d) Owners or agents of non-residential facilities and properties.

(10) RECYCLABLE MATERIALS. The following materials shall be separated from solid waste for recycling and are prohibited from land disposal and incineration:

(a) Aluminum containers

(b) Bi-metal containers

(c) Corrugated cardboard

(d) Foam polystyrene packaging

(e) Glass containers

(f) Lead acid batteries

(g) Magazines and other materials printed on similar paper

(h) Major appliances

(i) Newspapers

(j) Office paper

(k) PETE (#1), HDPE (#2), LDPE (#4) plastic containers

(l) Steel containers

(m) Tin cans

(n) Waste oil

(o) Waste tires

(p) Yard waste

(11) CARE OF SEPARATED RECYCLABLES. To the greatest extent practicable, the recyclable materials separated in accordance with section 10, shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other non-recyclable materials.

(12) DISPOSAL & INCINERATION PROHIBITED. Except as provided by section 159.07(7), Wisconsin Statutes, it is illegal to dispose of in the solid waste facility any of the materials listed in section 10, that have been separated for recycling. It is also illegal to dispose of in the solid waste facility any lead acid battery, major appliance, waste oil, waste tires or yard waste.

(13) MANAGEMENT OF LEAD ACID BATTERIES, MAJOR APPLIANCES, WASTE OIL, YARD WASTE, AND WASTE TIRES. Occupants of single family and 2 to 4 unit residences, multi-family dwellings, and non-residential facilities and properties shall separate lead acid batteries, major appliances, waste oil, yard waste, and waste tires from solid waste and manage them in the following manner.

(a) Lead acid batteries shall be delivered to an approved material(s) recovery facility which accepts lead acid batteries or to a lead acid battery retailer.

(b) Major appliances shall be delivered to persons accepting major appliances. Persons accepting major appliances must comply with the provisions of sections 144.44(9) and 144.79, Wisconsin Statutes, for the removal and disposal of capacitors

and section 14.422, Wisconsin Statutes, for the dismantling of refrigeration equipment.

(c) Waste oil shall be delivered to a DNR-approved waste oil drop-off site.

(d) Waste tires shall be delivered to a municipal collection point that accepts waste tires or to a private business that accepts tires for recycling or proper disposal.

(e) Yard waste shall be composted on the site of origin.

(14) OWNERS/AGENTS OF RESIDENTIAL AND NON-RESIDENTIAL PROPERTIES AND FACILITIES. Owners and/or agents of residential properties containing five (5) or more dwelling units and/or non-residential properties and facilities are required to separate from solid waste and recycle those items identified in section 10. Recyclables collected from these facilities shall remain the property of these facilities. In addition, owners and/or agents under this section must:

(a) Provide adequate, separate containers for recyclable materials.

(b) Notify tenants, users, and occupants, including seasonal tenants, in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter, of the recycling program.

(c) Provide for the distribution of recyclable materials separated from the solid waste by the tenants and the delivery of the recyclable materials to a recycling facility.

(d) Notify tenants, users, and occupants of the reasons to reduce, reuse, and recycle, which materials are recycled, how to prepare recyclable materials in order to meet processing requirements, location and hours of operation.

(15) INSPECTION. Any authorized officer, employee or representative of the Town of Forest may enter and inspect any multi-family dwelling and non-residential facility and property for the purpose of ascertaining compliance with this ordinance. No person may refuse access to any authorized officer, employee or authorized representative of the Town of Forest who requests access for purposed of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.

(16) ENFORCEMENT. Any person who violates a provision of this ordinance may be issued a citation by the Forest Town Board 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. 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 a 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.

(17) EFFECTIVE DATE. This ordinance shall become
effective on January 1, 1995.

DATED: December 5, 1994

VOTE: Aye 3
 Nay 0
 Absent 0

SIGNED:

Leon Helgeson, Chairman

ATTEST:

Terri Swanepoel, Clerk