

TOWN OF LOMIRA
DODGE COUNTY

Chapter 9

Recycling Ordinance

Section 1. Title

Recycling Ordinance for the Town of Lomira, Dodge County, Wisconsin.

Section 2. 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 Wis. Stat. § 287.11, and Chapter NR 544, Wis. Administrative Code.

Section 3. Statutory Authority

This Ordinance is adopted as authorized under Wis. Stat. § 287.09(3)(b).

Section 4. 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.

Section 5. 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.

Section 6. Applicability

The requirements of this Ordinance apply to all persons within the Town of Lomira.

Section 7. Administration

The provisions of this Ordinance shall be administered by the Town of Lomira Town Board.

Section 8. Definitions

For purposes of this Ordinance:

- 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.
 - (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 government 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. Stat. § 66.0131(1)(a), stage 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 that is the 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. Stat. § 291.01(7), waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in Wis. Stat. § 289.01(17).
- R. PP means polypropylene, labeled by the SPI code #5.
- S. PS means polystyrene, labeled by the SPI code #6.
- T. PVC means polyvinyl chloride, labeled by the 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; newspaper; office paper; rigid plastic containers, including those made of PETE, HDPE, PVC, 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. Stat. § 289.01(33).
- W. Solid waste facility has the meaning specified in Wis. Stat. § 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.

- Y. Treatment includes incineration.
- Z. Waste tire means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
- AA. 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.

Section 9. Separation of Recyclable Materials

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:

- 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. Newspaper
- L. Office paper
- M. Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins
- N. Steel containers
- O. Waste tires

Section 10. Separation Requirements Exempted

The separation requirements of Section 9 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 Section 9 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 supplemental fuel.
- C. A recyclable material specified in Section 9.E. through 9.O. for which a variance has been granted by the Department of Natural Resources under Wis. Stat. 297.11(2m), or s. NR 544.14, Wis. Administrative Code.

Section 11. Care of Separated Recyclable Materials

To the greatest extent practicable, the recyclable materials separated in accordance with Section 9 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 12. 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. Lead acid batteries shall be placed where recycling attendant directs.
- B. Major appliances shall be placed where recycling attendant directs.
- C. Waste oil shall be placed in a container and placed where recycling attendant directs.
- D. Yard waste shall be not be accepted.

Section 13. Preparation and Collection of Recyclable Materials

Except as otherwise directed by the recycling attendant, 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 9.E. through O.:

- A. Aluminum containers shall be rinsed and crushed.
- B. Bi-metal containers shall be rinsed, labels removed, ends out and flattened.
- C. Corrugated paper or other container board shall be flattened and bundled.
- D. Foam polystyrene packaging shall not be accepted and considered solid waste.
- E. Glass containers shall be rinsed, caps and seals removed. Clear, brown, and green glass are the only types accepted.
- F. Magazines, newspapers and office paper shall be placed in paper bags or bundled.
- G. Rigid plastic containers shall be prepared and collected as follows:
 - (1) Plastic containers made of PETE (#1) shall be rinsed, caps removed, flattened.
 - (2) Plastic containers made of HDPE (#2) shall be rinsed, caps removed, flattened.
 - (3) Plastic containers made of PVC, LDPE, PP, PS and plastic containers made of other resins or multiple resins shall not be accepted and considered solid waste.
 - (4) Steel containers shall be rinsed, labels removed, ends out and flattened.
 - (5) Waste tires shall be placed where recycling attendant directs. Tractor tires shall not be accepted.

Section 14. 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 9 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 9 E. through O. from solid waste in as pure a form as is technically feasible.

Section 15. 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 9 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, 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.
- 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 9 E. through O. which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

Section 16. 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 9 E. through O. which have been

separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

Section 17. Enforcement

- A. For the purpose of ascertaining compliance with the provisions of this Ordinance, any authorized officer, employee or representative of the Town of Lomira 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 Lomira 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 Lomira 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 Section 18 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 18, may be required to forfeit not less than \$10 or more than \$1,000 for each violation.