

TOWN OF EATON RECYCLING ORDINANCE

1.01 Title. Recycling Ordinance for Town of Eaton

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 sec. 159.11, Wis. Stats., and Chapter NR 544, Wis. Administrative Code.

1.03 Statutory Authority. This ordinance is adopted as authorized under sec. 159.09(3)(b), Wis. Stats., and 60.22 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 of 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 Eaton.

1.08 Administration. The provisions of this ordinance shall be administered by the Town Board, which may by resolution hereafter delegate certain administrative duties hereunder to a designated "person," as that term is defined hereinbelow, who shall be referred to as the "Recycling Administrator."

1.09 Effective Date. The provisions of this ordinance shall take effect on April 1, 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) "Container board" means corrugated paperboard used in the manufacture of shipping containers and related products.
- 3) "HDPE" means high density polyethylene plastic containers marked by the SPI code No. 2.
- 4) "LDPE" means low density polyethylene plastic containers marked by the SPI code No. 4.
- 5) "Magazines" means magazines and other materials printed on similar paper.
- 6) "Major appliance" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, or stove.
- 7) "Mixed or other plastic resin types" means plastic containers marked by the SPI code No. 7.
- 8) "Multiple-family dwelling" means a property containing five (5) or more residential units, including those which are occupied seasonally.
- 9) "Newspaper" means a newspaper and other materials printed on newsprint.
- 10) "Non-residential facilities and properties" means commercial, retail, industrial, institutional, and governmental facilities and properties. This term does not include multiple family dwellings.
- 11) "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.
- 12) "Person" includes any individual, corporation, partnership, association, local governmental unit, as defined in sec. 66.299 (1)(a), Wis. Stats., state agency or authority or federal agency.
- 13) "PETE" means polyethylene terephthalate plastic containers marked by the SPI code No. 1.
- 14) "Post-consumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in sec. 144.61(5), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in sec. 144.44(7)(a)1., Wis. Stats.
- 15) "PP" means polypropylene plastic containers marked by the SPI code No. 5.

- 16) "PS" means polystyrene plastic containers marked by the SPI code No. 6.
- 17) "PVC" means polyvinyl chloride plastic containers marked by the SPI code No. 3.
- 18) "Recyclable materials" include lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspapers; office paper; plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS, and mixed or other plastic resin types; steel containers; waste tires; and bi-metal containers.
- 19) "Solid waste" has the meaning specified in sec. 144.01(15), Wis. Stats.
- 20) "Solid waste facility" has the meaning specified in sec. 144.43(5), Wis. Stats.
- 21) "Solid waste treatment" mean any method, technique, or process which is designed to change the physical, chemical, or biological character or composition of solid waste. "Treatment" includes incineration.
- 22) "Town Facility" means the Town of Eaton Recycling Drop-Off Facility located at the Town Hall on County Trunk T, Easton, Brown County, Wisconsin.
- 23) "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage, or defect.
- 24) "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 two- to four-unit residences, multiple-family dwellings, and non-residential facilities and properties 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 or other materials printed on similar paper
- 11) Newspapers or other materials printed on newsprint

- 12) Office paper
- 13) Plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and mixed or other plastic resin types

- 14) Steel containers
- 15) Waste tires

1.12 Separation Requirements Exempted. The separation requirements of sec. 1.11 do not apply to the following:

- 1) Occupants of single-family and two- to four-unit residences, multiple-family dwellings and non-residential facilities and properties that send their post-consumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in sec. 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 30% of the heat input to the facility is derived from the solid waste burned as supplemental fuel.

- 3) A recyclable material specified in sec. 1.11 for which a variance or exemption has been granted by the Department of Natural Resources under ss. 159.07(7)(d) or 159.11(2m), Wis. Stats., or s. NR 544.14, Wis. Administrative Code.

1.13 Care of Separated Recyclable Materials. To the greatest extent practicable, the recyclable materials separated in accordance with sec. 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 shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions. The Recycling Administrator may hereafter promulgate additional separation, preparation, and care of recyclable material rules as may be necessary to preserve, protect, and enhance to collection, storage, and recycling of separable recyclable materials. All such rules shall be posted at the Town facility and included in the educational materials disseminated as part of the Town's total recycling program.

1.14 Management of Lead Acid Batteries, Major Appliances, Waste Oil, and Yard Waste. Occupants of single-family and two- to four-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 deposited in the designated area at the Town facility during the days and hours of operation.

- 2) Major appliances shall be taken to Heim Recycling or such other license facility as may be designated by the Recycling Administrator.

3) Waste oil shall be poured into the designated collection tank at the Town facility during the days and hours of operation.

4) Yard waste shall be composted or otherwise lawfully disposed of upon the property upon which it was generated.

1.15 Preparation and Collection of Recyclable Materials. Except as otherwise directed by the Recycling Administrator, occupants of single-family and two- to four-unit residences shall do the following for the preparation and collection of the separated materials specified in sec. 1.11(5) through (15):

1) Aluminum containers shall be placed in the designated bin at the Town facility during the days and hours of operation.

2) Bi-metal containers shall be rinsed free of product residue and deposited in the designated bin at the Town facility during the days and hours of operation.

3) Corrugated paper or other container board shall be deposited in the designated bin at the Town facility during the days and hours of operation.

4) Foam polystyrene packing shall be deposited at the Town facility only upon further notification from the Recycling Administrator.

5) Glass containers shall be rinsed free of product residue and deposited in the designated bin at the Town facility during the days and hours of operation.

6) Magazines or other materials printed on similar paper shall be deposited in the designated bin at the Town facility during the days and hours of operation.

7) Newspapers or other materials printed on newsprint shall be deposited in the designated bin at the Town facility during the days and hours of operation.

8) Office paper shall be deposited in the designated bin at the Town facility during the days and hours of operation.

9) Plastic containers shall be prepared and collected as follows:

a) Plastic containers made of PETE and marked by SPI code No. 1 shall be rinsed free of product residue and deposited in the designated bin at the Town facility during the days and hours of operation.

b) Plastic containers made of HDPE and marked by SPI code No. 2, including milk jugs and detergent bottles, shall be rinsed free of product residue and deposited in the designated bin at the Town facility during the days and hours of operation.

- c) Plastic containers made of PVC and marked by SPI code No. 3 shall be deposited in the designated bin at the Town facility during the days and hours of operation.
 - d) Plastic containers made of LDPE shall be prepared and deposited at the Town facility only upon further notification from the Recycling Administrator.
 - e) Plastic containers made of PP shall be prepared and deposited at the Town facility only upon further notification from the Recycling Administrator.
 - f) Plastic containers made of PS shall be prepared and deposited at the Town facility only upon further notification from the Recycling Administrator.
 - g) Plastic containers made of mixed or other plastic resin types shall be prepared and deposited at the Town facility only upon further notification from the Recycling Administrator.
- 10) Steel containers shall be rinsed free of product residue and deposited in the designated bin at the Town facility during the days and hours of operation.
- 11) Waste tires shall be deposited in the container designated for same at the Town facility during the days and hours of operation.

1.16 Responsibilities of Owners or Designated Agents of Multiple-Family Dwellings.

- 1) Owners or designated agents of multiple-family dwellings shall do all of the following for recycling the materials specified in sec. 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 semi-annually 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 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 sec. 1.11(5) through (15) from solid waste in as pure a form as 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 for recycling the materials specified in sec. 1.11(5) through (15):
 - a) Provide adequate separate containers for the recyclable materials.
 - b) Notify in writing, at least semi-annually, all users, tenants, 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 sec. 1.11(5) through (15) from solid waste in as pure a form as is technically feasible.

1.18 Prohibitions on Disposal of Recyclable Materials. 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 sec. 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 Enforcement.

- 1) Any authorized officer, employee, or representative of the Town of Eaton or Recycling Administrator may inspect recyclable materials separated for recycling, post-consumer waste intended for disposal, collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and non-residential facilities and properties, solid waste disposal facilities and solid waste treatment facilities, and any records relating to recycling activities for the purpose of ascertaining compliance with the provisions of this ordinance. No person may refuse access to any authorized officer, employee, or authorized representative of the Town of Eaton or Recycling Administrator who requests access for purposes of inspection and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.

2) Any person who violates a provision of this ordinance may be issued a citation by the Recycling Administrator 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 ordinances or law relating to the same or any other matter shall not preclude the issuance of a citation under this paragraph.

3) Penalties for violating this ordinance may be assessed as follows:

- a) Any person who violates sec. 1.18 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.
- b) Any person who violates a provision of the ordinance, except sec. 1.18, may be required to forfeit not less than \$10 nor more than \$1,000 for each violation.
- c) In addition to the forfeitures provided herein, any person who violates this ordinance shall pay court costs and the actual attorney's fees incurred by the Town prosecuting such violation.

1.20 Burning Permitted. Burn barrel permits may be obtained from the Wisconsin Department of Natural Resources. However, open burning shall be permitted only of clean wood and paper products, and no burning is allowed without a permit granted by the Wisconsin Department of Natural Resources. Any person engaging in open burning outside of a burn barrel shall, prior to such burning, contact the Brown County Sheriff's Department to advise as to the location and nature of the intended burning. The cost(s) of all fire calls which result from the failure to notify the Brown County Sheriff concerning such non-burn barrel burning shall be charged against the violator and may be collected in a suit at law by the Town of Eaton against the violator, including the costs of prosecuting such action and the actual attorney's fees incurred by the Town in any such proceeding.