

TOWN OF ROCK

ORDINANCE NO. 2019-03

MANDATORY RECYCLING ORDINANCE

AN ORDINANCE TO AMEND AND FULLY RESTATE THE TOWN OF ROCK ORDINANCE 93-1, MANDATORY RECYCLING ORDINANCE, WHICH MANDATES RECYCLING AND TO SPECIFY AND ENFORCE THE TOWN OF ROCK'S SOLID WASTE MANAGEMENT PROGRAM, WHICH ORDINANCE IS ENACTED PURSUANT TO SECTION 287.09(3)(b) OF THE WISCONSIN STATUTES.

THE TOWN BOARD OF THE TOWN OF ROCK, ROCK COUNTY, WISCONSIN, DOES ORDAIN AS FOLLOWS:

THE TOWN OF ROCK, ROCK COUNTY, WISCONSIN HEREBY ORDAINS AS FOLLOWS:

1. **Title.** This ordinance shall be entitled the "Mandatory Recycling Ordinance for the Town of Rock, Rock County, Wisconsin."

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 Section 287.11 of the Wisconsin Statutes and Chapter NR544 of the Wisconsin Administrative Code.

3. **Statutory Authority.** This ordinance is adopted as authorized under Section 287.09(3)(b) of the Wisconsin Statutes.

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.

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 NR544 of the Wisconsin Administrative Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Chapter NR544 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.

6. **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.

7. **Applicability.** The requirements of this ordinance apply to all persons within the Town of Rock.
8. **Administration.** The provisions of this ordinance shall be administered by the Town Board of the Town of Rock.
9. **Effective Date.** The provisions of this ordinance shall take effect UPON PUBLICATION AS REQUIRED BY LAW.
10. **Definitions.** For the 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 manufacturing 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 bottles, jars and other similar containers but shall exclude drinking glasses, window panes, pyrex or any other similar glass item.
  - 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 conditioner, boiler, clothes dryer, clothes washer, dehumidifier, dishwasher, freezer, furnace, microwave oven, oven, refrigerator, stove or water heater.

- I. "Multiple-family dwelling" means a property containing five 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 governmental 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" means plastic resins labeled by the SPI Code #7.
- N. "Person" includes any individual, corporation, partnership, association, local governmental unit, as defined in Section 66.0131(l)(a) of the Wisconsin Statutes, state 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. "Post consumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in Section 291.01(7) of the Wisconsin Statutes, waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in Section 289.01(17), of the Wisconsin Statutes.
- 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 major appliances; yard waste; aluminum containers; corrugated paper or other container board; glass containers; magazines; newspaper; office paper; rigid plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, steel containers; waste tires; and bi-metal containers.

- V. "Solid waste" has the meaning specified in Section 289.01(33) of the Wisconsin Statutes.
- W. "Solid waste facility" has the meaning specified in Section 289.01(35) of the Wisconsin Statutes.
- 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. "Treatment" includes incineration.
- Y. "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
- Z. "Yard waste" means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than six inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

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 in accordance with the provisions set forth in Sections 14 and 15 of this ordinance:

- 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. Glass containers.
- I. Magazines.
- J. Newspaper.
- K. Office paper.
- L. Rigid plastic containers made of PETE, HDPE, PVC, LDPE, and PP, .

- M. Steel containers.
- N. Waste tires.

12. **Separation Requirements Exempted.** The separation requirements of Section 11 of this ordinance do not apply to the following:

- A. 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 Section 11 of this ordinance from solid waste in as pure of form as is technically feasible.
- B. 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.
- C. A recyclable material specified in Section 11 E through O of this ordinance for which a variance has been granted by the Department of Natural Resources under Section 287.11(2)(m) of the Wisconsin Statutes or Section NR544.14 of the Wisconsin Administrative Code.

13. **Care of Separated Recyclable Materials.** To the greatest extent practicable, the recyclable materials separated in accordance with Section 11 of this ordinance 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.

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:

- A. Lead acid batteries shall be managed as follows:
  - (1) All occupants with car and truck lead acid batteries or with lead acid batteries with damaged casings shall take such lead acid batteries to an area retail business that sells vehicle batteries or to the appropriate disposal area at the Rock County Landfill or as otherwise directed by the Town of Rock.
- B. Major appliances shall be managed as follows:
  - (1) Occupants of single family and two to four unit residences, multiple-family dwellings and non-residential facilities and

properties who are service recipients under the Town of Rock's Roadside Recycling and Refuse Collection Program shall arrange for the collection of major appliances by the Town's designated hauler; and

- (2) All other occupants shall arrange for the collection of such items by a licensed hauler or shall take such items to the appropriate area of the Rock County Landfill.

C. Waste oil shall be managed as follows:

- (1) All occupants shall arrange for the collection of waste oil by a licensed hauler or shall take such waste oil to a licensed waste oil collection site or as otherwise directed by the Town of Rock.

D. Yard waste shall be managed as follows:

- (1) All occupants of properties within the Town of Rock shall keep yard waste out of the trash and shall either take the material to the composting site at the Rock County Landfill or shall manage it on-site.

15. **Preparation and Collection of Recyclable Materials.** Except as otherwise directed by the Town Board of the Town of Rock, occupants of single family and two to four unit residences, multiple-family dwellings and non-residential facilities and properties who are service recipients under the Town of Rock's Roadside Recycling and Refuse Collection Program shall do the following for the preparation and collection of the separated materials specified in Section 11 E through O of this ordinance:

- A. Aluminum containers shall be rinsed free of product residue, placed in the approved recycling cart and placed upon the curb on the day designated for collection.
- B. Bi-metal containers shall be rinsed free of product residue, placed in the approved recycling cart and placed upon the curb on the day designated for collection.
- C. Corrugated cardboard and, beginning on January 1, 1995, all other corrugated paper or other container board, shall be free of debris, flattened, cut into squares not greater than 2' x 2', and placed in the approved recycling cart and placed upon the curb on the day designated for collection.
- D.