

TOWN OF ROCK

ORDINANCE NO. 93 /

MANDATORY RECYCLING ORDINANCE

AN ORDINANCE TO MANDATE RECYCLING AND TO SPECIFY AND ENFORCE THE TOWN OF ROCK'S SOLID WASTE MANAGEMENT PROGRAM, WHICH ORDINANCE IS ENACTED PURSUANT TO SECTION 159.09(3)(b) OF THE WISCONSIN STATUTES.

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

ORDINANCE NO. 93 / OF THE CODE OF ORDINANCES OF THE TOWN OF ROCK, ROCK COUNTY, WISCONSIN IS HEREBY CREATED TO READ 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 159.11 of the Wisconsin Statutes and Chapter NR544 of the Wisconsin Administrative Code.
- 3. Statutory Authority.** This ordinance is adopted as authorized under Section 159.09(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 on January 1, 1994.

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, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator or stove.
- 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 66.299(1)(a) of the Wisconsin Statutes, state agency or authority or federal agency.
- O. **"PETE"** 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 144.61(5) of the Wisconsin Statutes, waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in Section 144.44(7)(a)1., 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 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 other multiple resins; steel containers; waste tires; and bi-metal containers.
- V. "Solid waste" has the meaning specified in Section 144.01(15) of the Wisconsin Statutes.
- W. "Solid waste facility" has the meaning specified in Section 144.43(5) 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. 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.

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 159.11(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) 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 place any car and truck lead acid batteries with undamaged casings adjacent to such occupants' recycling bin for collection by the Town's designated hauler; and
- (2) All other occupants as well as all occupants with other than 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.

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) 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 store waste oil in leak-proof containers with a maximum volume of one gallon and shall place the containers adjacent to such occupants' recycling bin for collection by the Town's designated hauler; and

- (2) All other 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.

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 bin 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 bin 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', stacked and tied, placed in the approved recycling bin and placed upon the curb on the day designated for collection.
- D. Beginning on January 1, 1995, foam polystyrene packaging shall be contained in an open paper bag or an open corrugated box free of debris, placed in the approved recycling bin and placed upon the curb on the day designated for collection.

- E. Clear, brown and green glass containers and, beginning on January 1, 1995 all other glass containers, shall be rinsed free of product residue with all caps removed and discarded. The glass containers shall be placed in the approved recycling bin and placed upon the curb on the day designated for collection.**
- F. Beginning on January 1, 1995, magazines shall be free of debris, stacked and tied, placed in the approved recycling bin and placed upon the curb on the day designated for collection.**
- G. Newspaper shall be free of debris, stacked and tied, placed in the approved recycling bin and placed upon the curb on the day designated for collection.**
- H. Beginning on January 1, 1995, office paper shall be free of debris, stacked and tied or contained in an open paper bag or an open corrugated cardboard box, placed in the approved recycling bin and placed upon the curb on the day designated for collection.**
- I. Rigid plastic containers shall be prepared and collected as follows:**

 - (1) Plastic containers made of PETE shall be rinsed free of product residue and caps shall be removed and discarded. The containers shall be placed in the approved recycling bin and placed upon the curb on the day designated for collection.**
 - (2) Plastic containers made of HDPE shall be rinsed free of product residue and caps shall be removed and discarded. The containers shall be placed in the approved recycling bin and placed upon the curb on the day designated for collection.**
 - (3) Beginning on January 1, 1995, plastic containers made of PVC shall be rinsed free of product residue and caps shall be removed and discarded. The containers shall be placed in the approved recycling bin and placed upon the curb on the day designated for collection.**
 - (4) Beginning on January 1, 1995, plastic containers made of LDPE shall be rinsed free of product residue and caps shall be removed and discarded. The containers shall be placed in the approved recycling bin and placed upon the curb on the day designated for collection.**

- (5) Beginning on January 1, 1995, plastic containers made of PP shall be rinsed free of product residue and caps shall be removed and discarded. The containers shall be placed in the approved recycling bin and placed upon the curb on the day designated for collection.
- (6) Beginning on January 1, 1995, plastic containers made of PS shall be rinsed free of product residue and caps shall be removed and discarded. The containers shall be placed in the approved recycling bin and placed upon the curb on the day designated for collection.
- (7) Beginning on January 1, 1995, plastic containers made of other resins or multiple resins shall be rinsed free of product residue and caps shall be removed and discarded. The containers shall be placed in the approved recycling bin and placed upon the curb on the day designated for collection.
- J. Beginning on January 1, 1995, steel containers shall be rinsed free of product residue, placed in the approved recycling bin and placed upon the curb on the day designated for collection.
- K. Waste tires shall be placed upon the curb on the day designated for collection adjacent to the approved recycling bin.

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

- A. Owners or designated agents of multiple-family dwellings which are not service recipients under the Town of Rock's Roadside Recycling and Refuse Collection Program shall do all of the following to recycle the materials specified in Section 11 E through O of this ordinance:
 - (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 recyclable materials separated from the solid waste by the tenants and the delivery of the recyclable materials to a recycling facility.

(4) Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare recyclable 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 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 Section 11 E through O of this ordinance from solid waste in as pure a form as is technically feasible.

17. Responsibilities of Owners or Designated Agents of Non-Residential Facilities and Properties.

A. Owners or designated agents of non-residential facilities and properties which are not service recipients under the Town of Rock's Roadside Recycling and Refuse Collection Program shall do all of the following to recycle the materials specified in Section 11 E through O of this ordinance:

(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 recyclable materials separated from the solid waste by the users, tenants and occupants and the delivery of the recyclable materials to a recycling facility.

(4) Notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected, how to prepare recyclable 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 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 Section 11 E through O of this ordinance from solid waste in as pure a form as is technically feasible.

18. Prohibitions on Disposal of Recyclable Materials Separated for Recycling. No person may dispose of in a solid waste disposal facility or burn in any solid waste treatment facility any of the materials specified in Section 11 E through O of this ordinance which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

19. Anti-scavaging or Unlawful Removal of Recyclables. It shall be unlawful for any person, unless under contract with or licensed by the municipality, to collect or remove any recyclable material that has been deposited or placed at the curb or in a container adjacent to a home or non-residential building for the purposes of collection for recycling.

20. No Dumping.

- A. It shall be unlawful for any person to dispose of or dump garbage in any street, alley or other public place within the Town of Rock or in any receptacles or private property without the owner's consent unless it is placed in bags or containers in the manner and at the times specified by this ordinance.
- B. No person shall place for collection any garbage at the curb not owned or occupied by such person.

21. Non-disposable Materials. It shall be unlawful for any person to place for disposal any of the following wastes: hazardous and toxic wastes, chemicals, explosives, flammable liquids, paint, trees and stumps, construction debris, carcasses, medical wastes (unless personal needles which shall be contained in cardboard to eliminate injury to collection personnel). All such wastes shall be taken to a licensed disposal facility for proper disposition.

22. Garbage from Outside of Municipality. It shall be unlawful to bring refuse for disposal (and recyclables) from outside the municipal limits into the Town of Rock unless authorized by agreement with the municipality.

23. Hauler Licensing. No person shall engage in the business of hauling recyclables within the Town of Rock without being licensed by the Wisconsin Department of Natural Resources under Section NR502.06 of the Wisconsin Administrative Code.

24. **Hauler Restrictions.** Haulers may not dispose in a landfill or burn in a solid waste facility any recyclable materials generated in the Town of Rock that have been separated for recycling. In addition, haulers shall not compact glass with paper during collection and transport of recyclables to a processing facility or market, and shall keep materials in marketable condition.

25. **Right to Reject Materials.** Haulers who collect solid waste or recyclables in the Town of Rock shall have the right to reject or leave at the curb any recyclable material that is not prepared according to the specifications in this ordinance or in educational material provided by the contractor to the service recipients. Materials may also be left if not separated from solid waste, placed in the proper container or are not designated recyclable materials for collection. The haulers also have the right to refuse to pick up any solid waste if it contains recyclable containers and material. In such cases, the hauler or attendant shall notify the generator of the materials about the reasons for rejecting the items in writing. The hauler shall also keep a list of such occurrences and provide it to the Town of Rock quarterly.

26. **Hauler Permits.** Haulers who collect solid waste or recyclables in the Town of Rock for storage, treatment, processing, marketing or disposal shall obtain and maintain all necessary municipal and state permits, licenses and approvals prior to collecting any materials in the Town of Rock.

27. **Hauler Records.** The recycling haulers and processors operating in the Town of Rock shall be required to maintain records and report in writing to the Town Clerk at least twice each year, at such times as shall be designated by the Town Board. Reports shall include: the amount of solid waste and recyclables collected and transported from the Town of Rock; the amount of solid waste and recyclables processed and/or marketed by item type from the Town of Rock; and the final disposal location of solid waste and recyclable material. Failure to report shall be cause for the municipality to revoke any license or sever any contract with the hauler/processor.

28. **Processing Facilities.** Any hauler operating in the Town of Rock shall not transport for processing any recyclables to a processing facility unless the hauler notifies the Town of Rock which facility the hauler is using and, by January 1, 1995, the facility has self certified with the Wisconsin Department of Natural Resources under Section NR544.16 of the Wisconsin Administrative Code.

29. **Fees for Service Recipients.** The Town Board of the Town of Rock shall establish fees for service recipients under the Town of Rock's Roadside Recycling and Refuse Collection Program for the payment of collection services for solid waste and recyclables. Fees shall be assessed on a per unit basis and be charged as a line item on taxes pursuant to Section 66.60(16) of the Wisconsin Statutes on a yearly basis.

30. Ownership of Recyclables and Refuse. Recyclable materials and refuse, upon placement at the roadside, shall remain the property and responsibility of the service recipient. Recyclable materials and solid waste, upon collection by any permitted hauler, shall become the property of the hauler.

31. Additions and Exemptions to Recyclables. The Town Board of the Town of Rock reserves the right to designate additional solid waste materials as recyclable or currently collected materials as no longer recyclables in accordance with state law and to either add or delete them from any collection services provided by the municipality or its haulers. The municipality shall provide written notice to its service recipients of this declaration.

32. Collection Schedule. The Town of Rock shall establish the time of collection of solid waste and recyclables for all service recipients under the Town of Rock's Roadside Recycling and Refuse Collection Program and the Town Clerk or the designated hauler shall provide written notice of the collection schedule to all service recipients at least once in the spring and fall of each year and at any time when the collection schedule is changed.

33. Specified Containers. All service recipients under the Town of Rock's Roadside Recycling and Refuse Collection Program shall comply with the following requirements:

- A. Solid waste shall be placed for collection in plastic bags and/or standard garbage cans, not to exceed 50 pounds per container or 30 gallons, and contained in a manner to avoid litter.
- B. Recyclables shall be placed in the approved recycling bin except for lead acid batteries and waste oil which shall be placed immediately adjacent to such bin. If there is a greater amount of recyclables than can be contained in the designated bin, those excess materials shall be placed in an open paper bag or an open corrugated cardboard box and set out on top of or adjacent to the recycling bin, clearly separated from the non-recyclable solid waste.
- C. All solid waste and recyclables shall be placed as herein required at the specified collection point no sooner than 24 hours prior to the regularly scheduled collection time or be allowed to remain at the roadside longer than 12 hours thereafter.

34. Placement of Recyclables and Solid Waste for Collection. Except as otherwise specifically directed or authorized by the Town Board of the Town of Rock, all service recipients under the Town of Rock's Roadside Recycling and Refuse Collection Program shall place solid waste and recycling containers at the mailbox adjacent to the

premises owned or occupied by the person. Materials shall be placed out for collection according to the scheduled days established by the Town of Rock.

35. Special Materials. Service recipients under the Town of Rock's Roadside Recycling and Refuse Collection Program shall contact the designated hauler when they have couches and bulky items and arrangements for collections will be made. Small quantities of building materials (lumber, plaster board, etc.) from household remodeling or repair shall be accepted by the designated hauler if placed in standard garbage cans and if the weight per container does not exceed 50 pounds. All lumber must be cut in lengths not exceeding four feet. Loose building materials shall not be subject to collection by the designated hauler.

36. Provide Space for Recycling. A person in the Town of Rock owning or occupying a new building or a building that is remodeled or expanded by 50% or more in floor area, shall provide a designated area for the separation, temporary storage and collection of solid waste and recyclables either within or adjacent to the building.

37. Enforcement.

- A. For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the Town of Rock may inspect recyclable materials separated for recycling, post consumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multi-family dwellings and non-residential facilities and properties, and any records related 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 Rock 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 Building Inspector or any Town Board member of the Town of Rock 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 of this ordinance may be required to forfeit \$50.00 for a first violation, \$200.00 for a

second violation, and not more than \$2,000.00 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 \$10.00 nor more than \$1,000.00 for each violation.

DATED this 13th day of December, 1993.

TOWN OF ROCK

Richard M. O'Leary
Town Chairman

Paul J. Ch
Town Supervisor

James Connell
Town Supervisor

ATTEST:

Nehorah Bennett
Town Clerk

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