

Ordinance #1994-1  
Approved 11-21-94  
\*Amended 7/17/06

- 1.01 TITLE Recycling Ordinance for Elba Township.
- 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 s.159.11, Wis. Stat., and Chapter NR544, Wis. Administrative Code.
- 1.03 STATUTORY AUTHORITY. This ordinance is adopted as authorized under s.159.09(3)(b), Wis. States.
- 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 and 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 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, 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.
- 1.06 SEVERABILITY. Should any portion of this ordinance be declared unconstitutional or invalid by the 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 Elba Township.
- 1.08 ADMINISTRATION. The provisions of this ordinance shall be administered by Elba Town Board.
- 1.09 EFFECTIVE DATE. The provisions of this ordinance shall take effect on December 1, 1994. \*Amended 7/17/06
- 1.10 DEFINITIONS. For the purpose 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) “Foam polystyrene packaging” means packaging made primarily from foam polystyrene that satisfies one of the following criteria:
  - (a) Is designed for serving food or beverages.
  - (b) Consists of loose particles intended to fill space and cushion the packages article in a shipping container.
  - (c) Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.
- (4) “HDPE” means high density polyethylene, labeled by the SPI code #2.
- (5) “LDPE” means low density polyethylene, labeled by the SPI code #4.
- (6) “Magazines” means magazines and other materials printed on similar paper.
- (7) “Major appliance” means residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, or stove.
- (8) “Multiple –family dwelling” means a property containing 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) “Other resins or multiple resins” means plastic resins labeled by the SPI code #7.
- (13) “Person” includes any individual, corporation, partnership, association, local governmental unit, as defined in s.66.299(1)(a), Wis. Stats., state agency, or authority or federal agency.

- (14) "PETE" means polyethylene terephthalate, labeled by the SPI code #1.
- (15) "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.
- (16) "Postconsumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in s.144.61(5), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in s.144.44(7)(a)1., Wis. Stats.
- (17) "PR" means polypropylene, labeled by the SPI code #5.
- (18) "PS" means polystyrene, labeled by the SPI code #6.
- (19) "PVC" means polyvinyl chloride, labeled by the SPI code #3.
- (20) "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.
- (21) "Solid waste: has the meaning specified in s.144.01(15), Wis. Stats.
- (22) "Solid waste facility" has the meaning specified in s.144.43(5), Wis. Stats.
- (23) "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.
- (24) "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
- (25) "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 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties shall separate the following materials from postconsumer 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
- (11) Newspaper
- (12) Office paper
- (13) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other Resins or multiple resins
- (14) Steel containers
- (15) Waste tires

1.12 SEPARATION REQUIREMENTS EXEMPTED: The separation requirements of s.1.11 do not apply to the following:

- (1) Occupants of single family and 2 to 4 unit residences, multiple-family dwellings 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 s. 1.11 from 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 s. 1.11 (5) through (15) for which variance has been granted by the Department of Natural Resources under s. 159.11 (2m), Wis. Stats., or s. NR544.14, Wis. Administrative code.

1.13 CARE OF SEPARATED RECYCLABLE MATERIALS. To the greatest extent practicable, the recyclable materials separated in accordance with s. 1.11 shall be clean and kept free of contaminants such as food or product residue, oil or grease, or 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 the wind, rain, and other inclement weather conditions.

1.14 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:

- (1) Lead acid batteries shall be left at Badger Disposal Inc. in a designated place for A fee which shall be posted.
- (2) Major appliances which do not contain Freon gas shall be accepted at Badger Disposal Inc. in a designated place for a fee which shall be posted.
- (3) Waste oil will be collected in a special receptacle within Badger Disposal Inc.
- (4) Yard waste, clean brush and wood shall not be accepted at Badger Disposal Inc.

1.15 PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS.

except as otherwise directed by Elba Township Board, 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 s.1.11 (5) through (15):

- (1) Aluminum containers shall be rinsed free of residue and placed in the proper receptacle
- (2) Bi-metal containers shall be rinsed of residue, label free and placed in proper receptacle.
- (3) Corrugated and other container board shall be free of debris, flattened, tied securely in bundles and placed in designated area.
- (4) Foam polystyrene packaging shall be clean, flattened and placed in proper receptacle.
- (5) Glass containers shall be clean of residue, separated as to color and placed in proper receptacle.
- (6) Magazines, catalogs, other slick publications shall be bundled or placed in clear plastic bags and placed in designated area.
- (7) Newspapers shall be bundled, tied and placed in designated area.
- (8) Office paper shall be put in clear plastic bag and placed in designated area.
- (9) Rigid plastic containers shall be rinsed clean of product residue, caps removed and discarded where applicable, and placed in the proper recycling receptacle. this includes the following (These numbers can be found on the bottom of all plastic containers inside the recycling sign):
  - (a) #1 plastic containers made of PETE
  - (b) #2 plastic containers made of HDPE
  - (c) #3 plastic containers made of PVC
  - (d) #4 plastic containers made of LDPE

- (e) #5 plastic containers made of PP
  - (f) #6 plastic containers made of PS
  - (g) #7 plastic containers made of other resins or multiple resins
- (10) Steel, steel and tin containers shall be rinsed of product residue and placed in appropriate receptacle.
- (11) Waste tires shall be recycled as directed.

#### 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 to recycle materials specified in s. 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 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 s. 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 to recycle the materials specified in s. 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 postconsumer waste generated within the facility or property treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in s. 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

SEPARATED FOR RECYCLING. No person may dispose of in a solid waste facility or burn in a solid waste treatment facility any of the materials specified in s. 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) For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee, or representative of Elba Township 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 Elba Township Board 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 Elba Township 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 shall not preclude the issuance of a citation under the paragraph.
- (3) 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 the first

violation, \$200 for the 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.

\*Amended 7-17-06

1.20 COMPLIANCE ASSURANCE PLAN      The purpose of this policy will establish standard guidelines that will lead to compliance with the Town of Elba's recycling ordinance.

The Town Chairman is responsible for enforcing the Town of Elba's recycling ordinance. The Town of Elba's staff and personnel shall follow the guidelines identified in this Compliance Assurance Plan in response to issues associated with recycling and solid waste. This plan is intended to meet the requirements of s. NR 544.04 (9g), Wis. Adm. Code as well as the Town of Elba's recycling ordinance.

Example 1:

Problem: Property found to have no methods for recycling in place.

Compliance Strategy:

1<sup>st</sup> response: Recycling coordinator shall send a letter to property owner reminding them of the requirement to comply with local recycling ordinances. Other educational materials will also be provided as needed.

2<sup>nd</sup> response: Recycling coordinator shall send a letter to property owner giving them 30 days to comply with local recycling ordinances.

After 30 days has passed recycling coordinator shall inspect property to determine if property is in compliance with ordinance. If found to be non-compliant, penalties outlined in 1.19 (3)(b) of the Town of Elba recycling ordinance shall be implemented.

Example 2:

Problem: Unacceptable materials found mixed with recyclables.

Compliance Strategy:

Recycling route driver and/or attendant shall notify resident by tagging the recycling bin (bag) and leave at curb.

Continued occurrences shall result in letter issued by the recycling coordinator. If compliance is not achieved, penalties outlined in 1.19 (3)(b) of the Town of Elba recycling ordinance shall be implemented.

Example 3:

Problem: Recyclable materials found in trash.



Compliance Strategy: Garbage route driver and/or attendant shall collect material and leave current recycling educational materials.

Continued occurrences shall result in a letter issued by the recycling coordinator. If compliance is not achieved, penalties outlined in 1.19 (3)(b) of the Town of Elba recycling ordinance shall be implemented. \* Amended 7-17-06