

ORDINANCE # 06
RECYCLING ORDINANCE

AN ORDINANCE CREATING A RECYCLING CODE
OF THE TOWN OF Hansen

THE TOWN BOARD OF THE TOWN OF Hansen, DO ORDAIN AS FOLLOWS:

1.01 TITLE. Recycling Ordinance for the Town of Hansen. Ordinance # 06.

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, Wisconsin Statutes, and Chapter NR 544, Wisconsin Administrative Code, by the Town of Hansen in order to protect and promote the public health, safety, and welfare.

1.03 STATUTORY AUTHORITY. This ordinance is adopted as authorized under s. 159.09(3)(b), Wisconsin Statutes.

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, Wisconsin 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.

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 boundaries of the Town of Hansen.

1.08 ADMINISTRATION. The provisions of this ordinance shall be administered by the Town Board of the Town of Hansen.

1.09 EFFECTIVE DATE. The provisions of this ordinance shall take effect on September 1, 1994.

1.10 DEFINITIONS. For the purpose of this ordinance the following words and phrases shall have the meanings ascribed to them in this section:

(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) "CONTAINER GLASS" means container glass only. Glass does not include ceramic cups, dishes, ovenware, plate glass, safety and window glass, heat resistant glass such as Pyrex, lead-based glass such as crystal, TV tubes, light bulbs or fluorescent tubes.
- (4) "CORRUGATED CARDBOARD" shall include corrugated cardboard only. Does not include waxed cardboard or chipboard such as cereal boxes, shoe boxes, and similar materials.
- (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, refrigerator, stove, furnace, boiler, dehumidifier or water heater.
- (7) "MIXED PAPERS" means all grades of papers: including white, colored, ledger, shiny, coated, carbonless or NCR papers; envelopes, including windowed, labeled, and Kraft; magazines, phone books, computer print out paper, glued pads and tablets, file folders, key punch cards, spiral notebooks, cereal boxes, shoe boxes, etc. Does not include hand towels or other paper products from restrooms, or soiled napkins and paper plates. Also does not include carbon paper, cellophane, or any waxed paper.
- (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. Does not include catalogues, magazines, cardboard, or other paper.
- (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 process waste.
- (12) "PERSON" includes any individual, corporation, partnership, association, local governmental unit, as defined in s. 66.299(1)(a), Wisconsin Statutes, state agency or authority, or federal agency.
- (13) "PLASTIC BOTTLES" includes only plastic bottles clearly marked with the recycling emblem, encircling the #1 (PET or PETE) or the #2 (HDPE). Does not include motor oil bottles, even if they are labeled #1 or #2.
- (14) "POSTCONSUMER WASTE" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in s. 144.61(5), Wisconsin Statutes, waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in s. 144.44(7)(a)1., Wisconsin Statutes.
- (15) "RECYCLABLE MATERIALS" includes lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; corrugated paper or other container board; glass containers; magazines; newspapers; office paper; plastic bottles; steel containers; waste tires; and bi-metal containers.
- (16) "SOLID WASTE" has the meaning specified in s. 144.01(15), Wisconsin Statutes.
- (17) "SOLID WASTE FACILITY" has the meaning specified in 144.43(5), Wisconsin Statutes.
- (18) "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.
- (19) "TIN CANS" means bi-metal cans and steel containers.

(20) "WASTE TIRE" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.

(21) "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.

(22) "HDPE" means high density polyethylene plastic containers marked by the SPI code No. 2.

(23) "LDPE" means low density polyethylene plastic containers marked by the SPI code No. 4.

(24) "MIXED OR OTHER PLASTIC RESIN TYPES" means plastic containers marked by the SPI code No. 7.

(25) "PETE" means polyethylene terephthalate plastic containers marked by the SPI code No. 1.

(26) "PP" means polypropylene plastic containers marked by the SPI code No. 5.

(27) "PS" means polystyrene plastic containers marked by the SPI code No. 6.

(28) "PVC" means polyvinyl chloride plastic containers marked by the SPI code No. 3.

1.11 SEPARATION OF RECYCLABLE MATERIALS. Occupants of single family and 2 to 4 unit residences, multi-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) Waste Tires
- (6) Aluminum containers
- (7) Bi-metal containers
- (8) Corrugated paper or other container board
- (9) Plastic bottles #1 and #2
- (10) Glass containers
- (11) Magazines or other materials printed on similar paper
- (12) Newspapers or other materials printed on newsprint
- (13) Office paper
- (14) Steel containers

1.12 SEPARATION OF RECYCLING MATERIALS EFFECTIVE JANUARY 1, 1996. Effective January 1, 1996 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 unless a continuing variance has been issued:

- (1) Foam polystyrene packaging.
- (2) Plastic containers made of PETE #1 and HDPE #2.
- (3) Plastic containers or bottles made of PVC #3, LDPE #4, PP #5, PS #6, and made of other plastic resin types #7.

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

(1) 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 s. 1.11 and s. 1.12 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 s. 1.11 and s. 1.12 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) Wisconsin Statutes, or s. NR 544.14, Wisconsin Administrative Code.

1.14 CARE OF SEPARATED RECYCLABLE MATERIALS. To the greatest extent practicable, the recyclable materials separated in accordance with s. 1.11 and s. 1.12 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.

1.15 MANAGEMENT OF LEAD ACID BATTERIES, MAJOR APPLIANCES, WASTE OIL AND YARD WASTE. Occupants of single family and 2 to 4 unit residents, 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 recycled at a retail business that sells batteries and accepts lead acid batteries for the purpose of recycling, or at a solid waste facility such as Valley Sanitation or York Landfill that accepts lead acid batteries for recycling. Any fee imposed for the recycling of batteries shall be the responsibility of the generator.

(2) Major appliances shall be recycled at a retail business that sells appliances and accepts used appliances for the purpose of recycling, or at a solid waste facility such as Valley Sanitation or York Landfill. Any fee imposed for the recycling of used appliances shall be the responsibility of the generator. Microwaves may be disposed of in a landfill AFTER the capacitor has been removed.

(3) Waste oil shall be recycled at a retail business that sells oil or automotive products and accepts used oil for the purpose of recycling, to an oil distributor, to an oil refinery, or at a solid waste facility such as Valley Sanitation or York Landfill. Any fee imposed for the recycling of waste oil shall be the responsibility of the generator.

(4) Yard waste shall be either home composted using an effective backyard compost system, or land spreaded on the resident's acreage. No yard waste may be disposed of as general waste.

(5) Waste tires shall be recycled at a retail business that sells tires or automotive products and accepts tires for the purpose of recycling, or at a solid waste facility such as Valley Sanitation or York Landfill. Any fee imposed for the recycling of waste tires shall be the responsibility of the generator.

1.16 PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS. Except as otherwise directed by the Town Board of the Town of Hansen, 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 (6) through (14):

(1) Aluminum containers shall be empty and shall include used beverage cans only.

(2) Bi-metal containers shall be clean, labels removed, both ends must be cut out, and cans must be flattened. Cut out ends are recyclable. Cans with "molded or round bottoms" can be recycled without the bottom removed, provide the can has been rinsed and labels have been removed.

(2) The requirements specified in (1) do not apply to the owners or designated agents of non-residential facilities and properties of 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 s. 1.11 (6) through (14) from solid waste in as pure a form as is technically feasible.

1.19 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 s. 1.11(6) through (14) or s. 1.12 which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

1.20 NO BURNING OR BURYING. It shall be unlawful to burn or bury solid waste and recyclables by any person with the exception of clean wood for the purpose of heat recovery.

1.21 TRANSFER OF SOLID WASTE INTO THE TOWN. It shall be unlawful for any person to bring refuse for disposal from outside the corporate limits into the Town of Hansen unless authorized by agreement with the Town of Hansen.

1.22 UNLAWFUL REMOVAL OF RECYCLABLES. It shall be unlawful for any person, unless under contract with or licensed by the Town of Hansen, to collect or remove any recyclable material that has been deposited at the curb, stored on a commercial or residential property, or brought to the collection site for the purpose of recycling.

1.23 RIGHT TO REJECT MATERIALS. The hauler or drop off site attendant has the right to reject or leave at the curb any recyclable material that is not prepared according to the specifications of this ordinance, s. 1.16(1) through (9), or in education material provided by the contractor or municipality to the service recipients. Materials may also be left or rejected if not separated from solid waste, placed in the proper container, or are not designated recyclable materials for collection. The hauler also has the right to refuse to pick up any solid waste if it contains recyclable containers and materials. In such cases, the hauler or attendant shall notify the generator of the materials about the reasons for rejecting the items either in writing or verbally. The hauler shall also keep a list of such occurrences and provide it to the municipality quarterly or designated time period.

1.24 ENFORCEMENT. (1) Any authorized officer, employee or representative of the Town of Hansen may inspect recyclable materials separated for recycling, postconsumer 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 Hansen who requests access for the purpose 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 Town of Hansen Board, the Wood County Sheriff's Department or the County Health Officer 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.

(3) The citation shall contain the following information:

- (A) The name and address of the alleged violator
- (B) The alleged offense
- (C) The time and place of the offense
- (D) The section of the code violated
- (E) A statement that informs the alleged violator of the following:

(E.1) That the violator may make a cash deposit of a specified amount to be mailed to the Clerk of Court within a specified time.

(3) Corrugated paper or other container board shall be clean and flattened.

(4) Glass containers shall be cleaned, with caps and neck rings removed. Labels can remain on glass. Glass must be color separated into clear, brown, and green; place blue glass with green glass. Glass should not be broken.

(5) Magazines or other materials printed on similar paper shall be clean.

(6) Newspapers or other materials printed on newsprint shall be clean.

(7) Office paper shall be clean.

(8) Plastic bottles #1 and #2 shall be clearly marked with the recycling emblem, encircling the #1 (PET or PETE) or the #2 (HDPE). Does not include motor oil bottles, even if they are labeled #1 or #2. Caps must be removed. Labels can remain on plastic. Bottles must be clean and flattened.

(9) Steel containers shall be clean, labels must be removed, both ends must be cut out, and cans must be flattened. Cut out ends are recyclable. Cans with "molded or round bottoms" can be recycled without the bottom removed, provide the can has been rinsed and labels have been removed.

1.17 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 s. 1.11(6) through (14) and s. 1.12 (1) through (2):

(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(6) through (14) and s. 1.12 (1) through (2) from solid waste in as pure a form as is technically feasible.

1.18 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 s. 1.11(6) through (14) and s. 1.12:

(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 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.

- (E.2) That if the violator makes such deposit the violator need not appear in court unless the violator is subsequently summoned.
- (E.3) That if the violator make a cash deposit and does not appear in court, either the violator will be deemed to have tendered a plea of no contest and submitted to forfeiture not to exceed the amount of deposit or the violator will be summoned into court to answer the complaint if the court does not accept the plea of no contest.
- (E.4) If the violator does not make a cash deposit and does not appear in court at the time specified, a warrant will be issued for the violator's arrest.
- (F) A direction that if the alleged violator elects to make a cash deposit, the violator shall sign an appropriate statement which accompanies the citation to indicate that the violator has read the statement required under subsection E of this section and shall send the signed statement with a cash deposit.

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

(A) Any person or legal entity violating any of the provisions of this ordinance shall upon conviction thereof forfeit not less than \$50.00 for the first violation, \$100.00 for the second violation within two years, and \$200.00 for a third or subsequent violation within two years, each day such violation continuing constituting a separate offense and in default constituting a separate offense, and in default of payment of such forfeiture and costs, shall be imprisoned in the Wood County jail until payment of such forfeitures, but not exceeding thirty (30) days for each violation of this ordinance. The cash deposit permitted shall be fifty dollars (\$50.00).

DATED THIS 14 DAY OF June , 1994.

PASSED THIS 14 DAY OF June , 1994.

PUBLISHED THIS 14 DAY OF July , 1994.

THE TOWN OF Hansen

BY: Floyd Scheunemann
Floyd Scheunemann (CHAIRMAN)

BY: Carol E. Tomfobrd
Carol Tomfobrd (CLERK)

AMENDMENT TO ORDINANCE #06
RECYCLING ORDINANCE

The Town Board of the Town of Hansen, Wisconsin, do ordain as follows:

Section 1.10(6) amended to read as follows: "MAJOR APPLIANCE" means a residential or commercial air conditioner, clothes dryer, clothes washer, dish washer, freezer, microwave oven, refrigerator, stove furnace, boiler, dehumidifier or water heater.

Section 1.15(2) amended to read as follows: MAJOR APPLIANCES shall be recycled at a retail business that sells appliances and accepts used appliances for the purpose of recycling, or at a solid waste facility such as Valley Sanitation or Tork Landfill. Any fee imposed for the recycling of used appliances shall be the responsibility of the generator. Microwaves may be disposed of in a landfill AFTER the capacitor has been removed.

AMENDMENT APPROVED 9th day of August, 1994
AMENDMENT ADOPTED THIS 9th day of August, 1994 by the Town Board of the Town of Hansen.

Attested by :

Carol E. Tomfahde
Town Clerk

Floyd Scheunemann
Town Chairperson