

## CHAPTER XXV

### RECYCLING

25.01 TITLE: Recycling Ordinance for the Town of Lyons, Walworth County, Wisconsin.

25.02 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 Stats., and Chapter NR544, Wis. Administrative Codes.

25.03 STATUTORY AUTHORITY: This ordinance is adopted under s. 159.09(3)(b), Wis. Stats.

25.04 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.

25.05 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 interpretations 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 provisions are 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.

25.06 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.

25.07 APPLICABILITY: The requirements of this ordinance apply to all persons within the Town of Lyons.

25.08 ADMINISTRATION: The provisions of this ordinance shall be administered by the Lyons Town Board.

25.09 EFFECTIVE DATE: The provision of this ordinance shall take effect on the 1 day of NOV, 19 93

25.10 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) "Drop-off site" means the location designated by the Lyons Town Board.
- (4) "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 packaged articles in a shipping container
  - (c) Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.
- (5) "HDPE" means high density polyethylene, labeled by the SPI code #2.
- (6) "LDPE" means low density polyethylene, labeled by the SPI code #4.
- (7) "Magazines" means magazines and other materials printed on similar paper.
- (8) "Major appliance" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator or stove.
- (9) "Multiple-family dwelling" means a property containing 5 or more residential units, including those which are occupied seasonally.
- (10) "Newspaper" means a newspaper and other materials printed on newspaper.
- (11) "Non-residential facilities and properties" means commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.
- (12) "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.
- (13) "Other resins or multiple resins" means plastic resins labeled by the SPI code #7.
- (14) "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.
- (15) "PETE" means polyethylene terephthalate, labeled by SPI code #1.
- (16) "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.
- (17) "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.
- (18) "PP" means polypropylene, labeled by the SPI code #5.
- (19) "PS" means polystyrene, labeled by the SPI code #6.
- (20) "PVC" means polyvinyl chloride, labeled by the SPI code #3.

(21) "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.

(22) "Solid waste: has the meaning specified in s. 144.01(15), Wis. Stats.

(23) "Solid waste facility" has the meaning specified in s. 144.35(5), Wis. Stats.

(24) "Solid waste treatment" means any method, techniques or process which is designed to change the physical, chemical or biological character or composition of solid waste.

"Treatment" includes incineration.

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

(26) "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.

25.11 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) Newspapers
- (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

25.12 SEPARATION REQUIREMENTS EXEMPTED. The separation requirements of s. 25.11 do not apply to the following:

- (1) Occupants of single family and 2 to 4 unit residence, 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 recover the material specified in s. 25.11 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 s. 25.1(5) though (15) for which a variance has been granted by the Department of Natural Resources under s. 159.12(2m), Wis. Stats., or s. NR544.14, Wis. Administrative Code.

25.13 CARE OF SEPARATED RECYCLABLE MATERIALS. To the greatest extent possible, the recyclable materials separated in accordance with s. 25.11 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.

25.14 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 separated from other waste and delivered to the attendant at the drop-off site.
- (2) Major appliances shall be delivered to the drop off site after making arrangements with the attendant at the drop-off site. The occupants shall pay the attendant at the drop-off site the required fee.
- (3) Waste oil shall be placed in a sealed plastic container, with allowance for expansion, and delivered to the drop-off site.
- (4) Yard waste shall be kept on the property from which it was generated and managed on site.

#### 25.15 PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS.

Except as otherwise directed by the attendant at the drop-off site, 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. 25.11(5) through (15):

- (1) Aluminum containers shall be rinsed and flattened.
- (2) Bi-metal containers shall be rinsed and flattened
- (3) Corrugated paper or other container board shall be bundled or tied.
- (4) Foam polystyrene packaging shall be kept separated in a clear plastic bag.
- (5) Glass containers shall be cleaned and rinsed, remove and discard lids, rings and styrofoam wraps.
- (6) Magazines shall be put in paper bags or ties in bundle with string.
- (7) Newspapers shall be put in paper bags or ties in bundle with string.
- (8) Office paper shall be put in paper bags or ties in bundle with string.
- (9) Rigid plastics containers shall be prepared and collected as follows:
  - (a) Plastic containers made of PETE shall have caps removed and flattened
  - (b) Plastic containers made of HDPE shall have caps removed and flattened
  - (c) Plastic containers made of PVC shall have caps removed and flattened
  - (d) Plastic containers made of LDPE shall have caps removed and flattened
  - (e) Plastic containers made of PP shall have caps removed and flattened
  - (f) Plastic containers made of PS shall have caps removed and flattened
  - (g) Plastic containers made of other resins or multiple resins shall handled following the instruction of the drop-off site attendant.
- (10) Steel containers shall be rinsed, ends opened, labels removed and containers flattened.
- (11) Waste tires shall be delivered to the drop-off site attendant after payment of a charge to the attendant.

#### 25.16 RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF MULTI-FAMILY DWELLINGS.

- (1) Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in s. 25.11(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 drop-off site.
  - (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 the 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.25.11(5) through (15) from solid waste in as pure a form as is technically feasible.

25.17 RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF NON-RESIDENTIAL FACILITIES AND PROPERTIES.

(1) Owners or designated agents of non-residential facilities shall do all of the following to recycle the materials specified in s.25.11(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, location and hours of operations, 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 is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in s. 25.11(5) through (15) from solid waste in as pure a form as is technically feasible.

25.18 PROHIBITIONS ON DISPOSAL OF RECYCLABLE MATERIALS

SEPARATED FOR RECYCLING. 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. 25.11(5) through (15) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

25.19 NO DUMPING. It shall be unlawful for any person to dispose of or dump garbage in any street, alley or other public place within the town or in any receptacles or private property without the owner's consent.

25.20 RIGHT TO REJECT MATERIALS The Drop-off site attendant has the right to reject any material that is not prepared according to the specifications in this ordinance.

25.21 HAULER LICENSING Haulers who collect solid waste or recyclables in the town 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.

25.22 REPORTING REQUIREMENTS The recycling haulers and processors operating in the town are required to maintain records and report in writing to the town clerk every quarter. Reports shall include: the amount of solid waste and recyclables collected and transported from the town; the amount of solid waste and recyclables processed and or marketed by item type from the town; and the final disposal location of solid waste and recyclable material. Failure to report shall be cause for the town to revoke any license or sever any contract with the hauler/processor.

25.23 EXEMPTIONS. The town board reserves the right to designate additional solid waste materials as recyclable or currently collected materials as no longer recyclable in accordance with state law and to either add or delete them from any collection service provided by the town or its contractors.

25.24 ENFORCEMENT.

(1) For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the Town of Lyons may inspect recyclable materials separated for recycling, post consumer 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 the Town of Lyons 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 Lyons to collect forfeitures. The issuance of a citation shall not preclude proceeding under any other ordinances or law relating to the same or any other matter. Proceedings 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) Penalties for violating this ordinance may be assessed as follows:

(a) Any person who violated s.25.18 may be required to forfeit \$50 for a first violation, \$200 for a 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. 25.18 may be required to forfeit not less than \$10 nor more than \$1000 for each violation.

This ordinance shall be effective after its passage and posting as require by law.

Adopted OCT 11 19, 93

ATTEST

John R Boessem  
Town Clerk

Wm R. Shugart  
Town Chairman

