

TOWN OF ROXBURY RECYCLING ORDINANCE

1.01 Title. Recycling Ordinance for the Town of Roxbury

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.Stats., and Chapter NR 544, Wis. Administrative Code.

1.03 statutory Authority. This ordinance is adopted as authorized under s. 159.09(3)(b), Wis. Stats., and the Town of Roxbury.

1.04 Abrogation and Greater Restrictions. It is not intended by this ordinance to repeal, abrogate, annul, impair, or interfere with existing rules, regulations, ordinances or permits previously adopted or 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 554, Wis. Administrative Code, and where the ordinance 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 a 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 Roxbury.

1.08 Administration. The provisions of this ordinance shall be administered by the Town of Roxbury.

1.09 Effective Date. The provisions of this ordinance shall take effect on January 1, 1995.

1.10 Definitions. For the purpose of this ordinance:

- (1) "Bi-metal container" means a container for carbonated or malt beverage 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 packaged article in a shipping container.
 - (c) Consists of rigid materials shaped to hold and cushion the packaged article in a 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 material printed on similar paper.
- (7) "Major appliance" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, furnace, dehumidifier, water heater, 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 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 government 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(7)(a)1, Wis.Stats.
- (17) "PP" means polypropylene, labeled by the SPI code #5.
- (18) "PS" means polystyrene, labeled by the SPI code #

(19) "PVC" means polyvinyl chloride labeled by the SPI code #3.

(20) "Recyclable materials" include lead acid batteries, major appliances, waste oil, yard waste, aluminum containers, corrugated paper, or other container board; foam polystyrene packaging, glass containers, magazines; newspapers; 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. 144.43(%), Wis.Stats.

(22) "Solid waste facility" has the meaning specified in s. 144.43(5), Wis.Stats.

(23) "Solid waste treatment" mean 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 Recyclables Materials. Occupants of single family and 2 to 4 unit residences, multiple-family dwelling 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) Yard waste

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 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 from solid waste in as pure form as is technically feasible.
- (2) Solid waste which is burned as a supplement fuel at a facility if less than 30% of the heat input to the facility is derived from the solid waste burned as supplement fuel.
- (3) A recyclable material specified in s. 1.1(5) through (15) for which a variance has been granted by the Department of Natural Resources under s. 159.11(2m), Wis.Stats., or s. NR 544.14, 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 other non-recyclable materials, including but not limited to household hazardous waste, medical waste, and agriculture chemical containers. Recyclable limited materials shall be stored in a manner which protects them from 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 dwelling 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 taken to a area retail business that sells lead acid batteries.
- (2) Major appliances shall be disposed of by contacting your local waste or refuse hauler.
- (3) Waste oil shall be taken to a county waste oil collection point. There is one at the Dane County Highway Garage on State Highway 19 at Springfield Corners.
- (4) Yard waste shall be taken to the county compost pile on State Highway 19 east of Waunakee, or make your own compost pile.

1.15 Preparation and collection of recyclable Materials. Except as otherwise directed by the Town of Roxbury, 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 and flattened.
- (2) Bi-metal containers shall be rinsed and flattened.
- (3) Corrugated paper or other container board shall be cut into 18" by 20" pieces and tied in bundles.

- (4) Foam polystyrene packing shall be referred to local refuse hauler.
- (5) Glass containers shall be clean of food products, rinsed and color coordinated.
- (6) Magazines shall be bundled and tied.
- (7) Newspapers shall be bundled and tied.
- (8) Office paper shall be bundled and tied.
- (9) Rigid plastic containers shall be prepared and collected as follows:
 - (a) Plastic containers made of PETE, shall be rinsed and flattened.
 - (b) Plastic containers made of HDPE, shall be rinsed and flattened.
 - (c) Plastic containers made of LDPE should be referred to the local waste hauler.
 - (d) Plastic containers made of PVC should be referred to local waste hauler.
 - (e) Plastic containers made of PP should be referred to local waste hauler.
 - (f) Plastic containers made of PS should be referred to local waste hauler.
 - (g) Plastic containers made of other resins or multiple resins, should be referred to local waste hauler.
- (10) Steel containers should be referred to local waste hauler.
- (11) Waste tires should be referred to local waste hauler.

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

- (1) Owners or designated agents of multiple-family dwelling 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 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 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 is 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 the following to recycle the materials specified in s. 1.11(5) through (15):

(a) Provide adequate, separate containers for 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 reason 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 is treated at a processing facility licensed by the Department of Natural Resources that covers 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 disposal facility or burn in a solid waste 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 the Town of Roxbury may inspect recyclable material separated for recycling, postconsumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwelling 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 Roxbury 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 Roxbury 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.

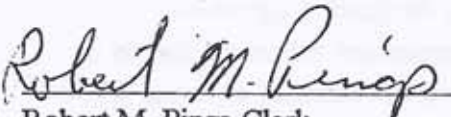
(3) Penalties for violating this ordinance may be assessed as follows:

(a) Any person who violates s. 1.18 may be required to forfeit \$50 for 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.1.18, may be required to forfeit not less than \$10 nor more than \$1000 for each violation.

This ordinance was adopted at the Town Board Meeting of the Town of Roxbury on

December 19, 1994.


Robert M. Pings-Clerk