

**ORDINANCE OF THE TOWN OF ROXBURY  
DANE COUNTY, WISCONSIN  
Town Ordinance No. 2024-01**

**TITLE: TOWN OF ROXBURY REFUSE AND RECYCLING ORDINANCE**

THE TOWN BOARD OF THE TOWN OF ROXBURY, DANE COUNTY, WISCONSIN DO ORDAIN AS FOLLOWS:

**1.01 Title.** Refuse and Recycling Ordinance

**1.02 Purpose.** The purpose of this ordinance is to promote solid waste disposal, recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in s. 287.11, Wis. Stats., and s. 159.11 Chapter NR 544, Wis. Administrative Code.

**1.03 Statutory Authority.** The town board has the specific authority under s. 287.09(3)(b), Wis. Stats., and the town's village powers under s. 60.22, Wis. Stats., to adopt and enforce this ordinance.

**1.04 Repeal, Abrogation and Greater Restrictions.** Except as provided in this paragraph 1.04, 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. The ordinance titled "Recycling Ordinance for the Town of Roxbury," dated December 19, 1994, is hereby repealed in its entirety.

**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, Wis. 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 or its application to any person or circumstance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance that can be given effect without the invalid provision or application shall not be affected, and to this end the provisions of this ordinance are severable.

**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 and its designated agents.

**1.09 Collection Fee.** As authorized by ss. 66.0405 and 66.0703, Wis. Stats., there is hereby created a garbage and refuse collection fee which shall be set by Town Board resolution from time to time.

**1.10 Special Assessments.** Pursuant to the authority of s. 66.0703, Wis. Stats., in addition to all other methods provided by law, charges for the garbage and recycling collection services imposed pursuant to this article may be placed as a special assessment against the property served and shall be a lien against

the property from the date of levy in accordance with the Wisconsin Statutes. The Town Clerk shall certify to the Town Board the unpaid balances, and such amounts may be collected and enforced in the manner provided by law in the collection and enforcement of special assessments.

**1.11 Effective Date.** The provisions of this ordinance shall take effect upon passage and publication. The provisions of the ordinance shall prevail over any previous Ordinances of the Town of Roxbury that are or may be in conflict therewith.

**1.12 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) "Collector" means the contactor or entity chosen by the Town Board to handle, transport, and dispose of the solid waste, recyclables and non-recyclables generated in the Town, or, person or persons contracting with waste generators for these services, and will enforce preparation standards for recyclable materials as well as ensure community compliance with this source separation recycling program.
- 4) "Commercial Waste" means waste of whatever material generated by any industrial or business establishment where any trade, occupation, industry or commerce is conducted.
- 5) "Demolition Waste" means that portion of solid waste from the repair, remodeling, construction or reconstruction of buildings, such as lumber, roofing and sheathing scraps, rubble, broken concrete, asphalt, plaster, conduit, pipe, wire, insulation, and other like materials resulting from the demolition of buildings and improvements.
- 6) "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 shipping container.
- 7) "Garbage" means discarded materials resulting from the handling, processing, storage and consumption of food.
- 8) "Glass Container" means a glass bottle, jar or other packaging container used to contain a product that is the subject of a retail sale and does not include ceramic cups, dishes, oven ware, plate glass, safety and window glass, heat resistant glass such as pyrex, lead based glass such as crystal, or TV tubes.

- 9) "Hazardous Waste" means those wastes or substances defined in Wis. Admin. Code § NR 661.03 and also those solid wastes or substances found in household waste notwithstanding the household waste exclusion provided in Wis. Admin. Code § NR 661.04(2).
- 10) "HDPE" means high density polyethylene, labeled by the SPI code # 2.
- 11) "LDPE" means low density polyethylene, labeled by the SPI code # 4.
- 12) "Magazines" means magazines and other materials printed on similar paper.
- 13) "Major appliance" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, furnace, boiler, dehumidifier, water heater or stove.
- 14) "Multiple-family dwelling" means a property containing 5 or more residential units, including those which are occupied seasonally.
- 15) "Newspaper" means a newspaper and other materials printed on newsprint.
- 16) "Non-residential facilities and properties" means commercial, retail, industrial, institutional and government facilities and properties. This term does not include multiple family dwellings.
- 17) "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.
- 18) "Other resins or multiple resins" mean plastic resins labeled by the SPI code # 7.
- 19) "Oversize and Bulky Waste" means large items such as furniture, mattresses, carpeting, construction or demolition materials of substantial dimensions, brush and other large items whose proportions are not easily reduced.
- 20) "Person" includes any individual, corporation, partnership, association, local government unit, as defined in s. 66.0131(1)(a), Wis. Stats., state agency or authority or federal agency.
- 21) "PETE" or "PET" means polyethylene terephthalate, labeled by the SPI code # 1.
- 22) "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.
- 23) "Postconsumer waste" or "trash" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in s. 291.01(7) Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in s. 289.01(17)., Wis. Stats.
- 24) "PP" means polypropylene, labeled by the SPI code # 5.



- 25) "PS" means polystyrene, labeled by the SPI code # 6.
- 26) "PVC" means polyvinyl chloride, labeled by the SPI code # 3.
- 27) "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.
- 28) "Residential Unit" means each living unit in the Town of Roxbury designed for permanent living quarters, including single-family dwellings and units in duplexes, triplexes, and multi-family units and each unit in a residential condominium project.
- 29) "Scavenging" means the uncontrolled and unauthorized removal of materials at any point in solid waste management.
- 30) "Solid waste" has the meaning specified in s. 289.01(33), Wis. Stats.
- 31) "Solid waste facility" has the meaning specified in s. 289.01(35), Wis. Stats.
- 32) "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.
- 33) "SPI Code" means the Society of the Plastics Industry system number placed on plastic products, typically located within the triangular recycling symbol.
- 34) "Trash" means all solid waste that is not recyclable materials or hazardous waste.
- 35) "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
- 36) "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.

**1.13 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

**1.14 Separation Requirements Exempted.** The separation requirements of s. 1.13 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. 1.13 from solid waste in as pure a 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. 1.13(5) through (15) for which a variance has been granted by the Department of Natural Resources under s. 287.11(2m), Wis. Stats., or s. NR 544.14, Wis. Administrative Code.

**1.15 Care of Separated Recyclable Materials.** To the greatest extent practicable, the recyclable materials separated in accordance with s. 1.13 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.

**1.16 Management of Lead Acid Batteries, Major Appliances, Oversize and Bulky Waste, Waste Oil; Yard Waste; Demolition Waste, and Waste Tires.** 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, oversize and bulky waste, waste oil, yard waste, demolition waste, and waste tires as follows:

- 1) Lead acid batteries shall be taken to a dealer who sells lead acid batteries.
- 2) Major appliances shall be taken to a facility that recycles or reuses the appliances.

- 3) Waste oil shall be shall be taken to a Dane County garage that provides waste oil collection.
- 4) Oversize and bulky waste disposal shall be contracted for privately by the disposer.
- 5) Yard waste shall be taken to a Dane County compost site.
- 6) Demolition waste shall be disposed of by the owner, builder, or contractor in a separate receptacle contracted for by the owner, builder, or contractor and not in the regular solid waste receptacles provided by the collector.
- 7) Waste tires shall be taken to a facility that recycles or reuses the waste tires.

**1.17 Preparation 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 of the separated materials specified in s. 1.13(5) through (15):

- 1) Aluminum containers shall be rinsed clean and liquid drained.
- 2) Bi-metal containers shall be rinsed clean and label removed.
- 3) Corrugated paper or other container board shall be flattened and kept dry. Cut down in pieces no larger than three (3) foot squares.
- 4) Foam polystyrene packaging shall be disposed of as required by the DNR.
- 5) Glass containers shall be rinsed clean with lids removed: lids shall be placed in regular garbage.
- 6) Magazines shall be bundled and kept dry.
- 7) Newspaper shall be placed in brown paper bags and kept dry or as directed by collector.
- 8) Office paper shall be prepared as directed by the collector.
- 9) Rigid plastic containers shall be prepared and collected as follows:
  - a) Plastic containers made of PETE, including all plastic bottles marked or labeled SPI code #1, shall be rinsed clean and lids removed. Examples of these containers typically include but are not limited to soda and clear liquor bottles.  
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  - b) Plastic containers made of HDPE, including all plastic bottles marked or labeled SPI code #2, shall be rinsed clean and lids removed. Examples of these containers typically include but are not limited to milk, detergent, and water bottles.
  - c) Plastic containers made of PVC, including all bottles or products marked or labeled #3 with recycling emblem, shall be cleaned and prepared as directed by collector. Examples of these containers typically include but are not limited to salad oil containers, clear film and clear film for packaging meet.



- d) Plastic containers made of LDPE, including all bottles or products marked or labeled #4 with recycling emblem, shall be cleaned and prepared as directed by collector. Examples of these containers typically include but are not limited to food packaging, shrink wrap, and some plastic bags.
  - e) Plastic containers made of PP, including all bottles or products marked or labeled #5 with recycling emblem, shall be cleaned and prepared as directed by collector. Examples of these containers typically include but are not limited to butter and margarine tubs, yogurt containers, screw on caps and lids, and drinking straws.
  - f) Plastic containers made of PS, including all bottles or products marked or labeled #5 with recycling emblem, shall be cleaned and prepared as directed by the collector. Examples of these containers typically include but are not limited to cups, egg cartons, meat packing trays, and plastic silverware.
  - g) Plastic containers made of other resins or multiple resins, including SPI Code #7, shall be prepared as directed by the collector.
- 10) Steel containers shall be rinsed clean and labels removed.
  - 11) Waste tires shall be taken to a tire recycling facility.

**1.18 Mandatory Separation and Placement for Residential Collection.**

- 1) The Town provides collection for refuse and recyclable materials specified in s. 1.13(5) through (14) for single family and 2 to 4 unit residences only. All other multi-family, commercial, and industrial properties must separately arrange and pay for the disposal of all solid waste.
- 2) Recyclable materials specified in s. 1.13(5) through (14) generated by occupants of single family and 2 to 4 unit residences shall be placed in recycling containers provided by the Town's collector. Trash, other than those items listed in s. 1.16, generated by occupants of single family and 2 to 4 unit residences shall be placed in trash containers provided by the Town's collector.
- 3) Persons using Town-provided trash and recyclable material service shall:
  - (a) Place all recyclables and other solid waste materials in collector-provided containers at the end of the person's property, or at other Town designated collection points accessible to the collector at all times, no later than 6:00 AM on the day of collection.
  - (b) Place no waste for collection other than solid waste generated on the premises for which collector containers have been provided.

**1.19 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 the materials specified in s. 1.13(5) through (14):

- 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. 1.13(5) through (15) from solid waste in as pure a form as is technically feasible.

**1.20 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. 1.13(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 is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in s. 1.13 (5) through (15) from solid waste in as pure a form as is technically feasible.

**1.21 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. 1.13 (5) through (15) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.



**1.22 Prohibited Practices.** No person shall:

- 1) Deposit or cause to be deposited, any recyclable material in any container used for the collection of non-recyclable material.
- 2) Deposit, or cause to be deposited, any non-recyclable material in any container used for the collection of recyclable material.
- 3) Deposit any waste of any kind whatsoever in or on the property of others without the permission of the owner or lessee of said property.
- 4) Place collection containers at the curb more than twenty-four (24) hours prior to the scheduled collection day. Containers must be removed from the public right-of-way within twelve (12) hours after collection.
- 5) Place any materials for separate collection at the roadside prior to making arrangements for their disposal.
- 6) Dispose of any sharp medical waste such as needles or lancets in other than an approved medical waste box.
- 7) Dispose of hazardous waste contrary to state and federal law.
- 8) Place waste oil in recycling or trash containers or place waste oil at the roadside for collection.
- 9) Place lead acid batteries in recycling or trash containers or place lead acid batteries at the roadside for collection.
- 10) Deposit material in the collector-provided collection containers in excess of the maximum weight load indicated on the container.
- 11) Place or permit to be placed any stumps, logs, or tree roots at the roadside for collection, except as pre-arranged with the Town.
- 12) Place or permit to be placed any brush or other yard waste generated by professional landscapers, tree-trimmers or similar businesses at the roadside for collection.
- 13) Pilfer or disturb trash or recyclables once those materials are placed for collection except as necessary for Town collection. This prohibition shall not apply to any owner or occupant of the property from which the waste was generated. Otherwise, all recyclable materials placed for collection pursuant to this ordinance shall become, upon placement, the property of the Town or its authorized collector.

**1.23 Enforcement.**

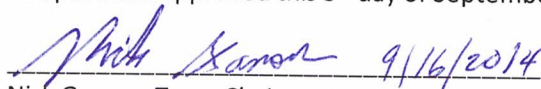
- 1) For the purpose of ascertaining compliance with the provisions of this ordinance, any officer, employee or representative of the Town of Roxbury authorized by resolution of the Town Board may inspect recyclable materials separated for recycling, postconsumer waste intended for disposal, recycling 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 Town of Roxbury 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 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. 1.21 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. 1.21, may be required to forfeit not less than \$10 nor more than \$1000 for each violation.

The Town Clerk shall properly publish this Ordinance as required under s. 60.80, Wis. Stats.

Adopted and approved this 3<sup>rd</sup> day of September, 2024, by a vote of 3 in favor and 0 opposed.

  
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Nick Ganser, Town Chair

ATTEST:

  
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Lisa Meinholz, Town Clerk

Date adopted: 9-16-2024  
Date notice posted: 9-26-2024  
Effective date: 9-27-2024