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ORDINANCE NO. 20

THE TOWN BOARD OF THE TOWN OF BURNETT,
DODGE COUNTY, WISCONSIN, DOES ORDAIN AS FOLLOWS:

1.01 Title. AN ORDINANCE TO CREATE REGULATIONS WITH RESPECT TO RECYCLING AND REFUSE COLLECTION WITHIN THE TOWN OF BURNETT, DODGE COUNTY, WISCONSIN

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 through the exercise of Town Powers of the Town of Burnett.

1.04 Repeal and Greater Restrictions. It is not intended by this ordinance to repeal, 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, 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 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 Town of Burnett, Dodge County, Wisconsin.

1.08 Administration. The provisions of this ordinance shall be administered by the Town Board of the Town of Burnett, Dodge County, Wisconsin.

1.09 Effective Date. The provisions of this ordinance shall take effect pursuant to Wis. Stats. 66.035 or upon passage and publication or posting as provided by law.

1.10 Definitions. For the purposes 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 a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator or stove (also known as white goods).

(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 property" 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 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) "PP" 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, DPE, 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 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 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. 1.1(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 agricultural chemical containers. Recyclable 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 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 taken to retail battery stores, to a DNR approved disposal facility, or to the Town recycling facility at the announced Spring or Fall cleanup.
- (2) Major appliances may be picked up by a private hauler of white goods.
- (3) Waste oil shall be taken to the the Town recycling center

container or to a DNR approved disposal facility. Anti-freeze or gasoline shall not be placed with waste oil.

(4) Yard waste: the Town is not accepting yard waste at this time. Individual arrangements should be made for composting at Town's people's respective residences and/or business establishments.

1.15 Preparation and Collection of Recyclable Materials.

Except as otherwise directed by the Town of Burnett, Dodge County, Wisconsin, occupants of single family and multi-family 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 emptied, cleaned and placed in the appropriate cart (bin) in the recycling building.
- (2) Bi-metal containers shall be emptied, rinsed and placed in the appropriate cart (bin) in the recycling building.
- (3) Corrugated paper or other container board shall be flattened and tied in 3' by 3' bundles.
- (4) Foam polystyrene packaging shall be placed in the appropriate cart (bin) in the recycling building.
- (5) Glass containers shall be rinsed clean and placed in the appropriate cart (bin) in the recycling building for the type (color) glass.
- (6) Magazines shall be tied in both directions in bundles of 8" or less in height.
- (7) Newspaper shall be tied in both directions in bundles of 8" or less in height.
- (8) Office paper shall be kept dry and placed in a paper bag.
- (9) Rigid plastic containers shall be prepared and collected as follows:

- (a) Plastic containers made of PETE, including #1 SPI Code, shall be emptied, rinsed and placed in the appropriate cart (bin) in the recycling building.
- (b) Plastic containers made of HDPE, including #2 SPI Code, shall be rinsed and placed in the appropriate cart (bin) in the recycling building.
- (c) Plastic containers made of the following materials shall be placed in the Town dumpsters as arrangements have not yet been made for recycling through the Town recycling program: plastic containers made of PVC, including #3 SPI Code; plastic containers made of LDPE, including #4 SPI Code; plastic containers made of PP, including #5 SPI Code; plastic containers made of PS, including #6 SPI Code, and plastic containers made of other resins or multiple resins, including #7 SPI Code.

(10) Steel containers shall be emptied, rinsed and placed in appropriate cart (bin) in the recycling building.

(11) Waste tires shall be taken to local tire retail stores or to the Town's Spring or Fall cleanup at the Town recycling center.

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 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 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 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 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 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.

1.18 Prohibition 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. 1.11(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. It shall be unlawful to anyone other than personnel authorized by the Town Board to remove recyclable materials once they have been deposited at the Town recycling center.

1.20 License. Private firms (whether or not under contract with the Town of Burnett) shall comply with all current local resolutions and ordinances as well as Wisconsin Statutes establishing requirements for private firms providing residential solid waste and/or recyclable material. Disposal and collection services operating within the Town of Burnett shall register with the Town clerk and obtain a license to so operate prior to commencement of operations and shall provide the Town Clerk with an annual report by January 31 of each year detailing by tonnage the refuse and categories of recyclables collected as required by local ordinance and by Wisconsin Statutes.

1.21 Enforcement. (1) For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the Town of Burnett to include a duly authorized town police officer 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 such authorized officer, employee or authorized representative of the Town of Burnett 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 a Town of Burnett Police Officer authorized to collect forfeitures. The issuance of a citation shall not preclude 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 a first violation, \$200 for a second violation, and not more than \$2,000 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 \$1,000 for each violation.

This ordinance shall take effect upon passage and posting or publication as provided by law, to include by application of Wis. Stats. 66.035 if so selected by the Town Board.

Published or posted on this ____ day of _____, 1994.

TOWN OF BURNETT:

Kenneth Nitschke, Chairman

Kenneth Woock, Supervisor

Lester Pribnow, Supervisor

ATTEST:

Harvey Braunschweig, Clerk