

CHAPTER 9

RECYCLING

9.1 Title. Recycling Ordinance for Town of Theresa

9.2 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. 287.11, Wis. Stats., and Chapter NR 544, Wis. Administrative Code.

9.3 Statutory Authority. This ordinance is adopted as authorized under s. 159.09(3)(b), Wis. Stats.

9.4 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.

9.5 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.

9.6 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.

9.7 Applicability. The requirements of this ordinance apply to all persons within the Town of Theresa.

9.8 Administration. The provisions of this ordinance shall be administered by the Theresa Town Board and Town Clerk.

9.9 Effective date. The provisions of this ordinance shall take effect on January 1, 1995.

9.10 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) “HDPE” means high density polyethylene plastic containers marked by the SPI code No. 2.
- (4) “LDPE” means low density polyethylene plastic containers marked by the SPI code No. 4.
- (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, oven, refrigerator, stove, or television, residential and commercial furnaces, boilers, dehumidifiers, and water heaters.
- (7) “Mixed or other plastic resin types” means plastic containers marked by the SPI code No. 7.
- (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 process waste.
- (12) “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.
- (13) “PETE” means polyethylene terephthalate plastic containers marked by the SPI code No. 1.
- (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), 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.
- (15) “PP” means polypropylene plastic containers marked by the SPI code No. 5.
- (16) “PS” means polystyrene plastic containers marked by the SPI code No. 6.
- (17) “PVC” means polyvinyl chloride plastic containers marked by the SPI code No. 3.

(18) “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; newspapers; office paper; plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS, and mixed or other plastic resin types; steel containers; waste tires; and bi-metal containers.

(19) “Solid waste” has the meaning specified in s. 289.01(33), Wis. Stats.

(20) “Solid waste facility” has the meaning specified in s. 289.01(35), Wis. Stats.

(21) “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.

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

(23) “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.

9.11 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 or other materials printed on similar paper
- (11) Newspapers or other material printed on newsprint
- (12) Office paper
- (13) Plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and mixed or other plastic resin types
- (14) Steel containers
- (15) Waste tires

9.12 Separation Requirements Exempted. The separation of s.9.11 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. 9.11 from solid waste in as pure a form as it 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. 9.11 for which a variance or exemption has been granted by the Department of Natural Resources under ss. 159.07(7)(d) or 287.11(2m), Wis. Stats., or s. NR 544.14, Wis. Administrative Code.

9.13 Care of Separated Recyclable Materials. To the greatest extent practicable, the recyclable materials separated in accordance with s. 9.11 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.

9.14 Management of Lead Acid Batteries, Major appliances, Waste Oil and Yard Waste. Occupants of a 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 local auto recycler or taken back to the original retailer.
- (2) Major appliances shall be brought to the drop-off site, at posted times, with all parts intact. A fee will be assessed by the Town Board for these items, and will be posted as such.

(3) Waste and used oil shall be taken to local auto recycler. It shall be pure and free of contaminants.

(4) Yard waste shall not be accepted at Town of Theresa Recycling Center.

(5) E-Waste CAN NOT be accepted including, but not limited to, computers, monitors, printers, televisions, VCR'S, DVD players, fax machines, cell phones, etc.

9.15 Preparation and Collection of Recyclable Materials. Except as otherwise directed by Theresa Town Board, 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. 9.11 (5) through (15):

(1) Aluminum containers shall be cans only, rinsed clean. Foil, pie plates, and bottle caps cannot be recycled.

(2) Bi-metal (Tin & Steel) containers shall be rinsed clean. Cardboard sided juice cans, aerosol cans and paint cans cannot be recycled.

(3) Corrugated paper or other container board shall be clean, flattened and tied in bundles. Cardboard contaminated with oil, paint, or food waste (example: pizza boxes) cannot be accepted.

(4) Plastic food containers shall be rinsed clean with lids removed and discarded. Those marked #1-#7 shall be accepted. Plastic bags, plastic wrap, oil bottles, Styrofoam cups, plastic cups & film, hard plastic (toys, pails, etc.) medicine bottles, and syringes cannot be recycled.

(5) Glass containers (bottles and jars only), any color, shall be rinsed clean with lids and rings removed. Windows, mirrors, light bulbs, dishes, glassware, chemical bottles, medical containers, and laboratory glass cannot be recycled.

(6) Magazines shall not have any wax coated paper, and shall be tied with string into bundles no larger than 8" high or placed in paper bags.

(7) Newspapers shall not have paint or oil on it, and be tied/bundled as magazines.

(8) Office paper shall include paper and envelopes and be clean and put in paper bags. Bathroom wastepaper, food waste and wrappers cannot be recycled.

(9) Waste tires shall be brought to drop-off site at posted hours. The rims should be removed; a fee will be assessed for tires of different size and with or without rim removed.

9.16 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 for recycling the materials specified in s.9.11 (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 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 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. 9.11 (5) through (15) from solid waste in as pure a form as is technically feasible.

9.17 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 for recycling the materials specified in S. 9.11 (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 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 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 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. 9.11 (5) through (15) from solid waste in as pure a form as is technically feasible.

9.18 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. 9.11 (5) through (15) which have been separated from recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

9.19 Hauler licensing. No person or corporation shall engage in the business of hauling recyclables with the Town of Theresa without being licensed by DNR under section NR 502.06, Wis. Adm. Code.

9.20 Processing Facilities. Any contractor operating in the Town of Theresa shall not transport for processing any recyclables to a processing facility unless that facility has been approved, in writing, by the Town of Theresa and, by January 1, 1995, the facility has self-certified with the WI DNR under section NR 544.16, Wis. Adm. Code.

9.21 Hauler Restrictions. Haulers may not dispose in a landfill or burn in a solid waste facility any recyclable materials generated in the Town of Theresa that have been separated from recycling.

9.22 Hauler Licensing. Haulers who collect solid waste or recyclables in the Town of Theresa 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 of Theresa.

9.23 No Dumping. It shall be unlawful for any person to dispose of or dump garbage on any road or other public place within the municipality unless it is in the manner and at the times specified by this ordinance. This includes any property owned by the Town of Theresa, also.

9.24 Garbage From Outside of Municipality. It shall be unlawful to bring refuse for disposal or recyclables from outside the corporate limits into the municipality unless authorized by agreement with the Municipality.

9.25 Right to Reject Materials. The drop-off site attendant has the right to reject any recyclable material that is not prepared according to the specifications in this ordinance (Section 9.14 and 9.15) or in education material provided by the Township to the residents of said Town. The attendant also has the right to refuse any solid waste if it contains recyclable containers and material. In such cases, the attendant shall notify the generator of the materials about the reasons for rejecting the items verbally, and offer education material or advice accordingly. A list shall be kept of repeat offenders (after third verbal warning) and be provided to the Town Board monthly.

9.26 Volume Based Rates. The municipality shall determine costs for regular and special solid waste and recycling collections and user fees to cover those costs. Fees shall be assessed on a per unit basis, and shall be paid to the attendant at the drop-off site.

9.27 Ownership of Recyclables and Refuse. Recyclable materials and refuse, upon placement at the Town of Theresa solid waste/recycling drop-off site, shall become the property of the Town of Theresa.

9.28 Exemptions. The Theresa 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 services provided by the municipality. The Town of Theresa shall provide published and posted notice to its service recipients of this declaration.

9.29 Collection Schedule. The Theresa Town Board shall establish the time of collection of solid waste and recyclables and the clerk shall post written notice at least two times each year and at any time when the collection schedule is changed.

9.30 Special Materials. Bulky item materials shall be collected at the drop-off site. These items shall include mattresses, furniture, and carpeting (per 50 gallon barrel). The Town Board has the right to set special fees for the handling of all bulky items. Any item not listed above, excluding appliances as defined in Section 9.10(6), shall be assessed a fee on sight by the attendant authorized by the Town of Theresa.

9.31 Enforcement. (1) Any authorized officer, employee or representative of the Town of Theresa 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 purposes 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 Theresa 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 Theresa Town Board 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 violated s. 9.18 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. 9.18, may be required to forfeit not less than \$10 nor more than \$1000 for each violation.

Adopted March 7, 1994.

Section 9.10 (6) amended November 7, 1994

Sections 9.14 and 9.15 amended January 7, 2019

Town Board, Town of Theresa, Dodge County, Wisconsin

(Signatures are on file)

Paul Christian, Chairman

Dale Dyer, Supervisor

Lloyd Hilgendorf, Supervisor

Attest:

Diane Steger, Clerk