

CHAPTER 26

TOWN OF ELDORADO MANDATORY RECYCLING ORDINANCE

The purpose of this ordinance is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in Wisconsin Stats. 159.11 and Chapter NR544, Wisconsin Administrative Code. The requirements of this ordinance apply to all persons within the Town of Eldorado. This Ordinance shall be adopted as authorized under s. 159.09(3)(b), Wis. Stats. and the Eldorado Town Board. The provisions of this ordinance shall be administered by the Eldorado Town Board or their designated appointee and shall take effect on January 1, 1995.

SECTION 1: 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 NR544, Wisconsin Administrative Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Chapter NR544 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.

SECTION 2: 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.

SECTION 3: 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.

SECTION 4: 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 combina-

- tion of steel and aluminum. Tin can primarily used for food.
- 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 designated 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.
 - 4) "HDPE" means high density polyethylene, labeled by the SPI code #2.
 - 5) "LPDE" means low density polyethylene, labeled by the SPI code #4
 - 6) "Magazines" means magazines and other materials printed on similar paper, such as glossy ads.
 - 7) "Major appliances" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, furnace, boiler, dehumidifier, water heater, stove or television.
 - 8) "Multiple-family dwelling" means a property containing 5 or more residential units, including those which are occupied seasonally.
 - 9) "Newspaper" means matter printed on newsprint, including daily or weekly publications and advertising circulars, whether delivered separately or accompanying newspapers, normally delivered or mailed to the household or business for dissemination of public information, but excluding glossy print, books, magazines, catalogs, or similar publications.
 - 10) "Non-residential facilities and properties" means commercial, retail, industrial, institutional and government 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 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, vehicles, 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 and 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; bi-metal containers, and such material as specified from time to time by the Town Board, and as the market dictates.
- 21) "Non-recyclable materials" means any pyrex glass, window glass, light bulbs, mirrors, broken glass and china, melamine-type plastics, all plastic which is not imprinted with a 1 or 2, waxed paper, waxed cardboard, envelopes with gummed labels and plastic windows, and all other paper, garbage and rubbish.
- 22) "Solid waste" has the meaning specified in s. 144.01 (15), Wis. Stats.
- 23) "Solid waste facility" has the meaning specified in s. 144.43(5), Wis. Stats.
- 24) "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.
- 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.
 - 27) "Collector" means the person or persons specifically authorized by the Eldorado Town Board to collect garbage, rubbish and recyclable materials and dispose of same.

SECTION 5: SEPARATION OF RECYCLABLE MATERIALS.

5.01 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 - clear or colored
- 10) Magazines
- 11) Newspaper
- 12) Office paper
- 13) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PS and other resins or multiple resins.
- 14) Steel containers
- 15) Waste tires

SECTION 6: SEPARATION REQUIREMENTS EXEMPTED.

6.01 The separation requirements of s. 5(5.01) 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. 5(5.01) 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 supplemental fuel.
 - 3) A recyclable material specified in s. 4(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.

SECTION 7: CARE OF SEPARATED RECYCLABLE MATERIALS.

To the greatest extent practicable, the recyclable materials separated in accordance with s. 5(5.01) 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 in a manner which protects them from wind, rain, and other inclement weather conditions.

SECTION 8: MANAGEMENT OF LEAD ACID BATTERIES, MAJOR APPLIANCES, WASTE OIL AND YARD WASTE .

8.01 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 the appropriate solid waste facility or to an area retail business that sells vehicle batteries and will accept used batteries.
- 2) Major appliances shall be taken to the appropriate solid waste facility or to an area retail business that sells appliances and will accept used appliances.
- 3) Waste oil shall be taken to the appropriate solid waste facility or to an appropriate business or individual that accepts used oil.
- 4) Yard waste shall be kept out of trash, garbage or recyclables and taken to the appropriate solid waste facility or individuals may use composting measures.

SECTION 9: PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS.

9.01 Except as otherwise directed by the Eldorado 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. 5(5.01)(5) through (15) and shall be taken to the town drop-off site, or shall apply at such time that roadside pickup is ever provided by the Eldorado Town Board to residents of the town or a portion thereof. Prior to any roadside pickup provided by the Town, the following shall also apply to individuals who have private collectors who are required to obtain a permit to haul in the Town of Eldorado.

- (1) Aluminum containers shall be washed clean and free of labels, and flattened.
- (2) Bi-metal containers, tin, shall be cleaned, labels removed and flattened.
- (3) Corrugated paper or other container board shall be free of debris, flattened, stacked and tied.
- (4) Foam polystyrene packaging shall be included with solid waste until markets are developed for recycling.
- (5) Glass containers shall be thoroughly cleaned, caps removed, labels may be left on. Glass refers to colored and clear glass.
- (6) Magazines shall be tied in bundles, not to exceed 6 inches.
- (7) Newspapers shall be tied in bundles, not to exceed 6 inches.
- (8) Office paper, not including junk mail, shall be tied in bundles, not to exceed 6 inches.
- (9) Rigid plastic containers shall be prepared as follows:
 - (a) Plastic containers made of PETE with numbers 1 or 2, which includes soda bottles, milk bottles, liquor or fruit juice containers, both colored and clear plastic, should be rinsed clean and flattened. Labels need not be removed.
 - (b) Plastic containers made of HDPE, including milk bottles, should be rinsed clean and flattened.
 - (c) Plastic containers made of PVC, LDPE, PP, PS and containers made of other resins or multiple resins shall be considered when a future market develops.
- (10) Steel containers shall be free of residue and labels.
- (11) Waste tires shall be taken to the appropriate solid waste facility or to an appropriate business that accepts used tires.

SECTION 10: RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF MULTIPLE-FAMILY DWELLINGS.

- 10.01 Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in s. 5(5.01)(1) through (15):
- (1) Provide adequate, separate containers for the recyclable materials.
 - (2) Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter, about the established recycling program.
 - (3) 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.
 - (4) 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.
- 10.02 The requirements specified in (1) do not apply to the owners or designated agents of multiple-family dwellings if the post-consumer 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. 5(5.01)(1) through (15) from solid waste in as pure a form as is technically feasible.

SECTION 11: RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF NON-RESIDENTIAL FACILITIES AND PROPERTIES.

- 11.01 Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in s. 5(5.01)(1) through (15):
- (1) Provide adequate, separate containers for the recyclable materials.
 - (2) Notify, in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.
 - (3) 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.

(4) 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 operation, and a contact person or company, including a name, address and telephone number.

11.02 The requirements specified in s.11.01 do not apply to the owners or designated agents of non-residential facilities and properties if the post-consumer 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. 5(5.01)(1) through (15) from solid waste in as pure a form as is technically feasible.

SECTION 12: PROHIBITION ON DISPOSAL OF RECYCLABLE MATERIALS SEPARATED FOR RECYCLING.

No person may dispose of in a waste disposal facility or burn in a solid waste treatment facility any of the materials specified in s. 5(5.01)(1) through (15) which have been separated for recycling, except for waste tires which may be burned with energy recovery in a solid waste treatment facility.

SECTION 13: UNLAWFUL REMOVAL OF RECYCLABLES.

13.01 No person may engage in the use, operation, or business of collecting solid waste or recyclable material for consideration within the Town without being licensed by the Town Board.

13.02 No person, except a person or entity authorized by the Town Board, may collect or remove any recyclable material which has been deposited or placed for recycling at the location designated by the Town Board. This provision shall not apply to any person who has placed recyclable material for collection and then withdraws it from recyclable material collection prior to removal.

13.03 No person, unless provided written permission by the Town Board, may litter, dispose, discharge, or dump any recyclable material in any road, highway, road right-of-way, waters, street, alley, or other public land or location within the Town except at a location designated by the Town Board.

SECTION 14: EXEMPTIONS.

The Eldorado Town Board reserves the right to designate additional solid waste materials as recyclable

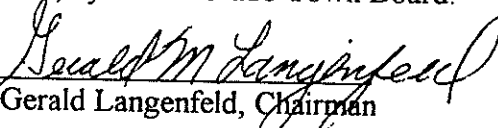
or currently collected materials as no longer recyclable in accordance with state law and to either add or delete them from any collection services provided by the Town or its contractors. The Town shall provide written notice to its service recipients of this declaration.

SECTION 15: ENFORCEMENT.


- 15.01 For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the Town of Eldorado 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 representative of the Town of Eldorado who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.
- 15.02 Any person who violates a provision of this ordinance may be issued a citation by the Town of Eldorado 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.
- 15.03 Penalties for violating this ordinance may be assessed as follows:
- (1) Any person who violates s. 5(5.01) 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.
 - (2) Any person who violates a provision of this ordinance, except s. 12, may be required to forfeit not less than \$10 nor more than \$1000 for each violation.
- 15.04 In addition to the penalties set forth above, any person violating any provision of this ordinance shall, upon

conviction thereof, reimburse the Town for costs of prosecution, including reasonable attorneys' fees, and in default of payment of the penalties, costs or fees, shall be imprisoned in the County jail until payment is made, but not exceeding 30 days for each violation. Each day of violation shall constitute a separate offense. Compliance with the provisions of this ordinance may also be enforced by injunction. The Town reserves all rights to select the appropriate legal remedy deemed necessary to enforce this ordinance.

Adopted this 12th day of October, 1994, by the Eldorado Town Board.


Gerald Langenfeld, Chairman

Attest:


Lori Linger, Town Clerk

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