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Recycling

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Sec. 8-3-1 Title and Purpose.

This Chapter is entitled the "Town of Friendship Recycling Ordinance." The purpose of this Chapter is to establish and implement a recycling ordinance pursuant to Sec. 159.11, Wis. Stats., and Ch. NR 544, Wis. Adm. Code.

Sec. 8-3-2 Authority.

The Town Board of the Town of Friendship is a "responsible unit" as defined by Sec. 159.01, Wis. Stats. As such, the Town has the authority under Chapter 159 as well as pursuant to its Village powers under Sec. 60.10, Wis. Stats., to plan, develop, implement and operate an effective recycling program within the Town.

Sec. 8-3-3 Rules of Constructions.

In the construction of this Chapter, the following rules shall be observed unless such construction would be inconsistent with the manifest intent of the Chapter:

- (a) The term "Wisconsin Statutes" whenever used in this Chapter shall mean the Wisconsin Statutes for the years 1997-98 unless otherwise noted;
- (b) References to the male gender include the female and references to the single include the plural. References to "person" extends to natural persons, firms, corporations, partnerships or other entities;
- (c) It is not intended by this Chapter to repeal, abrogate, annul, impair or interfere with any existing rules, regulations or ordinances or permits previously adopted or issued pursuant to law. However, whenever this Chapter imposes greater restrictions, the provisions of this Chapter shall apply; and
- (d) Where a provision of this Chapter is required by Wisconsin Statutes, or by a standard in Ch. NR 544, Wis. Adm. Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and Chapter NR 544 standards in effect on the date of the adoption of this Chapter, or in effect on the date of the most recent amendment to this Chapter.

Sec. 8-3-4 Severability.

Should any portion of this Chapter be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected.

Sec. 8-3-5 Applicability.

The requirements of this Chapter apply to all persons residing or doing business within the Town of Friendship.

Sec. 8-3-6 Administration.

The provisions of this Chapter shall be administered by the Town Board or its designee.

Sec. 8-3-7 Definitions.

- (a) The following definitions shall be applicable in this Chapter:
 - (1) **Bi-Metal Container.** A container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.

- (2) **Container Board.** Corrugated paperboard used in the manufacture of shipping containers and related projects.
- (3) **HDPE.** High density polyethylene plastic containers marked by the SPI Code No. 2.
- (4) **LDPE.** Low density polyethylene plastic containers marked by the SPI Code No. 4.
- (5) **Magazines.** Magazines and other materials printed on similar paper.
- (6) **Major Appliance.** A residential or commercial air condition, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator or stove.
- (7) **Mixed or Other Plastic Resin Types.** Plastic containers marked by the SPI Code No. 7.
- (8) **Multiple-Family Dwelling.** A property containing five (5) or more residential units, including those which are occupied seasonally.
- (9) **Newspaper.** A newspaper and other materials printed on newsprint.
- (10) **Non-Residential Facilities and Properties.** Commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.
- (11) **Office Paper.** 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 Sec. 66.299(1)(a), Wis. Stats., state agency or authority or federal agency.
- (13) **PETE.** Polyethylene terephthalate plastic containers marked by the SPI Code No. 1.
- (14) **Postconsumer Waste.** Solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in Sec. 144.61(5), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in Sec. 144.74(7)(1)1., Wis. Stats.
- (15) **PP.** Polypropylene plastic containers marked by the SPI Code No. 5.
- (16) **PS.** Polystyrene plastic containers marked by the SPI Code No. 6.
- (17) **PVC.** Polyvinyl chloride plastic containers marked by the SPI Code No. 3.
- (18) **Recyclable Materials.** 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 Sec. 144.01(15), Wis. Stats.
- (20) **Solid Waste Facility** has the meaning specified in Sec. 144.43(5), Wis. Stats.
- (21) **Solid Waste Treatment.** Any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste. "Treatment" included incineration.

- (22) **Waste Tire.** A tire that is no longer suitable for its original purpose because of wear, damage, or defect.
- (23) **Yard Waste.** Leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than six (6) inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

Sec. 8-3-8 Separation of Recyclable Materials.

- (a) **Licensed Hauler Requirements.** The Town has entered into a service contract with a licensed hauler. The service contract provides for the collection and removal of recyclable material. The types of materials collected are to be determined by the licensed hauler.

Sec. 8-3-9 Care of Separated Recyclable Materials.

To the greatest extent practicable, the recyclable materials separated in accordance with Section 8-3-11 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.

Sec. 8-3-10 Management of Lead Acid Batteries, Major Appliances, Waste Oil and Yard Waste.

Occupants of single family and two (2) to four (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:

- (a) Lead acid batteries shall be delivered to designated drop off stations.
- (b) Major appliances shall be delivered to or picked up by licensed salvagers.
- (c) Waste oil shall be delivered to designated drop off stations.
- (d) Yard waste may be delivered to designated sites as specified by the Town Board or its contractor.

Sec. 8-3-11 Preparation and Collection of Recyclable Materials.

- (a) **Licensed Hauler Requirements.** The Town has entered into a service contract with a licensed hauler. The service contract provides for the collection and removal of recyclable material. The types of materials collected are to be determined by the licensed hauler.

Sec. 8-3-12 Responsibilities of Owners or Designated Agents of Multiple-Family Dwellings.

- (a) Owners or designated agents of multiple-family dwellings shall do all of the following for recycling the materials specified in Section 8-3-8 (a) through (o):
 - (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.
- (b) The requirements specified in Subsection (a) do not apply to the owners of 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 Section 8-3-8(a) through (o) from solid waste in as pure a form as is technically feasible.

Sec. 8-3-13 Responsibilities of Owners or Designated Agents of Non-Residential Facilities and Properties.

- (a) Owners or designated agents of non-residential facilities and properties shall do all of the following for recycling the materials specified in Section 8-3-8(a) through (o):
 - (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, 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.
- (b) The requirements set forth above 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 this Chapter from solid waste in as pure a form as is technically feasible.
- (c) 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 this Chapter which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

Sec. 8-3-14 Service Contract.

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- (a) The Town shall negotiate and attempt to enter into an annual or multi-year contract with a licensed hauler for the purpose of providing the collection and removal of recyclable material from residential establishments on a monthly basis in the Town. The Town reserves the right to make other arrangements for the disposal of recyclable materials. All materials delivered to or left with the licensed hauler shall be separated and prepared in accordance with the requirements of this Chapter.
- (b) 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.
- (c) No person, except the hauler or its designated agents, 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.
- (d) No person, unless provided written permission by the Town, 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.

Sec. 8-3-15 Enforcement.

- (a) Any authorized officer, employee or representative of the Town Board or its contractors 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 purpose of ascertaining compliance with the provisions of this Chapter. No person may refuse access to any authorized officer, employee or authorized representative of the Town Board or its contractor who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.
- (b) Any person who violates a provision of this Chapter may be issued a citation by the Town Board or its designee 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 shall not preclude the issuance of a citation under this Subsection.
- (c) Penalties for violating this Chapter may be assessed as follows:
 - (1) Any person who violates any provision of this Chapter may be required to forfeit Fifty Dollars (\$50.00) for a first violation, Two Hundred Dollars (\$200.00) for a second violation, and not more than Two Thousand Dollars (\$2,000.00) for a third or subsequent violation, including reasonable attorney's fees and costs of prosecution.