

Recycling Ordinance for the Town of Sherry

1.01 Title. Recycling Ordinance for Town of Sherry

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 Chapter 60, Wisconsin State Statutes.

1.04 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.

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 Sherry.

1.08 Administration. The provisions of this ordinance shall be administered by the Sherry Town Board.

1.09 Effective Date. The provisions of this ordinance shall take effect on July 1, 1994.

1.10 Definitions. For the purpose of this ordinance:

- (1) "Aluminum Cans" shall include used beverage cans only.
- (2) "Bags" shall be clear, colorless plastic bags designated for refuse; with sufficient wall strength to maintain physical integrity when lifted by top. With a capacity not to exceed thirty gallons and a load weight of no more than fifty pounds.
- (3) "Bi-metal container" means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.
- (4) "Container board" means corrugated paperboard used in the manufacture of shipping containers and related products.

- (5) "Container glass" shall include container glass only. Glass does not include ceramic cups, dishes, ovenware, plate glass, safety and window glass, heat resistant glass such as pyrex, lead-based glass such as crystal, or TV tubes.
- (6) "HDPE" means high density polyethylene plastic containers marked by the SPI code No. 2.
- (7) "LDPE" means low density polyethylene plastic containers marked by the SPI code No. 4.
- (8) "Magazines" means magazines and other materials printed on similar paper.
- (9) "Major appliance" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, refrigerator or stove.
- (10) "Mixed or other plastic resin types" means plastic containers marked by the SPI code No. 7.
- (11) "Multi-family dwelling" means a property containing 5 or more residential units, including those which are occupied seasonally.
- (12) "Newspaper" means a newspaper and other materials printed on newsprint.
- (13) "Non-residential facilities and properties" means commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.
- (14) "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 process waste.
- (15) "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.
- (16) "PETE" means polyethylene terephthalate plastic containers marked by the SPI code No. 1.
- (17) "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.
- (18) "PP" means polypropylene plastic containers marked by the SPI code No. 5.
- (19) "PS" means polystyrene plastic containers marked by the SPI code No. 6.
- (20) "PVC" means polyvinyl chloride plastic containers marked by the SPI code No. 3.
- (21) "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 from PETE, HDPE, PVC, LDPE, PP, PS, and mixed or other plastic resin types; steel containers; waste tires; and bi-metal containers.
- (22) "Solid waste" has the meaning specified in s. 144.01(15), Wis. Stats.
- (23) "Solid waste facility" has the meaning specified in 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) "Tin cans" shall include tin coated metal cans, and steel containers.
- (26) "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
- (27) "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, multi-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 materials printed on newsprint
- (12) Office paper
- (13) Plastic containers made of PETE (#1), HDPE (#2), PVC (#3), LDPE (#4), PP (#5), PS (#6), and mixed or other plastic resin types (#7)
- (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. 1.11 for which a variance or exemption has been granted by the Department of Natural Resources under ss. 159.07(7)(d) or 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, toxic materials, 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 residents, 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 service stations or the Sherry-Milladore Recycling Center.
- (2) Major appliances shall be taken to Tork Landfill Corp.
- (3) Waste oil shall be taken to local service stations or the Sherry-Milladore Recycling Center.
- (4) Yard waste shall be deposited on ones own property.

1.15 Preparation and Collection of Recyclable Materials. Except as otherwise directed by the Sherry 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. 1.11 (5) through (15):

- (1) Aluminum containers shall be rinsed clean and deposited in the proper bin at the Sherry-Milladore Recycling Center.
- (2) Bi-metal containers shall be rinsed clean and deposited in the proper bin at the Sherry-Milladore Recycling Center, beginning January 1, 1995.
- (3) Corrugated paper or other container board shall be cut or folded, flattened, and bound with twine when possible and brought to the Sherry-Milladore Recycling Center.
- (4) Foam polystyrene packaging shall be clean, free of debris, and either bundled or placed in bags, beginning January 1, 1994.
- (5) Glass containers shall be rinsed clean, rings and caps removed, and separated by color (clear, brown, green-blue).
- (6) Magazines or other materials printed on similar paper shall be bundled or placed in paper bags and brought to the Sherry-Milladore Recycling Center.
- (7) Newspapers or other materials printed on newsprint shall be bundled with twine or placed in paper bags and brought to the Sherry-Milladore Recycling Center.
- (8) Office paper shall be bundled or placed in paper bags.
- (9) Plastic containers shall be prepared and collected as follows:
 - (a) Plastic containers made of PETE (#1), including juice bottles, shall be clean and free of contaminants as per section 1.13 of this ordinance and placed in the proper bin at the the Sherry-Milladore Recycling Center.
 - (b) Plastic containers made of HDPE (#2), including milk jugs and detergent bottles, shall be clean and free of contaminants as per section 1.13 of this ordinance and placed in the proper bin at the the Sherry-Milladore Recycling Center.
 - (c) Plastic containers made of PVC (#3), shall be clean and free of contaminants as per section 1.13 of this ordinance and placed in the proper bin at the the Sherry-Milladore Recycling Center beginning January 1, 1995.
 - (d) Plastic containers made of LDPE (#4), shall be clean and free of contaminants as per section 1.13 of this ordinance and placed in the proper bin at the the Sherry-Milladore Recycling Center beginning January 1, 1995.
 - (e) Plastic containers made of PP (#5), shall be clean and free of contaminants as per section 1.13 of this ordinance and placed in the proper bin at the the Sherry-Milladore Recycling Center beginning January 1, 1995.
 - (f) Plastic containers made of PS (#6), shall be clean and free of contaminants as per section 1.13 of this ordinance and placed in the proper bin at the the Sherry-Milladore Recycling Center beginning January 1, 1995.
 - (g) Plastic containers made of mixed or other plastic resin types (#7), shall be clean and free of contaminants as per section 1.13 of this ordinance and placed in the proper bin at the the Sherry-Milladore Recycling Center beginning January 1, 1995.
- (10) Steel containers shall be clean and free of contaminants as per section 1.13 of this ordinance, if possible the cans should have both ends removed and be flattened, and placed in the proper bin at the the Sherry-Milladore Recycling Center.
- (11) Waste tires shall be taken to local service stations or Tork Landfill Corp., or will be accepted at the Sherry-Milladore Recycling Center for a fee.

1.16 Placement of recyclables. Except as otherwise specifically directed or authorized by the Sherry Town Board, recyclable materials shall be taken to the Town's recycling center only on

the scheduled days and at the designated times as established and published by the Town of Sherry. Recyclables shall be placed at the recycling center only in the presence of the attendant and only in the appropriate bins.

1.17 Ownership of Recyclables and Refuse. Recyclable materials and refuse, upon placement at the curb or collection site, shall become the property of the hauler or Town. Recyclable materials, upon collection by any permitted collector, shall become the property of the contractor.

1.18 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. 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.

1.19 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. 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 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 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.

1.20 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. 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.

1.21 Use of Clear Garbage Bags. Occupants of single family, two to four unit residences and owners of multiple family dwelling and non-residential facilities and properties are required to use clear, colorless plastic garbage bags as defined in this ordinance for the collection of solid waste. The purpose of the clear bags is for determining compliance with this recycling ordinance.

1.22 (b) Dumping. (1) It shall be unlawful for any person to dispose of or dump garbage in any street, alley or other public place within the Town of Sherry or in any receptacles or private property without the owner's consent.

1.23 (b) Recyclables or Garbage From Outside of Municipality. It shall be unlawful to bring refuse for disposal or recyclables from outside the corporate limits of the Town of Sherry unless authorized by agreement with the municipality.

1.24 Right to Reject Materials. The hauler or drop off site attendant has the right to reject or leave at the curb any recyclable material that is not prepared according to the specifications of this ordinance, s. 1.15(1) through (11), or in education material provided by the contractor or municipality to the service recipients. Materials may also be left or rejected if not separated from solid waste, placed in the proper container, or are not designated recyclable materials for collection. Materials will not be collected or accepted if the contain any of the following; hazardous waste, household hazardous waste, toxic waste, paint, varnish, stains, pesticides, non-agricultural pesticides, medical waste, asbestos, sludge, pollution control waste, ash septage, dead animals, or treated wood products. The hauler also has the right to refuse to pick up any solid waste if it contains recyclable containers and materials. In such cases, the hauler or attendant shall notify the generator of the materials about the reasons for rejecting the items either in writing or verbally. The hauler shall also keep a list of such occurrences and provide it to the Town quarterly.

1.25 Licensing of Hauler Required. No person or corporation shall engage in the business of hauling recyclables within the Town of Sherry without being licensed by the Department of Natural Resources under section NR 502.06, Wis. Administrative Code.

1.26 Processing Facilities. Any contractor operating in the Town of Sherry shall not transport for processing any recyclables to a processing facility unless that facility has been approved in writing by the Town and, by January 1, 1995, the facility has self-certified with the Wisconsin Department of Natural Resources under section NR 544.16, Wis. Administrative Code.

1.27 Enforcement. (1) Any authorized officer, employee or representative of Town of Sherry 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 ordinance. No person may refuse access to any authorized officer, employee or authorized representative of the Town of Sherry who requests access for the purpose 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 Sherry 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 violates s. 1.18 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. 1.18, may be required to forfeit not less than \$10 nor more than \$1000 for each violation.

adopted on April 11, 1994

Andrew D. Mills

Chairman

Edmund H. H. H.

Supervisor

Edward B. H. H.

Supervisor

attested: Peggy Richardson
clerk