

ORDINANCE NUMBER: CHAPTER 4
RECYCLING ORDINANCE

- 4.01 Title.** Recycling Ordinance for Town of Barnes.
- 4.02 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.
- 4.03 Statutory Authority.** This ordinance is adopted as authorized under s. 159.09(3)(b), Wis. Stats., and the Town Board of the Town of Barnes.
- 4.04 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.
- 4.05 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.
- 4.06 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.
- 4.07 Applicability.** The requirements of this ordinance apply to all persons within the Town of Barnes.
- 4.08 Administration.** The provisions of this ordinance shall be administered by the Town Board of the Town of Barnes.
- 4.09 Effective Date.** The provisions of this ordinance shall take effect on upon publication.
- 4.10 Definitions.** For the purposes of this ordinance:
- (1) “Bi-metal container” means a container for carbonated or malt beverages that are 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, labeled by the SPI code #2.
 - (4) “LDPE” means low density polyethylene, labeled by the SPI code #4.
 - (5) “Magazines” means magazines and other materials printed on similar paper.

- (6) "Major appliance" means a residential or a commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven (unless the capacitor has been removed), oven, refrigerator, stove, furnace, boiler, dehumidifier or water heater.
- (7) "Multiple-family dwelling" means a property containing five or more residential units, including those which are occupied seasonally.
- (8) "Newspaper" means a newspaper and other materials printed on newsprint.
- (9) "Non-residential facilities and properties" means commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.
- (10) "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.
- (11) "Other resins or multiple resins" means plastic resins labeled by the SPI code #7.
- (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, labeled by the SPI code #1.
- (14) "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.
- (15) "Post-consumer 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.
- (16) "PP" means polypropylene, labeled by the SPI code #5.
- (17) "PS" means polystyrene, labeled by the SPI code #6.
- (18) "Recyclable materials" includes lead acid batteries; major appliances; yard waste; aluminum containers; corrugated paper or other container board; glass containers; magazines; newspapers; office paper; rigid plastic containers, including those made of **PETE**, **HDPE**, **LDPE**, **PP**, **PS**, and other resins or multiple resins; steel containers; waste tire; and bi-metal containers.
- (19) "Solid waste" has the meaning specified in s. 144.01(15), Wis. Stats.
- (20) "Solid waste facility" has the meaning specified in s. 144.43(5) 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 six inches in diameter, stumps, roots or shrubs with intact root balls.

4.11 Separation of Recyclable Materials. Occupants of single family and two to four unit residences, multiple-family dwellings and non-residential facilities and properties shall separate the following materials recyclable materials from post-consumer waste and recycled at the Town of Barnes recycling facility or other facility or method in accordance with Chapter NR 544, Wis. Administrative Code:

- (1) Lead acid batteries;
- (2) Major appliances;
- (3) Yard waste;
- (4) Aluminum containers;
- (5) Bi-metal containers;
- (6) Corrugated paper or other container board;
- (7) Glass containers;
- (8) Magazines;
- (9) Newspapers;
- (10) Office paper;
- (11) Rigid plastic containers made of PETE, HDPE, LDPE, PP, PS, and other resins or multiple resins;
- (12) Steel containers; and
- (13) Waste tires.

4.12 Separation Requirements Exempted. The separation requirements of s 1.11 do not apply to the following:

- (1) Occupants of a single family and two to four unit residences, multiple-family dwellings and non-residential facilities and properties that send their post-consumer 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 its 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(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.

4.13 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 from contaminants 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.

4.14 Management of Lead Acid Batteries, Major Appliances, Waste Oil and Yard Waste.

Occupants of single family and two to four unit residences, multiple-family dwellings and nonresidential 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 a local authorized dealer accepting this product or taken to the Town of Barnes recycling facility during such times as the town is accepting lead acid batteries.
- (2) Major appliances shall be taken to a local authorized dealer accepting this product or taken to the Town of Barnes recycling facility during such times as the town is accepting major appliances.
- (3) Yard waste shall be taken to a location determined by the Town Board of the Town of Barnes.
- (4) Waste oil shall be disposed of at a local authorized dealer accepting this product.

4.15 Preparation and Collection of Recyclable Materials. Except as otherwise directed by the Town Board of the Town of Barnes, occupants of single family and two to four unit residences shall do the following for the preparation and collection of the separated materials specified in s. 1.11(5) through (15):

- (1) **Waste tires** shall be disposed of at a local authorized dealer accepting this product or taken to the Town of Barnes recycle facility during such times as the town is accepting waste tires.
- (2) All of the following items shall be separated from household garbage but can be co-mingled and deposited together along with other recycled materials at the Town of Barnes recycling facility:
 - (a) **Bi-metal containers**
 - (b) **Corrugated paper or other container board**
 - (c) **Glass containers**
 - (d) **Magazines**
 - (e) **Newspaper**
 - (f) **Office paper**
 - (g) **Rigid plastic containers**
 - (h) **Steel containers**

4.16 Responsibilities of Owners or Designated Agents of Multiple-Family Dwellings.

- (1) Owners or designated agents of multiple-family dwellings and non-residential facilities shall notify tenants in writing at the time of renting or leasing the dwelling about the established recycling program.
- (2) 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. 1.11(5) through (15) from solid waste in as pure a form as is technically feasible.

4.17 Prohibitions on Disposal and Incineration. No persons 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; except that waste oil, yard waste and waste tires may be burned with energy recovery in a solid waste treatment facility, and yard waste may be disposed of in an approved land spreading facility or burned in a licensed facility.

4.18 Enforcement.

- (1) Any person who violates a provision of this ordinance may be issued a citation by the Town Board of the Town of Barnes 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 citation under this paragraph.
- (2) Penalties of violating this ordinance may be assessed as follows:
 - (a) Any person who violates s. 1.17 may be required to forfeit \$50 for a first violation, \$200 for a second violation, and not less than \$200 nor more than \$2,000 for a third violation.
 - (b) Any person who violates a provision of this chapter except for s. 1.17, may be required to forfeit not less than \$10 nor more than \$1,000 for each violation.

This ordinance shall take effect upon adoption by the Town Board of Supervisors and the filing of the proof of publication or posting in the office of the Town Clerk.

- Date Original Recycling Ordinance Adopted: 11.20.2007
- Date Original Recycling Ordinance Published: 12.06.2007
- Date Revised Recycling Ordinance Adopted: 03.20.2012
- Date Revised Recycling Ordinance Published: 04.06.2012