

TOWN OF MUKWA

RECYCLING ORDINANCE NO. 1-94

The Town Board of Mukwa do ordain as follows:

1.01 Title. Recycling Ordinance for Town of Mukwa.

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 159.11, Wis. Stats., and Chapter NR 544, Wis. Administrative Code.

1.03 Statutory Authority. This ordinance is adopted as authorized under 159.09(3)(b), Wis. Stats., and NR 544.06, Wisconsin Administrative Code.

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, entities and appropriate waste generating activities within the limits of the Town of Mukwa.

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

1.09 Effective Date. The provisions of this ordinance shall take effect on the day immediately after publication of this ordinance.

1.10 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 or stove, residential or commercial furnace, boiler dehumidifier or water heater.
- (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 material 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 government unit, as defined in ss 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) "Post consumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in ss144.61(5), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in ss 144.44(7)(a)1., 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 boards; 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 ss 144.01 (15), Wis. Stats.
- (20) "Solid waste facility" has the meaning specified in ss 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 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, multiple-family dwellings and non-residential facilities and properties shall separate the following materials from post consumer 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, HDPE, PVC, LDPE, PP, PS, and mixed or other plastic resin types
- (14) Steel containers
- (15) Waste tires

1.12 Separation Requirements Exempted. The separation requirements of ss 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 post consumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in ss 1.11 from solid waste in as pure a form as is technically feasible.

(2) Solid waste which is burned as 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 ss 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 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 ss 1.11 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.

1.14 Management of Lead Acid Batteries, Major Appliances, and Yard Waste. 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, and yard waste as follows:

- (1) Lead acid batteries shall be left at curbside to be collected by the Town's designated collector/hauler.
- (2) Major appliances shall be collected by the Town's designated collector/hauler, upon payment of a special charge and scheduling the pickup with the collector/hauler.
- (3) Yard waste shall be delivered to the Town drop-off area located behind the old landfill on Cut-Off Road on those dates hereafter designated by the Town. There shall be four days per year when yard waste may be delivered to this site, two Saturdays in the spring and two Saturdays in the fall.

1.15 Preparation of Recyclable Materials. Except as other directed by the Town Board of Mukwa, 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 ss 1.11(5) through (15):

- (1) Aluminum containers shall be placed in a separate container and left at curbside to be collected by the Town's designated collector/hauler.
- (2) Bi-metal containers shall be placed in a separate container and left at curbside to be collected by the Town's designated collector/hauler.
- (3) Corrugated paper or other containerboard shall be placed in a separate container and left a curbside to be collected by the Town's designated collector/hauler.
- (4) Foam polystyrene packaging shall be placed in a separate container and left at curbside to be collected by the Town's designated collector/hauler.
- (5) Glass containers shall be separated by color with the same color glass containers placed in a separate container and left at curbside to be collected by the Town's designated collector/hauler.
- (6) Magazines or other materials printed on similar paper shall be placed in a separate container and left at curbside to be collected by the Town's designated collector/hauler.
- (7) Newspapers or other materials printed on newsprint shall be placed in a separate container and left at curbside to be collected by the Town's designated collector/hauler.
- (8) Office paper shall be placed in a separate container and left at curbside to be collected by the Town's designated collector/hauler.
- (9) Plastic containers shall be prepared and collected as follows:
 - (a) Plastic #1 containers made of PETE and Plastic #2 container made of HDPE, shall be placed in a separate container and left at curbside to be collected by the Town's designated collector/hauler.
 - (b) Other plastic containers, at such time as the Town Board hereafter designates, shall be separated and left at curbside for collection. Unless otherwise specified, the plastic containers shall be separated according to SPI code numbers.
- (10) Steel containers shall be placed in a separate container and left at curbside to be collected by the Town's designated collector/hauler.

(11) Waste tires shall be left at curbside to be collected by the Town's designated collector/hauler. A special charge shall be set by said hauler for picking up waste tires, as this service shall not be part of the hauler's normal services.

1.16 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 ss 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 semiannually 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 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 ss 1.11 (5) through (15) from solid waste in as pure a form as is technically feasible.

1.17 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 ss 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 material 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 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 ss 1.11 (5) through (15) from solid waste in as pure a form as is technically feasible.

1.18 Prohibitions on Disposal of Recyclable Materials. No person may dispose of in a solid wastes disposal facility or burn in a solid waste treatment facility any of the materials specified in ss 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.

1.19 Unlawful Removal of Recyclables. It shall be unlawful for any person, unless under contract with or licensed by the municipality, to collect or remove any recyclable material that has been deposited or placed at the curb or in a container adjacent to a home or non-residential building for the purposes of collection for recycling.

1.20 Recyclables from Outside of Town. It shall be unlawful for any person or entity to bring recyclables from outside the Town of Mukwa limits into the Town, unless authorized by agreement with the Town.

1.21 Right to Reject Materials. The Town collector/hauler has the right to reject or leave at the curb any recyclable material that is not prepared according to the specifications of this ordinance or in education material provided by the contractor/hauler to the service recipients. Materials may also be left if not separated from solid waste, placed in proper container or are not designated recyclable materials for collection. The hauler shall keep a list of such occurrences and provide it to the Town on at least a quarterly basis.

1.22 Reporting Requirements. The recycling and solid waste haulers and processors operating in the Town are required to maintain records and report in writing to the Town Clerk at least annually, the reports to include the amount of recyclable or solid waster tonnage collected and transported from the Town, the amount of recyclables processed and/or marketed by item type from the Town and the final disposal location of recyclable material. Failure to report shall be cause for the Town to revoke any license or sever any contract with hauler/processor.

1.23 Establish Fees. The Town may establish fees for service recipients for the payment of collection services for recyclables. Fees shall be assessed on a per unit basis and by charged periodically or as a special charge on the tax roll pursuant to Wis. Stats. 66.60(16).

1.24 Specified Containers. Recyclables shall be placed in containers adequately separate and secure the recyclables. The containers shall be fit for the purposes intended. Any specific requirements of the Town's designated collector/hauler shall control the type of container that may be used. Recyclables shall be placed as required herein no sooner than 24 hours prior to the regularly scheduled collection time. Any uncollected recyclables shall not be allowed to remain at curbside longer than 24 hour after the collection of recyclables.

1.25 No Burning or Burying. It shall be unlawful to burn or bury solid waste or recyclables by residential and non-residential sectors at construction sites.

1.26 No Dumping. It shall be unlawful for any person to dispose of or dump solid waste or recyclables in any street, alley or other public place within the town of Mukwa or in any receptacles or private property without the owner's consent. No person shall place for collection any solid waste or recyclables at the curb not owned or occupied by such person.

1.27 Enforcement.

(1) Any authorized officer, employee, agent or representative of the Town of Mukwa may inspect recyclable material separated for recycling, post consumer 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, agent or authorized representative of the Town of Mukwa 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 Constable of the Town of Mukwa 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 ss 1.18 may be required to forfeit \$50.00 for a first violation, \$200.00 for a second violation, and not more than \$2,000.00 for a third or subsequent violation.

(b) Any person who violates a provision of this ordinance, except ss 1.18, may be required to forfeit not less than \$10.00 nor more than \$1,000.00 for each violation.

Adopted this 16th day of May, 1994.

Aye 3
No 0

/s/Dale Christian, Chairman

Attest:

/s/Doris Roloff, Clerk

Posted: May 20, 1994
Corner of Manske Rd & Cty Trk D
Hwy 54 & Old Poppy Plumbing & Heating
Town Hall

Published: May 27, 1994
Press Star

******* Please contact Clerk Zielinski at 982-9890 for updated recycling information *******