

Ordinance No. 3

**1.01 Title.** Recycling Ordinance for the Town of Cutler.

**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.

**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 applications, 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 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 Cutler.

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

**1.09 Effective Date.** The provisions of this ordinance shall take effect on 11-1-94.

**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 (capacitor removed), oven, refrigerator or stove.  
6.1 Amendment to the ordinance to include commercial furnaces, boilers, dehumidifiers, and water heaters.
- (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 materials 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 governmental unit, as defined in s. 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) **"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.
- (15) **"PP"** means polystyrene 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 code No. 3.
- (18) **"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 of PETE, HDPE, LDPE, PP, PS, and mixed of other plastic resin types; steel containers; waste tires; and bi-metal containers.
- (19) **"Solid waste"** has the meaning specified in s.144.01(15), Wi Stat.

- (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 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 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), PVE (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, 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 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 disposed of at Bickfords, Inc., a battery retailer or any other established salvage business.
- (2) Major appliances shall be disposed of at Bickfords, Inc., after legal freon removal. They shall not be disposed of on site.
- (3) Waste oil shall be disposed of with a service station which accepts used oil or some other established used oil recycler.
- (4) Yard waste shall be managed on site, and will not be accepted at the landfill.

### **1.15 Preparation and Collection of Recyclable Materials.**

Except as otherwise directed by the **Cutler Town Board**, occupants of single family and 2 to 4 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 free of product residue.
- (2) Bi-metal containers or other container board shall be free of debris, flattened, stacked and tied.
- (3) Corrugated paper or other container board be free of debris, flattened, stacked and tied.
- (4) Foam polystyrene packaging shall be prepared as directed.
- (5) Glass containers shall be rinsed free of product residue and caps removed.
- (6) Magazines or other materials printed on similar paper shall be free of contaminants and tied or boxed for continent handling.
- (7) Newspapers or other materials printed on newsprint shall be free of contaminants and tied or bagged for continent handling.
- (8) Office paper shall be N/A.
- (9) Plastic containers shall be prepared and collected as follows:
  - (a) Plastic containers made of PEPE (1), including pop, liquor, & juice shall be rinsed free of product residue and caps removed.
  - (b) Plastic containers made of HDPE (2), including milk jugs & detergent bottles shall be rinsed free of product residue and caps removed.
  - (c) Plastic containers made of PVC (3), shall be recycled as directed by Bickford.
  - (d) Plastic containers made of LDPE (4), shall be recycled as directed by Bickford.



- (e) Plastic containers made of PP (5), shall be recycled as directed by Bickford.
- (f) Plastic containers made of PS (6), shall be recycled as directed by Bickford.
- (g) Plastic containers made of mixed or other plastic resin types (7), shall be recycled as directed by Bickford.
- (10) Steel containers shall be rinsed free of product residue, have labels removed and flattened if possible.
- (11) Waste tires shall be disposed of with an authorized tire recycler and will require a tipping fee.

**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 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 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 materials to solid waste 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.

The requirements specified i (1) do not apply to the owners or designated agents of multiple-family dwellings if the postconsumer waste generated wit 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.

**1.17 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 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 materials in order to meet the processing requirements, collection method 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.

**1.18 Prohibitions and 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.

### 1.19 Enforcement.

- (1) The County Sheriff Department and District Attorney are hereby authorized to enforce this ordinance. To the extent any violation hereof is also a violation of a state statute or administrative rule, the violation may be prosecuted as a violation of that state provision with its prescribed penalties incorporated here by reference.
- (2) Any authorized officer, employee or representative of the **Town of Cutler** may inspect recyclable materials 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 the ordinance. No person may refuse access to any authorized officer, employee or authorized representative of the **Town of Cutler** who requests access for purposes of inspection, and who presents appropriate credentials, No person may obstruct, hamper, or interfere with such an inspection.
- (3) Any person who violates a provision of this ordinance may be issued a citation by first class mail 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.
- (4) 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 no 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.
  - (c) If in conflict, penalties prescribed by state law shall take precedence.

This ordinance is introduced and amended this 10<sup>th</sup> day of October 1994.

APPROVED: *Robert C. Hayward*  
Town Chairman

ATTEST: *Martin B. Patti*  
Town Supervisor *James A. Hayward Sr.*

Date Passed: *Oct. 10, 1994*

Votes: *3* For *3* Against *0* Abstentions

Date Published: *October 20, 1994* *Stoughton*