

## Chapter 5 – Mandatory Recycling

**5.01 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 Wisconsin Statutes ss 159.11, and Chapter NR 544, Wis. Admin. Code.

**5.02 STATUTORY AUTHORITY.** This ordinance is adopted as authorized under ss 159.09(3)(b) Wis. Stats., and the Town Board.

**5.03 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.

**5.04 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 interpretations shall apply. Where a provision of this ordinance is required by Wisconsin Statutes, or by a standard in Chapter NR 544, Wis. Admin. Code, and where the ordinance provisions 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 ordinance, or in effect on the date of the most recent text amendment to this ordinance.

**5.05 APPLICABILITY.** The requirements of this ordinance apply to all persons who reside in the Town.

**5.06 EFFECTIVE DATE.** The provisions of this ordinance shall take effect on January 1, 1995.

**5.07 DEFINITIONS.** For the purposes of this ordinance, following are the definitions:

1. **General.** Except where specifically defined herein, all words in this Mandatory Recycling Code shall carry the meaning as defined in *Webster's Unabridged Third New International Dictionary* or dictionary based on it. Words used in the present tense include the future, and words in the plural include the singular. The word "shall" is mandatory and not directory.
2. **Specific.** As used in this Code, the following terms have meaning hereinafter set forth unless the context clearly requires otherwise.
  - a. *bi-metal container* - a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.
  - b. *container board* - corrugated paperboard used in the manufacture of shipping containers and related products.
  - c. *HDPE* - low density polyethylene plastic containers marked by the SPI code No 2.
  - d. *LDPE* - low density polyethylene plastic containers marked by the SPI code No. 4.

- e. (e) *magazines* - magazines and other materials printed on similar paper.
- f. *major appliance* - a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, furnace, boiler, dehumidifier, water heater or stove.
- g. *mixed or other plastic resin types* - plastic containers marked by the SPI code No. 7.
- h. *multiple family dwelling* - property containing five (5) or more residential units, including those which are occupied seasonally.
- i. *newspaper* - a newspaper and other materials printed on newsprint.
- j. *non-residential facilities and properties* - commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.
- k. *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.
- l. *person* - includes any individual, corporation, partnership, association, local governmental unit as defined in ss 66.299(1)(a), Wis. Stats., state agency or authority or federal agency.
- m. *PETE* - polyethylene terephthalate plastic containers marked by the SPI code No. 1.
- n. *postconsumer waste* - solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in ss 144.61(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)l, Wis. Stats.
- o. *PP* - polypropylene plastic containers marked by SPI code No. 5.
- p. *PS* - polystyrene plastic containers marked by the SPI code No 6.
- q. *PVC* - polyvinyl chloride plastic containers marked by the SPI code No 3.
- r. *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, PVC, LDPE, PP, PS, and mixed or other plastic resin types, steel containers, waste tires, and bi-metal containers.
- s. *solid waste* - as specified in ss 144.01(15), Wis. Stats.
- t. *solid waste facility* - as specified in ss 144.43(5), Wis. Stats.
- u. *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* includes incineration.
- v. *waste tire* - a tire that is no longer suitable for its original purpose because of wear, damage or defect.
- w. *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.

**5.08 SEPARATION OF RECYCLABLE MATERIALS.** All persons residing, working or conducting any service or agricultural or manufacturing activity or business within the Town of Vermont, including but not limited to, landowners residing in the Town, renters and others who may be eligible to use Dane County landfills and persons collecting solid waste and recyclables are required to separate the following materials from postconsumer waste:

1. Aluminum containers
2. Bi-metal containers
3. Corrugated paper or other container board
4. Foam polystyrene packaging
5. Glass containers
6. Lead acid batteries
7. Major appliances
8. Magazine or other materials printed on similar paper
9. Newspapers or other materials printed on similar paper
10. Office paper
11. Plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and mixed or other plastic resin types
12. Steel containers
13. Waste oil
14. Waste tire

**5.09 SEPARATION REQUIREMENTS EXEMPTIONS.** The separation requirements of ss 5.08 do not apply to the following:

1. Occupants of single family and 2 to 44 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 ss 5.08 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 ss 5.08 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 ss NR 544.12, Wis. Admin. Code.

**5.10 CARE OF SEPARATED RECYCLABLE MATERIALS.** To the greatest extent practicable, the recyclable materials separated in accordance with 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.

**5.11 MANAGEMENT OF LEAD ACID BATTERIES, MAJOR APPLIANCES, WASTE OIL 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, waste oil, and yard waste as follows:

1. Lead acid batteries shall be free from leakage and caps tightened down.
2. Major appliances may be taken to the Mazomanie Transfer Site for disposal with the exception of those items containing refrigerant. The Town of Mazomanie will direct those items to a certified disposer of refrigerant.
3. Waste oil shall be recycled at the Dane County waste oil collection sites.
4. Yard waste shall be disposed of by each individual home owner and it will not be accepted at the Transfer Site.

**5.12 PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS.** Except as otherwise directed by the Town, 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 5.08(5) through (15).

1. Aluminum containers shall be clean.
2. Bi-metal containers shall be clean and paper labels removed.
3. Corrugated paper or other container board shall be flattened and deposited in the appropriately marked place.
4. Foam polystyrene packaging shall be clean, free of food residue and plastic wrap.
5. Glass containers shall be clean with lids and rings removed.
6. Magazines or other materials printed on similar paper shall be bundled and deposited in the appropriately marked place.
7. Newspapers or other materials printed on newsprint shall be bundled or bagged and deposited in the appropriately marked place.
8. Office paper shall be separated, plastic windows on envelopes removed.
9. Plastic containers shall be prepared and collected as follows:
  - a. Plastic containers made of PETE, including all SPI code #1 shall have caps removed with the exception that oil containers must have a cap on. Oil containers must be separated from other plastics and placed in appropriate bin.
  - b. Plastic containers made of HDPE, including all SPI code #2, shall have caps removed and be rinsed.
  - c. Plastic containers made of PVC, including all SPI code #3, shall be rinsed and clean with caps and rings removed.
  - d. Plastic containers made of LDPE, including all items SPI code #4, shall be rinsed and clean with caps and rings removed.
  - e. Plastic containers made of PP, including all SPI code #5, shall be rinsed and clean with caps and rings removed.
  - f. Plastic containers made of PS, including all SPI code #6, shall be rinsed and clean with caps and rings removed.
  - g. Plastic containers made of mixed or other plastic resin types, including all SPI code #7, shall be rinsed and clean with caps and rings removed.
10. Steel containers shall be rinsed and paper labels removed.
11. Waste tires shall be accepted with appropriate deposit paid for disposal to the Town

### **5.13 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 5.08(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, collections methods or sites, locations and hours of operation, 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 ss 5.08(5) through (15) from solid waste in as pure a form as is technically feasible.

### **5.14 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 5.08(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, collections methods or sites, locations and hours of operation, 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 ss 5.08(5) through (15) from solid waste in as pure a form as is technically feasible.

**5.15 PROHIBITIONS ON DISPOSAL OF RECYCLABLE MATERIALS.** No person may dispose of in a solid waste disposal facility to burn in a solid waste treatment facility any of the materials specified in ss 5.08(5) through (15) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

### **5.16 ENFORCEMENT.**

1. Any authorized officer, employee or representative of the Town 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 office employee or authorized representative of the Town who requests access for the 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 Town 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 follow:
  - a. Any person who violates ss 5.15 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 Hundred Dollars (\$200.00) plus a loss of transfer site permit for one (1) year from date of violation for a third or subsequent violation.
  - b. Any person who violates a provision of this ordinance, except ss 5.15, may be required to forfeit not less than Ten Dollars (\$10.00) nor more than One Thousand Dollars (\$1000.00) for each violation plus loss of transfer site permit for one (1) year from date of violation.

Use of transfer site permit is automatically suspended until any and all forfeitures are paid.