

**ORDINANCE
NO. 13**

RECYCLING ORDINANCE FOR THE TOWN OF KILDARE

The Town Board of the Town of Kildare, Juneau County, Wisconsin, in order to promote the public health, safety, general welfare and good order of the Town of Kildare and for its inhabitants, does ordain as follows:

1.01 Title.

Recycling Ordinance for Town of Kildare.

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 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.

o **1.00 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 Kildare, Juneau County, Wisconsin.

1.08 Administration.

The provisions of this ordinance shall be administered by the Town Board, Town of Kildare, Juneau County, Wisconsin. As appropriate the Town Board may delegate specific duties or assignments.

1.09 Effective Date.

The provisions of this ordinance shall take effect on January 1, 1995.

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) "Foam polystyrene packaging" means packaging made primarily from foam polystyrene that satisfies one of the following criteria:
 - (a) Is designed for serving food or beverages.
 - (b) Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.
 - (c) Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.
- (4) "HDPE" means high density polyethylene, labeled by the SPI code #2.

- (5) "LDPE" means low density polyethylene , labeled by the SPI code #4.
- (6) "Magazines" means magazines and other materials printed on a similar paper.
- (7) "Major appliance" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, furnace, boiler, dehumidifier, water heater or stove.
- (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) "Other resins or multiple resins" means plastic resins labeled by the SPI code #7.
- (13) "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.
- (14) "PETE" means polyethylene terephthalate, labeled by the SPI code #1.
- (15) "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.
- (16) "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.
- (17) "PP" means polypropylene, labeled by the SPI code #5.
- (18) "PS" means polystyrene, labeled by the SPI code #6.

- (19) "PVC" means polyvinyl chloride, labeled by the SPI code #3.
- (20) "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; newspaper; office paper; rigid plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins; steel containers; waste tires; and bi-metal containers.
- (21) "Solid waste" has the meaning specified in s. 144.01(15), Wis. Stats.
- (22) "Solid waste facility" has the meaning specified in s. 144.43(5), Wis. Stats.
- (23) "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.
- (24) "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
- (25) "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
- (11) Newspaper
- (12) Office paper
- (13) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins.
- (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 a 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. 1.1(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.

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 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 taken to authorized dealers or battery retailers where replacement battery is purchased.
- (2) Major appliances shall be taken to a licensed facility for appliance demanufacturing.
- (3) Waste oil or motor oil shall be taken to a retail establishment. All other waste oil shall be free from contaminants.
- (4) Yard waste shall be managed on site.

1.15 Preparation and Collection of Recyclable Materials.

Except as otherwise directed by the Town of Kildare Educational Materials and 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 separated and placed in clear plastic bag.
- (2) Bi-metal containers shall be clean and drained.
- (3) Corrugated paper or other container board shall be broken down.
- (4) Foam polystyrene packaging shall be clean.
- (5) Glass containers shall be clean and sorted according to color, including bottles, jars and similar containers but excluding window glass, china, pyrex and mirrors.
- (6) Magazines shall be put in paper bags and stacked in bundles and tied securely.
- (7) Newspaper shall be put in brown paper bags, tied securely and kept dry.
- (8) Office paper shall be put in a clear bag and kept dry.
- (9) Rigid plastic containers shall be prepared and collected as follows:

- (a) Plastic containers made of PETE, including soda bottles, shall be rinsed with caps removed.
 - (b) Plastic containers made of HDPE, including milk jugs, shall be clean and drained.
 - (c) Plastic containers made of PVC, including all plastics marked with a triangle containing the number 3, shall be clean, drained and have caps or lids removed and placed as directed in education material.
 - (d) Plastic containers made of LDPE, including all plastics marked with a triangle containing the number 4, shall be clean, drained and have caps or lids removed and placed as directed in education material.
 - (e) Plastic containers made of PP, including all plastics marked with a triangle containing the number 5, shall be clean, drained and have caps or lids removed and placed as directed in education material.
 - (f) Plastic containers made of PS, including all plastics marked with a triangle containing the number 6, shall be clean, drained and have caps or lids removed and placed as directed in education material.
 - (g) Plastic containers made of other resins or multiple resins, including SPI #7, shall be shall be clean, drained and have caps or lids removed and placed as directed in education material.
- (10) Steel containers shall be rinsed, labels removed and put in clear plastic bags.
- (11) Waste tires shall be taken to dealer.

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 to recycle 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 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.

1.17 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 to recycle 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 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 it technically feasible.

1.18 Prohibitions on Disposal of Recyclable Materials Separated for Recycling.

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) For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of Town of Kildare may inspect recyclable materials separated for recycling, postconsumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and non-residential facilities and properties, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No program may refuse access to any authorized officer, employee or authorized representative of Town of Kildare 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 Town Board of or a designated representative or appointee 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 \$50.00 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 s. 1.18, may be required to forfeit not less than \$10.00 nor more than \$1,000.00 for each violation.

1.20 Hauler Licensing.

No person or corporation shall engage in the business of hauling recyclables within the Town of Kildare without being licensed by DNR under section NR 502.06, Wis. Adm. Code. Haulers who collect solid waste or recyclables in the Town of Kildare for storage, treatment,

processing, marketing or disposal shall obtain and maintain all necessary municipal and state permits, licenses and approvals prior to collecting any materials in the Town of Kildare.

1.21 Antiscavenging or Unlawful Removal of Recyclables.

It shall be unlawful for any person, unless under contract with the Town of Kildare, 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 nonresidential building for the purposes of collection for recycling.

1.22

Should any section, clause or provision of this Ordinance be declared by the Court to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

1.23

All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

1.24

This Ordinance shall be in force and effect from and after its passage and publication as provided by law.

INTRODUCED AND ADOPTED by the Town Board of the Town of Kildare at a regular meeting held on the 28th day of December, 1994.

Joe Parchem

Leo Schneider

Charles Russ

Town Board, Town of Kildare
Juneau County, Wisconsin