

Ordinance No. 20

1.01 Title. Recycling Ordinance for Town of Greenfield, of La Crosse County, State of Wisconsin.

1.02 Purpose. The purpose of this ordinance is to promote recycling, composing and resource recovery through the administration of an 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., and village powers as authorized under s. 60.10 (2)(c) 60.22 (3) 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 Chapter NR544, Wis. Administrative Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Chapter NR544 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 or 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 Greenfield of La Crosse County, State of Wisconsin.

1.08 Administration. The provisions of this ordinance shall be administered by the Town Board of the Town of Greenfield or its designee.

1.09 Effective Date. The provisions of this ordinance shall take effect on October 1, 1994.

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 similar paper.

(7) "Major appliance" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, stove, television or lawn mowers, residential & commercial furnaces, boilers, dehumidifiers & water heaters

(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 government 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" included 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.

(26) "Recycling center" means facility operated by the Town of Greenfield for the purpose of collection and promotion of recycling and disposal of waste materials.

(27) "NSP" refuse derived fuel facility or "RDF" means facility with which La Crosse County has a contract to provide refuse which turns waste into electricity. This facility has a state permit to recycle waste into electricity.

(28) "RDF acceptable" means clothing, paper, plastics, wood under 4 feet in length.

1.11 Separation of Recyclable Materials. Occupants of single family and 2 and 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 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 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., 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 the Town Recycling Center. The Town will send to a licensed processing facility.

(2) Major appliances shall be taken to the Town Recycling Center and the Town will send to a licensed processing facility. A fee is imposed based on town's cost to market.

(3) Waste Oil shall be taken to the Towns Recycling Center where containers are available. Oils will be marketed in state approved manner.

(4) Yard waste shall be taken to the Towns Recycling Center where a container will be available. It will then be transported to the La Crosse County Landfill Compost Area.

1.15 Preparation and Collection of Recyclable Materials. Except as otherwise directed by the Town of Greenfield. occupants of single family and 2 to 4 units 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 clean, drain liquid, flatten if possible. No cans for paint or chemicals and no aerosol cans. Aluminum containers at towns recycling center.

(2) Bi-Metal containers shall be rinsed clean, drain liquid, flatten if possible. No cans for paint or chemicals and no aerosol cans. Bi-Metal containers at towns recycling center.

(3) Glass containers shall be rinsed clean and separated by clear, brown and green color. These shall be take to Towns Recycling Center where containers will be available. No light bulbs, dishes or glasses, window glass or mirrors.

(4) Newspapers, magazines, plastics, clothing, corrugated paper and wood under 4 feet in length shall be taken to the Towns Recycling Center where a RDF container is available for transport to NSP refuse derived fuel vacility.

(5) Waste tires shall be brought to the Towns Recycling Center. Tires must be removed from rims. There will be a fee based on towns cost to market.

(6) Fluorescent lamps, light bulbs, dry cell batteries shall be brought to the Town Recycling Center and placed in containers which are available.

(7) Materials unacceptable at at the NSP refuse derived fuel facility may be brought to the Towns Recycling Center and placed in container for transport to the La Crosse County Landfill. This includes lumber, shingles, misc. debris, furniture, glass dishes, glasses, window glass and mirrors, etc. A fee is imposed on waste from construction work.

1.16 Responsibilities of Owners of 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 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 a recycling facility.

(d) Notify tenants of reason 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 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 semiannually, 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 is 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 Right to Reject Materials: The Town has the right to reject any recyclable material, waste or other materials brought by any person when these materials are not prepared according to the specifications of this ordinance as noted in s.1.15 of this ordinance.

1.20 Recyclable Material and Solid Waste From Outside of Town: No person unless provided written permission by the Town Board may deposit or place for recyclable material collection at any location in town any recyclable materials, waste or other materials have been generated from sources outside of Town.

1.21 Regulations, Notice to Occupants: The Town Board may establish any orders, permits, rules, regulations and fees necessary to administer and enforce this ordinance and to

provide a proper, safe and efficient recycling program for the Town. The Town Board shall provide to known occupants a written notice of these orders, permits, rules, regulations and fees by first class mail to the last known address annually on or before January 2 of each year along with at the minimum the following information:

- (1) Times and dates the Towns Recycling Center is open.
- (2) Types of materials to be collected.
- (3) Proper preparation of materials and proper separation of materials.
- (4) Fees to be charged for various recycling services.
- (5) Name, address and phone number of the person to receive complaints or concerns for the Town related recycling services.
- (6) Any other information deemed relevant to the occupants by the Town Board including any possible penalties for Violations of this ordinance.

1.22 Enforcement. (1) For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the Town of Greenfield 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 person may refuse access to any authorized officer, employee or authorized representative of the Town of Greenfield who requests access for purpose 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 of Greenfield o collect forfeitures. The issuance of a citation shall not prelude 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 prelude 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 the first violation, \$200 for a second violation, and not more than \$2,000 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 nor less then \$10.00 nor more than \$1,000 for each violation.

Dated this _____ day, of _____ 1994

Date of Publication

Town Chairman _____

Town Clerk _____