

**ORDINANCE NO. 94-01
RECYCLING ORDINANCE**

TOWN OF LEROY

1.01 Title. Recycling Ordinance for the Town of LeRoy.

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 Wis. Stat., sec. 287.11 and Chapter NR 544, Wis. Administrative Code.

1.03 Statutory Authority. This ordinance is adopted as authorized under Wis. Stat., sec. 287.09 and the Town of LeRoy.

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 and lands within the boundaries of the Town of LeRoy.

1.08 Administration. The provision of this ordinance shall be administered by the Town of LeRoy.

1.09 Effective Date. The provisions of this ordinance shall take effect on the 14th day of March, 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, refrigerator or stove.
- (8) “Multiple-family dwelling” means a property containing five (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 Wis. Stat., sec. 66.0131(1) 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 Wis. Stat., sec. 291.01(7) waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in Wis. Stat. sec. 289.01(17).

- (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 Wis. Stat., sec. 289.01(33).
- (22) “Solid waste facility” has the meaning specified in Wis. Stat., sec. 280.01(35).
- (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 six (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 two (2) to four (4) unit residences, multiple-family dwellings and non-residential facilities and properties shall separate for recycling the following materials from postconsumer waste:

- (1) Major appliances
- (2) Aluminum containers
- (3) Bi-metal containers
- (4) Corrugated paper or other container board
- (5) Foam polystyrene packaging
- (6) Glass containers
- (7) Magazines
- (8) Newspaper
- (9) Office paper
- (10) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins
- (11) Steel containers
- (12) 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 two (2) to four (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 Wis. Stat., sec. 287.11(2m) 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 two (2) to four (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 not be deposited LeRoy Town Garage recycling site.
- (2) Major appliances shall be deposited at spring and fall clean-up at LeRoy Town Garage recycling site following the removal of Freon and certification of such removal.
- (3) Waste oil shall not be deposited at the LeRoy Town Garage recycling site.
- (4) Yard waste shall be disposed of in a land spreading facility approved in accordance with Chapter 289, Wis. Stat. or burned in a manner not inconsistent with Wis. Stat., sec. 287.07 and not inconsistent with other local ordinances.

1.15 Preparation and Collection of Recyclable Materials. Except as otherwise directed by LeRoy Town Board, occupants of single family and two (2) to four (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 clean and bagged.
- (2) Bi-metal containers shall be washed, cleaned and labels removed.
- (3) Corrugated paper or other container board shall be flattened.
- (4) Foam polystyrene packaging shall be deposited at the Town recycling station or disposed of, as directed by the recycling station attendant.
- (5) Glass containers shall be washed and cleaned.

- (6) Magazines.
- (7) Newspaper.
- (8) Office paper.
- (9) Rigid plastic containers shall be prepared and collected as follows:
 - (a) Plastic containers made of PETE, shall be washed and cleaned.
 - (b) Plastic containers made of HDPE, shall be washed and cleaned.
 - (c) Plastic containers made of PVC, shall be deposited at the Town recycling station or disposed of, as directed by the recycling station attendant.
 - (d) Plastic containers made of LDPE, shall be deposited at the Town recycling station or disposed of, as directed by the recycling station attendant.
 - (e) Plastic containers made of PP, shall be deposited at the Town recycling station or disposed of, as directed by the recycling station attendant.
 - (f) Plastic containers made of PS, shall be deposited at the Town recycling station or disposed of, as directed by the recycling station attendant.
 - (g) Plastic containers made of other resins or multiple resins, shall be deposited at the Town recycling station or disposed of, as directed by the recycling station attendant.
- (10) Steel containers shall be accepted at spring and fall clean-up for a fee to be established by the Town Board.
- (11) Waste tires shall be accepted at spring and fall clean-up for a fee to be established by the Town Board.
- (12) Unless otherwise provided in this ordinance or directed by the recycling station attendant, all recyclable materials shall be deposited at the Town recycling station in the place and manner directed by the recycling station attendant.

1.16 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 and except items disposed of in compliance with s. 1.12(1).

1.17 Enforcement.

(1) For the purpose of ascertaining compliance with the provision of this ordinance, any authorized officer, employee or representative of the Town of LeRoy 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 LeRoy 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 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 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. 1.17 may be required to forfeit \$50 for a 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. 1.17, may be required to forfeit not less than \$10 nor more than \$1,000 for each violation.
- (c) Each day of the continuation of any violation of this ordinance shall constitute a separate offense.

The foregoing ordinance was adopted at a regular meeting of the Town Board of the Town of LeRoy on _____.

Town Chairman

Town Supervisor

Town Supervisor

Filed this _____ day of _____,
_____, in the office of the Town Clerk.

Town Clerk