

TOWN OF WALWORTH
WALWORTH COUNTY, WISCONSIN
ORDINANCE NO. 111417- 2
AMENDED RECYCLING ORDINANCE

1. Title.

The title of this article is "Mandatory Recycling Ordinance of the Town of Walworth."

2. Purpose.

The purpose of this article is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, pursuant to 1989 Wisconsin Act 335 as set forth in Chapter 159 of the Wisconsin Statutes and Ch. NR 544, Wis. Adm. Code.

3. Statutory authority.

This Ordinance is adopted pursuant to sec. 159.09(3)(b) and pursuant to Town's Village powers under sec. 60.10 of the Wisconsin Statutes.

4. Abrogation and greater restrictions.

It is not intended by this article 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 article imposes greater restrictions, the provisions of this article shall apply.

5. Interpretation.

In their interpretation and application, the provisions of this article 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 article may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this article is required by the Wisconsin Statutes, or by a standard in Ch. NR 544, Wis. Adm. Code, and where the provision of this article is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and Ch. NR 544, Wis. Adm. Code, standards in effect on the date of the adoption of this article or in effect on the date of the most recent text amendment to this article.

6. Applicability.

The requirements of this article apply to all persons and/or owners of parcels of land within the Town of Walworth.

7. Administration.

The provisions of this article shall be administered by the Town Board of the Town of Walworth.

8. Effective date.

The provisions of this article shall take effect January 1, 1994.

9. Definitions.

For the purpose of this article, the following terms shall have the meanings indicated:

BIMETAL CONTAINER

A container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.

CONTAINER BOARD

Corrugated paperboard used in the manufacture of shipping containers and related products.

FOAM POLYSTYRENE PACKAGING

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 articles in a shipping container.

C. Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.

HDPE

High-density polyethylene, labeled by the SPI code No. 2.

LDPE

Low-density polyethylene, labeled by the SPI code No. 4.

MAGAZINES

Magazines and other materials printed on similar paper.

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, and microwaves from which the capacitor has been removed.

[Amended 9-6-1994]

MULTIPLE-FAMILY DWELLING

A property containing five or more residential units, including those which are occupied seasonally.

NEWSPAPER

A newspaper and other materials printed on newsprint.

NONRESIDENTIAL FACILITIES AND PROPERTIES

Commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple-family dwellings.

OFFICE PAPER

High-grade printing and writing papers from offices in nonresidential 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.

OTHER RESINS or MULTIPLE RESINS

Plastic resins labeled by the SPI code No. 7.

PERSON

Includes any individual, corporation, partnership, association, local governmental unit, as defined in § 66.0130(1)(a), Wis. Stats., state agency or authority or federal agency.

PETE

Polyethylene terephthalate, labeled by the SPI Code No. 1.

PLASTIC CONTAINER

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.

POSTCONSUMER WASTE

Solid waste other than the solid waste generated in the production of goods, hazardous waste, as defined in § 291.01(7), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in § 289.01(17), Wis. Stats.

PP

Polypropylene, labeled by the SPI Code No. 5.

PS

Polystyrene, labeled by the SPI Code No. 6.

PVC

Polyvinyl chloride, labeled by the SPI Code No. 3.

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 bimetal containers.

SOLID WASTE

The meaning specified in § 289.01(35), Wis. Stats.

SOLID WASTE FACILITY

The meaning specified in § 289.01(35), Wis. Stats.

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.

WASTE TIRE

A tire that is no longer suitable for its original purpose because of wear, damage or defect.

YARD WASTE

Leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than six inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

10. Separation of recyclable materials.

Occupants of single-family and two- to four-unit residences, multiple-family dwellings and nonresidential facilities and properties shall separate the following materials from postconsumer waste:

- A. Lead acid batteries.
- B. Major appliances.
- C. Waste oil.
- D. Yard waste.
- E. Aluminum containers.
- F. Bimetal containers.
- G. Corrugated paper or other container board.
- H. Foam polystyrene packaging.
- I. Glass containers.
- J. Magazines.
- K. Newspaper.
- L. Office paper.
- M. Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins.
- N. Steel containers.
- O. Waste tires.

11. Separation requirements exempted.

The separation requirements of **10** do not apply to the following:

- A. Occupants of single-family and two- to four-unit residences, multiple-family dwellings and nonresidential 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 **10** from solid waste in as pure a form as is technically feasible.
- B. 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.
- C. A recyclable material specified in **10E through O** for which a variance has been granted by the Department of Natural Resources under § 287.11(2m), Wis. Stats., or § NR 544.14, Wis. Adm. Code.

12. Care of separated recyclable materials.

To the greatest extent practicable, the recyclable materials separated in accordance with **10** shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other nonrecyclable material, 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. The collector of recyclables shall be entitled to refuse to accept recyclables that are contaminated or otherwise in a condition that makes recycling infeasible.

13. Management of lead acid batteries, major appliances, waste oil and yard waste.

Occupants of single-family and two- to four-unit residences, multiple-family dwellings and nonresidential facilities and properties shall manage lead acid batteries, major appliances, waste oil and yard waste as follows:

A. Lead acid batteries shall be placed at the roadside separated from solid waste for collection by the Town's solid waste contractor. Car, truck, and other automotive batteries only will be collected. Battery casing must be unbroken.

B. Major appliances shall be placed at roadside separated from solid waste for collection by the Town's solid waste contractor. Appliances shall be upright and empty. Freezers and refrigerators must have doors removed. Town residents must contact the Town's solid waste contractor to arrange for collection of all appliances.

C. Waste oil shall be placed at roadside separated from solid waste for collection by the Town's solid waste contractor. Common engine oil only will be collected. Such oil must be in leak-proof nonbreakable containers of a maximum size of one gallon.

D. Yard waste shall be composted by the homeowner via backyard composting or other methods available to the homeowner.

14. Preparation and collection of recyclable materials.

A. Each residential and commercial unit in the Town of Walworth shall be provided with one authorized recycling collection container per unit prior to January 1, 1994. All recyclable materials shall be prepared as hereinbelow directed. Those items directed to be placed in the collection container may be commingled therein. Except as otherwise directed by the Town Board for the Town of Walworth, such container shall be placed within five feet of the roadside prior to 6:30 a.m. on the designated day of pickup in an area of easy accessibility. Recyclables that have been scattered by wind, animals, or vandals shall be the responsibility of the residents.

B. Commercial establishments will receive the same curbside service as residential units from the Town's designated solid waste contractor. Those commercial establishments which require more than one recycling container for use in containing recyclables will be required to contract separately, at their own expense, if any, for the handling of such additional recyclables.

C. Except as otherwise directed by the Town Board for the Town of Walworth, occupants of single-family and two- to four-unit residences shall do the following for the preparation and collection of the materials specified in **10 E** through **O**:

(1) Aluminum containers shall be rinsed and placed in the recycling container provided for collection; no aluminum foil, TV dinner trays, etc., will be collected; aluminum beverage cans only.

(2) Bimetal containers shall be rinsed and have labels removed and shall be placed in the recycling container provided for collection. Containers may be flattened to save space within the recycling container.

(3) Corrugated paper or other container board shall be flattened and tied in bundled and placed along the recycling container for collection.

(4) Foam polystyrene packaging will not currently be collected for recycling. This material has received a statewide exemption from recycling.

(5) Glass containers shall be rinsed, all metal and plastic caps and rings shall be removed, and the containers shall be placed in the recycling container for collection.

(6) Magazines shall be tied in bundles and placed along or within the recycling container for collection.

(7) Newspaper shall be tied in bundles and placed along or within the recycling container for collection.

(8) Office paper shall be placed inside paper grocery bags and placed along or within the recycling container for collection.

(9) Plastic containers made of PETE shall be rinsed and placed within the recycling container for collection. Containers may be flattened to save space within the recycling container.

(10) Plastic containers made of HDPE shall be rinsed and placed with the recycling container for collection. Containers may be flattened to save space with the recycling container.

(11) Plastic containers made of PVC, LDPE, PP, PS and other resins or multiple resins will not be collected for recycling. These types of plastics have received a statewide exemption from recycling.

(12) Steel containers shall be rinsed, labels removed and placed in the recycling container provided for collection. Containers may be flattened to save space within the recycling container.

(13) Waste tires shall be placed at roadside separated from solid waste for collection by the Town's solid waste contractor. Car, truck, and other tires not exceeding four feet in diameter or 80 pounds in weight will be collected.

15. Responsibilities of owners or designated agents of multiple-family dwellings.

A. Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in 10 E through O:

(1) Provide adequate containers for the recyclable materials.

(2) Notify tenants, in writing, at the time of renting or leasing the dwelling and at least semiannually thereafter about the recycling program.

(3) 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.

(4) 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.

B. The requirements specified in Subsection A above do not apply to the owners or designated agents of multiple-family dwelling 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 10 E through O from solid waste in as pure a form as is technically feasible.

16. Responsibilities of owners or designated agents of nonresidential facilities and properties.

A. Owners or designated agents of nonresidential facilities and properties shall do all of the following to recycle the materials specified in 10E through O:

(1) Provide adequate containers for the recyclable materials.

(2) Notify in writing, at least semiannually, all users, tenants and occupants of the properties about the established recycling program.

(3) 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.

(4) 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.

B. The requirements specified in Subsection **A** above do not apply to the owners or designated agents of nonresidential facilities and properties if the postconsumer waste generated within the facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in **10E** through **O** from solid waste in as pure a form as is technically feasible.

17. Payment procedure.

The municipality shall establish fees for service recipients for the payment of collection services for solid waste and recyclables. Fees shall be assessed on a per-unit or per-household basis and be charged as a line item on taxes pursuant to § 66.0703, Wis. Stats., on a yearly basis.

18. Town Recycling Committee.

The Town Board of the Town of Walworth may appoint a Town Recycling Committee to coordinate and develop the educational programs necessary to implement the curbside collection program.

19. Promulgation of regulations.

The Town Board shall prepare regulations, standards, and schedules as necessary to make effective all provisions of this article. Periodically, the Town Board shall have notices prepared and shall distribute other information to persons and entities generating waste within the Town for the purpose of informing the public about the requirements dictated by this chapter.

20. 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 **10E** through **O** which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

21. Recyclables from outside the Town.

No person shall bring recyclables or refuse from outside of the Town of Walworth limits into the Town limits for disposal by the Town of Walworth, its collector, or a private hauler unless specifically authorized by agreement with the Town of Walworth.

22. Antiscavenging provision.

Persons shall not pilfer recyclables or disturb recyclables once those materials are placed for collection unless good faith applies. All recyclable materials placed for collection pursuant to this article shall thereupon become the property of the Town, or the Town's authorized agent, or a private collector/hauler with whom persons in the Town have contracted to perform functions pursuant to the recycling plan provided in this article. Only persons authorized by the Town or the generator of waste shall collect or handle recyclable materials once those materials have been placed appropriately for collection. Any and each collection by unauthorized persons in violation of this provision shall constitute a separate and distinct offense punishable as provided hereinafter.

23. Nondisposable materials.

It shall be unlawful for any person to place for disposal any of the following wastes: hazardous and toxic wastes, chemicals, explosives, flammable liquids, paint, trees, and stumps, construction debris, carcasses, medical wastes (unless personal needles which shall be contained in cardboard to eliminate injury to collection personnel).

24. Enforcement; violations and penalties.

A. For the purpose of ascertaining compliance with the provisions of this article, any authorized officer, employee or representative of the Town of Walworth 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 nonresidential 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 Walworth who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.

B. Any person who violates a provision of this article may be issued a citation by any Town of Walworth police officer. This 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 subsection.

C. Penalties for violating this article may be assessed as follows:

(1) Any person who violated **20** may be required to forfeit \$100 for a first violation, \$400 for a second violation, and not more than \$2,000 for a third or subsequent violation.

(2) Any person who violates a provision of this article, except **20**, may be required to forfeit not less than \$100 nor more than \$1,000 for each violation.

D. Each incident of violation shall be a separate offense, and each day or part thereof during which a violation occurs shall be deemed a separate offence.

Adopted this 14th day of November, 2017.

TOWN OF WALWORTH

(Seal)

_____/s/_____
David J. Rowbotham, Chairperson

_____/s/_____
Steve Santeler, Supervisor #1

_____/s/_____
William Pearce, Supervisor #2

I, Marie Baker, clerk-treasurer of the Town of Walworth, Walworth County, Wisconsin, certify that the foregoing is a true, correct and complete copy of an ordinance adopted by the town board of the Town of Walworth on November 14, 2017.

Attest: _____/s/_____

Marie Baker, Clerk-Treasurer