

CHAPTER 9

RECYCLING ORDINANCE

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RECYCLING ORDINANCE

9.001 – TITLE

RECYCLING ORDINANCE FOR THE TOWN OF PITTSFIELD.

9.002 – PURPOSE

The purpose of this ordinance is to promote recycling through the administration of an effective recycling program, as provided in Wis. Statutes, 159.11, and Chapter NR544, Wisconsin Administrative Code.

9.003 – STATUTORY AUTHORITY

This ordinance is adopted as authorized under 159.09(03) (B); 60.22; 60.10 (2) (C); AND 61.34, Wis. Statutes.

9.004 – 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.

9.005 – 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 NR544, Wisconsin 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 most recent text amendment to this ordinance.

9.006 – SEVERABILITY

Should any of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

9.007 – APPLICABILITY

The requirements of this ordinance apply to all persons within the Town of Pittsfield.

9.008 – ADMINISTRATION

The provisions of this ordinance shall be administered by the Town of Pittsfield.

9.009 – EFFECTIVE DATE

The provisions of this ordinance shall take effect on January 1, 1995, except that the provisions of this ordinance requiring the separation of rigid plastic containers identified in 1.09 (13) with SPI codes #3, #4, #5, #6, and #7 shall take effect on January 1, 1996.

9.010 – DEFINITIONS

1. “Bi-metal container” means a container for carbonated or malt beverages that are 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, 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 waste.
12. "Other resins or multiple resins" means resins labeled by the SPI Code #7.
13. "Person" includes any individual, corporation, partnership, association, and local government unit, as defined in 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. "Post-consumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in 144.61 (5), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in 144.44 (7) (a) 1., Wis. Stats.
17. "PP" means polypropylene, labeled by the SPI Code #5.
18. "PS" means polystyrene, labeled by the 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 144.01 (15), Wis. Stats.
22. "Solid waste facility" has the meaning specified in 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. "Medical waste" means infectious waste, as defined in 159.07 (7) (C) 1.c., and other waste that contains or may be mixed with infectious waste.

9.011 – 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 post-consumer 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.

9.012 – SEPARATION REQUIREMENTS EXEMPTED

The separation requirements of 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 post-consumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in 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 in 1.11 (5) through (15) for which a variance has been granted by the Department of Natural Resources under 159.11 (2m), Wis. Stats., or NR544.14, Wisconsin Administrative Code.

9.013 – 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.

9.014 – 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 a retail business that sells batteries.
2. Major appliances may be disposed of by transporting to the Brown County Landfill and the Town shall not be responsible for the cost of disposal.

3. Waste tires may be disposed of by transporting to the Brown County Landfill and the Town shall not be responsible for the cost of disposal.
4. Waste oil shall be disposed of by transporting to a site approved by the State of Wisconsin or the Wisconsin Department of Natural Resources and the Town shall not be responsible for the cost of disposal.
5. Yard waste shall be disposed of by the property owner or occupant by composting.

9.015 – PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS

1. Recyclable waste shall be collected by the Town from all residential properties up to and including four dwelling units, provided such waste is properly separated, handled, prepared, contained, stored and located in conformance with this ordinance. The schedule for and frequency of pickup shall be determined by the Town Board.
2. Recyclable paper shall not be placed in containers with other refuse or garbage. Such paper shall be separated from other recyclables by placing it in a paper grocery bag or securely tying in both directions with adequate string or cord, or any other method approved by the Town. Cardboard must be broken down and bundled for collection.
3. Glass, aluminum containers, steel containers, and bi-metal containers may be commingled for collection. These recyclables shall be placed in one container. Containers may have a maximum capacity of 32 gallons.
4. Recyclable waste shall not be collected from buildings containing five or more dwelling units.
5. Recyclable waste to be collected by the Town shall be placed curbside or on the roadside at the front of the drive to the property serviced.

9.106 – RIGHT TO REJECT MATERIALS

The town or its contractor has the right to reject and leave at curb or roadside any materials not in accordance with this ordinance.

9.017 – 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 1.09 (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 recyclable materials separated from solid waste by the tenants, 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 multiple-family dwellings if the post-consumer waste generated within the dwelling is treated at a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in 1.09 (5) through (15) from solid waste in as pure a form as is technically feasible.

9.018 – 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 disposal facility or burn in a solid waste treatment facility any of the materials specified in 1.08 (5) through (15) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

9.019 – ANTISCAVENGING OR UNLAWFUL REMOVAL OF RECYCLABLES

It shall be unlawful for any person, unless under contract with or licensed by the town, to collect or remove any recyclable material that has been disposed or placed at the front of the driveway or in a container adjacent to a home or nonresidential building for the purposes of collection for recycling.

9.020 – NO DUMPING

1. It shall be unlawful for any person to dispose of or dump recyclables in any street, alley or other public place within the Town or in any receptacles or private property without the owner's consent unless it is placed in bags or containers in the manner and at the times specified by this ordinance.
2. No person shall place for collection any recyclables at or near the front of the driveway of a property not owned or occupied by such person.

9.021 – NO BURNING OR BURYING

It shall be unlawful to burn or bury solid waste and recyclables within the limits of the Town, except that clean wood and paper may be burned in accordance with the fire control provisions of the Town's ordinances. **Rev 0707**

9.022 – GARBAGE FROM OUTSIDE THE TOWN

It shall be unlawful to bring recyclables and non-recyclables from outside the limits of the Town inside the Town limits unless authorized by agreement with the Town.

9.023 – FEES

The Town shall establish fees for service recipients for the payment of collection services for solid waste and recyclables. Fees shall be assessed on a per household basis and be charged on the real estate taxes as a special assessment on an annual basis.

9.024 – ENFORCEMENT

1. For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the Town of Pittsfield may inspect recyclable materials separated for recycling, post-consumer 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 Pittsfield 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 Local Law Enforcement Officers and/or Other Responsible Unit Officers 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 violated 9.021 may be required to forfeit \$50.00 - \$75.00 for a first violation, \$200.00 - \$300.00 for a second violation, and \$500.00 to not more than \$2,000.00 for a third or subsequent violation. **Rev 0707**
 - b. Any person who violates a provision of this ordinance except 9.021, may be required to forfeit not less than \$50.00 nor more than \$1,000.00 for each violation. **Rev 0707**