

## **CHAPTER XXXIX RECYCLING PROGRAM**

SECTION 39.00. Purpose. The purpose of this Chapter is to promote and to provide guidelines for recycling and resource recovery through the administration of an effective recycling program.

SECTION 39.10. Statutory Authority. This Chapter is adopted as authorized under Section 159.09(3)(b), Wis. Stats.

SECTION 39.20. Applicability. The requirements of this Chapter shall apply to each owner and/or occupant of all single family and 2 to 4 unit residences in the Town of Wheatland, with the following exceptions: Section 39.110 applies to owners of multiple family residential dwellings, nonresidential facilities and properties or their assigned agents.

SECTION 39.30. Administration. The collection and disposal of recyclable materials as defined herein shall be under the supervision of the Wheatland Town Board who shall make such regulations as are necessary regarding the collection and disposal thereof.

SECTION 39.40. Effective Date. The provisions of this Chapter shall take effect on January 1, 1995.

SECTION 39.50. Definitions. For the purposes of this Chapter, the following definitions as taken from Chapter NR544 of the Wisconsin Administrative Code and Chapter 159 of the Wisconsin Statutes shall apply and shall be subject to change from time to time to reflect any changes in said chapters of the Wisconsin Administrative Code and Wisconsin Statutes.

- A. "Bi-metal container". A container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.
- B. "Container board". Corrugated paperboard used in the manufacture of shipping containers and related products.
- C. "Foam polystyrene packaging". Packaging made primarily from foam polystyrene that satisfies one of the following criteria:
  - (1) Is designed for serving food or beverages.
  - (2) Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.
  - (3) Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.
- D. "HDPE". High density polyethylene, labeled by the SPI code #2.

- E. "LDPE". Low density polyethylene, labeled by the SPI code #4.
- F. "Magazines". Magazines and other materials printed on similar papers.
- G. "Major appliance". A residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator or stove, furnaces, boilers, dehumidifiers, water heaters, humidifiers, garbage disposals and trash compactors.
- H. "Multiple-family dwelling". A property containing 5 or more residential units, including those which are occupied seasonally.
- I. "Newspaper". A newspaper and other materials printed on newsprint.
- J. "Non-residential facilities and properties". Commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.
- K. "Office paper". 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.
- L. "Other resins or multiple resins". Plastic resins labeled by the SPI code #7.
- M. "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.
- N. "PETE". Polyethylene terephthalate, labeled by the SPI code #1.
- O. "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.
- P. "Postconsumer waste". 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.
- Q. "PP". Polypropylene, labeled by the SPI code #5.
- R. "PS". Polystyrene, labeled by the SPI code #6.
- S. "PVC". Polyvinyl chloride, labeled by the SPI code #3.

T. "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.

U. "Solid waste". Has the meaning specified in s. 144.01(15), Wis. Stats.

V. "Solid waste facility". Has the meaning specified in s. 144.43(5), Wis. Stats.

W. "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.

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

Y. "Yard waste". Yard and garden debris and brush, including clean woody vegetative material no greater than 3 inches in diameter and 10 feet in length. This term does not include stumps, roots, shrubs with intact root balls or grass clippings.

SECTION 39.60. Separation of Recyclable Materials. Occupants of single family and 2 to 4 unit residences, multiple family dwelling and nonresidential facilities and properties shall separate the following materials from postconsumer waste, which materials shall be subject to change from time to time to reflect any changes in Chapter NR544 of the Wisconsin Administrative Code or Chapter 159 of the Wisconsin Statutes.

- A. Lead Acid Batteries
- B. Major appliances
- C. Waste oil
- D. Yard waste
- E. Aluminum containers
- F. Bi-metal 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

SECTION 39.70. Separation requirements exempted. The separation requirements of Section 39.060 do not apply to the following:

A. Occupants of single family and 2 to 4 unit residences, multiple family dwelling 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 Section 39.060 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 Section 39.060(E) through 39.060(O) for which a variance has been granted by the Department of Natural Resources under Section 150.11(2m), Wis. Stats., or Section NR 544.14, Wis. Adm. Code.

SECTION 39.80. Care of separated recyclable materials. To the greatest extent practicable, the recyclable materials separated in accordance with Section 39.060 shall be clean and kept clean of contaminants such as food and 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.

SECTION 39.90. Management of lead acid batteries, major appliances, waste oil and yard waste. Except as otherwise directed, occupants of single family and 2 to 4 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 dropped off at the transfer station.

B. Major appliances shall be dropped off at the transfer station.

C. Waste oil shall not be accepted by the Town of Wheatland.

D. Yard waste shall not be accepted by the Town of Wheatland.

SECTION 39.100. Preparation and collection of recyclable materials. Except as otherwise directed by the Wheatland 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 Section 39.060(E) through 39.060(O):

A. Aluminum containers shall be rinsed free of product residue and deposited in the appropriate receptacle.

- B. Bi-metal containers shall be rinsed free of product residue and deposited in the appropriate receptacle.
- C. Corrugated paper or other container board shall be free of debris, flattened, stacked and tied.
- D. Foam polystyrene packaging shall be clean. Check with attendant on items currently acceptable.
- E. Glass containers shall be rinsed free of product residue, caps shall be removed and discarded, and deposited in the appropriate receptacle.
- F. Magazines shall be bound by string in manageable bundles or placed in brown paper grocery bags and deposited in the appropriate receptacle.
- G. Newspapers shall be bound by string in manageable bundles or placed in brown paper grocery bags and deposited in the appropriate receptacle.
- H. Office paper shall be bound by string in manageable bundles or placed in brown paper grocery bags and deposited in the appropriate receptacle.
- I. Steel containers shall be rinsed free of product residue and deposited in the appropriate receptacle.
- J. Waste tires shall not be accepted by the Town of Wheatland.
- K. Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS and other resins or multiple resins shall be rinsed free of product residue, caps shall be removed and discarded, containers shall be flattened and the container deposited in the appropriate receptacle.

SECTION 39.110. Responsibilities of owners or designated agents of multiple family dwellings, nonresidential facilities and properties. Owners or designated agents of multiple family dwellings, nonresidential facilities and properties shall do all of the following to recycle the materials specified in Section 39.060(E) through Section 39.060(O):

- A. Provide adequate, separate containers for the recyclable materials;
- B. Notify all users, tenants and occupants in writing at the time of renting or leasing, 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 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 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.

39.111. The requirements specified in Section 39.110 do not apply to the owners or designated agents of multiple family dwellings, nonresidential facilities and properties if the postconsumer waste generated within the dwelling, facility or property is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling of materials specified in Section 39.060(E) through Section 39.060(O) solid waste in as pure a form as technically feasible.

SECTION 39.120. 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 Section 39.060(E) through 39.060(O) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

SECTION 39.130. Enforcement. For the purpose of ascertaining compliance with the provisions of this Chapter, any authorized officer, employee or representative of the Wheatland Town Board 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 Wheatland Town Board who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper or interfere with such an inspection.

39.131. Any person who violates the provision of this Chapter may be issued a citation by the Wheatland Town Board to collect forfeiture. The issuance of a citation shall not preclude proceeding under any other Chapter or law relating to the same or any other matter. Proceeding under any other Chapter or law relating to the same or any other matter shall not preclude the issuance of a citation under this paragraph.

39.132. Penalties for violating this Chapter may be assessed as follows:

A. Any person who violates Section 39.130 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 any provision of this Chapter, except Section 39.130, may be required to forfeit not less than \$10.00 nor more than \$1,000.00 for each violation.