

TOWN OF LOMIRA  
DODGE COUNTY, WISCONSIN  
ORDINANCE #05-04-1994  
RECYCLING ORDINANCE

Original passage: 5/4/1994

Amended: 3/1/1995

2/8/2012 - #05-04-1994b

SECTION 1. TITLE

- 1.1 This Ordinance is entitled the “Town of Lomira Recycling Ordinance”. The purpose of this Ordinance is to establish and implement a recycling ordinance pursuant to 1989 Wisconsin Act 335 as set forth in Chapter 159 of the Wisconsin Statutes and Chapter NR 544 of the Wisconsin Administrative Code.

SECTION 2. AUTHORITY

- 2.1 This Ordinance is adopted pursuant to sec. 159.09(3)(b) and pursuant to the Town’s Village powers under sec. 60.10 of the Wisconsin Statutes.
- 2.2 All statutory and administrative code references in this ordinance refer to those statutes and administrative code sections as amended from time to time.

SECTION 3. DEFINITIONS

- 3.1 “Bi-metal container” means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.
- 3.2 “Container board” means corrugated paperboard used in the manufacture of shipping containers and related products.
- 3.3 “HDPE” means high density polyethylene plastic containers marked by the SPI code No. 2.
- 3.4 “LDPE” means low density polyethylene plastic containers marked by the SPI code No. 4.
- 3.5 “Magazines” means magazines and other materials printed on similar paper.
- 3.6 “Major appliance” means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, stove, furnace, boiler, dehumidifier, or water heater.
- 3.7 “Mixed or other plastic resin types” means plastic containers marked by the SPI code No. 7.

- 3.8 “Multiple-family dwelling” means a property containing 5 or more residential units, including those which are occupied seasonally.
- 3.9 “Newspaper” means a newspaper and other materials printed on newsprint.
- 3.10 “Non-residential facilities and properties” means commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.
- 3.11 “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.
- 3.12 “Person” includes any individual, corporation, partnership, association, local governmental unit, as defined in sec. 66.299(1)(a), Wis. Stats., state agency or authority or federal agency.
- 3.13 “PETE” means polyethylene terephthalate plastic containers marked by the SPI code No. 1.
- 3.14 “Postconsumer waste” means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in sec. 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.
- 3.15 “PP” means polypropylene plastic containers marked by the SPI code No. 5.
- 3.16 “PS” means polystyrene plastic containers marked by the SPI code No. 6.
- 3.17 “PVC” means polyvinyl chloride plastic containers marked by the SPI code No. 3.
- 3.18 “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; newspapers; office paper; plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS, and mixed or other plastic resin types; steel containers; waste tires; and bi-metal containers.
- 3.19 “Solid waste” has the meaning specified in sec. 144.01(15), Wis. Stats.
- 3.20 “Solid waste facility” has the meaning specified in sec. 144.43(5), Wis. Stats.
- 3.21 “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.
- 3.22 “Waste tire” means a tire that is no longer suitable for its original purpose because of wear, damage or defect.

- 3.23 “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.

#### SECTION 4. GENERAL REQUIREMENTS

- 4.1 Occupants of single family and 2 to 4 unit residences, multi-family dwellings, and non-residential 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) Bi-metal container
  - g) Corrugated paper or other container board
  - h) Foam polystyrene packaging
  - i) Glass containers
  - j) Magazines or other materials printed on similar paper
  - k) Newspapers or other materials printed on newsprint
  - l) Office paper
  - m) Plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and mixed or other plastic resin types
  - n) Steel containers
  - o) Waste tires
- 4.2 The separation requirements of 4.1 do not apply to the following:
- a) 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 section 4.1 from solid waste in as pure a form as is technically feasible.
  - b) Solid waste which is burned as a supplement 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 4.1 for which a variance or exemption has been granted by the Department of Natural Resources under sec. 159.07(7)(d) or 159.11(2m), Wis.Stats., or s. NR 544.14, Wis. Administrative Code.
- 4.3 To the greatest extent practical, the recyclable materials separated in accordance with this ordinance shall be clean and kept free of contaminants such as food or product residue, oil, or grease, or other non-recyclable materials, including without limitation, household hazardous waste, medical waste, and agricultural chemical containers.

- 4.4 Except as otherwise directed by the Town Board, occupants of single family and 2 to 4 unit residences shall do the following for the preparation of the separated materials specified in this Ordinance:
- a) Newspapers shall be dry and cleaned and packaged separately.
  - b) Magazines shall be cleaned and bundled.
  - c) Cardboard shall be cleaned and bundled.
  - d) Aluminum shall be rinsed, stripped of labels and, if possible, flattened.
  - e) Steel cans shall be rinsed, stripped of labels and, if possible, flattened.
  - f) Glass bottles shall be rinsed, stripped of tops and separated in containers by color (brown, green and clear).
  - g) Plastic jugs and bottles shall be rinsed, tops removed and separated in containers by type of plastics, if known.
- 4.5 The Town prohibits the following materials being placed in recycling containers:
- a) Air conditioners
  - b) Appliances, including white goods (stoves, refrigerators and freezers)
  - c) Auto parts
  - d) Bricks
  - e) Christmas trees
  - f) Clothing
  - g) Concrete blocks
  - h) Construction waste
  - i) Contaminated material
  - j) Dead animals
  - k) Dirt
  - l) Explosives
  - m) Feces
  - n) Glass window panes, windshields, light bulbs, ceramics, pyrex, crystal and drinking glasses
  - o) Hazardous or toxic wastes
  - p) Heavy metal materials
  - q) Household furniture
  - r) Lead-acid batteries
  - s) Lumber, trees, brush or crates
  - t) Machinery
  - u) Pipes
  - v) Remodeling waste or demolition waste
  - w) Rocks
  - x) Tires
  - y) Waste oil
  - z) Wire

4.6 Owners or designated agents of multi-family dwellings shall do all of the following for recycling the materials specified by this Ordinance:

- 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 the materials separated from the solid waste by the tenants and the delivery of the materials to a recycling drop location specified by the Town Board.
- d) 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, locations and hours of operation, and a contact person or company, including a name, address, and telephone number.

The requirements set forth above do not apply to the owners or designated agents of multi-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 this Ordinance in as pure a form as is technically feasible.

4.7 Owners or designated agents of non-residential facilities and properties shall do all of the following for recycling the materials specified in this Ordinance:

- a) Provide adequate, separate containers for the recyclable materials.
- b) Notify in writing, at least semi-annually, 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 recyclable 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, locations and hours of operation, and a contact person or company, including a name, address, and telephone number.

The requirements set forth above 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 this Ordinance from solid waste in as pure a form as is technically feasible.

- 4.8 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 this Ordinance which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.
- 4.9 Unless and until the Town makes arrangements for pick-up of lead acid batteries, major appliances, waste oil, yard waste and used tires, all persons in the Town shall make private arrangements for recycling of those materials. Lead acid batteries, major appliances, waste oil and used tires may be taken to a retailer if the retailer has made arrangements for recycling these used materials, yard waste may be composted on the person's property or taken to a designated yard waste drop-off point if one is or becomes available for Town residents. Persons may also arrange for private pick-up of these materials by a licensed recycling hauler.

#### SECTION 5. SERVICE CONTRACT

- 5.1 The Town has made arrangements with the Highway Superintendent to receive recyclable materials from properties located in the Town of Lomira. Recyclable materials shall be placed by persons into the designated recycling containers located at the Town Hall, N10479 County Highway AY. The Town reserves the right to make other arrangements for the disposal of recyclable materials. All recyclable materials delivered to the Town Hall shall be separated and prepared in accordance with the requirements of this Ordinance.
- 5.2 No person may engage in the use, operation, or business of collecting solid waste or recyclable material for consideration within the Town as a whole without being licensed by the Town Board. No person or firm may refuse to collect recyclable materials from a Town property if that person or firm also collects non-recyclable materials or garbage from the property for a fee under a private contract with a Town resident or property owner.
- 5.3 No person, except the licensed hauler or its designated agents with whom the town has contracted for removal of recyclable materials, may collect or remove any recyclable material which has been deposited or placed for recycling at the location designated by the Town Board. This provision shall not apply to any person who has placed recyclable material for collection and then withdraws it from recyclable material collection prior to removal.
- 5.4 No person, unless provided written permission by the Town, may litter, dispose, discharge or dump any recyclable material in any road, highway, road right-of-way, waters, street, alley, or other public land or location within the Town except at a location designated by the Town Board.

## SECTION 6. ENFORCEMENT

- 6.1 Any person violating any provision of this Ordinance shall, upon conviction thereof, forfeit not less than \$250.00 nor more than \$1,000.00 and the costs of prosecution, including reasonable attorneys' fees, and in default of payment of such forfeiture and costs shall be imprisoned in the County jail until payment of such forfeiture and costs of prosecution, but not exceeding thirty (30) days for each violation. Each day of violation shall constitute a separate offense. Compliance with the provisions of this Ordinance may also be enforced by injunction.
- 6.2 For the purpose of ascertaining compliance with the provisions of this Ordinance, any authorized officer, employee, or representative of the Town may inspect recyclable materials separated for recycling, postconsumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multi-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 who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.

## SECTION 7. SEPARABILITY

- 7.1 Should any section or provision of this Ordinance be declared invalid by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

## SECTION 8. EFFECTIVE DATE

- 8.1 This Ordinance shall be in force from and after its passage, approval and publication according to law.

## SECTION 9. RULES OF CONSTRUCTION

- 9.1 In the construction of this Ordinance, the following rules shall be observed unless such construction would be inconsistent with the manifest intent of the Ordinance:
- a) The term "Wisconsin Statutes" whenever used in this Ordinance shall mean the Wisconsin Statutes for the years 1991-92 unless otherwise noted;
  - b) References to the male gender include the female and references to the single include the plural. References to "person" extends to natural persons, firms, corporations, partnerships or other entities;

- c) It is not intended by this Ordinance to repeal, abrogate, annul, impair or interfere with any existing rules, regulations or ordinances or permits previously adopted or issued pursuant to law. However, whenever this ordinance imposes greater restrictions, the provisions of this Ordinance shall apply; and,
- d) where a provision of this Ordinance is required by Wisconsin Statutes, or by a standard in Chapter NR 544 of the Wisconsin Administrative Code, and where the Ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and 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 amendment to this Ordinance.

Adopted this 8<sup>th</sup> day of February, 2012.

TOWN OF LOMIRA

Leon Schraufnagel, Town Chairperson

Attest:

Lauri Betz, Town Clerk