

TITLE 5 - PUBLIC UTILITIES

Chapter 3 - Recycling

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5.3.1 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 Sec. 287.11(2) Wis. Stats., and Chapter NR 544, Wis. Admin. Code.

5.3.2 Statutory Authority.

This ordinance is adopted as authorized under Sec. 287.09(3)(b), Wis. Stats. and Secs. NR 544.04(2) and NR 544.06 Wis. Admin Code.

5.3.3 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.

5.3.4 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. Admin. 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.

5.3.5 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.

5.3.6 Applicability.

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

5.3.7 Administration.

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

5.3.8 Definitions.

For the purpose of this ordinance:

- (A) "Bi-metal container" means a container for carbonated or malt beverages that are made primarily of a combination of steel and aluminum.
- (B) "Container board" means corrugated paperboard used in the manufacture of shipping containers and related products.
- (C) "Drop off collection" means a system for collecting recyclable materials in which the recyclable materials are taken by individuals to designated collection sites and deposited into designated containers from which the recyclable materials are processed and marketed.

- (D) "Foam polystyrene packaging" means 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.
- (E) "Hauler" means a person, firm, partnership or corporation that collects solid waste or recyclables for storage, treatment, processing, marketing or disposal in the Town of Grafton.
- (F) "HDPE" means high density polyethylene, labeled by the SPI code #2.
- (G) "LDPE" means low density polyethylene, labeled by the SPI code #3.
- (H) "Magazines" means magazines and other materials printed on similar glossy paper.
- (I) "Major appliances" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave ovens with capacitor, oven, refrigerator, stove, residential and commercial furnaces, boilers, dehumidifiers, and water heaters.
- (J) "Multiple-family dwelling" means a property containing 5 or more residential units, including those which are occupied seasonally.
- (K) "Newspaper" means a newspaper and other materials printed on newsprint.
- (L) "Non-residential facilities and properties" means commercial, retail, industrial, institutional and governmental facilities and properties.
- (M) "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.
- (N) "Other resins or multiple resins" mean plastic resin labeled by the SPI code #7.
- (O) "Person" includes any individual, corporation, partnership, association, local governmental unit, as defined in Sec. 287.01(5m), Wis. Stats., state agency or authority or federal agency.
- (P) "PETE" means polyethylene terephthalate, labeled by the SPI code #1.
- (Q) "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.
- (R) "Postconsumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in Sec. 291.01(7), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined, in Sec. 289.01(17), Wis. Stats.
- (S) "PP11 means polypropylene, labeled by the SPI Code #5.
- (T) "PS" means polystyrene, labeled by the SPI code #6.
- (U) "PVC" means polyvinyl chloride, labeled by the SPI code #3.

- (V) "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; including those made of PETE, HDPE, PVS, LDPE, PP, PS, and other resins or multiple resins; steel containers; waste tires; and bi-metal containers.
- (W) "Solid waste" has the meaning specified in Sec. 289.01(33), Wis. Stats.
- (X) "Solid waste facility" has the meaning specified in Sec. 289.01(35), Wis. Stats.
- (Y) "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.
- (Z) "Town," as used herein, refers specifically to the Town of Grafton.
- (AA) "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
- (BB) "Yard waste" means leaves, grass clippings, yard and garden debris and brush, including clean woods vegetative material no greater than 3 inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

5.3.9 Separation of Recyclable Materials.

Occupants of single- and 2-to-4 unit residences, multiple-family dwellings and non-residential facilities and properties shall separate the following materials from postconsumer waste:

5.3.9.01 Separation Required

- (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 papers
- (M) Rigid plastic containers made of PETE, HDPE, PVS, LDPE, PP, PS, and other resins or multiple resins.
- (N) Steel containers
- (O) Waste tires

5.3.9.02 Separation Requirements Exempted

The separation requirements of Sec. 5.3.9 do not apply to the following:

- (A) Occupants of properties that take or send their postconsumer waste to a processing facility licensed by the Wisconsin Department of Natural

Resources that recovers the materials specified in Sec. 5.3.9 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 Sec 5.3.9.01(A) through 5.3.9.01(O) for which a variance has been granted by the Department of Natural Resources under Sec. 287.11(2m), Wis. Stats., and Sec. 287.07(7h), Wis. Stats., or Sec. NR 544.14, Wis. Admin. Code.

5.3.10 Care of Separated Recyclable Materials.

To the greatest extent practicable, the recyclable materials separated in accordance with Sec. 5.3.9, 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, so as to maintain their marketability and value.

5.3.11 Management of Lead Acid Batteries, Major Appliances, Waste Oil, Yard Waste and Waste Tires.

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:

5.3.11.01 Lead Acid Batteries

Lead acid batteries shall be delivered to or picked up by a business which collects lead acid batteries for recycling according to state law.

5.3.11.02 Major Appliances

Major appliances, couches, furniture and bulky items shall be delivered to or picked up by a business which collects major appliances for recycling according to state law.

5.3.11.03 Waste Oil

Waste oil shall be delivered to or picked up by a business which collects waste oil for recycling according to state law, and shall be free of materials which would cause the oil to be non-recyclable.

5.3.11.04 Yard Waste

Yard waste shall be delivered to or picked up by a business which collects yard waste for recycling according to state law.

5.3.11.05 Waste Tires

Waste tires shall be delivered to or picked up by a business which collects waste tires for recycling according to state law.

5.3.12 Preparation And Collection Of Recyclable Materials.

Except as otherwise directed by the Town, occupants of single family, multi-family residences, and non-residential properties shall do the following for the preparation and collection of the materials specified in Sec. 5.3.9.

5.3.12.01 Preparation of Recyclable Materials for Collection

- (A) Aluminum Containers - Rinse thoroughly and dry.
- (B) Bi-metal containers - Rinse thoroughly and dry.
- (C) Corrugated paper or other container board shall be free of debris, flattened, stacked and tied.
- (D) Foam polystyrene packaging - place in closed plastic bags.
- (E) Glass containers - wash and rinse, remove plastic or metal, all bottle caps, lids, and rings.
- (F) Magazines
- (G) Newspaper - bundle and place in paper bags (no string).
- (H) Office paper
- (I) Rigid plastic containers, after thoroughly rinsing, as follows:
 - (1) Plastic containers made of PETE, shall be rinsed free of product residue and caps shall be removed and discarded, including milk jugs and detergent bottles.
 - (2) Plastic containers made of HDPE, shall be free of product residue.
 - (3) Plastic containers made of PVC, shall be free of product residue.
 - (4) Plastic containers made of LDPE, shall be free of product residue.
 - (5) Plastic containers made of PP11, shall be free of product residue.
 - (6) Plastic containers made of PS, shall be free of product residue.
 - (7) Plastic containers made of other resins or multiple resins, shall be free of product residue.
- (J) Steel containers shall be rinsed free of product residue, and placed on the curb on the day of collection; or delivered to a licensed solid waste facility for recycling.

5.3.12.02 Preparation of Recyclable Items for Delivery

- (A) Waste tires shall be disposed at an authorized dealer accepting the product for recycling. Waste tires must be separated from steel rims.

5.3.13 Responsibilities of Owners or Designated Agents.

5.3.13.01 Multiple-Family Dwellings

- (A) Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in Sec. 5.3.12.
 - (1) Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
 - (2) 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 (1) do not apply to the owners or designated agents of multiple-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 Sec. 5.3.12 in as pure a form as is technically feasible.

5.3.13.02 Non-Residential Facilities and Properties

- (A) Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in Sec. 5.3.12.
 - (1) Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.
 - (2) 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 name, address and telephone number.
- (B) The requirements specified in 5.3.13.01(A) 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 material specified in Sec. 5.3.12 from solid waste in as pure a form as is technically feasible.
- (C) A person in the Town owning or occupying a new nonresidential building or a building that is remodeled or expanded by 50% or more in floor area, shall provide a designated area for the separation, temporary storage and collection of solid waste and recyclables either within or adjacent to the building.

5.3.14 Haulers.

5.3.14.01 Licensing Required

Haulers who collect solid waste or recyclables in the Town of Grafton for storage, treatment, processing, marketing or disposal shall obtain and maintain all necessary municipal or state permits, licenses and approvals prior to collecting any materials in the Town of Grafton.

5.3.14.02 Rejection of Recyclable Material

The hauler or Town has the right to reject or leave at the curb any recyclable material that is not prepared according to the specifications in this ordinance. Materials may also be left if not separated from solid waste, placed in the proper container, or are not designated recyclable materials for collection. The hauler or Town also has the right to refuse to pick up any solid waste if it contains recyclable containers and material. In such cases, the hauler or attendant shall

notify the generator of the materials about the reasons for rejecting the items. The hauler shall also keep a list of such occurrences and provide it to the Town of Grafton quarterly.

5.3.14.03 Records

The recycling haulers and processors operating in the Town of Grafton are required to maintain records and report in writing to the Town of Grafton Clerk or other designee at least twice each year. Reports shall include: the amount of solid waste and recyclables collected and transported from the Town of Grafton; the amount of solid waste and recyclable material. Failure to report shall be cause for municipality to revoke any license or sever any contract with the hauler/processor.

5.3.14.04 Disposal of Recyclable Materials

Haulers may not dispose in a landfill or burn in a solid waste facility any recyclable materials generated in the Town of Grafton that have been separated for recycling.

5.3.15 No Burning, Burying or Dumping.

5.3.15.01 Burn or Bury

- (A) It shall be unlawful to burn or bury solid waste and recyclables by residential and nonresidential sectors and at construction sites, except open burning shall be permitted of clean wood (defined as any wood that has not been chemically treated in any way) and paper products and diseased vegetation such as, but not limited to, anthracnose, to control the spread of such vegetation.
- (B) Burning of any material is not permitted on a construction site until an occupancy permit has been issued for the building being constructed.

5.3.15.02 Dumping

- (A) It shall be unlawful for any person to dispose of or dump garbage in any street, alley or other public place within the Town of Grafton or in any receptacles or on private property without the owner's consent and unless it is placed in bags or containers in the manner and at the times specified by this or any other Town ordinance.
- (B) No person shall place for collection any garbage at the curb not owned or occupied by such person.

5.3.16 Ownership of Recyclables And Refuse.

Recyclable materials, upon collection by any permitted hauler, shall become the property of the hauler.

5.3.17 Exemptions.

The Town of Grafton reserves the right to designate additional solid waste materials as recyclable or current materials as no longer recyclable in accordance with state law and to either add or delete them from any collection services provided by the municipality or its

contractors. The municipality shall provide written notice to its service recipients of this designation.

5.3.18 Collection Schedule.

The Town of Grafton’s hauler shall establish days of collection and shall provide notice of such days at least once.

5.3.19 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 Sec. 5.3.9.01(A) through 5.3.9.01(O) which have been separated for recycling, unless to conform with changes made per Sec. 5.3.17 above, except waste tires may be burned with energy recovery in a solid waste treatment facility.

5.3.20 Enforcement.

5.3.20.01 Inspections

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

5.3.20.02 Citations

Any person who violates a provision of this ordinance may be issued a citation by any Town Supervisor or designee at his discretion. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or 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.

5.3.20.03 Penalties

Penalties for violating this ordinance may be assessed as follows:

- (A) Any person who violates Sec. 5.3.19 may be required to forfeit \$50 for the 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 Sec. 5.3.19, may be required to forfeit not less than \$50 or more than \$500 for each violation.

Tables of Authorities Cited in Title 5 - Public Utilities, Chapter 3 - Recycling

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