

**Town of Perry
Dane County, WI**

Recycling Ordinance

- 1.01 TITLE.** Recycling Ordinance for the Town of Perry, Dane County, Wisconsin.
- 1.02 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. 159.11 of the Wisconsin Statutes and in Chapter NR 544 of the Wisconsin Administrative Code.
- 1.03 AUTHORITY.** This Ordinance is adopted as authorized under sec. 159.09(3)(b) of the Wisconsin Statutes.
- 1.04 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.
- 1.05 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 of the Wisconsin Administrative 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.
- 1.06 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.
- 1.07 APPLICABILITY.** The requirements of this Ordinance apply to all persons within this Town of Perry.
- 1.08 ADMINISTRATION.** The provisions of this Ordinance shall be administered by the Town Board or their appointed designee.
- 1.09 DEFINITIONS.** For the purpose of this Ordinance:
- (1) “Bi-metal container” means a container for carbonated or malt beverages that is 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, refrigerator, furnace, boiler, dehumidifier, water heater, or stove.
- (8) “Multiple-family dwelling” means a property containing 5 or more residential units, including those that are occupied seasonally.
- (9) “Newspaper” means a newspaper and other materials printed on newsprint.
- (10) “Non-residential facilities and properties” means commercial, retail, industrial and government 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 paper are examples of office paper generally accepted as high grade. This term does not include industrial process waste.
- (12) “Other resins or multiple resins” means plastic resins labeled by the SPI code #7.
- (13) “Person” includes any individual, corporation, partnership, association, local government unit, as defined in sec. 66.299(1)(a) of the Wisconsin Statutes, 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 sec. 144.61(5) of the Wisconsin Statutes, waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in sec. 144.44(7)(a)1 of the Wisconsin Statutes.
- (17) "PP" means polypropylene, labeled by the SPI code #5.
- (18) "PS" means polystyrene, labeled by the SPI code #6.
- (19) "PVC" means polyvinyl chloride, labeled by the SPI code #3.
- (20) "Recycling materials" includes lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; bi-metal containers; corrugated paper or other container board; glass containers; magazines; newspaper; office paper; rigid plastic containers made of PETE and HDPE; steel containers; and waste tires.
- (21) "Solid waste" has the meaning specified in sec. 144.01(15) of the Wisconsin Statutes.
- (22) "Solid waste facility" has the meaning specified in sec. 144.43(5) of the Wisconsin Statutes.
- (23) "Solid waste treatment" means any method, technique, or process that 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.

1.10 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) Glass containers.
- (9) Magazines.
- (10) Newspaper.
- (11) Office paper.
- (12) Rigid plastic containers made of PETE and HDPE.
- (13) Steel containers.
- (14) Waste tires.

1.11 SEPARATION REQUIREMENTS EXEMPTED. The separation requirements of sec. 1.10 of this Ordinance do not apply to solid waste that is burned as 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.

1.12 CARE OF SEPARATED RECYCLABLE MATERIALS. To the greatest extent practicable, the recyclable materials separated in accordance with sec. 1.10 of 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 but not limited to household hazardous waste, medical waste, and agricultural chemical containers. Recyclable materials shall be stored in a manner that protects them from wind, rain, and other inclement weather conditions.

1.13 MANAGEMENT OF LEAD ACID BATTERIES, MAJOR APPLIANCES, WASTE. Occupants of single family and 2- and 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 retailer that sells these types of batteries.
- (2) Major appliances may be dropped off at the Recycling Center by paying the appropriate fee to the Recycling Coordinator at the time of drop off.
- (3) Waste oil shall be taken to a retailer or service station selling oil or may be taken to one of the waste-oil collection facilities set up by Dane County.
- (4) Yard waste shall be taken to one of the composting sites established by Dane County or other organizations or may be composted on-site at the resident's location.

1.14 PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS. Except as otherwise directed by the Perry Town Board, occupants of single family and 2- and 4-unit residences shall separate recyclables specified in sec. 1.10(5)

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through (14) of this Ordinance into the following groups, prepare them in the manner indicated, and place them in the designated areas of the Recycling Center.

(1) Group #1.

- (a) Aluminum, steel and bi-metal cans: clean, rinse, and flatten if possible space savings.
- (b) Glass containers: clean, rinse, and remove rings and caps.
- (c) Rigid plastic containers made of PETE and HDPE and coded with “1” or “2” on the bottom of the container: clean, rinse and flatten if possible for space savings.

(2) Group #2.

- (a) Corrugated cardboard: flatten.
- (b) Office paper, computer printouts, shiny/coated, carbonless, onion skin, fax, post-it notes, notebook, envelopes, window envelopes, magazines and similar paper, catalogs, flyers, etc: bundle and tie or place in paper bags.

(3) Group #3.

- (a) Newspaper: bundle and tie.

(4) Group #4.

- (a) Aluminum, steel, galvanized, and other metals
- (b) Waste tires: May be brought to the Recycling Center on the first Saturday of May and first Saturday of November. Tires should be removed from their rims. A disposal fee will be charged. Tires may also be taken to a retailer who sells tires.

1.15 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 sec. 1.10(5) through (14) of 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 materials to a recycling facility.
- (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 or sites, locations and hours of operation, and a contact person or company, including a name, address, and telephone number.

1.16 RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF NON-RESIDENTIAL FACILITIES AND PROPERTIES.

- (1) Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in sec. 1.10(5) through (14) of 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 materials to a recycling facility.
 - (d) Notify users, tenants, and occupants 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.

1.17 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. 1.10(5) through (14) of this Ordinance which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

1.18 PROHIBITION ON DUMPING. It shall be unlawful for any person to dispose of or dump garbage in any street, road, ditch, or other public place within the Town of Perry. It shall be unlawful for any person to dispose of or dump garbage or recyclables on private property unless the property is licensed landfill.

1.19 BURNING. Open burning shall be permitted only of clean wood, leaves, brush, and paper products. It shall be unlawful to burn other solid waste or recyclables.

1.20 NON-DISPOSABLE 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 waste (unless personal needles, which shall be contained in cardboard to eliminate injury to collection personnel).

1.21 GARBAGE FROM OUTSIDE THE TOWN. It shall be unlawful to bring refuse for disposal (and recyclables) from outside the Town of Perry unless authorized by agreement with the Town Board.

1.22 PREPARATION OF SOLID WASTE. All solid household waste brought to the center shall be contained in clear plastic bags. This requirement is necessary to prevent waste from blowing out of the waste containers and to allow the Recycling Coordinator to visually inspect the waste for recyclables.

1.23 WEEKLY WEIGHT, CUBIC YARD LIMIT: All solid household waste brought to the center shall be limited to five (5) cubic yards per week. (Example: 8 feet long x 4 feet wide x 4 feet high = 5 cubic yards)

1.24 RIGHT TO REJECT MATERIALS. The Recycling Coordinator has the right to reject any recyclable material that is not prepared according to the specifications listed in sec. 1.14 of this Ordinance. The Recycling Coordinator has the right to reject any solid waste if it contains recyclable containers and material. The Recycling Coordinator shall verbally notify the generator of the materials about the reasons for rejecting the items.

1.25 ESTABLISHMENT OF FEES. The Town Board shall determine the costs and establish user fees to cover the costs for major appliances, waste tires, and for large items such as furniture or other bulky items that cannot be included in garbage bags.

1.26 PLACEMENT OF RECYCLABLES AND SOLID WASTE. Except as otherwise specifically directed by the Perry Town Board, solid waste and recyclables shall be dropped off at the Recycling Center located in the village of Daleyville on CTH A on Saturday mornings from 8:00 AM until 12:00 noon.

1.27 ENFORCEMENT.

(1) For the purpose of ascertaining compliance with the provisions of this Ordinance, any authorized officer, employee, or representative of the Town of Perry 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 Perry 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 the Town of Perry 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 is to the

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same or any other matter shall not preclude the issuance of a citation under this paragraph.

- (3) Any person or entity who violates this Ordinance shall, upon conviction, pay a forfeiture of \$50.00 plus applicable surcharges and court costs for subsequent violations.

1.28 EFFECTIVE DATE.

This Ordinance shall take effect and be in force from and after the day after passage and publication as required by law.

(1) Town Board Approval. This Ordinance was adopted by the Town Board on this 14th day of April, 2008.

Adopted this 14th day of April, 2008.

Chairman

Supervisor

Supervisor

Attest: Mary L. Price, Town Clerk

Published:

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