

## RECYCLING ORDINANCE 2-2013 TOWN OF NAVARINO

**1.01 Title.** Recycling Ordinance for The Town of Navarino

**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 s. 287.11, Wis. Stats., and Chapter NR 544, Wis. Administrative Code.

**1.03 Statutory Authority.** This ordinance is adopted as authorized under s. 287.09(3)(b), Wis. Stats., and the Town of Navarino.

**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, Wis. 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 the Town of Navarino, located in Shawano County.

**1.08 Administration.** The provisions of this ordinance shall be administered by the Town of Navarino.

**1.09 Effective Date.** The provisions of this ordinance shall take effect on May 1, 2013.

**1.10 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) "HDPE" means high density polyethylene, labeled by the SPI code # 2.
- 4) "LDPE" means low density polyethylene, labeled by the SPI code # 4.

- 5) "Magazines" means magazines and other materials printed on similar paper.
- 6) "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.
- 7) "Newspaper" means a newspaper and other materials printed on newsprint.
- 8) "Non-residential facilities and properties" means commercial, retail, industrial, institutional and government facilities and properties.
- 9) "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. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. This term does not include industrial process waste.
- 10) "Other resins or multiple resins" means plastic resins labeled by the SPI code # 7.
- 11) "Person" includes any individual, corporation, partnership, association, local government unit, as defined in s. 66.299(1)(a), Wis. Stats., state agency or authority or federal agency.
- 12) "PETE" or "PET" means polyethylene terephthalate, labeled by the SPI code # 1.
- 13) "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.
- 14) "Postconsumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in s. 291.01(7) Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in s. 289.01(17)., Wis. Stats.
- 15) "PP" means polypropylene, labeled by the SPI code # 5.
- 16) "PS" means polystyrene, labeled by the SPI code # 6.
- 17) "PVC" means polyvinyl chloride, labeled by the SPI code # 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; 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.
- 19) "Solid waste" has the meaning specified in s. 289.01(33), Wis. Stats.
- 20) "Solid waste facility" has the meaning specified in s. 289.01(35), Wis. Stats.
- 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.
- 22) "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
- 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.

**1.11 Separation of Recyclable Materials.** Occupants of single family and 2 to 4 unit residences, and non-residential facilities and properties shall separate the following materials from postconsumer waste:

- 1) Lead Acid Batteries
- 2) Major Appliances
- 3) Waste oil
- 4) Yard waste
- 5) Aluminum Containers
- 6) Paper
- 7) Glass Containers
- 8) Rigid Plastic Containers
- 9) Steel Metal Containers
- 10) Waste Tires

**1.12 Separation Requirements Exempted.** The separation requirements of s. 1.11 do not apply to the following:

- 1) Occupants of single family and 2 to 4 unit residences 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 s. 1.11 from solid waste in as pure a form as is technically feasible.
- 2) 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 supplement fuel.
- 3) A recyclable material specified in s. 1.1(5) through (15) for which a variance has been granted by the Department of Natural Resources under s. 287.11(2m), Wis. Stats., or s. NR 544.14, Wis. Administrative Code.

**1.13 Care of Separated Recyclable Materials.** To the greatest extent practicable, the recyclable materials separated in accordance with s. 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.

**1.14 Management of Lead Acid Batteries, Major Appliances, Waste Oil and Yard Waste.** Occupants of single family and 2 to 4 unit residences 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 the City of Shawano landfill it is located at 1099 Rusch Road in the City of Shawano Industrial Park.
- 2) Major appliances shall be taken to the City of Shawano landfill it is located at 1099 Rusch Road in the City of Shawano Industrial Park. Harter's Fox Valley Disposal may be contacted for pick up also.
- 3) Waste oil shall be shall be taken to the City of Shawano landfill it is located at 1099 Rusch Road in the City of Shawano Industrial Park.
- 4) Yard waste shall be shall be taken to the City of Shawano landfill it is located at 1099 Rusch Road in the City of Shawano Industrial Park.

**1.15 Preparation and Collection of Recyclable Materials.** Except as otherwise directed by Harter's Fox Valley Disposal or the City of Shawano Landfill, 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 s. 1.11(5) through (15):

- 1) Aluminum containers are recyclable. Rinse the container clean and flatten. Clean aluminum trays and foil wraps are recyclable.
- 2) Paper: All types of dry clean paper are accepted. Recyclable paper includes: newspaper, magazines, telephone books, catalogs, office paper, junk mail, cereal boxes, other paper board boxes and waxed paperboard boxes.
- 3) Glass containers: Any food or beverage type glass container is 100% recyclable. Wash out the container; remove (if possible) the metal or plastic caps and/or rings.
- 4) Rigid plastic containers shall be prepared and collected as follows: Plastic bottles and containers marked with a 1 through 7 are recyclable. Remove the caps and rinse the container well. Labeled, PETE, HDPE, PVC, LDPE, PP, PS, SPI, PET and PS.
- 5) Steel metal food cans are recyclable. Rinse the containers clean and remove the labels.
- 6) Waste tires shall be taken to the City of Shawano landfill it is located at 1099 Rusch Road in the City of Shawano Industrial Park.

#### **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 s. 1.11(5) through (15):
  - (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 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 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 s. 1.11 (5) through (15) from solid waste in as pure a form as is technically feasible.

#### **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 s. 1.11 (5) through (15) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

#### **1.18 Enforcement.**

- 1) For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the Town of Navarino may inspect

recyclable materials separated for recycling, postconsumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, 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 Navarino 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 Shawano County Sheriff's Department 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 violates s. 1.17 may be required to forfeit \$50 for a first violation, \$200 for a second violation, and not more than \$2000 for a third or subsequent violation.
  - (b) Any person who violates a provision of this ordinance, except s. 1.17, may be required to forfeit not less than \$10 nor more than \$1000 for each violation.

This ordinance shall be effective upon publication or posting by the town clerk as required, pursuant to s. 60.80, Wis. Stat.

Adopted this 16th day of April 2013.

By the Town Board of the Town of Navarino, Shawano County, Wisconsin:

\_\_\_\_\_  
Town Chairperson

Attest:

\_\_\_\_\_  
Town Clerk