

1994

5.01 RECYCLING ORDINANCE FOR TOWN OF PELICAN

5.02 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. 159.11, WI stats., and Chapter NR 544, WI Administrative Code.

5.03 STATUTORY AUTHORITY

This ordinance is adopted as authorized under s. 159.09(3)(b), WI Stats.

5.04 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.

5.05 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 WI 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 WI Statutes, or by a standard in Chapter NR 544, WI Administrative Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the WI 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.

5.06 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 effected.

5.07 APPLICABILITY

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

5.08 ADMINISTRATION

The provisions of this ordinance shall be administered by The Town of Pelican.

5.09 EFFECTIVE DATE

The provisions of this ordinance shall take effect upon publication as provided by Law.

5.10 DEFINITIONS

- (1) "Major appliances" means residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator or stove.
- (2) "Non-residential facilities and properties" means commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.
- (3) "Office paper" means high grade printing and writing papers from offices in non-residential facilities and properties. Examples include printed white ledger and computer printouts.
- (4) "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.
- (5) "Postconsumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in s.144.61(5), WI Stats., waste from construction and demolition of structures, scrap automobiles, or high volume industrial waste, as defined in s.144.44(7)(a)1., WI Stats.
- (6) "Recyclable materials" shall include:
 - (a) Aluminum cans
 - (b) Container glass (clear, brown and green)
 - (c) Container plastic (bottles only) including #1 (PETE or PETE), #2 (HDPE), #3 (PVC), #4 (LDPE), #5 (PP), #6 (PS), #7 (OTHER).
 - (d) Corrugated cardboard which remains in substantially original condition at the time of disposal such that the material is suitable for commercial grade recycling.
 - (e) Ferrous Metal (tin) Cans-steel and bi-metal cans
 - (f) Magazines, or like glossy papers which remain in substantially original condition at the time of disposal such that the material is suitable for commercial grade recycling.
 - (g) Newspaper-the portion of newspapers or periodicals which remain in substantially original condition at the time of disposal such that the material is suitable for

commercial grade recycling.

- (h) Office paper
- (i) Polystyrene, packaging foam
- (j) Scrap Metal Recyclables--those items consisting of a majority of ferrous metal or aluminum which is suitable for recycling.
- (k) Used Lead-Acid Vehicle Batteries--which are no longer suitable for its original purpose because of wear, damage or defect.
- (l) Waste Oil--Engine, hydraulic or gear oil, with NO contaminants of gasoline or solvents.
- (m) Waste Tires--that portion of a tire which is removed from the rim and is no longer suitable for its original purpose because of wear, damage or defect.
- (n) White Goods--appliances including but not limited to refrigerators, freezers, stoves, air conditioners, dish washers, water heaters.
- (o) Yard Waste--leaves, wood (limbs and brush less than 6 inches in diameter), grass, lawn rakings.

Items previously listed may be removed from the list of RECYCLABLE MATERIALS only by a variance granted by the WI Department of Natural Resources.

5.11 PREPARATION AND CARE OF SEPARATED RECYCLABLE MATERIAL

- (1) The following recyclable material must be prepared as indicated prior to collection or being deposited at a collection point:
 - (a) Aluminum cans--rinse, flatten.
 - (b) Container glass--rinsed, caps removed, sorted by color (clear, brown and green).
 - (c) Container plastic--thin necked #1 (PETE), #2 (HDPE), #3 (PVC), #4 (LDPE), #5 (PP), #6 (PS) and #7 (OTHER), rinse, remove caps, flatten.
 - (d) Corrugated cardboard--keep dry, flatten.
 - (e) Ferrous metal cans (tin cans)--labels removed, rinsed, ends removed and cans flattened.
 - (f) Magazines, office paper--keep dry, stack in boxes, or tie into bundles.

- (g) Newspaper--remove glossy inserts, keep dry, bundle.
 - (h) Used lead acid vehicle batteries shall be exchanged at a battery dealer, or dropped off at a recycling center which accepts batteries.
 - (i) Waste oil shall be taken to a dealer or recycling center which accepts waste oil.
 - (j) White goods shall be taken to a scrap metal dealer or the Oneida County Landfill Site's metal pile.
 - (k) Yard wastes shall be allowed to decompose on the property on which they originated, in a local compost pile with a volume of less than 50 cubic yards, or placed in a WI Department of Natural Resources licensed land application or composting operation.
- (2) To the greatest extent practicable, the recyclable materials separated in accordance with the aforementioned procedures 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.

5.12 VIOLATIONS RELATIVE TO MANDATORY RECYCLING

- (1) On and after 1 January, 1995, it shall be unlawful and a violation of this ordinance for any landfill user, private hauler, or municipality which causes to be deposited on the Oneida County Landfill Site any solid waste which originated in or was generated, accumulated or collected in a municipality which does not have in place an effective recycling program in compliance with NR 544.
- (2) On or after 1 January, 1995, all owners or designated agents of multiple-family dwellings and non-residential facilities and proprietors shall do all of the following to aid in the collection of RECYCLABLE MATERIALS for processing:
- (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 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 processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.
- (3) It shall be unlawful and a violation of this ordinance for any person to dispose of any separated RECYCLABLE MATERIAL except as authorized by variance granted by the WI Department of Natural Resources.
- (4) It shall be unlawful and a violation of this ordinance for any person to fail to separate and properly prepare, as described in section 1.11(1),(2), recyclable materials from their solid waste.

5.13 ENFORCEMENT

- (1) For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee, or representative of the Town of Pelican 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 office, employee or authorized representative of the Town of Pelican 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 Pelican 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:

Any person who violates s.5.12 may be required to forfeit \$114.00 for a first violation, \$175.00 for a second violation, and not more than \$297.00 for a third or subsequent violation.

Dated this 28th day of November, 1994