

**TOWN OF LIBERTY
RECYCLING ORDINANCE**

1.1. TITLE

The title of this ordinance is the Recycling Ordinance for the Town of Liberty

1.2. 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, Wis. Stats., and Chapter NR 544, Wis. Administrative Code. In addition, the purpose of this ordinance is to protect the public health and safety of the occupants of the Town by providing certain recyclable material, waste and other material collection, storage, treatment, processing and disposal regulations, as authorized and provided in s. 159.09(2), 159.11 Wis. Stats. and Chapter NR 544, Wis. Admin. Code or their successor provisions.

1.3. STATUTORY AUTHORITY

This ordinance is adopted as authorized under s. 159.09 (3)(b), Wis. Stats., and under s. 60.10(2)(c), s. 60.22(3) and Chapter 61, Wis. Stats.

1.4. 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.

1.5. 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.

1.6. 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.

1.7. APPLICABILITY

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

1.8. ADMINISTRATION

The provisions of this ordinance shall be administered by the Town Board of the Town of Liberty or its designee.

1.9. EFFECTIVE DATE

The provisions of this ordinance shall take effect on January 1, 1995.

1.10. DEFINITIONS

For the purposes of this ordinance:

- (1) "Bi-metal container" means a container for carbonated or malt beverages that are made primarily of a combination of steel and aluminum.
- (2) "Clean-up Day" means one of the twice-yearly scheduled dates at the Liberty Town Shop when a large (30 yard) roll-off box will be provided for specified bulky items, and arrangements will be in place for handling lead acid batteries, major appliances, and scrap iron and steel.
- (3) "Container board" means corrugated paperboard used in the manufacture of shipping containers and related products.
- (4) "Drop-off Site" means the designated collection location at the Liberty Town Shop (Gore Hollow Road and Old Highway 56).
- (5) "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.

- (6) "Glass containers" means food or beverage containers (i.e. jars and bottles). It does not include canning jars, dinnerware, light bulbs, glass tumblers, window glass, mirrors or similar products made of glass.
- (7) "HDPE" means high-density polyethylene plastic containers marked by the SPI code No. 2.
- (8) "LDPE" means low-density polyethylene plastic containers marked by the SPI code No. 4.
- (9) "Magazines" means magazines and other material printed on similar paper.
- (10) "Major appliance" means a residential or commercial air conditioner, furnace, boiler, dehumidifier, water heater, clothes dryer, clothes washer, dishwasher, freezer, oven, refrigerator or stove. (Microwave ovens may be disposed of in a landfill after the capacitor has been removed, and therefore are not included in the definition of major appliance for purposes of this ordinance).
- (11) "Mixed or other plastic resin types" means plastic containers marked by the SPI code No. 7.
- (12) "Multiple-family dwelling" means a property containing five or more residential units including those, which are occupied seasonally.
- (13) "Newspaper" means a newspaper and other materials printed on newsprint.
- (14) "Non-residential facilities and properties" means commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.
- (15) "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.
- (16) "Person" includes any individual, corporation, partnership, association, local governmental unit as defined in s. 66.299(1)(a), Wis. Stats., state agency or authority or federal agency.
- (17) "PETE" means polyethylene terephthalate plastic containers marked by the SPI code No. 1.
- (18) "Postconsumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in s.

144.61(5), Wis. Stats., wastes from construction and demolition of structures, scrap automobiles or high-volume industrial waste, as defined in s. 144.44(7) (a)1, Wis. Stats.

- (19) "PP" means polypropylene plastic containers marked by the SPI code No. 5.
- (20) "PS" means polystyrene plastic containers marked by the SPI code No. 6.
- (21) "PVC" means polyvinyl chloride plastic containers marked by the SPI code No. 3.
- (22) "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.
- (23) "Solid Waste" has the meaning specified in s. 144.01 (15), Wis. Stats.
- (24) "Solid Waste facility" has the meaning specified in s. 144.53 (5), Wis. Stats.
- (25) "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.
- (26) "Waste Tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
- (27) "Yard Waste" means leaves, grass clippings, yard and garden debris and brush including clean, woody vegetative material no greater than six inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

1.11. SEPERATION 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 postconsumer 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) Foam polystyrene packaging
- (9) Glass containers
- (10) Magazines or other materials printed on similar paper
- (11) Newspapers or other materials printed on newsprint
- (12) Office paper
- (13) Plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS and mixed or other plastic resin types
- (14) Steel containers
- (15) Waste tires

1.12. SEPERATION 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, 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 s. 1.11 from solid waste in as pure a form as is technically feasible.
- (2) 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.
- (3) A recyclable material specified in s. 1.11 for which a variance or exemption has been granted by the Department of Natural Resources under ss. 159.07(7)(d) or 159.11(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, 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 an area retail business that sells vehicle batteries or the Town of Liberty drop-off site only on a scheduled Clean-up day.
- (2) Major appliances shall be taken to the Town of Liberty drop-off site only on a scheduled Clean-up day. Persons may also sometimes be able to make private arrangements with local salvage dealers for certain major appliances.
- (3) Waste oil shall be kept separate from other recyclables and taken directly to a recycling center designated to collect and receive waste oil. The Town of Liberty Drop-off site will maintain a list of approved locations.
- (4) Yard waste shall be kept separate from other trash and managed on-site (at home) by the landowner or resident generating the yard waste. The preferred method of managing yard waste is by composting. Informational pamphlets are available at the Drop-off site.

1.15. PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS

Except as otherwise directed by the Board of the Town of Liberty or the Drop-off Site attendant, 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 shall be rinsed free of product residue and placed in the designated receptacle at the Drop-off Site.
- (2) Bi-metal containers shall be rinsed free of product residue and placed in the designated receptacle at the Drop-off Site.
- (3) Corrugated paper or other container board shall be free of debris, flattened, stacked and tied securely in bundles not exceeding 25 lb. by weight or 2' x 2' by size. The bundles should then be placed in the designated bin at the Drop-off Site.
- (4) Foam polystyrene packaging shall be rinsed free of any contaminant and placed in the designated receptacle at the Drop-off Site.
- (5) Glass containers shall be washed free of product residue, separated by color and deposited in designated bins for clear, brown and green glass. Lids should be removed and discarded first. Any metal neck rings must be removed first.

- (6) Magazines or other materials printed on similar paper shall be free of debris, stacked and tied securely in bundles no larger than 8 inches thick.
- (7) Newspapers or other materials printed on newsprint shall be free of debris, stacked and tied securely in bundles 8 inches thick or less. Prior to delivery to the Drop-off Site, the newspapers must be kept dry. Bundles should be placed in the designated bin at the Drop-off Site.
- (8) Office Paper shall be free of debris, stacked and tied in bundles 8 inches thick or less.
- (9) Plastic containers shall be prepared and collected as follows:
 - (a) Plastic containers made of PETE, including soda and clear liquor bottles, shall be washed free of product residue and placed in the designated bin at the Drop-off Site. Caps should first be removed and discarded.
 - (b) Plastic containers made of HDPE, including milk jugs and detergent bottles, shall be washed free of product residue and placed in the designated bin or strung on line set up for that purpose as directed by Drop-off Site attendant. Caps should be removed and discarded first.
 - (c) Plastic containers made of PVC shall be washed free of product residue and placed in the designated bin at the Drop-off Site.
 - (d) Plastic containers made of LDPE shall be washed free of product residue and placed in the designated bin at the Drop-off Site.
 - (e) Plastic containers made of PP shall be washed free of any product residue and placed in the designated bin at the Drop-off Site.
 - (f) Plastic containers made of PS shall be washed free of any product residue and placed in the designated bin at the Drop-off Site.
 - (g) Plastic containers made of mixed or other plastic resin types shall be washed free of any product residue and placed in the designated bin at the Drop-off Site.
- (10) Steel containers shall be washed, labels removed, both ends of the can removed when possible, flattened when possible and placed in the designated bin at the Drop-off Site.
- (11) Waste tires shall be disposed of only under scheduled countywide Tire Clean-up programs.

1.16. RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF MULTIPLE-FAMILY DWELLINGS

- (1) Owners or designated agent of multiple-family dwellings shall do all of the following for recycling the materials specified in s. 1.11(5) through (15):
 - (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 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 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 s. 1.11(5) through (15) from solid waste in as pure a form as is technically feasible.

1.17. 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 for recycling 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.

1.18. PROHIBITIONS ON DISPOSAL OF RECYCLABLE MATERIALS

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.

1.19. ANTISCAVENGING OR UNLAWFUL REMOVAL OF RECYCLABLES

It shall be unlawful for any person, unless under contract with or licensed by the municipality, to collect or remove any recyclable material that has been deposited at the Drop-off Site.

1.20. NO DUMPING OF GARBAGE OR RECYCLABLES

It shall be unlawful for any person to dispose of or dump garbage or recyclables in any street, alley or other public place within the Town of Liberty or in any receptacle or on private property without the property owner's consent unless it is disposed of at the Drop-off Site during regularly scheduled hours of operation and in the manner specified in this ordinance.

1.21. NONDISPOSABLE 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 wastes (unless personal needles which shall be contained in cardboard to eliminate injury to collection personnel).

1.22. GARBAGE FROM OUTSIDE MUNICIPALITY

It shall be unlawful to bring refuse for disposal (and recyclables) from outside the Town of Liberty unless authorized by agreement with the municipality.

1.23. HAULER RESTRICTIONS

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

1.24. OWNERSHIP OF RECYCLABLES AND REFUSE

Recyclable materials and refuse, upon placement at the Drop-off Site, shall become the property of the Town of Liberty. Recyclable materials and refuse, upon collection by any permitted collector, shall become the property of the contractor.

1.25. ENFORCEMENT

- (1) Any authorized officer, employee or representative of the Board of the Town of Liberty may inspect recyclable materials separated for recycling, post-consumer waste intended for disposal, collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and non-residential facilities and properties, solid waste disposal facilities and solid waste treatment facilities, and any records relating to recycling activities, for the purpose of ascertaining compliance with the provisions of this ordinance. No person may refuse access to any authorized officer, employee, or authorized representative of the Board of the Town of Liberty 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 Board of the Town of Liberty or its authorized representative 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. 1.18 may be required to forfeit \$10 for a first violation, \$50 for a second violation and not more than \$500 for a third or subsequent violation.
 - (b) Any person who violates a provision of this ordinance, except s. 1.18, may be required to forfeit not less than \$10 nor more than \$500 for each violation.

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