ORDINANCE 93-4

A RECYCLING ORDINANCE

The Town Board of the Town of Arena, Iowa County, Wisconsin, hereby ordains as follows:

SECTION 1. Section 1 of the Code of Ordinances of the Town of Arena is hereby created to read:

(1) PURPOSE. Pursuant to the authority granted under Wisconsin Statute Section 159.09(3)(6), the Town Board finds participation in a mandatory source separation recycling program appropriate in this jurisdiction to conserve available local landfill capacity. The Town further finds it appropriate to participate in both county-wide and state-wide recycling programs to conserve energy, recycle valuable resources, and to protect public health, welfare and the environment. The Town also finds participation in these programs appropriate to achieve consistency with county-wide recycling policies to ensure that the Town will be able to use the county-owned landfill (and the county material recycling facility).

(2) DEFINITIONS. The following words are defined in this ordinance as follows;

(a) "Collector/Hauler" means a contractor or entity chosen by the Town Board to handle, transport and dispose of the community's solid waste, recyclables and non-recyclables, or, person or persons contracting with waste generators for these services, who will enforce preparation standards for recyclable materials as well as ensure community compliance with this source separation recycling program.

(b) "Private Hauler" means a person or entity who contracts for fee with Town residents and/or land owners to handle, transport and dispose of such person's sold waste, recyclables and non-recyclables.

(c) "Corrugated cardboard" means heavy duty Kraft paper packaging material with a corrugated medium between two flat paperliners, and does not include paperboard such as cereal or laundry detergent boxes or holders for 6 packs or 12 packs of beverage cans or bottles.

(d) "Garbage" means discarded materials resulting from the handling, processing, storage and consumption of food.

(e) "Glass" means glass bottles, jars and containers and does not include window glass, drinking glasses, pyrex, light bulbs or other non-container glass.

(f) "Good faith" means reasonable efforts to adhere to the policies, standards and rules of this mandatory source separation recycling program.

(g) "Hazardous waste" or "hazardous substance" means those wastes or substances defined thusly in NR 181 of the Wisconsin Administrative Code (including all amendments provided thereto) as provided therein pursuant to Section 144.62, Wis. Stats., or other acts pursuant to authority vested in the Wisconsin Department of Natural Resources to describe and list materials thusly and also includes in the meaning of "hazardous waste" or "hazardous substance" as described supra those solid wastes or substances found in household waste (notwithstanding the household waste exclusion provided in s. NR 181.12(4)(a), Wisconsin Administrative Code).

(h) "Lead-acid batteries" means automotive and related batteries that are composed of lead plates with an acid electrolyte, and does not include nickel-cadmium batteries, dry cell (flashlight) batteries or batteries used in calculators, watches, hearing aids or similar devices.

(i) "Major appliance" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, stove, water heater or any other items commonly referred to as a white good.

(j) "Metal cans" means tin coated steel cans, bi-metal cans, and aluminum cans used for food and other non-hazardous materials but excluding aerosol cans and cans that held paint, paint related products, pesticides or other toxic or hazardous substances.

(k) "Multifamily dwelling" means a residential dwelling place intended to be the residence of four or more independent family units.

(l) "Town" means the Town of Arena.

(m) "Newspapers" means matter printed on newsprint including daily or weekly publications and advertising materials but excludes glossy paper, magazines, catalogs or similar materials.

(n) "Non-recyclable material" means all items of waste not recyclable except hazardous waste or hazardous substances.

(o) "Other paper" shall mean all paper excluding newsprint materials or materials specifically excepted in the definition of "newspapers", and "corrugated cardboard" but

shall include grades of fiber materials with available markets for recycling.

(p) "Oversize and bulky waste" means large items such as furniture, mattresses, carpeting, construction or demolition materials of substantial dimensions, brush and other large items whose proportions are not easily reduced.

(q) "Person" includes any individual, corporation, organization, association, local governmental unit, as defined in Section 66.299(1), Wis. Stats., state agency or authority for federal agency.

(r) "Plastic container" means a blow molded plastic bottle of high density polyethylene (HDPE) or a plastic bottle or jar made of polyethylene terephthalate (PETE), but does not include HDPE containers that are not blow molded including, but not limited to containers for yogurt, cottage cheese, butter, margarine, ice cream and similar products. This excludes containers that hold any type of chemicals.

(s) "Preparation standards" shall mean criteria provided establishing acceptable good faith limits for introduction of materials into the source separation recycling program involving either transport to a material recycling center or temporary storage of such materials.

(t) "Recyclable material" means identified materials meeting preparation standards and shall include the following: newspapers; corrugated cardboard; unbroken brown, green and clear container glass; aluminum, bi-metal and tin-coated steel cans; blow-molded HDPE and PETE plastic containers; tires (regardless of size); used oil; lead-acid batteries; and large appliances. "Recyclable material" further means identified materials meeting preparation standards where economical markets or short-term storage are available and shall include the following: other paper; polystyrene foam; PVC containers; polypropylene containers; HDPE and PETE containers other than bottles; types of plastic containers labeled "other"; and other materials determined to have economical markets available.

(u) "Refuse" means combustible and non-combustible materials including, but not limited to: paper products, wood, metal, glass, cloth and products thereof in unrecoverable condition; litter and street rubbish not including yard waste; uncontaminated ashes, and building materials such as wood, concrete, glass, plaster and other intermixed materials produced in construction or demolition of structures. "Refuse" for purposes of this ordinance shall not include "oversize or bulky waste".

(v) "Solid Waste" means garbage, refuse and all other discarded or salvageable solid materials, including solid waste materials resulting from industrial, commercial and agricultural operations, and from community activities, but does not include solids or dissolved material in wastewater effluent or other common water pollutants.

(w) "Solid waste storage" shall mean safe, environmentally sound short-term containment of materials and for recyclables shall involve preserving materials in a condition meeting preparation standards.

(x) "Tires" for collection purposes shall mean rubber tires, from automobile and light truck tires and other tires whose size is less than 1100 x 24.5, which are removed from rims.

(y) "Used Oil" means any contaminated petroleum-derived or synthetic oil including but not limited to the following: engine and other mechanical lubricants; hydraulic and transmission fluid; metalworking fluid, and insulation fluid or coolant.

(z) "Yard Waste" means leaves, grass clippings, yard and garden debris, including clean woody vegetative material no greater than six (6) inches in diameter and holiday trees, but does not include tree stumps, extensive root systems or shrubs with intact root balls.

(3) APPLICABILITY. This ordinance shall apply to all persons, entities and appropriate waste generating activities, within the corporate limits of the Town of Arena.

(4) CONFLICT AND SEVERABILITY. The provisions of this ordinance shall be held to be minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes or pertinent Iowa County Ordinances in their interpretation and application. Because this ordinance creates a comprehensive, mandatory source separation recycling program in our community, where any terms or requirements of this ordinance may be inconsistent or conflicting, the more restrictive requirements or interpretations consistent with state and county law shall control. If any section, provision or portion of this ordinance is found unconstitutional or invalid by a court, the remainder of the ordinance shall remain enforceable and shall not be affected by that ruling.

(5) PREPARATION STANDARDS. Acceptable recyclable materials shall be prepared in accordance with the following standards for collection purposes pursuant to this ordinance:

"Newsprint" shall be dry, free of paper not normally included

in the newspaper and not sunburnt;

"Corrugated cardboard" shall be flattened, empty and free of food debris and other contaminating material;

"Glass containers" shall be empty, clean and free of metal caps and rings, other contaminates such as window glass, drinking glasses, ceramic and similar material;

"Metal cans" shall be empty (with ends removed and flattened where possible) and clean (with labels removed);

"Plastic containers" shall not be tied together, and shall be empty, clean, and have caps removed;

Furthermore, additional preparation standards may be provided by notice to generators of waste and collectors/haulers or by amendment to this subsection when other materials become recyclable dependent upon available economic markets.

(6) MANDATORY SOURCE SEPARATION AND COLLECTION. The following provisions shall apply to all non-hazardous solid waste generated within the Town:

(a) Non-recyclable Material.

(1) All garbage, refuse and other non-recyclable materials shall be disposed of pursuant to these guidelines by persons for their own disposal of solid waste they generate.

(2) All garbage delivered to the collection site designated by the Town or placed curbside for collection shall be well drained, wrapped and deposited in watertight, clear, see-through plastic bags, not exceeding 33 gallon capacity. No container or bag placed for collection shall exceed 33 gallons in capacity or 50 pounds in weight.

(3) All refuse and other non-recyclable materials placed curbside for collection shall be placed in clear, see-through plastic bags, not exceeding 33 gallon capacity and not more than 50 pounds in weight.

(4) Any bag or container placed curbside for collection as refuse or non-recyclable material which contains any recyclable material shall be a clear, see-through plastic, and may be refused by the collector/hauler or private hauler unless the generator show good faith for recycling. Where dumpsters are used, the collector/hauler or private hauler may refuse collection from bins containing recyclable materials

unless the owner or generator shows good faith for recycling.

(b) Grass, Leaves and Brush. Grass, leaves and brush shall not be disposed of at Iowa County sanitary landfills. All persons who generate yard waste shall be responsible for appropriate disposal of yard waste from properties owned or occupied by the aforementioned persons. Composting of yard waste on private property is permitted where no nuisance to others occurs.

(c) Separation of Recyclables Required. All recyclable materials shall be placed in clear, see-through, plastic bags, not exceeding 33 gallon capacity, and shall be separated from other solid waste. Recyclable materials placed at the curbside for collection shall be separated between themselves in a system facilitating transport and processing as provided herein. Recyclable materials shall meet preparation standards and persons shall make good faith effort to ensure recyclables and recycling containers are well-drained and reasonably clean.

(1) Requirements for Single Family Dwellings, and 2 to 4 Unit Multi-Family Dwelling:

(a) Containers. Glass, metal cans and plastic containers shall be separated and placed in clear, see-through plastic bags not exceeding 33 gallon capacity.

(b) Newspaper and corrugated cardboard. Newspaper shall be securely tied in neat bundles less than 12 inches thick or placed in brown Kraft grocery bags facilitating handling. Corrugated cardboard shall be flattened and securely tied in bundles or placed in suitable containers facilitating handling and collection. Corrugated cardboard and newspaper shall not be intermixed, bundled together or mixed with other recyclable materials such as paper.

(c) Other items. All persons who are generators of the following types of waste shall make appropriate arrangements for collection, transportation and disposal of these materials at their own expense: lead-acid batteries, major appliances, tires, large metal products, and used oil.

(2) Requirements for 5 Unit and Greater Multi-Family Dwellings. Owners of multi-family dwellings shall provide adequate containers for handling and collection

of recyclable materials enabling tenants to ensure separation of recyclables and ensuring that recyclables meet preparation standards. The following shall be acceptable means of providing containers: first, providing two containers for each dwelling unit with one container being for glass, metal cans and plastic containers, and the other container being for bundles of corrugated cardboard and newspapers; second, providing a series of containers for the complex or sub-units thereof with unique containers for each type of recyclable to be shared in common by occupants of the multi-family dwelling not including provisions for major appliances, used oil, lead acid batteries, yard waste or tires; with sufficient, separate containers to achieve good faith separation of recyclables based upon size of the multi-family dwelling, and handling, transportation and processing requirements for the collector/hauler. Containers shall be clearly designated and marked as to the recyclables contained therein, and containers shall be maintained in a clean, safe and watertight condition. Owners of multi-family dwellings shall exercise good faith to assure that residents and occupants comply with recycling requirements of this ordinance. Owners of multi-family dwellings shall notify tenants at the time of renting or leasing the dwelling and semi-annually thereafter of the recycling programs provided in this paragraph.

Additionally, residents of multi-family dwellings shall handle and dispose of recyclable materials separated from solid waste in the same manner as occupants of single family dwellings (as set forth above at Section (6)(c)(1) and deliver the aforementioned recyclables to a material recycling facility.

(3) Requirements at Commercial, Retail, Industrial, Institutional and Governmental Facilities. The owners of commercial, retail, industrial, institutional and governmental facilities shall provide adequate, marked containers for separate handling and collection of recyclable materials, excluding lead acid batteries, tires, yard waste, used oil and major appliances. All owners shall exercise good faith to maintain sufficient, well-kept containers to meet their generators' requirements for recycling purposes. Adequacy and the number of separate, marked containers shall be based upon the size of the facility. All owners shall exercise good faith to meet preparation standards for that purpose. Owners of larger facilities shall provide separate containers for each type of recyclable material collected ensuring sufficient containers to meet all occupants' needs and shall exercise good faith to assure that

occupants comply with recycling requirements of this ordinance. Owners shall regularly, periodically notify all users and occupants of the facilities of the recycling programs provided in this paragraph. Additionally, owners of facilities shall provide for the collection of recyclable materials separated from solid waste by the users and occupants of the facility and delivery of the aforementioned recyclables to a material recycling facility.

(d) Prohibited Practices in Collection and Handling of Recyclables. No Person, persons or other entity generating waste within the Town shall do any of the following:

(1) Mix or permit intermixing of recyclable and non-recyclable materials intended to be processed at a material recycling facility unless good faith to recycle is shown.

(2) Deposit or cause to be deposited any recyclable material at any authorized collection point when the site is closed or not operating.

(3) Deposit or cause to be deposited any recyclable material in or upon any public street, public waters, or public grounds in the Town except at authorized locations within appropriate packaging or placed into appropriate containers during specifically authorized collection periods if any are provided.

(4) Deposit or cause to be deposited any recyclable material in any container not specifically intended for the collection of that type or group of recyclable material.

(5) Deposit or cause to be deposited any non-recyclable material in any container specifically intended for the collection or deposit of recyclable material.

(e) 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, 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. 6 (c) 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. 6 (c) for which a variance has been granted by the Department of Natural Resources under s. 159.11(sm), Wis. Stats., or s. NR 544.14, Wis. Administrative Code.

(7) ANTI-SCAVENGING PROVISION. Persons shall not pilfer recyclables or disturb recyclables once those materials are placed for collection. All recyclable materials placed for collection pursuant to this ordinance shall thereupon become the property of the Town, or, the Town's authorized agent, or, a private collector/hauler whom persons in the Town have contracted to perform functions pursuant to the recycling plan provided in this ordinance. Only persons authorized by the municipality or the generator of waste shall collect or handle recyclable materials once those materials have been placed appropriately for collection. Any and each collection by unauthorized persons in violation of this provision shall constitute a separate and distinct offense punishable as provided hereinafter.

(8) PROHIBITIONS ON DISPOSAL OF RECYCLABLE MATERIALS SEPARATED FOR RECYCLING. No person may dispose of in a sold 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.

(9) VIOLATION AND PENALTY. Any person who violates any provisions of this ordinance or any regulations promulgated pursuant to this ordinance shall forfeit upon conviction thereof not less than One Hundred Dollars ($100.00) nor more than Two Hundred Dollars ($200.00) for each separate violation hereunder, provided that the range of forfeiture for the third and any subsequent violation of this ordinance or regulations promulgated pursuant thereto within a twelve month period shall be not less than Two Hundred Dollars ($200.00) nor more than Five Hundred Dollars ($500.00) for each separate violation. Each incident of violation shall be a separate offense and each day or part thereof during which a violation occurs or continues shall be deemed a separate offense.

(10) PROMULGATION OF REGULATIONS. The Town Board shall prepare regulations, standards and schedules as necessary to make effective all provisions of this ordinance. Periodically, upon a schedule adopted by the Town, the Town Clerk shall prepare notices and distribute other information to persons and entitles generating waste within the township for the purpose of informing the public about the requirements dictated by this mandatory source separation recycling ordinance.

(11) CONSISTENCY. All ordinances of the Town or parts of those ordinances construed to be inconsistent with this ordinance for the purpose of achieving an effective recycling program in the Town shall be hereby repealed as to as to such inconsistency only for the limited purpose of making effective all provisions in this ordinance.

(12) ADMINISTRATOR. The provisions of this ordinance shall be administered by the Town board, or its designated official.

SECTION 2. This ordinance shall be in full force and take effect on January 1, 1994 and after its passage and posting in accordance with the law.

ADOPTED by the Town Board of the Town of Arena, Wisconsin, this 8th day of November, 1993.

Jack Gribble

Jack Gribble
Town Chairman

ATTEST:

Laurie Zielarth

Clerk/Treasurer

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ORDINANCE 94-2

RECYCLING ORDINANCE AMENDMENT

The Town Board of the Town of Arena, Iowa County, Wisconsin, hereby ordains as follows:

Section 1. Ordinance 93-4, Recycling Ordinance, adopted by the Town Board of the Town of Arena on November 8, 1993, is hereby AMENDED as follows:

1. Paragraph (2) (i) is amended to read as follows:

   "Major appliance" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, stove, water heater, any other items commonly referred to as a white good, residential and commercial furnaces, boilers, and dehumidifiers.

2. Paragraph (2) (r) is amended to read as follows:

   (Applicable through December 31, 1995) "Plastic Container" means a blow-molded plastic bottle of high density polyethylene (HDPE), labeled by the SPI Code #2, or a plastic bottle or jar made of polyethylene terephthalate (PETE), labeled by the SPI Code #1, but does not include HDPE containers that are not blow-molded including, but not limited to, containers for yogurt, cottage cheese, butter, margarine, ice cream and similar products. This excludes containers that hold any type of chemicals.

   (Applicable commencing January 1, 1996) "Plastic Container" means plastic containers labeled by the SPI Code as #1 (made of polyethylene terephthalate (PETE); labeled by the SPI Code as #2, made of high density polyethylene (HDPE); labeled by the SPI Code as #3, made of polyvinyl chloride (PVC); labeled by the SPI Code as #4, made of low density polyethylene (LDPD); labeled by the SPI Code as #5, made of polyprophylene (PP); labeled by the SPI Code as #6, made of polystyrene (PS); and labeled by the SPI Code as #7, made of other resins or multiple resins. Additionally "plastic container" shall include foam polystyrene packaging. This excludes

containers that hold any type of chemicals.

3. Paragraph (2) (t) shall be amended to read as follows:

"Recyclable material" means identifiable materials meeting preparation standards and shall include the following: newspapers; corrugated cardboard; unbroken brown, green, and clear container glass; aluminum, bi-metal and tin-coated steel cans; plastic containers; tires (regardless of size); used oil; lead acid batteries; and major appliances. "Recyclable material" further means identified materials meeting preparation standards where economical markets or short-term storage are available and shall include the following: other paper; other materials determined to have economical markets available.

4. Paragraph (9), heretofore entitled VIOLATION AND PENALTY, is hereby deleted and recreated to read as follows:

(9) ENFORCEMENT, VIOLATION AND PENALTY.

(a) INSPECTION.
For the purposes of ascertaining compliance with the provisions of NR 544 of the Wisconsin Administrative Code or its successor chapter and compliance with this ordinance, any authorized officer, employee or representative of the Town may, pursuant to Wisconsin Statutes §66.122 or its successor provisions, and pursuant to NR 544 of the Wisconsin Administrative Code or its successor provisions, inspect recyclable materials in the Town separated for recycling, inspect post consumer waste in the Town intended for disposal, inspect any recyclable material collection locations, and any other collection facilities, and collection vehicles in the Town, including any collection areas for single family, 2 to 4 residential dwelling units, multiple family dwelling units, and non-residential facilities and properties that are controlled by any occupants, any contractor of the Town, any permittee, collector, or any other person participating in any recycling activity in the Town, any solid waste disposal facilities and solid waste disposal facilities and solid waste treatment facilities and, in addition, inspect any records relating to recyclable material activities of any occupants, any contractor for the Town, any permitted collectors or other persons in the Town. These records shall be kept confidential by the Town Board when necessary, to protect proprietary information.

No persons referred to in the preceding paragraph may refuse access to any records or property controlled by that person related to these recyclable material activities in the Town, to any authorized officer, employee, or authorized representative of the Town who requests access to the records or property for purposes of this inspection, and who presents appropriate credentials. In addition, no persons referred to in the preceding paragraph may obstruct, hamper, or interfere with any such authorized inspection. Occupants of the Town shall cooperate fully with the Town Board or its designees in any inspection of their facilities or properties. The Town Board shall designate the person or persons charged under Wisconsin Statutes §66.122 to have the authority to exercise the powers or duties of inspector. The Town Board or its designees shall provide to occupants or other persons 24-hour oral or written notice prior to inspection of the records, facilities, or properties, unless the Town Board, by order, declares that inspections with less, or no notice, are necessary to insure compliance by the occupants or these persons.

(b) PENALTIES.
Any person who violates any provisions of this ordinance or any regulations promulgated pursuant to this Ordinance shall forfeit upon conviction thereof not less than One Hundred ($100.00) Dollars nor more than Two Hundred ($200.00) Dollars for each separate violation hereunder, provided that the range of forfeiture for the third and any subsequent violation of this ordinance or regulations promulgated pursuant thereto within a 12-month period shall be not less than $200.00 nor more than $500.00 for each separate violation. Each incident of violation shall be a separate offense, and each day or part thereof during which a violation occurs or continues shall be deemed a separate offense.

(c) TOWN CITATIONS.
The following persons may issue, serve or have served, citations for the Town with respect to the ordinances, in addition to all other law enforcement officials charged with law enforcement responsibilities in the Town:

(1) Town Chairman
(2) Any other Town Supervisor
(3) Any person designated by the Town Board to issue, serve, or have served these

citations.

No citation may be issued without the approval and signature of at least two of the above-noted Town Board Officers of the Town. The Town Officer that issues and serves or has served the citation shall be responsible to attach the appropriate court costs and surcharges to the deposit to the citation. Service of the citation may be by personal service, or by first class mail to the last known address.

Wisconsin Statutes §66.119 (3) or its successor provision relating to options and procedures for alleged violations on default is hereby adopted by the ordinances and incorporated by reference.

Section 2. This ordinance shall be in force and take effect on January 1, 1995, after its passage and posting in accordance with law.

Adopted by the Town Board of the Town of Arena, Wisconsin, this 14th day of November, 1994.

Jack Gribble

Jack Gribble
Town Chairman

ATTEST:

Laurie M Ziebarth

Laurie M. Ziebarth
Town Clerk

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