

## Chapter 8.20

### RECYCLING

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#### **8.20.010 Short title.**

This chapter shall be known as the “recycling ordinance for the town of Burlington.” (Ord. dated 4/28/94: prior code § 11.08(1))

#### **8.20.020 Purpose.**

The purpose of this chapter is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in Section 287.05, Wis. Stats., and Chapter NR 544, Wis. Administrative Code. (Ord. dated 9/2011: prior code § 159.09(3)(b))

#### **8.20.030 Statutory authority.**

This chapter is adopted as authorized under Section 287.03, Wis. Stats., and the town. (Ord. dated 9/2011: prior code § 159.09(3)(b))

#### **8.20.040 Abrogation and greater restrictions.**

It is not intended by this chapter 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 chapter imposes greater restrictions, the provisions of this chapter shall apply. (Ord. dated 4/28/94: prior code § 11/08(4))

#### **8.20.050 Interpretation.**

In their interpretation and application the provisions of this chapter 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 chapter may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this chapter is required by Wisconsin Statutes, or by a standard in Chapter NR.544, Wis. Administrative Code, and where the chapter 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 the ordinance codified in this chapter, or in effect on the date of the most

recent test amendment to this chapter. (Ord. dated 4/28/94: prior code § 11.08(5))

#### **8.20.060 Applicability.**

The requirements of this chapter apply to all persons within the town. (Ord. dated 4/28/94: prior code § 11.08(7))

#### **8.20.070 Administration.**

The provisions of this chapter shall be administered by the town board. (Ord. dated 4/28/94: prior code § 11.08(8))

#### **8.20.080 Definitions.**

For the purposes of this chapter:

“Bi-metal container” means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.

“Container board” means corrugated paperboard used in the manufacture of shipping containers and related products.

“HDPE” means high density polyethylene plastic containers marked by the SPI code No. 2.

“LDPE” means low density polyethylene plastic containers marked by the SPI code No. 2.

“Magazines” means magazines and other materials printed on similar paper.

“Major appliance” means a residential or commercial air condition, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator or stove.

“Mixed or other plastic resin types” means plastic containers marked by the SPI code No. 7.

“Multiple-family dwelling” means a property containing five or more residential units, including those which are occupied seasonally.

“Newspaper” means a newspaper and other materials printed on newsprint.

“Nonresidential facilities and property” means commercial, retail, industrial, institutional and governmental facilities and

properties. This term does not include multiple-family dwellings.

“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.

“Person” includes any individual, corporation, partnership, association, local governmental unit, as defined in Section 66.299(1)(a), Wis. Stats., state agency or authority or federal agency.

“PETE” means polyethylene terephthalate plastic containers marked by the SPI code No. 1.

“Post-consumer waste” means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in Section 289.01(17), Wis. Stats.

“PP” means polypropylene plastic containers marked by the SPI code No. 5.

“PS” means polystyrene plastic containers marked by the SPI code No. 6.

“PVC” means polyvinyl chloride plastic containers marked by the SPI code No. 3.

“Recyclable materials” includes lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass container; 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.

“Solid waste” has the meaning specified in Section 289.01(33) Wis. Stats.

“Solid waste facility” has the meaning specified in Section 289.01(35), Wis. Stats.

“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.

“Waste tire” means a tire that is no longer suitable for its original purpose because of wear, damage or defect.

“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 in intact root balls. (Ord. dated 9/2011: prior code § 144.44(7)(a); 144.01(15); 144.43(5))

**8.20.090 Separation of recyclable materials.**

Occupants of single-family and two to four unit residences, multiple-family dwellings and nonresidential facilities and properties shall separate the following materials from post-consumer waste:

- A. Lead acid batteries;
- B. Major appliances;
- C. Waste oil;
- D. Yard waste;
- E. Aluminum containers;
- F. Bi-metal containers;
- G. Corrugated paper or other container board;
- H. Foam polystyrene packaging;
- I. Glass containers;
- J. Magazines or other materials printed on similar paper;
- K. Newspapers or other materials printed on newsprint;
- L. Office paper;
- M. Plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and mixed or other plastic resin types;
- N. Steel containers;
- O. Waste tires. (Ord. dated 4/28/94: prior code § 11.08(11))

**8.20.100 Separation requirements exempted.**

The separation requirements of Section 8.20.090 do not apply to the following:

A. Occupants of single-family and two to four unit residences, multiple-family dwellings and nonresidential facilities and properties that send their post-consumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in Section 8.20.090 from solid waste in as pure a form as is technically feasible;

B. Solid waste which is burned as a supplemental fuel at a facility if less than thirty (30) percent of the heat input of the facility is derived from the solid waste burned as supplemental fuel;

C. A recyclable material specified in Section 8.20.090 for which a variance or exemption has been granted by the Department of Natural Resources under Section 287.11(2m) Wis. Stats., or Section NR 544.14, Wis. Administrative Code. (Ord. dated 9/2011: prior code § 159.11(2m))

**8.20.110 Care of separated recyclable materials.**

To the greatest extent practicable, the recyclable materials separated in accordance with Section 8.20.090 shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other nonrecyclable 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. (Ord. dated 4/28/94: prior code §11.08(13))

**8.20.120 Management of lead acid batteries, major appliances, waste oil and yard waste.**

Occupants of single-family and two to four unit residences, multiple-family dwellings and nonresidential facilities and properties shall manage lead acid batteries,

major appliances, waste oil, and yard waste as follows:

A. Lead acid batteries will not be accepted by the town;

B. Major appliances shall be accepted only at times and places designated, from time to time, by the town;

C. Waste oil shall be accepted only at times and places designated, from time to time, by the town;

D. Yard waste will be accepted by the town at the town's former landfill site on the second and fourth Saturday of each month. (Editorially amended during 2001 codification; Ord. dated 4/28/94: prior code § 11.08(14))

#### **8.20.130 Preparation and collection of recyclable materials.**

Except as otherwise directed by the town, occupants of single-family and two to four unit residences shall do the following for the preparation and collection of the separated materials specified in Section 8.20.090(E) through (O).

A. Aluminum containers shall be clean; flattened if possible.

B. Bi-metal containers shall be clean; paper removed; ends removed and flattened, if possible.

C. Corrugated paper or other container board shall be cut and flattened; metal removed.

D. Foam polystyrene packaging shall be clean. Check with attendant on items currently acceptable.

E. Glass containers shall be clean with metal rings and caps removed.

F. Magazines or other materials printed on similar paper shall be bundled using paper bags. No plastic or string.

G. Newspapers or other materials printed on newsprint shall be bundled using paper bags. No plastic or string.

H. Office paper shall not be accepted by the town.

I. Plastic containers shall be prepared and collected as follows:

1. Plastic containers made of PETE, including milk jugs and other such containers shall be cleaned and flattened.

2. Plastic containers made of HDPE, limited to soda bottles, shall be cleaned and flattened.

3. Plastic containers made of PVC, LDPE, PP and PS or made of other resins or multiple resins will not be accepted by the town.

J. Steel containers shall be clean; paper removed; ends removed; flattened.

K. Waste tires shall be accepted with required fee at transfer site when attendant is on duty. (Ord. dated 4/28/94: prior code § 11.08(15))

#### **8.20.140 Responsibilities of owners or designated agents of multiple-family dwellings.**

A. Owners or designated agents of multiple-family dwellings shall do all of the following for recycling the materials specified in Section 8.20.090(E) through (O):

1. Provide adequate, separate containers for the recyclable materials;

2. Notify tenants in writing at the time of renting or leasing the dwelling and at least semiannually thereafter about the established recycling program;

3. 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;

4. Notify tenants of reason 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.

B. The requirements specified in subsection A of this section do not apply to the owners or designated agents of multiple-family dwellings if the post-consumer 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 Section 8.20.090(E) through (O) from solid waste in as pure a form as is technically feasible. (Ord. dated 4/28/94: prior code § 11.08(16))

**8.20.150 Responsibilities of owners or designated agents of nonresidential facilities and properties.**

A. Owners or designated agents of non-residential facilities and properties shall do all of the following for recycling the materials specified in Section 8.20.090(E) through (O):

1. Provide adequate, separate containers for the recyclable materials;
2. Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program;
3. 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;
4. 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.

B. The requirements specified in subsection A of this section do not apply to the owners or designated agents of nonresidential facilities and properties if the post-consumer 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 Section 8.20.090(E) through (O) from solid waste in as pure a form as is technically feasible. (Ord. dated 4/28/94: prior code § 11.08(17))

**8.20.160 Prohibitions on scavenging.**

It is unlawful for any person, firm or corporation to take, remove, scavenge or glean any recyclable materials that have been delivered to the town for storage, disposal, or recycling or to remove, without the express written authority of the town board, any recyclable materials from any recycling collection center or place situated within the town including materials that have been placed at roadside for pick up and disposal in front of any residence, business, or facility within the town. This prohibition shall not apply to anyone with whom the town has contracted for the collection and disposal recyclable materials. (Ord. dated 9/22/11).

**8.20.170 Prohibitions on use of nontransparent containers.**

No person may dispose of in a solid waste disposal facility, private collection center, or recycling center, any materials that are not contained in a transparent container. (Ord. dated 4/28/94: prior code § 11.080(18)(part))

**8.20.180 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 Section 8.20.090(E) through (O) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility. (Ord. dated 4/28/94: prior code § 11.080(19))

### **8.20.190 Enforcement.**

A. Any authorize officer, employee or representative of the town 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 nonresidential 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 chapter. No person may refuse access to any authorized officer, employee or authorized representative of the town who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper or interfere with such an inspection.

B. Any person who violates a provision of this chapter may be issued a citation by the town 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 subsection.

C. Penalties for violating this chapter may be assessed as follows:

1. Any person who violates Section 8.20.160 may be required to forfeit fifty dollars (\$50.00), plus costs, for a first violation, two hundred dollars (\$200.00), plus costs, for a second violation and not more than two thousand dollars (\$2,000.00), plus costs, for a third or subsequent violation.

2. Any person who violates a provision of this chapter, except Section 8.20.160, may be required to forfeit not less than ten dollars (\$10.00), plus costs, nor more than one thousand dollars (\$1,000.00), plus costs, for each violation. (Ord. dated 4/28/94: prior code § 11.08(20))