

TOWN OF DUNN

ORDINANCE #14-5A

AN ORDINANCE TO REVOKE CHAPTER 14-5 AND
RECREATING CHAPTER 14-5 OF THE GENERAL CODE OF ORDINANCES

The Town Board of the Town of Dunn, Dane County, Wisconsin does ordain that Chapter 14-5 of the General Code of the Town of Dunn, entitled Public Health and Sanitation, "Recycling Ordinance" be and the same is revoked and hereby re-created to read as follows:

TOWN OF DUNN

ORDINANCE #14-5A

RECYCLING ORDINANCE

The Town Board of the Town of Dunn, Dane County, Wisconsin, hereby ordains as follows:

Section 1: Purpose

- (1) The purpose of this ordinance is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in Chapter 159.11 of Wisconsin Statutes and Chapter NR 544 of the Wisconsin Administrative Code.
- (2) The provisions of this ordinance shall be administered by the Town Board or designee of the Town Board in accordance with the purpose of the ordinance.

Section 2: Statutory Authority

- (1) This ordinance is adopted as authorized under Chapter 159.09(3)(b), Wisconsin Statutes.

Section 3: Definitions

- (1) The following words are defined in this ordinance as follows:
 - (a) "Collector" means the contractor or entity authorized by the Town Board to collect, transport and dispose of the community's solid waste, recyclable and non-recyclable, or, person or persons contracting with waste generators for these services, and who will enforce preparation standards for recyclable materials as well as ensure community compliance with this source separation recycling program.
 - (b) "Corrugated cardboard" means heavy duty Kraft paper packaging material with a corrugated medium between two flat paper liners, and does not include paperboard such as for cereal or laundry detergent boxes or holders for 6 packs or 12 packs of beverage cans or bottles.
 - (c) "Garbage" means discarded materials resulting from the handling, processing, storage and consumption of food.
 - (d) "Glass" means discarded glass bottles, jars and

containers and does not include window glass, drinking glasses, pyrex, light bulbs or other non-container glass.

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

(f) "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) pursuant to authority vested in the Wisconsin Department of Natural Resources to describe and list materials thusly and also includes 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.)

(g) "Household Sharp Medical Waste" means any type of product capable of puncturing or lacerating the skin that is designed or used to treat, diagnose, or prevent a disease or medical condition, including, but not limited to, scalpels and hypodermic needles.

(h) "Lead-acid batteries" means automotive and related batteries that are comprised 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 item 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) "Multi-family dwelling" means a residential dwelling place intended to be the residence of more than four independent family units.

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

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

(n) "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.

(o) "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.

(p) "Person" includes any individual, corporation, organization, association, or other entity, local governmental unit, as defined in section 66.299(1), Wis. Stats., state agency or authority or federal agency.

(q) "Plastic container" means a blow molded plastic bottle made of high density polyethylene (HDPE) or a plastic bottle or jar made of polyethylene terephthalate (PET), 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.

(r) "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.

(s) "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 PET plastic containers; tires; used oil, lead-acid batteries; and large appliances. "Recyclable material" further means all materials identified as recyclable material in Wis. Statutes 159.07(3)(4) and NR 544.06 of the Wisconsin Administrative Code, as amended from time to time.

(t) "Rubbish" 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. "Rubbish" for purposes of this ordinance shall not include "oversize or bulky waste".

(u) "Sharps Container" means a container specifically manufactured for the disposal of sharp medical waste.

(v) "Solid Waste" means garbage, rubbish 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 waste water effluents or other common water pollutants.

(w) "Solid waste storage" shall mean safe, environmentally sound short-term containment of materials and for recyclable material 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 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, insulating 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.

Section 4: Applicability

(1) This ordinance shall apply to all persons, and appropriate waste generating activities, within the Town of Dunn.

Section 5: Conflict and Severability

(1) 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 Dane 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.

Section 6: Preparation Standards

(1) Preparation standards for recyclable materials shall be provided by notice to generators of waste and collectors by the Town or the collector under contract with the Town or individual persons. When additional materials become

recyclable, preparation standards for them will be established by the Town or Collector dependent upon available economic markets.

- (2) Acceptable recyclable materials shall be prepared in accordance with the following standards for collection purposes pursuant to this ordinance:
- a) "Newsprint" shall be dry, free of paper not normally included in the newspaper and not sunburned.
 - b) "Corrugated Cardboard" shall be flattened, empty and free of food debris and other contaminating material;
 - c) "Glass Containers" shall be unbroken, empty, clean and free of metal caps and rings, other contaminates such as window glass, drinking glasses, ceramics and similar material;
 - d) "Metal Cans" shall be empty with ends removed and flattened where possible, and clean with labels removed;
 - e) "Plastic Containers" shall not be tied together, and shall be empty, clean, flattened, and have caps removed.
 - f) "Lead-acid Batteries" shall have all caps firmly attached and be free from leaks.
 - g) "Tires" shall include automobile and light truck tires and other tires, removed from rims.
- (3) All garbage placed for collection shall be well drained, wrapped and deposited in water tight containers or water tight bags. No container or bag placed for collection shall exceed 32 gallons in capacity or 50 lbs. in weight.
- (4) Household Sharp Medical Waste Disposal. Household sharp medical waste shall not be deposited in any place or manner in the Town of Dunn other than as hereinafter provided:
- (a) Acceptable means of disposing of household sharp medical waste include:
 - 1. Disposal in an approval medical waste box, such as a Sharps container; or
 - 2. Disposal in a heavy plastic container, such as a laundry soap bottle, providing that the lid is permanently affixed thereto using tape or another means, and the container is marked "Medical Waste: Do Not Open".
 - (b) No container for household sharp medical waste or loose household sharp medical waste may be mixed with recyclables.
- (5) Any garbage or rubbish not placed for collection in accordance with the provisions of this section may be refused by the collector.

- (6) Grass, leaves and brush shall not be collected with the intent of disposal at sanitary landfills. The Town shall not be responsible for handling yard waste. 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. The Town of Dunn provides a collection site for yard waste where residents of the Town of Dunn may dispose of yard waste.

Section 7: Required Separation of Solid Waste

- (1) The owner or occupant of each residence, residential unit, place of business, church, industry or commerce or other place providing goods or services of any type shall cooperate in the recycling of recyclable material by performing the following:
- (a) Except as provided in (c) and (d) hereafter, all recyclable material shall be separated from other solid waste, grouped together by like materials and placed in containers for collection according to the collection schedule established under Section 8. Recyclables shall not be placed in containers with other solid waste.
 - (b) Newspaper and Corrugated cardboard. Newspapers shall be placed in a suitable container marked "NEWSPAPER" and placed at the curb line with solid waste on the designated collection date for the Town's collector. No newspapers, except newspapers rendered useless for recycling purposes, shall be disposed of in any manner by any resident or business so as to result in newspapers being disposed of in the Dane County sanitary landfill or any private landfill. 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) Owners of multi-family dwellings in the Town of Dunn must 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: 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 or used oil 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. Containers shall be clearly designated and marked as to the recyclable contained therein, and containers shall be maintained in a clean, safe and watertight condition.

- (d) Owners of commercial, retail, industrial and governmental facilities in the Town of Dunn must provide separate containers for recyclable materials and regular collection of those containers; and, must notify all users of their facilities of county and municipal recycling requirements.
 - (e) 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.
 - (f) Grass, leaves and brush are not to be included in solid waste, as they are banned from landfills.
 - (g) Owners of multiple family dwellings, commercial, retail, government and industrial facilities shall 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.
 - (h) The requirements specified in (c) (d) and (g) above do not apply to the owners or designated agents of non-residential facilities and properties or multiple family dwellings 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 7 (1)(a)(b) from solid waste in as pure a form as is technically feasible.
- (2) It shall be unlawful to bring into the Town of Dunn for disposal refuse or recyclables from outside the Town of Dunn.
 - (3) A collector may not dispose in a landfill or burn in a solid

waste facility any recyclable materials generated in the Town of Dunn that have been separated for recycling.

- (4) To the greatest extent practicable, the recyclable materials separated in accordance with Section 7(1) 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) Separation requirements of this ordinance do not apply to a recyclable material for which a variance has been granted by the Department of Natural Resources under s. 159.11(2m), Wis. Stats., or s. NR 544.14, Wis. Administrative Code.

Section 8: Collection Schedule

- (1) The Town Board and Town's collector shall establish the time of collection of solid waste, including recyclable materials, and the clerk shall distribute the collection schedule according to regulation established under Section 15.
- (2) All persons having solid waste, including recyclable materials, shall place the same in containers or water-tight bags or bundles as herein required at the collection point not sooner than 24 hours prior to the regularly scheduled collection time and no person shall permit solid waste containers thereof to accumulate or remain at the curb line longer than 12 hours thereafter.

Section 9: Placing of Solid Waste for Collection

- (1) Except as otherwise specifically directed or authorized by the Town Board under (2), solid waste containers from all residential premises shall be placed at the curb line adjacent to the street designated in the published collection schedule.
- (2) The Town Board may direct or authorize the placing of solid waste containers in a manner different than that provided herein in order to facilitate a more reasonable mode of collection from particular premises.

Section 10: Garbage or Rubbish not to be Deposited in any Other Place or Manner than herein Provided.

- (1) No person shall place any garbage on any street, or other public or private property unless the same shall be placed

in containers or bags for town collection at the times and in the manner as herein provided.

- (2) No person shall place for collection any solid waste at the curb line or adjacent to any premises not owned or occupied by such person.

Section 11: Recyclable Material Property of Town

- (1) All residential recyclable material collected and deposited as provided in this section shall be the property of the Town.
- (2) Recyclables collected privately for businesses and apartments are the property of those entities.

Section 12: Items not to be Placed for Pick Up

- (1) No person shall dump, deposit or place at the curb line adjacent to any street for collection by the town or for any other purpose any of the following:
 - (a) Large amounts of stone, concrete, rubber, earth or sod.
 - (b) Lead-acid batteries and tires.
 - (c) Grass, leaves and brush.
 - (d) Containers over 32 gallons or over 50 lbs.
 - (e) Garbage or rubbish in such a manner as will permit strewing by animals or vandals prior to collection.

Section 13: Anti-scavenging Provision

- (1) Persons shall not pilfer recyclables or disturb recyclable materials placed for collection. All recyclable materials placed for collection pursuant to this ordinance shall thereupon become the property of the municipality, or, the municipality's authorized agent, or, a private collector whom persons in the municipality 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.

Section 14: Violation and Penalty

- (1) For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the Town of Dunn may inspect recyclable materials separated for recycling, post-consumer 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 officer, employee or authorized representative of the Town of Dunn 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 a Town of Dunn law enforcement officer 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) Any person who violates any provision of this ordinance or any regulations promulgated pursuant to this ordinance shall forfeit upon conviction thereof not less than Fifty Dollars (\$50.00) 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 One Hundred Dollars (\$100.00) 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. In addition to or in lieu of the penalty provided herein, the violator may be required by court order to clean up, remove or pay the cost of clean up or removal of any garbage or rubbish placed in violation of this ordinance and pay for the cost of all medical care necessary should any injury be caused by the improper disposal of household sharp medical waste.

Section 15: Promulgation of Regulations

- (1) Town Board of the Town of Dunn shall prepare regulations, standards and schedules as necessary to make effective all

provisions of this ordinance. Periodically, upon a schedule adopted by the municipality, the Town of Dunn shall prepare notices and distribute other information to persons and entities generating waste within the town for purpose of informing the public about the requirements dictated by this mandatory source separation recycling ordinance.

Section 16: Licensing and Other Requirements

- (1) No person or corporation shall engage in the business of hauling recyclables within the Town of Dunn without being licensed by the Wisconsin Department of Natural Resources under section NR 502.06 of the Wisconsin Administrative Code.
- (2) Any contractor operating in the Town of Dunn shall not transport for processing any recyclables to a processing facility unless that facility has been approved in writing by the Town of Dunn and the facility has self-certified with the Wisconsin DNR under section NR 544.16 of the Wisconsin Administrative Code.
- (3) Collectors who collect solid waste or recyclables in the Town of Dunn for storage, treatment, processing, marketing or disposal shall obtain and maintain all necessary municipal and state permits, licenses and approvals prior to collecting any materials in the Town of Dunn.
- (4) Collectors operating in the Town of Dunn are required to maintain records and report in writing to the Town clerk on a monthly basis. Reports shall include: the amount of solid waste and recyclables processed and or marketed by item type from the Town of Dunn; and the final disposal location of solid waste and recyclable material. Failure to report shall be cause for the Town to revoke any license or sever any contract with the collector.
- (5) Collectors have the right to reject or leave at the curb any recyclable material that is not prepared according to the specifications in this ordinance, applicable regulations, or educational material provided by the contractor to service recipients. Materials may also be left if not separated from solid waste, placed in the proper container, or are not designated recyclable material. In such cases, the collector shall notify the generator in writing of the materials about the reasons for rejecting the items.
- (6) Collectors shall maintain a list of residents who are commingling recyclable material with other solid waste and provide it to the municipality with the monthly report.

Section 17: Consistency

- (1) All ordinances of the Town of Dunn or parts of those ordinances construed to be inconsistent with this ordinance for the purpose of achieving an effective recycling program

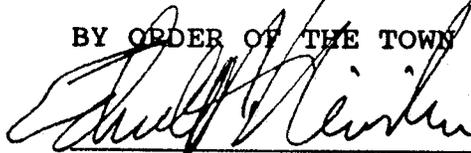
in the municipality shall be hereby repealed as to such inconsistency only for the limited purpose of making effective all provision in this ordinance.

Section 18: Effective Date

- (1) This ordinance shall be in full force and effect on passage and publication as required, except the recycling provision pertaining to curb side pick up shall be effective on January 1, 1995 or such earlier date as the Town Board may adopt by ordinance.

Adopted this 20 day of December, 1994.

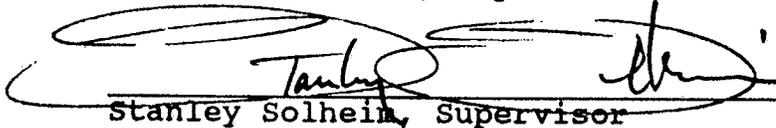
BY ORDER OF THE TOWN BOARD OF THE TOWN OF DUNN



Edmond P. Minihan, Chairman



Eleanor A. White, Supervisor



Stanley Solheim, Supervisor

Attested:


Rosalind Gausman, Clerk

Posted: