

ORDINANCE NO. 54

TOWN OF GENEVA RECYCLING ORDINANCE

Section 1.01 Title.

"Town of Geneva Recycling Ordinance"

Section 1.02 Purpose.

The purpose of this Ordinance is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in Section 159.11, Wisconsin Statutes, and Chapter NR 544 of the Wisconsin Administrative Code.

Section 1.03 Statutory Authority.

This ordinance is adopted as authorized under Section 159.09(3)(b), Wisconsin Statutes, and the Town of Geneva.

Section 1.04 Abrogation and Greater Restrictions.

It is not intended by this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing rules, regulations, Ordinances, or permits previously adopted or issued pursuant to law. However, whenever this Ordinance imposes greater restrictions, the provisions of this Ordinance shall apply.

Section 1.05 Interpretation.

In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the 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, Wisconsin Administrative Code, and where the Ordinance provision is unclear, the provisions 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 most recent text amendment to this Ordinance.

Section 1.06 Severability.

Should any portion of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected.

Section 1.07 Applicability.

The requirements of this Ordinance apply to all persons within the Town of Geneva.

Section 1.08 Administration.

The provisions of this Ordinance shall be administered by the Town of Geneva.

Section 1.09 Effective Date.

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

Section 1.10 Definitions.

For the purpose of this Ordinance:

- A. "Bi-Metal Container" means a container for carbonated or malt beverages that are made primarily of a combination of steel and aluminum.
- B. "Container Board" means corrugated paperboard used in the manufacture of shipping containers and related products.
- C. "Foam Polystyrene Packaging" means packaging made primarily from foam polystyrene that satisfies one of the following criteria:
 - 1. Is designed for serving food or beverages.
 - 2. Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.
 - 3. Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.
- D. "HDPE" means high-density polyethylene, labeled by the SPI Code No. 2.
- E. "LDPE" means low density polyethylene, labeled by the SPI Code No. 4.
- F. "Magazines" means magazines and other materials printed on similar paper.
- G. "Major Appliance" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, furnace, water heater, or stove.
- H. "Multiple Family Dwelling" means a property containing 5 or more residential units, including those which are occupied seasonally.
- I. "Newspaper" means a newspaper and other printed materials on newsprint.
- J. "Non-Residential Facilities and Properties" means commercial, retail, industrial, institutional, and governmental facilities and properties. This term does not include Multiple Family Dwellings.
- K. "Office Paper" means high-grade printing and writing papers from offices in non-residential facilities and properties.
- L. "Other Resins or Multiple Resins" means plastic resins labeled by the SPI Code No. 7.

- M. "Person" includes any individual, corporation, partnership, association, local government unit, as defined in Section 66.299(1) (a), Wisconsin Statutes, State Agency or authority, or Federal Agency.
- N. "PETE" means polyethylene terephthalate, labeled by the SPI Code No. 1.
- O. "Plastic Container" means an individual rigid plastic bottle, can, jar, or carton, except for a blister pack, that is originally used to contain a product that is the subject of a retail sale.
- P. "Postconsumer Waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in Section 144.61(5), Wisconsin Statutes, waste from construction and demolition of a structure, scrap automobiles, or high-volume industrial waste, as defined in Section 144.44(7) (a) 1., Wisconsin Statutes.
- Q. "PP" means polypropylene, labeled by the SPI Code No. 5.
- R. "PS" means polystyrene, labeled by the SPI Code No. 6.
- S. "PVC" means polyvinyl chloride, labeled by the SPI Code No. 3.
- T. "Recyclable Materials" includes lead acid batteries; waste oil; major appliances; yard waste; aluminum containers; corrugated paper or other container board; glass containers; magazines; newspaper; office paper; foam polystyrene packaging; rigid plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins; steel containers; bi-metal containers; and waste tires.
- U. "Solid Waste" has the meaning specified in Section 144.01(15), Wisconsin Statutes.
- V. "Solid Waste Facility" has the meaning specified in Section 144.43(5), Wisconsin Statutes.
- W. "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.
- X. "Waste Tire" means a tire that is no longer suitable for its original purpose because of wear, damage, or defect.
- Y. "Yard Waste" means leaves, grass clipping, yard and garden debris and brush, including clean woody vegetative material no greater than 6 inches in diameter. This term does not include stumps, roots, or shrubs with intact root balls.

Section 1.11 Separation 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:

- 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
- K. Newspaper
- L. Office paper
- M. Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins
- N. Steel containers
- O. Waste tires

Section 1.12 Separation Requirements Exempted.

The separation requirements of Section 1.11 do not apply to the following:

- A. 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 Section 1.11 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 30% of the heat input to the facility is derived from the solid waste burned as supplemental fuel.
- C. A recyclable material specified in Section 1.11(E) through (O) for which a variance has been granted by the Wisconsin Department of Natural Resources under Section 159.11(2m), Wisconsin Statutes, or Section NR 544.14, Wisconsin Administrative Code.

Section 1.13 Care of Separated Recyclable Materials.

To the greatest extent practicable, the recyclable materials separates in accordance with Section 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.

Section 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 contact the contractor duly appointed by the Town of Geneva to manage lead acid batteries, major appliances, waste oil, and yard waste.

- A. Occupants shall be responsible for any associated charges relating to the management of the materials specified in Section 1.11(A) through (D).

Section 1.15 Preparation and Collection of Recyclable Materials.

Except as otherwise directed by the Town of Geneva, occupants of single-family and 2 to 4 unit residences, multiple-family dwellings, and non-residential facilities and properties shall do the following for the preparation and collection of the separated materials specified in Section 1.11(E) through (O):

- A. Aluminum containers shall be empty and as clean as possible and placed loosely in the recycling bin.
- B. Bi-metal containers shall be empty and as clean as possible and placed loosely in the recycling bin.
- C. Corrugated paper or other container board shall be placed in a brown paper bag or bundled and placed on or adjacent to the recycling bin.
- D. Foam polystyrene packaging shall be empty and as clean as possible and placed loosely in the recycling bin.
- E. Glass containers shall be empty and as clean as possible and placed loosely in the recycling bin.
- F. Magazines shall be placed in a brown paper bag or bundled and placed on or adjacent to the gallon recycling bin.
- G. Newspaper shall be placed in a brown paper bag or bundled and placed on or adjacent to the recycling bin.
- H. Office Paper shall be placed in a brown paper bag or bundled and placed on or adjacent to the recycling bin.
- I. Rigid plastic containers specified in Section 1.11(M) shall be as clean as possible and placed loosely in the recycling bin.
- J. Steel containers shall be empty and as clean as possible and placed loosely in the recycling bin.
- K. Waste tires shall have rims removed and placed adjacent to recycling bin. Tires larger than 40 inches in diameter must be quartered prior to placement for collection.
- L. Occupants of single-family and 2 to 4 unit residences, multiple-family dwellings, and non-residential facilities and properties shall place the recycling bin holding recyclables at the roadside by 6:00 a.m. on collection day.
 - 1. Roadside collection shall be provided on a weekly basis.

M. Occupants of single-family and 2 to 4 unit residences, multiple-family dwellings, and non-residential facilities and properties shall be responsible for the associated charges relating to the management of the materials specified in Section 1.11(E) through (O).

1. The contractor is authorized to invoice all associations, single-family and 2 to 4 unit residences, multiple-family dwellings, and non-residential facilities and properties for this service at the contracted per unit rate.
2. Multiple-family dwellings and non-residential facilities and properties requiring additional recycling service above 18 gallons per week shall be responsible for any additional charges.
3. Invoices for recycling services shall be paid within thirty (30) days of receipt.

Section 1.16 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 to recycle the materials specified in Section 1.11(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 semi-annually 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 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.

B. The requirements specified in A. 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 Wisconsin Department of Natural Resources that recovers for recycling the materials specified in Section 1.11(E) through (O) from solid waste in as pure a form as is technically feasible.

Section 1.17 Responsibilities of Owners or Designated Agents of Non-Residential Facilities and Properties.

A. Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in Section 1.11(E) through (O):

1. Provide adequate, separate containers for the recyclable materials.
2. Notify tenants 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 of the properties and the delivery of the materials to a recycling facility.
 4. Notify users, tenants, and occupants of the properties 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.
- B. The requirements specified in A. do not apply to the owners or designated agents of non-residential facilities and properties if the postconsumer waste generated within the facility of property is treated at a processing facility licensed by the Wisconsin Department of Natural Resources that recovers for recycling the materials specified in Section 1.11(E) through (O) from solid waste in as pure a form as is technically feasible.

Section 1.18 Prohibitions on Disposal of Recyclable Materials Separated for Recycling.

No person may dispose of in a solid waste facility or burn in a solid waste treatment facility any of the materials specified in Section 1.11(E) through (O) which have been separated for recycling, except waste ties may be burned with energy recovery in a solid waste treatment facility.

Section 1.19 Enforcement.

- A. For the purpose of ascertaining compliance with the provisions of this Ordinance, any authorized officer, employee, or representative of the Town of Geneva may inspect recyclable materials separated for recycling, postconsumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings, and non-residential facilities and properties, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to any authorized representative of the Town of Geneva who requests access for purpose 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 Ordinance may be issued a citation by the Town of Geneva 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 shall not preclude the issuance of a citation under this Paragraph.
- C. Penalties for violating this Ordinance may be assessed as follows:
1. Any person who violates Section 1.18 may be required to forfeit Fifty (\$50.00) Dollars for the first violation, Two Hundred (\$200.00) Dollars for a second violation, and not more than Two Thousand (\$2,000.00) Dollars for a third or subsequent violation.
 2. Any person who violates a provision of this Ordinance, except Section 1.18, may be required to forfeit not less than Ten (\$10.00) Dollars nor more than One Thousand (\$1,000.00) Dollars for each violation.

Section 1.20 Effective Date.

This Ordinance shall be effective from and after its adoption by the Town Board and its posting or publication thereof as provided by the Statutes of the State of Wisconsin.

Adopted the 12th day of December, 1994.

THE TOWN BOARD OF THE TOWN OF GENEVA,
WALWORTH COUNTY, WISCONSIN

Richard Ploch, Chairman (Signature on File)

Kenneth W. Piantino, Supervisor (Signature on File)

Richard P. Behof, Supervisor (Signature on File)

ATTEST:

Warren Schinke, Clerk (Signature on File)