

ORDINANCE NO. 66  
REDYCLING ORDINANCE  
TOWN OF JEFFERSON

The Town Board of the Town of Jefferson DO ORDAIN as follows:

- 1.1. Title. Recycling Ordinance for the Town of Jefferson.
- 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. Admin. Code.
- 1.3. Statutory authority. This ordinance is adopted as authorized under x.159.09(3) (b), 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 the Wisconsin Statutes, or by a standard in 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 Jefferson.
- 1.8. Administration. The provisions of this ordinance shall be administered by the Town Board of the Town of Jefferson.
- 1.9. Effective Date. The provisions of this ordinance shall take effect upon adoption of this ordinance.
- 1.10. Definitions. For the purpose of this ordinance:
  1. "Bi-metal container" means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.
  2. "Container board" means corrugated paperboard used in the manufacture of shipping containers and related products.
  3. "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.

4. "HDPE" means high density polyethylene, labeled by the SPI code #2.
5. "LDPE" means low density polyethylene, labeled by the SPI code #4.
6. "Magazines" means magazines and other materials printed on similar paper.
7. "Major appliance" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, or stove.
8. "Multiple-family dwelling" means a property containing five or more residential units, including those which are occupied seasonally.
9. "Newspaper" means a newspaper and other materials printed on newsprint.
10. "Non-residential facilities and properties" means commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.
11. "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.
12. "Other resins or multiple resins" Means plastic resins labeled by the SPI code #7.
13. "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.
14. "PETE" means polyethylene terephthalate, labeled by the SPI code #1.
15. "Plastic container" means an individual, separate, 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 retail sale.
16. "Postconsumer Waste" means solid waste other than the solid waste generated in the production of goods, hazardous waste, as defined in s. 144.61(5), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in s. 144.44(7)(a)1. Wis. Stats.
17. "PP" means polypropylene, labeled by the SPI code #5.
18. "PS" means polystyrene, labeled by the SPI code #6.
19. "PVC" means polyvinyl chloride, labeled by the SPI code #3.
20. "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, newspaper, office paper, advertising circulars, rigid plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins, steel containers, waste tires, scrap metal, and bi-metal containers.
21. "Solid waste" has the meaning specified in s. 144.01(15), Wis. Stats.
22. "Solid waste facility" has the meaning specified in s. 144.43 (5), Wis. Stats.
23. "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.

24. "Treatment" includes incineration.
25. "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
26. "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 Separation of Recyclable Materials. Occupants of single family and two to four 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 appliance
3. Waste oil
4. Yard waste
5. Aluminum container
6. Bi-metal containers
7. Corrugated paper or other container board
8. Foam polystyrene packaging
9. Glass containers
10. Magazine
11. Newspaper
12. Office paper
13. Advertising circulars (junk mail)
14. Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins.
15. Steel containers
16. Waste tires
17. Scrap metal

1.12 Separation Requirements Exempted. The separation requirements of s.1.11 do not apply to the following:

1. Occupants of single family and two to four 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 that 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.1.1(5) through (15) 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. Admin. Code.

1.13 Care of Separated Recyclable Material. To the greatest extent practicable, the recyclable material separated in accordance with x. 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 container. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions. The collector of recyclables shall be entitled to refuse to accept recyclable that are contaminated or otherwise in a condition that makes recycling infeasible.

1.14 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 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 placed at the roadside separated from solid waste for collection by the Township's Solid Waste Contractor. Car, truck, and other automotive batteries only will be collected. Battery casing must be unbroken.
2. Major appliances shall be placed at roadside separated from solid waste for collection by the Township's Solid Waste Contractor. Appliances shall be upright and empty. Freezers and refrigerators must have doors removed. Town residents must contact the Township's Solid Waste Contractor to arrange for collection of all appliances.
3. Waste oil shall be placed at roadside separated from solid waste for collection by the Township's Solid Waste Contractor. Common engine oil only will be collected. Such oil must be in leak-proof non-breakable containers of a maximum size of one gallon.
4. Yard waste shall be composted by the home owner via backyard composting or taken to the compost site operated by the City of Fort Atkinson.

1.15 Preparation and Collection of Recyclable Materials.

1. Each residential and commercial unit in the Town of Jefferson shall be provided with one authorized recycling collection container per unit prior to February 1, 1994. All recyclable materials shall be prepared as herein below directed. Those items directed to be placed in the collection container may be commingled therein. Except as otherwise directed by the Town Board for the Town of Jefferson, such container shall be placed within five (5) feet of the roadside prior to 6:30 a.m. on the designated day pick up in an area of easy accessibility. Recyclables that have been scattered by wind, animals, or vandals shall be the responsibility of the residents.
2. Commercial establishments will receive the same curbside service as residential units from the Township's designated Solid Waste Contractor. Those commercial establishments which require more than one recycling container for use in containing recyclables will be required to contract separately, at their own expense, if any, for the handling of such additional recyclables.
3. Except as otherwise directed by the Town Board for the Town of Jefferson, occupants of single family and two to four unit residences shall do the

following for the preparation and collection of the materials specified in s. 1.11(5) through (15):

- a. Aluminum containers shall be rinsed and placed in the recycling container provided for collection. No aluminum foil, TV dinner trays, etc., will be collected. Aluminum beverage cans only.
- b. Bi-metal containers shall be rinsed and may have labels removed and shall be placed in the recycling container provided for collection. Containers may be flattened to save space within the recycling container.
- c. Corrugated paper or other container board shall be flattened and tied in bundles and placed along side the recycling container for collection.
- d. Foam polystyrene packaging will not currently be collected for recycling. This material has received a statewide exemption from recycling.
- e. Glass containers shall be rinsed, all metal and plastic caps and rings shall be removed, and the containers shall be placed in the recycling container for collection.
- f. Magazines shall be tied in bundles or placed in paper grocery bags and placed along or within the recycling container for collection.
- g. Newspaper shall be tied in bundles or placed in paper grocery bags and placed along or within the recycling container for collection.
- h. Advertising circulars (junk mail) shall be placed in paper grocery bags and placed along or within the recycling container for collection.
- i. Office paper shall be placed inside paper grocery bags and placed along or within the recycling container for collection.
- j. Plastic containers made of PETE shall be rinsed and placed within the recycling container for collection. Containers may be flattened to save space within the recycling container.
- k. Plastic containers made of HPDE shall be rinsed and placed within the recycling container for collection. Containers may be flattened to save space within the recycling container.
- l. Plastic containers made of PVC, LDPE, PP, PS and other resins or multiple resins will not be collected for recycling. These types of plastics have received a statewide exemption from recycling.
- m. Steel containers shall be rinsed, labels may be removed and placed in the recycling container provided for collection. Containers may be flattened to save space within the recycling container.
- n. Waste tires shall be placed at roadside separated from solid waste for collection by the Township's Solid Waste Contractor. Car, truck, and other tires not exceeding four (4) feet in diameter or eighty (80) pounds in weight will be collected.
- o. Scrap metal shall be placed at roadside separated from solid waste for collection by the Township's Solid Waste Contractor. Size and weight limitations apply.



**1.16 Responsibilities of Owners or Designated Agents of Multiple-family Dwellings.**

1. Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in s. 1.11(5) through (15):
  - a. Provide adequate containers for the recyclable materials.
  - b. Notify tenants in writing at the time of renting or leasing the dwelling and at least semiannually there-after about the 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 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.
2. The requirements specified in 1.16.1, above do not apply to the owners or designated agent 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 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.** Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in s. 1.11(5) through (15):

- 1.18 Payment Procedure. Owners of properties identified to receive roadside or other pick up service will be billed for such service by the Town of Jefferson as a special assessment levied on the tax bill submitted at the end of the year.
- 1.19 Township Recycling Committee. The Town Board of the Town of Jefferson shall act as the Township Recycling Committee along with the recycling contractor to coordinate and develop the educational programs necessary to implement the roadside collection program.
- 1.20 Promulgation of Regulations. The Town Board shall prepare regulations, standards, and schedules as necessary to make effective all provisions of this ordinance. Periodically, the Town Board shall have notices prepared and shall distribute other information to persons and entities generating waste within the township for the purpose of informing the public about the requirements dictated by this mandatory source separation recycling ordinance
- 1.21 Prohibitions on Disposal of Recyclable Materials Separated for Recycling. 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.
- 1.22 Recyclables from Outside of the Township. No person shall bring recyclables or refuse from outside the Town of Jefferson limits into the Town limits for disposal by

the Town of Jefferson, its collector, or a private hauler unless specifically authorized by agreement with the Town of Jefferson.

- 1.23 Anti-scavenging Provision. Persons shall not pilfer recyclables or disturb recyclables once those materials are placed for collection unless good faith applies. All recyclable materials placed for collection pursuant to this ordinance shall thereupon become the property of the Township, or, the Township's authorized agent, or, a private collector/hauler with whom persons in the Township have contracted to perform functions pursuant to the recycling plan provided in this ordinance. Only persons authorized by the Township 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.

1.24 Enforcement.

1. For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the Town of Jefferson may inspect recyclable materials separated for recycling, postconsumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collections 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 Township of Jefferson 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 any Town of Jefferson constable. 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. 1.21 may be required to forfeit \$50.00 for a first violation, \$200.00 for a second violation, and not more than \$2000.00 for a third or subsequent violation.
  - b. Any person who violates a provision of this ordinance, except s. 1.21, may be required to forfeit no less than \$10.00 nor more than \$1000.00 for each violation.
4. Each incident of violation shall be a separate offense and each day or part thereof during which a violation occurs shall be deemed a separate offense.

The Town Board DO FURTHER ORDAIN that this Ordinance shall be effective following its adoption and publication.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 1994.

TOWN OF JEFFERSON, by:

\_\_\_\_\_  
Chairman

Attest:

\_\_\_\_\_  
Town Clerk

Passed: \_\_\_\_\_

Vote:  
Ayes: \_\_\_\_\_ Noes: \_\_\_\_\_

Published: \_\_\_\_\_, 199\_\_.