

**TOWN OF CADIZ
RECYCLING ORDINANCE**

- 1.01 Title. Recycling Ordinance for Town of Cadiz.
- 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 §159.11 Wis. Stats and Chapter NR 544, Wis. Administrative Code.
- 1.03 Statutory Authority. This ordinance is adopted as authorized under §159.09(3)(b), Wis. Stats.
- 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 restriction, the provisions of this ordinance shall apply.
- 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 Wis. Administrative Code, and where the ordinance 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 this ordinance, or in effect on the date of the most recent text amendment to this ordinance.
- 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.
- 1.07 Applicability. The requirements of this ordinance apply to all persons within the Town of Cadiz.
- 1.08 Administration. The provisions of this ordinance shall be administered by Cadiz Town Board.
- 1.09 Effective Date. The provisions of this ordinance shall take effect on January 1, 1995.
- 1.10 Definitions. For the purposes 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 paper board 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 Appliances" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, stove, furnace, boiler, dehumidifier, and water heater.
- 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 government unit as defined in §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 plaster pack, that is originally used to contain a product that is subject of a retail sale.
- 16) "Postconsumer Waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in §144.61(5). Wis. State, waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in §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; rigid plastic containers, including those made of PETE, HDPE, PVC, PLPE, PP, PS, and other resins or multiple resins; steel containers; waste tires; and bi-metal containers.
- 21) "Solid Waste" has the meaning specified in §144.01(15), Wis. Stats.
- 22) "Solid Waste Facility" has the meaning specified in §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. "Treatment" includes incineration.
- 24) "Waste Tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.

- 25) "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 appliances
 - 3) Waste oil
 - 4) Yard waste
 - 5) Aluminum containers
 - 6) Bo-metal containers
 - 7) Corrugated paper or other container board
 - 8) Foam Polystyrene packaging
 - 9) Glass Containers
 - 10) Magazines
 - 11) Newspaper
 - 12) Office paper
 - 13) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins.
 - 14) Steel containers
 - 15) Waste tires
- 1.12 Separation Requirements Exempted. The separation requirements of §4344 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 the materials specified in §1.11 from solid waste in a 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 §1.11(5) through (15) for which a variance has been granted by the Department of Natural Resources under §159.11(2m), Wis. Stats., or §NR 544.14, Wis. Administrative Code.
- 1.13 Care of Separated Recyclable Materials. To the greatest extent practicable, the recyclable materials separated in accordance with §1.11 shall be clean and dept 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, raid, and other inclement weather conditions.
- 1.14 Management of Lead Acid Batteries, Major Appliances, Waste Oil and Yard Waste. Occupants of single family and 2 to 4 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 returned to the retailer.
- 2) Major appliances shall be brought to the Cadiz Recycling Center on designated dates twice yearly. A fee to be determined by the town board will be charged on appliances containing freon.
- 3) Waste oil shall be taken to the City of Monroe to a used oil collection facility.
- 4) Yard waste shall be managed on site.

1.15 Preparation and Collection of Recyclable Materials. Except as otherwise directed the Town of Cadiz, occupants of single family and 2 to 4 unit residences shall do the following for the preparation and collection of the separated materials specified in §1.11(5) through (15:

- 1) Aluminum containers shall be rinsed and flattened.
- 2) Bi-metal containers shall be rinsed and flattened, with labels removed.
- 3) Corrugated paper or other container board shall be clean, flattened, and bundled.
- 4) Foam polystyrene packaging shall be rinsed clean.
- 5) Glass containers shall be rinsed clean and sorted by color. Caps and rings shall be removed.
- 6) Magazines shall be clean, tied in bundles or bagged, and staples removed if applicable.
- 7) Newspaper shall be clean, tied in bundles or bagged, and staples removed if applicable.
- 8) Office paper shall be clean, tied in bundles or bagged, and staples removed if applicable.
- 9) Rigid plastic containers shall be prepared and collected as follows:
 - a) Plastic containers made of PETE, including #1 plastics, shall be rinsed clean, with caps, rings, and labels removed if possible.
 - b) Plastic containers made of HDPE, including #2 plastics, shall be rinsed clean, with caps, rings, and labels removed if possible.
 - c) Plastic containers made of PVC, including #3 plastics, shall be rinsed clean, with caps, rings, and labels removed if possible.
 - d) Plastic containers made of LDPE, including #4 plastics, shall be rinsed clean, with caps, rings, and labels removed if possible.
 - e) Plastic containers made of PP, including #5 plastics, shall be rinsed clean, with caps, rings, and labels removed if possible.
 - f) Plastic containers made of PS, including #6 plastics, shall be rinsed clean, with caps, rings, and labels removed if possible.
 - g) Plastic containers made of other resins or multiple resins, including #7 plastics, shall be rinsed clean.

NOTE: Caps and rings that are removed should be discarded by placing them in the designated receptable at the Cadiz Recycling Center.

- 10) Steel containers shall be rinsed clean with labels removed, and flattened if possible.
- 11) Waste tires shall be brought to the Cadiz Recycling Center for a fee to be determined by the Cadiz Town Board.

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 §1.11(5) through (15):
 - a) Provide adequate, separate containers for the recyclable materials.
 - b) Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established 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 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.
- 2) The requirements specified in (1) do not apply to the owners or designated agents of non-residential facilities and properties if the postconsumer waste generally 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 §1.11(5) through (15) from solid waste in as pure a form as is technically feasible.

1.17

1.18 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 §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.

1.19 Enforcement.

- 1) For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the Town of Cadiz 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 office, employee or authorized representative of the Town of Cadiz who requests for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper or interfere with such an inspection.
- 2) Any person who violated a provision of this ordinance may be issued a citation by the Cadiz town board to collect forfeitures. The issuance of a citation shall not preclude preceding under any 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 violated §1.18 may be required to forfeit \$50 for a first violation, \$200 for a second violation, and not more than \$2,000 for a third or subsequent violation.
 - b) Any person who violated a provision of this ordinance, except §1.18, may be required to forfeit not less than \$10 nor more than \$1,000 for each violation.

The Town Board of the Town of Cadiz, Wisconsin, do ordain as follows:

Section 1. The code of ordinances in book form entitled, "Municipal Code of the Tow of Cadiz, Wisconsin", having been placed on file and open to public inspection in the office of the town clerk for a period of two weeks, commencing December 12, 1994, in accordance with the procedure provided under §66.035 of Wis. Stats. Is hereby adopted as the general code of ordinances in and for the Town of Cadiz, Green County, Wisconsin, and all previously adopted general ordinances of the Town of Cadiz are hereby repealed, except as provided in Section 2 of this ordinance.

Section 2. The code of general ordinances hereby adopted shall not be deemed to repeal any ordinances of the Town of Cadiz or any general ordinance or part hereof relating to the following subjects and not conflicting with any of the provisions of the "Municipal Code of the Town of Cadiz, Wisconsin".

Section 3. This ordinance shall take effect upon passage and publication as required by law.

Adopted this 14th day of December 1994.

Publisher: Town of Cadiz

ATTESTED: Jayne M. Butts, Town Clerk

Jayne M. Butts

Joseph Drye, Chairman

Joseph H Drye