

TOWN OF VERONA
ORDINANCE 2009-01
Mandatory Recycling

The Town board of the Town of Verona, Dane County, Wisconsin, hereby ordains as follows:

Section 1. Purpose. The Town Board finds participation in a mandatory source separation recycling program appropriate in this jurisdiction. The Town further finds it appropriate to participate in both county-wide and state-wide recycling programs to conserve energy, recycle valuable resources, and to protect public health, welfare and the environment. The municipality also finds participation in these programs appropriate to achieve consistency with the county-wide recycling policies to ensure that the Town will be able to use the county-owned landfill and the county material recycling facility.

Section 2. Definitions. The following words are defined in this ordinance as follows:

- (a) "Collector/Hauler" means the contractor or entity chosen by the Town Board to handle, transport and dispose of the community's solid waste, recyclables and non-recyclables or, person or persons contracting with waste generators for these services, and 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 paperliners, and does not include paperboard such as for cereal or laundry detergent boxes or holders for 6 packs or 23 packs of beverage cans or bottles.
- (c) "Garbage" means discarded materials resulting from the handling, processing, storage and consumption of food.
- (d) "Glass" means glass bottles, jars and containers and does not include windows 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 or the Wisconsin Administrative Code including all amendments provided thereto as provided therein pursuant to section 144.62 Wis Stats., or other acts pursuant to authority vested in the Wisconsin Department of Natural Resources to describe and list materials thusly and also includes in the meaning of "hazardous waste" or "hazardous substance" as described supra those solid wastes or substances found in household waste (notwithstanding the house-hold waste exclusion provided in s. NR 181.12(4)(a), Wisconsin Administrative Code.
- (g) "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.
- (h) "Major appliances" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, oven, refrigerator, stove, water heater or any other item commonly referred to as a white good.
- (i) "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.
- (j) "Multifamily dwelling" means a residential dwelling place intended to be the residence of four or more independent family units.
- (k) "Municipality" means a city, village or town located wholly or partly within the boundaries of Dane County.

- (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 of waste no 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 "newspaper", 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, 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 intensity 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; broken brown, green and clear container class; aluminum, bi-metal and tin coated steel cans; blow molded HDPE and PET plastic containers; tires regardless of size, used oil; lead-acid batteries; and large appliances. Recyclable material further means identified materials meeting preparation standards where economical markets or short-term storage are available and shall include the following: other paper; polystyrene foam; PVC containers; polypropylene containers; HDPE and PET containers other than bottles; types of plastic containers labeled "other"; and other materials determined to have economical markets available.
- (t) "Refuse" 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; and, building materials such as wood, concrete, glass, plaster and other intermixed materials produced in construction or demolition of structures. "Refuse" for purposes of this ordinance shall not include "oversize or bulky waste."
- (u) "Solid Waste" means garbage, refuse 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 affluent or other common water pollutants.
- (v) "Solid waste storage" shall mean safe, environmentally sound short-term containment of materials and for recyclables shall involve preserving materials in a condition meeting preparation standards.
- (w) "Tires" for collection purposes shall mean rubber tires, from automobile and light truck tires and other tires which are removed from rims.
- (x) "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.
- (y) "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 3. Applicability. This ordinance shall apply to all persons, entities and appropriate waste generating activities, within the corporate limits of the Town of Verona. Owners of all one and two family homes shall participate in the contract arranged by the Town of Verona. Owners of multiunit residential homes may choose to use the town contract or contract privately for non recyclable and recyclable service. Owners of Commercial, Retail, Industrial, Institutional and Governmental Facilities shall contract privately for non recyclable and recycling service.

Section 4. Conflict and Severability. 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 5. Mandatory Source Separation and Collection. The following provisions shall apply to all non-hazardous solid waste generated within the municipality.

(a) Non-recyclable Material.

1. All garbage, refuse and other non-recyclable materials shall be collected removed and disposed of pursuant to the municipality's agreement with the designated collector/hauler or property owner's private agreement with collectors/haulers unless such arrangements are unavailable or not required, in which case persons shall follow these guidelines in their own disposal of solid waste generated. (Owners of commercial, retail, industrial, institutional and government facilities shall make private arrangements for collection.)
2. All garbage, refuse and other non-recyclable materials shall be placed curbside for collection in the container provided.
3. Any container placed curbside for collection as refuse or non-recyclable material which contains any recyclable material may be refused by the collector/hauler unless the generator shows good faith for recycling.
4. The municipality shall not provide services or make any special arrangements for collection of oversize and bulky waste.
5. The municipality shall not take responsibility 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 or burning of yard waste on private property is permitted where no nuisance to others occurs. Residents are requested to inform the Verona Fire Department before burning. No burning is allowed when County or State bans are in effect.

(b) Recyclable Materials. All recyclable materials shall meet preparation standards, be separated from other solid waste and placed in the container provided or (in the case of those owners not using the municipality contract) other appropriate containers.

1. Owners of multi-family dwellings using the municipality contracted service shall provide adequate containers for handling and collection of recyclable materials enabling tenants to ensure separation of recyclables from non-recyclables and that recyclables meet preparation standards. Occupants should be provided with sufficient containers to achieve good faith recycling based upon size of the multi-family dwelling. Containers shall be maintained in clean, safe and water-tight condition. Owners of multi-family dwellings shall exercise good faith to assure that residents and occupants comply with recycling requirements of this ordinance.

Owners of multi-family dwellings shall notify tenants at the time of renting or leasing the dwelling and semiannually thereafter of the recycling programs provided in this paragraph.

2. Owners of multi-family dwellings **not** using municipality contracted contractor/hauler shall provide for the collection of all recyclable materials separated from solid waste generated by their tenants and ensure delivery to a material recycling facility. Owners shall provide adequate containers for handling and collection of recyclable materials enabling tenants to ensure separation of recyclables from non-recyclables and that recyclables meet preparation standards. Occupants should be provided with sufficient containers to achieve good faith recycling based upon size of the multi-family dwelling and handling, transportation and processing requirements of the collector/hauler. Containers shall be maintained in clean, safe and water-tight condition.

Owners of multi-family dwellings shall notify tenants at the time of renting or leasing the dwelling and semiannually thereafter of the recycling programs provided in this paragraph.

3. Owners of Commercial, Retail, Industrial, Institutional and Governmental Facilities shall provide for the collection of all recyclable and non recyclable material separated from solid waste generated by their tenants and ensure delivery to a material recycling facility, Owners shall provide adequate containers for handling and collection of recyclable materials enabling tenants to ensure separation of recyclables from non-recyclables and that recyclables meet preparation standards. Occupants should be provided with sufficient containers to achieve good faith recycling based upon type of business, size of building and handling, transportation and processing requirements of the collector/hauler.

Owners shall periodically notify all users and occupants of the recycling programs provided in this paragraph.

- a. Prohibited Practices in Collection and Handling of Recyclables. No person, persons or other entity generating waste within the municipality shall do any of the following:
 - (1) Mix or permit intermixing of recyclable and non-recyclable materials intended for collection by a collector/hauler or intended to be processed at a material recycling facility unless good faith to recycle is shown.
 - (2) Deposit or cause to be deposited any recyclable material at any authorized collection point when the site is closed or not operating.
 - (3) Deposit or cause to be deposited any recyclable material in or upon any public street, public waters, or public grounds in the municipality except at authorized locations within appropriate packaging or placed into appropriate containers during specifically authorized collection periods if any are provided.
 - (4) Deposit or cause to be deposited any recyclable material in any container not specifically intended for the collection of that type or group of recyclable material.
 - (5) Deposit or cause to be deposited any non-recyclable material in any container specifically intended for the collection or deposit of recyclable material.

Section 6. Preparation Standards. See Addendum.

Section 7. Anti-Scavenging Provision. Persons shall not pilfer recyclables or disturb recyclables once those materials are 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/hauler for which persons in the municipality who have contracted to perform functions pursuant to the recycling plan provided in this ordinance. Only persons authorized by the municipality or by 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 8. Violation and Penalty. Any person who violated provisions of this ordinance or any regulations promulgated pursuant to this ordinance shall forfeit upon conviction there of not less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00) 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.

Section 9. Promulgation of Regulations. The Town of Verona 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 clerk shall prepare notices and distribute other information to persons and entities generating waste within the town for the purpose of informing the public about the requirements dictated by this mandatory source separation recycling ordinance.

Section 10. Consistency. All ordinances of the Town 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 provisions in this ordinance.

Section 11. Effective Date. This ordinance shall be in full force and effect on the 6th day of January, 2009.

Adopted this 6th day of January, 2009 by order of the Town Board of Verona, Dane County, Wisconsin