

ORDINANCE 1-2009

REVISED 8/10/2023

SECTION 1:TITLE AND PURPOSE

The title of this ordinance is Town of Warner Recycling Ordinance. 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.287.11, Wis Stats. And Chapter NR 544, Wis Administrative Code.

SECTION 2:STATUTORY AUTHORITY

This ordinance is adopted as authorized under s.287.09(3)(b), Wis Stats. And the Town of Warner.

SECTION 3:ABROGATION AND GREATER RESTRICTIONS

It is not intended by this ordinance to repel, 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 4:INTERPRETATION

In their interpretation and application, the provisions of this ordinance shall be held to the minimum requirements and shall not be deemed a limitation or repel of any other power granted by the Wisconsin Statutes. Where any terms, requirements, or interpretation apply. Where a provision of this ordinance is required by Wisconsin Statutes, or by a standard Chapter NR 544, Wis Administrative Code, where the ordinance provision is unclear, the provision shall be interpreted in the light of the Wisconsin Statutes and 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.

SECTION 5: 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 6:APPLICABILITY

The requirements of this ordinance apply to all people within the Town of Warner.

SECTION 7:ADMINISTRATION

The provisions of this ordinance shall be administrated by the Town of Warner.

SECTION 8:EFFECTIVE DATE

The provisions in this ordinance shall take effect on 8/10/2023.

SECTION 9:DEFINITIONS

For the purpose of this ordinance:

1. "Bi-metal container" means a container for carbonated or malted beverages that is made primarily of a combination of steel and aluminum.
2. "Container board" means corrugated paperboard used in the manufacturing of shipping containers and related materials.
3. "Foam polystyrene packing" means packing 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 package article in a shipping container.
 - c. Consists of ridged materials shaped to hold and cushion the package article in a shipping container.
4. "Glass container" means a glass bottle, or jar or other packing container used to contain a product that is the subject of a retail sale and does not include ceramic cups, dishes, oven ware, plastic glass, safety and window glass, heat resistant glass such as Pyrex, lead based glass such as crystal, or TV tubes.
5. "HDPE" means high density polyethylene, labeled by the SPI code #2.
6. "LDPE" means low density polyethylene labeled by the SPI code #4.
7. "Magazines" means magazines and other materials printed on similar paper.
8. "Major appliances" means a residential or commercial air conditioner, clothes dryer, clothes washer, dish washer, freezer, microwave oven, oven, refrigerator, furnace, boiler, dehumidifier, water heater or stove.
9. "Multi-family dwelling" means a property containing 5 or more residential units, including those occupy seasonally.
10. "Newspaper" means a newspaper or other material printed on newspaper.
11. "Non-residential facilities and properties" mean commercial, rental, industrial, institutional and government facilities and properties. This term does not include multi-family dwellings.
12. "Office paper" means high grade printing and writing papers from offices in non-residential facilities and properties. Printed white ledger and computer printouts are examples of office paper accepted as high grade. This term does not include industrial waste products.
13. "Other resins and multiple resins" means plastic resins labeled by SPI code #7.
14. "Person" includes any individual, corporation, partnership, association, local government unit as defines in s.66.0131(1)(a) Wis Stats., state agency or authority or federal agency.
15. "PETE or PET" means polyethylene terephthalate labeled SPI code #1.

16. "Plastic container" means an individual, separate, rigid plastic bottle, can, jar or carton, except for a blister pack, which is originally used to contain a product that is subject to a retail sale.
17. "Postconsumer waste" means solid waste generated in the production of goods, hazardous waste, as defined in s291.01(7) Wis Stats., waste from construction or demolition of structures, scrap, automobiles, or high-volume industrial waste, as defined in s.289.01(17), Wis Stats.
18. "PP" means polypropylene labeled by the SPI code #5.
19. "PS" means polystyrene labeled by SPI code #6
20. "PVC" mean polyvinyl chloride labeled by SPI code #3
21. "Recyclable materials" means lead acid batteries, major appliances, waste oil, yard waste, aluminum containers, corrugated paper or other container board, foam polystyrene packing, glass containers, magazines, newspapers, office paper, rigid plastic containers, including those made of PETE, HDPE, PVC, LDPE, technique, or process which is PP, PS, and other resin or multiple resins, steel containers, waste tires, and bi-metal containers.
22. "Solid waste" has a meaning specified in s.289.01(33) Wis. Stats.
23. "Solid waste facility" has a meaning specified in s.289.04(35) Wis. Stats.
24. "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.
25. "Waste tire" mean a tire that is no longer suitable for tis 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 6 inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

SECTION 10:SEPERATION OF RECYCLABLE MATERIALS

Occupants of single family and 2-to-4-unit residents, multi-family dwellings and non-residential facilities shall separate the following materials from post-consumer waste:

1. Lead acid batteries
2. Major appliances
3. Waste oils
4. Yard waste
5. Aluminum containers
6. Bi-metal containers
7. Corrugated paper or other container board
8. Foam polystyrene packaging
9. Glass containers
10. Magazines

11. Newspapers
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

SECTION 11:SEPERATION REQUIREMENTS EXCEMPTED

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

1. 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 recover the materials specified in s 1.11 from solid waste burned in a pure a form as technically feasible.
2. Solid waste which is burned as a supplement fuel at a facility if less than 30% of the heat input to the facility is derived from the solid waste burned as supplement fuel.
3. A recyclable material as specified in s 1.11(5) through (15) for which a variance has been granted by the Department of Natural Resources under s 287.11(2m) Wis. Stats. Or s NR544.14, Wis Administrative Code.

SECTION 12:CARE OF SEPERATED RECYCLABLE MATERIALS

To the greatest extent practicable, the recyclable materials separated in accordance with s 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 the wind, rain, and other inclement weather.

SECTION 13: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 manage lead acid batteries, major appliances, waste oil and yard waste as follows:

1. Lead acid batteries shall be taken to an authorized recycling center.
2. Major appliances shall be taken to a recycling center or to scrap yard.
3. Waste oil shall be placed in a tightly sealed container and placed in the garbage.
4. Yard waste shall be disposed of at a compost site.

SECTION 14:PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS

Except as otherwise directed by the Town of Warner, 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 s 11.1(5) through (15):

1. Aluminum containers shall be placed in recycling container for pickup.
2. Bi-metal containers shall be placed in recycling container for pickup.
3. Corrugated paper and other container board shall be placed in recycling container for pickup.
4. Foam polystyrene packaging shall be placed in a waste bin.
5. Glass containers shall be placed in recycling container for pickup.
6. Magazines shall be placed in recycling container for pickup.
7. Newspaper shall be placed in recycling container for pickup.
8. Office paper shall be placed in a recycling container for pickup.
9. Rigid plastic containers shall be prepared and collected as follows:
 - a. Plastic containers made of PETE shall be placed in recycling container for pickup.
 - b. Plastic containers made of HDPE shall be placed in recycling container for pickup.
 - c. Plastic containers made of LDPE shall be placed in recycling container for pickup.
 - d. Plastic containers made of PVC shall be placed in waste bin.
 - e. Plastic containers made of PP shall be placed in recycling container for pickup.
 - f. Plastic containers made of PS shall be placed in recycling container for pickup.
10. Steel containers shall be placed in recycling container for pickup.
11. Waste tires shall be taken to a tire recycling center for pickup.

SECTION 15: RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF MULTIPLE-FAMILY DWELLINGS

1. Owners or designated agents of multiple-family dwellings shall do all the following to recycle the materials specified in s. 11.1(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 collection of the materials separated from the solid waste by the tenants and the delivery of materials to a recycling facility.
 - d. Notify residents of reasons to reduce and recycle waste, which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, location and hours of operation, and a contact person or company, including a name, address, and phone number.

2. The requirements specified in 1. do not apply to the owner or designated agents of multiple-family dwellings if the postconsumer waste generated within the building 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.

SECTION 16: RESPONSIBILITIES OF OWNER AND DESIGNATED AGENTS OF NON-RESIDENTIAL FACILITIES AND PROPERTIES

1. Owners or designated agents of multiple-family dwellings shall do all the following to recycle the materials specified in s. 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 collection of the materials separated from the solid waste by the tenants and the delivery of materials to a recycling facility.
 - d. Notify residents of reasons to reduce and recycle waste, which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, location and hours of operation, and a contact person or company, including a name, address, and phone number.
2. The requirements specified in 1. do not apply to the owner or designated agents of multiple-family dwellings if the postconsumer waste generated within the building 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.

SECTION 17: ENFORCEMENT

1. For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the Town of Warner may inspect recycling materials separated for recycling, postconsumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multi-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 Warner who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such inspection.
2. Any person who violates a provision of the ordinance may be issued a citation by the Clark County Sheriff's Office 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 matter shall not preclude this ordinance under this paragraph.

3. Penalties for violating this ordinance may be assessed as follows:
 - a. Any person that violates section 17 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 violates a provision of this ordinance except section 17 may be required to forfeit no less than \$10 or more than \$1000 for each violation.

Chairperson

Supervisor #1

Supervisor #2

Attest: _____
Clerk