

Town of Troy

East Troy, Wisconsin 53120

ORDINANCE NO 94-1

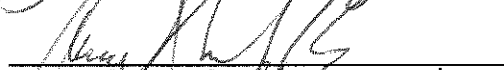
The following ordinance was adopted at the Town of Troy Board Meeting on March 9, 1994:

The Town of Troy hereby adopts a Recycling Ordinance for the Town to promote recycling, composting, and resource recovery as provided in s. 159.11, Wis. Stats. and Chapter NR 544, Wis. Administrative Code, after being presented for examination to the public and published in the East Troy News on March 30, 1994, as required by the Department of Natural Resources.

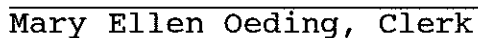
Dated this 9th day of March, 1994.


Thomas Lorden, Chairman


John P. Carney, Supervisor


Samuel Murdock, Supervisor

Attest:


Mary Ellen Oeding, Clerk

PUBLISH IN THE EAST TROY NEWS ON FEBRUARY 16, 1994.

N O T I C E
T O W N O F T R O Y

Please take notice that the Town Board of the Town of Troy will consider the adoption of a part of a code of ordinances, specifically "Chapter 10 Mandatory Recycling Ordinance", at 7:30 p.m. on Wednesday, March 9, 1994, at the Town Board meeting at the Town Hall.

You are further notified a copy of said proposed part of code - "Chapter 10 Mandatory Recycling Ordinance" - will be on file and open for public inspection at the home of the Town Clerk, N8594 County Rd N, East Troy, by appointment 642-3018, from February 16 until March 2, 1994, and also posted on the Town Hall door, in accordance with Sec. 66.035 of Wis. Stats.

Adopted this 9th day of February, 1994, by the Town Board of the Town of Troy.

Thomas Lorden, Chairman

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1.01 Title. Recycling Ordinance for the Town of Troy, Walworth County, Wisconsin.

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 s. 159.11, Wis. Stats., and Chapter NR 544, Wis. Administrative Code.

1.03 Statutory Authority. This ordinance is adopted as authorized under s. 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 restrictions, 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 Troy.

1.08 Administration. The provisions of this ordinance shall be administered by _____
the Town of Troy Board of Supervisors.

1.09 Effective Date. The provisions of this ordinance shall take effect on April 1, 1994.

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 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 5 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 a retail sale.
- (16) "Postconsumer waste" means solid waste other than 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; rigid plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins; steel containers; waste tires; 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. "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 6 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 2 to 4 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) Bi-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 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 recovers the 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. Administrative Code.

1.13 Care of Separated 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 wind, rain, 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 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 recycling drop-off center during open hours or taken to a retail business that accepts lead acid batteries for recycling.

(2) Major appliances shall be taken to the recycling drop-off center on the two designated annual large trash days or disposed of through a vendor that accepts major appliances for recycling.

(3) Waste oil shall be taken to the recycling drop-off center during open hours or taken to a retail business that accepts waste oil for recycling.

(4) Yard waste shall be separated from other wastes and managed on-site (composting information available from recycling site manager), or disposed of through a vendor that accepts yard waste for composting.

1.15 Preparation and Collection of Recyclable Materials. Except as otherwise directed by the Town of Troy Board of Supervisors _____, 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. 1.11(5) through (15):

(1) Aluminum containers shall be emptied and flattened. The containers shall be placed in designated receptacles of the recycling drop-off site during the days and hours of operation.

(2) Bi-metal containers shall be emptied and flattened. The containers shall be placed in designated receptacles of the recycling drop-off site during the days and hours of operation.

(3) Corrugated paper or other container board shall be flattened and placed in the designated receptacle of the recycling drop-off site during the days and hours of operation, beginning on January 1, 1995.

(4) Foam polystyrene packaging shall be free of debris and placed in the designated receptacle of the recycling drop-off site during the days and hours of operation, beginning on January 1, 1995.

- (5) Glass containers shall be rinsed free of product residues and metal lids and rings and plastic caps and rings shall be removed. Containers shall be placed in the designated receptacle of the recycling drop-off site during the days and hours of operation.
- (6) Magazines shall be placed in the designated receptacle of the recycling drop-off site during the days and hours of operation, beginning January 1, 1995.
- (7) Newspaper shall be bundled in twine or placed in paper bags. Newsprint shall be placed in the designated receptacle of the recycling drop-off site during the days and hours of operation.
- (8) Office paper shall be kept separate from other wastes and placed in the designated receptacle of the recycling drop-off site during the days and hours of operation.
- (9) Rigid plastic containers shall be prepared and collected as follows:
- (a) Plastic containers made of PETE, including soda bottles, etc., shall be rinsed free of product residue, flattened, and caps and rings shall be removed and discarded.
 - (b) Plastic containers made of HDPE, including milk jugs and detergent bottles shall be rinsed free of product residue, flattened, and caps and rings shall be removed and discarded.
 - (c) Plastic containers made of PVC, including vegetable oil bottles, etc., shall be rinsed free of product residue, flattened, and caps shall be removed and discarded, beginning January 1, 1995.
 - (d) Plastic containers made of LDPE, including butter tub lids, etc., shall be rinsed free of product residue, flattened, and caps shall be removed and discarded, beginning January 1, 1995.
 - (e) Plastic containers made of PP, including deli containers, etc., shall be rinsed free of product residue, flattened, and caps shall be removed and discarded, beginning January 1, 1995.
 - (f) Plastic containers made of PS, including yogurt cups, salad trays, etc., shall be rinsed free of product residue, flattened, and caps shall be removed and discarded, beginning January 1, 1995.
 - (g) Plastic containers made of other resins or multiple resins, including Ketchup bottles, etc. shall be rinsed free of product residue, flattened, and caps shall be removed and discarded, beginning January 1, 1995.
- (10) Steel containers shall be rinsed free of product residue, paper labels removed, and flattened. Containers shall be placed in the designated receptacle of the recycling drop-off center during the days and hours of operation.
- (11) Waste tires shall be taken to the recycling drop-off site during the days and hours of operation. A recycling fee will be charged for tires. Or tires may be taken to a retail business that accepts tires for recycling.

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, 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 multiple-family dwellings if the postconsumer 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.

(1) 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):

- (a) Provide adequate, separate containers for the recyclable materials.
- (b) Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.
- (c) Provide for the collection of the materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility.
- (d) Notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected, how to prepare 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 generated 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 s. 1.11(5) through (15) from solid waste in as pure a form as is technically feasible.

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 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.

1.19 No Dumping.

No person may dispose of or dump garbage, recyclables, or wastes in any street, road, or highway right-of-way or any other public place within the Town of Troy.

1.20 Open Burning.

Open burning shall be permitted only of clean wood and paper products. Large open burns must be registered with the Town of Troy Fire Department.

1.21 Reporting Requirements.

The recycling haulers and processors operating in the Town of Troy are required to maintain records and reports in writing to the Town of Troy at least twice each year. Reports shall include: the amounts in tons of recyclables collected and transported from the Town of Troy ; the amount in tons of recyclables by item type recycled; and the final disposal location of the recyclable material. Failure to report shall be cause for the Town of Troy to sever any contract with the hauler/processor.

1.22 Volume Based Rates.

The Town of Troy reserves the right to implement a volume based fee system for the disposal of solid waste, a system in which residents are charged on the basis of the amount of waste they generate, as may be required in Section NR 544.04(6), Wisconsin Administrative Code.

1.23 Exemptions

The Town of Troy reserves the right to designate additional solid waste materials as recyclable or currently recycled materials as no longer recyclable in accordance with state law and to either add or delete them from any collection services provided by the Town of Troy or its contractors. The Town of Troy shall provide written notice (via newspaper ad or special mailing) to its service recipients on this declaration.

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 Troy 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 related 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 Troy, 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 the Town of Troy law enforcement officer or designated Town of Troy official 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 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. 1.18 may be required to forfeit \$50 for a first violation, \$200 for a second violation, and not more than \$2000 for a third or subsequent violation.

(b) Any person who violates a provision of this ordinance, except s. 1.18, may be required to forfeit not less than \$10 nor more than \$1000 for each violation.

Town of Troy

East Troy, Wisconsin 53120

TOWN OF TROY

AMENDMENTS TO ORDINANCE NO. 94-1 MANDATORY RECYCLING

Section 1.10 Definitions: add to (7) 'Major appliance'... "residential and commercial furnaces, boilers, dehumidifiers and water heaters."

Section 1.14 Management of Lead Acid Batteries, Major Appliances, Waste Oil and Yard Waste: add to (2) Major Appliances... "Microwave ovens may be disposed of in a landfill after the capacitor has been removed."

These amendments shall take effect upon passage and publication as required by law.

Adopted by resolution of the Town Board of the Town of Troy on October 12, 1994.

Thomas Lorden, Chairman
Attest: Mary Ellen Oeding, Clerk

(Published in East Troy News
Nov. 2, 1994 - 12621)

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