

ORDINANCE # 57

AN ORDINANCE REGULATING THE SEPARATION, RECYCLING AND DISPOSAL OF WASTE

1.01 Title. Recycling Ordinance for the City of Fountain City.

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. 287.11, Wis. Stats., and Chapter NR 544, Wis. Administrative Code.

1.03 Statutory Authority. This ordinance is adopted as authorized under s. 298.09(3)(b) Wis. Stats., and the City of Fountain City.

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 shall apply to all persons within the City of Fountain City, WI and all residents of surrounding townships that have entered into a recycling contract agreement with the City of Fountain City, WI.

a) **Authority to Refuse Collection.** All recyclable material and solid waste not separated, prepared or placed for collection in accordance with this Ordinance, shall be refused by the City of Fountain City, WI.

b) **Placement and Collection by Unauthorized Persons.**

1) No person other than a resident of the City of Fountain City, WI or residents of surrounding townships that have entered into a recycling contract agreement with the City of Fountain City, WI shall deliver recyclable material or solid waste to the Fountain City, WI collection site.

2) No City of Fountain City, WI residents or residents of surrounding townships that have entered into a recycling contract agreement with the City of Fountain City, WI shall deliver solid waste or recyclable material which is generated outside of the City of Fountain City, WI or surrounding townships that have entered into a recycling contract agreement with the City of Fountain City, WI.

1.08 Administration. The provisions of this ordinance shall be administered by the City of Fountain City.

1.09 Effective Date. The provisions of this ordinance shall take effect on or before December 21, 2011.

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) "Contaminated Demolition Waste" means solid waste resulting from the construction, demolition or razing of buildings, roads and other structures. Demolition and construction material typically consists of concrete, bricks, bituminous concrete, wood, glass, masonry, roofing, siding and plaster, alone or in combinations. It does not include asbestos, waste paints, solvents, sealers, adhesives or other similar materials.
- 4) "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.
- 5) "Hazardous Waste" means the following **AND IS NOT ACCEPTED:**
 - a) Any waste defined as hazardous in 40 C.F.R. Section 261.3 (1983), or in any successor regulations, or by the U.S. Environmental Protection Agency, or classified as toxic substance or toxic waste or prohibited for incineration by any local, state or federal agency having jurisdiction over the Facility.
 - b) Radioactive waste or material or hazardous waste regulated under 52 U. S. C. Section 6921-6925 and regulations adopted thereunder, or any other Federal, state or local law.
 - c) "Hazardous substances" defined in 42 U. S. C. 6901 et seq. and any regulations promulgated thereunder.
 - d) All wastes requiring special handling to comply with applicable local, state or Federal law, including but not limited to:
 - 1) Pathological, infectious, or explosive material;
 - 2) Oil sludge;
 - 3) Cesspool or human waste;
 - 4) Animal remains or waste.
 - e) Any type of waste either smoldering or on fire or at its kindling point or in the process of initiating combustion.
- 5) "HDPE" means high density polyethylene, labeled by the SPI code # 2.
- 6) "Inert Demolition Waste" means clean soil, brick, building stone, concrete, reinforced concrete, broken pavement and unpainted or untreated wood.
- 7) "LDPE" means low density polyethylene, labeled by the SPI code # 4.
- 8) "Magazines" means magazines and other materials printed on similar paper.
- 9) "Major appliance" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, furnace, boiler, dehumidifier, water heater or stove.
- 10) "Metal" means all products made of metal except recyclable material as defined in this Ordinance. Metal typically consists of refrigerators, stoves, water heaters, tire rims, springs, bicycles, scrap metal and other like metal.

- 11) "Multiple-family dwelling" means a property containing 5 or more residential units, including those which are occupied seasonally.
- 12) "Newspaper" means a newspaper and other materials printed on newsprint.
- 13) "Non-residential facilities and properties" means commercial, retail, industrial, institutional and government facilities and properties. This term does not include multiple family dwellings.
- 14) "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. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. This term does not include industrial process waste.
- 15) "Other resins or multiple resins" means plastic resins labeled by the SPI code # 7.
- 16) "Person" includes any individual, corporation, partnership, association, local government unit, as defined in s. 66.299(1)(a), Wis. Stats., state agency or authority or federal agency.
- 17) "PETE" means polyethylene terephthalate, labeled by the SPI code # 1.
- 18) "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.
- 19) "Postconsumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in s. 287.01(7), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in s. 289.01(17) Wis. Stats.
- 20) "PP" means polypropylene, labeled by the SPI code # 5.
- 21) "PS" means polystyrene, labeled by the SPI code # 6.
- 22) "PVC" means polyvinyl chloride, labeled by the SPI code # 3.
- 23) "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.
- 24) "Solid waste" has the meaning specified in s. 289.01(33), Wis. Stats.
- 25) "Solid waste facility" has the meaning specified in s. 289.01(35) Wis. Stats.
- 26) "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.
- 27) "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
- 28) "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

- 6) Bi-metal containers
- 7) Corrugated paper or other container board
- 8) Foam polystyrene packaging – will not be accepted*
- 9) Glass containers
- 10) Magazines
- 11) Newspaper
- 12) Office paper
- 13) Rigid plastic containers made of PETE and HDPE
- 14) Rigid plastic containers made of PVC, LDPE, PP, PS, and other resins or multiple resins*
- 15) Steel containers
- 16) Waste tires

*Note: Denotes materials for which DNR has granted a waiver from separation and collection requirements and landfill/incineration bans.

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

- 1) Owners and designated agents of non-residential facilities and properties that send their postconsumer waste to a processing facility 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 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 specified in s 1.11(5) through (16) for which a variance has been granted by the Department of Natural Resources under s. NR 544.14, Wis. Administrative Code.

1.13 Care of Separated Recyclable Materials and Recycling Bins and Carts. 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. Property owners will be responsible for the bin(s) or cart(s) given to them for recycling use. Replacement costs for lost, stolen or broken bin(s) or cart(s) are currently \$15.00 plus tax for each 18 gallon bin and \$75.00 plus tax for each 96 gallon cart.

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 Fountain City Recycling Center on scheduled dates and are subject to a tipping fee.
- 2) Major appliances shall be taken to Fountain City Recycling Center on scheduled dates and may be subject to a tipping fee.
- 3) Waste oil shall be taken to Fountain City Recycling Center on scheduled dates and is subject to a tipping fee.
- 4) Yard waste shall be taken to Fountain City Recycling Center on scheduled dates, or to a private compost site. Any person may compost yard waste on land with consent of the owner thereof.

1.15 Preparation and Collection of Recyclable Materials. Except as otherwise directed by City of Fountain City, 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 (16):

- 1) Aluminum containers shall be rinsed and placed in provided recycling container.
- 2) Bi-metal containers shall be rinsed and placed in provided recycling container.
- 3) Corrugated paper or other container board shall be flattened and tied or placed in container or bag.
- 4) Foam polystyrene packaging will not be accepted.
- 5) Glass containers shall be placed in provided recycling container.
- 6) Magazines shall be tied in bundles or placed in container or bag.
- 7) Newspaper shall be tied in bundles or placed in container or bag.
- 8) Office paper shall be tied in bundles or placed in container or bag.
- 9) Rigid plastic containers shall be prepared and collected as follows:
 - a) Plastic containers made of PETE, including SPI code #1, shall be rinsed and placed in provided recycling container.
 - b) Plastic containers made of HDPE, including SPI code #2, shall be rinsed and placed in provided recycling container. .
 - c) Plastic containers made of PVC, including SPI code #3, will not be accepted.
 - d) Plastic containers made of LDPE, including SPI code #4, will not be accepted.
 - e) Plastic containers made of PP, including SPI code #5, will not be accepted.
 - f) Plastic containers made of PS, including SPI code #6, will not be accepted. .
 - g) Plastic containers made of other resins or multiple resins, including SPI code #7, will not be accepted.
- 10) Steel containers shall be taken to City of Fountain City Recycling Center.
- 11) Waste tires shall be taken to City of Fountain City Recycling Center and shall be subject to a tipping fee.

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 (16):
 - a) Provide adequate, separate containers for the recyclable materials currently provided by contracted recycling hauler.
 - 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 that recovers for recycling the materials specified in s. 1.11(5) through (16) 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 (16):
 - (a) Provide adequate, separate containers for the recyclable materials currently provided by contracted recycling hauler.
 - (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 that recovers for recycling the materials specified in s. 1.11 (5) through (16) 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 (16) which have been separated for recycling, except waste tires may be burned with energy recovery in a licensed 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 city of Fountain City 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 officer, employee or authorized representative of city of Fountain City 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 law enforcement officers of the City of Fountain City 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.

This ordinance shall be in force and effect upon its passage, approval, publication and recording according to law.

Dated this 13th, day of December, 2011.

Karl Hoffmann – Mayor

Janet LaDuke – City Clerk-Treasurer

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This amendment was unanimously passed and adopted at a regular meeting of the Common Council of the City of Fountain City, Wisconsin on December 13, 2011.

Published on _____.