

TOWN OF YORK RECYCLING ORDINANCE  
Ordinance #15-01

This Ordinance supersedes Recycling Ordinance #95-01 and its amendments

**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 Chapter 287 WI Stats.

**STATUTORY AUTHORITY:** This ordinance is adopted under the general authority granted pursuant to s. 60.22(3) and s. 61.34(1) of the Wisconsin Statutes, to promote the public health, safety, and general welfare of the community.

**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.

**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 287, Wis. Stats., and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Chapter 287 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.

**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.

**APPLICABILITY:** The requirements of this ordinance apply to all persons within the Town of York.

**ADMINISTRATION:** The provisions of this ordinance shall be administered by the York Town Board (see attached Resolution)

**EFFECTIVE DATE:** The provisions of this ordinance shall take effect on August 1, 1995.

**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. 2
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. 66.0131Wis. 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. 291.01(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.
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. 289.01(33), Wis. Stats.
22. "Solid waste facility" has the meaning specified in s. 289.01(35), 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, brush, clean, woody vegetative material no greater than 6 inches in diameter, stumps, roots, and shrubs.

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:

NOT ACCEPTED:

1. Major appliances
2. Waste tires

ACCEPTED AND COMMINGLED:

3. CONSTRUCTION AND REMODELING MATERIALS – in limited amounts and produced by the home owner (not a construction company) which are reduced in size to fit in a 30 gallon trash bag. Construction/remodeling waste will be accepted on a space-available basis. Recyclable materials, such as metal and plastic must be separated and placed in the appropriate containers. Construction materials that do not fit within the available space may be refused by the attendant. Larger materials in good condition may be donated to the Habitat for Humanity ReStore West at 5906 Odana Road, Madison, WI 53719, Phone: 608-661-2813.

4. Aluminum containers HDPE, PVC, LDPE, PP, PS, and other

5. Bi-metal containers resins or multiple resins

6. Corrugated paper or other container board

7. Foam polystyrene packaging

8. Glass containers

9. Magazines

10. Newspaper

11. Office paper

12. Rigid plastic containers made of PETE,

13. Steel containers

**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 licenses 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.

**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.

**MANAGEMENT OF LEAD ACID BATTERIES, MAJOR APPLIANCES, WASTE OIL, YARD WASTE AND WASTE TIRES:** 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. Car batteries may be left with the supervisor on duty.

2. Major appliances shall be disposed of by trading in to retailer, selling to salvage yard, or contacting hauler and paying for removal.

3. Waste oil shall be deposited in the oil drum provided at the recycling center.

4. Oil filters must be drained before depositing in the drum provided near the supervisor's station.

Beginning on January 1, 2011, no person may dispose of a used oil filter in a solid waste disposal facility.

5. Yard waste is not accepted and should be composted.
6. Waste tires shall be returned to retailer that sells tires or by calling hauler and paying for removal.

**PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS:** Except as otherwise directed by York Town Board, 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, rigid plastic containers, bi-metal containers shall be rinsed clean and placed in commingle container.
2. Glass and steel containers shall be rinsed clean, labels removed and placed in commingle container.
3. Corrugated paper or other container board shall be flattened, cut down to no more than 3 foot square and placed in commingle container.
4. Foam polystyrene packaging shall be clean and placed in commingle container.
5. Magazines, newspaper and office paper shall be tied in bundles, kept dry, and placed in commingle container.

**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 operations, 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 licenses by the Department of Natural Resources that recovers for recycling the materials specified in a. 1.11(5) through (15) from solid waste in as pure a form as is technically feasible.

**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 or non-residential facilities and properties if the postconsumer waste generated within the facility or property is treated at

a processing facility licenses 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.

**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.

**ENFORCEMENT:**

1. Each household located within the township shall be issued a permit to indicate the status of their residency within the township and permission to use the recycling facilities as set forth in this ordinance.

A single initial permit per household will be issued free of charge. Permits are the property of the Township and shall be surrendered to a Town official or their designee if the members of a household cease to be residents and/or taxpayers within the Township.

A replacement permit for lost/ damaged permits, or for an additional permit, a check for five dollars (\$5.00) may be made out to the Town of York and mailed to the Town Clerk who will issue a new or additional permit. Damaged or lost permits will be invalidated.

The recycling supervisor on duty will oversee the orderly operation of the recycling facilities and ensure compliance with the recycling ordinance.

Residents are required to display a valid permit on their vehicle prior to leaving any materials at the recycling center. Town officials, including the recycling center attendant are authorized to deny use of the recycling center to any individual who does not properly display a valid permit.

2. For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the Town of York 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 the Town of York who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.

3. Any person who violates a provision of this ordinance may be issued a citation by the York Town Board 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.

4. 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 take effect immediately upon adoption and posting of the ordinance.

Adopted: August 1, 1995

By order of York Town Board

(signed) Gordon Peterson, chairman Attested:

(signed) Ronald Syse, town clerk

AUTHORIZING RESOLUTION

WHEREAS The Town of York hereby requests financial assistance under Statute 287.23, Wis. Statutes, Chapters NR 542, 544 and 549, Wis. Administrative Code, for the purpose of planning, constructing or operating a recycling program with one or more components specified in s. 287.1192(a) to (h), Wis. Stats.,

THEREFORE, BE IT RESOLVED, that the Town of York hereby authorized the Town Clerk, an official or employee of the responsible unit, to act on its behalf to:

1. Submit an application to the Department of Natural Resources for financial assistance under s.287.23, Wisc. Statutes, Chapters NR 542, 544 and 549, Wisc. Administrative Code.
2. Sign necessary documents; and
3. Submit a final report.

Adopted this 13th day of January, 2004  
 (signed) Gordon Peterson, Town Board Chairman  
 (signed) Lyle Klosterman, First Supervisor  
 (signed) Bob Bergman, Second Supervisor

I hereby certify that the foregoing resolution was duly adopted by The Town of York Board at a legal meeting on the 13th day of January, 2004.  
 (signed) Marilyn Jaeger, Town Clerk

This ordinance is hereby amended to clarify the acceptance of CONSTRUCTION AND REMODELING MATERIALS and to include the issuance and enforcement of a RECYCLING PERMIT to use the recycling facility.

Amended this 8<sup>th</sup> day of December, 2015 and shall take effect on the day after posting in accordance with the requirements of law.

Effective date: December 12, 2015.

Chairman:  
Dan Reeson \_\_\_\_\_(Signed)

1<sup>st</sup> Supervisor:  
TimCzerwonka \_\_\_\_\_(Signed)

2<sup>nd</sup> Supervisor:  
Steve Hermanson \_\_\_\_\_(Signed)

Attest: Clerk: NancyAnderson \_\_\_\_\_(Signed)

Signed copy on file at the Clerk’s Office