

CHAPTER 900. RECYCLING.

900.01. 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 Sec. 287.11, Wis. Stats., and Chapter NR 544, Wisconsin Administrative Code.

900.02. Statutory authority. This ordinance is adopted as authorized under Sec. 287.09 (3) (b), Wis. Stats.

900.03. Definitions.

(a) Aluminum Container shall mean any container constructed of aluminum.

(b) Bi-Metal Container shall mean any container constructed of both aluminum and steel.

(c) City shall mean the City of Ashland, Wisconsin.

(d) Contractor shall mean the service provided, retained, or hired by the City or a private entity including a property owner, business owner, developer, tenant, or other organization to collect and properly dispose of solid wastes.

(e) Corrugated Cardboard/Container Board shall mean container board that contains a waffled (accordion style) section, alone or in some combination with flat sheets of cardboard.

(f) Driveway/Private Road Service Agreement shall mean an agreement between a property owner or the property owner's authorized representative or agent and the Contractor granting the Contractor permission to travel the driveway or private road with its recyclable collection equipment and vehicles.

(g) Foam Polystyrene Packaging shall mean packaging made primarily from foam polystyrene that satisfies one of the following criteria:

(1) Is designed for serving food and beverages;

(2) Consists of loose particles intended to fill space and cushion the packaged article in a shipping container; and,

- (3) Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.
- (h) Glass Container shall mean any container constructed of Blue, Brown, Clear, or Green glass.
- (i) Grayboard/Chipboard shall mean cereal boxes, soda cases, cartons, shoe boxes, etc.
- (j) Magazines shall mean paper products with glossy finish on their covers and/or pages. Magazines do not include hard or soft cover books.
- (k) Newsprint shall mean newspapers and any similar type of printed materials including brown paper grocery bags.
- (l) Office/Mixed Papers shall mean high grade printing or writing papers.
- (m) Plastic Container shall mean any container constructed of the following:
- (1) SPI Code 1, PETE (Polyethylene Terephthalate)
 - (2) SPI Code 2, HDPE (High Density Polyethylene)
 - (3) SPI Code 3, PVC (Polyvinyl Chloride)
 - (4) SPI Code 4, LDPE (Low Density Polyethylene)
 - (5) SPI Code 5, PP (Polypropylene)
 - (6) SPI Code 6, PS (Polystyrene)
 - (7) SPI Code 7, Other resins or multiple resins container
- (n) Processor shall mean an enterprise that handles recyclable materials for reuse.
- (o) Recyclable Materials shall mean the materials that are listed in Sec. 287.07 (1m) to (4), Wis. Stats.

(p) Responsible Unit shall have the meaning established in Chapter 287, Wisconsin Statutes for units of government managing effective recycling programs.

(q) Steel Container shall mean any container constructed with ferrous materials.

(r) Yard Wastes shall mean grass, sod, leaves, vines, stalks, and branches or trunks smaller than six inches in diameter.

900.04. Abrogation, greater restrictions and interpretation.

(a) This chapter shall not repeal, abrogate, annul, impair or interfere with any existing rules, regulations, ordinances other than Codification Ordinance 979, or permits previously adopted or issued pursuant to law.

(b) However, whenever this ordinance imposes greater restrictions, the provisions of this ordinance shall apply.

(c) 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, Wisconsin Administrative Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the language found in Wisconsin Statutes and/or the standards contained within Chapter NR 544 Wisconsin Administrative Code.

900.05. Applicability. The requirements of this ordinance apply to all persons and entities located within the City's corporate limits.

900.06. Administration. The provisions of this ordinance shall be administered by the City's Public Works Department.

900.07. Responsible unit designation. Under Sec. 287.09(1), Wis. Stats., the City is designated as the responsible unit for the management of the solid waste generated within its corporate limits as prescribed by Sec. 287, Wis. Stats., and Chapter NR 544 of the Wisconsin Administrative Code. However, if the County adopts a resolution designating the County as the responsible unit, the City has 90 days to adopt a resolution retaining the City's status as a responsible unit.

900.08. Responsible unit duties.

(a) Provide curbside recycling service for those individuals and entities described in Section 900.13 and provide drop off locations for the materials not collected curbside as listed in Section 900.15.

(b) Establish an information and education program.

(c) Assist the non-residential sector when problems arise regarding the collection, preparation, processing, and marketing of recyclable materials.

(d) Ensure all entities within our corporate limits are in compliance with the State's and the City's recycling requirements. This will be enforced with inspections, reminders, warnings and citations.

(e) Maintain records of the quantity of materials recovered and materials disposed of.

900.09. Preparation of recyclables.

(a) Recyclables shall be prepared in such a manner that quality of materials are maintained and that their marketability is ensured.

(b) The residents who shall receive the City's recycling services shall prepare their recyclables as listed in the most current recycling pamphlets or book, or by any additional published, delivered, or mailed notices.

(c) All parties who are not provided City recycling services shall be required to provide for the separation and collection of recyclable materials as required by Sec. 287.11, Wis. Stats., and the processor's requirements.

(d) Intentional destruction of recyclables is prohibited.

(e) Materials that have become saturated by water will be regarded as still recyclable, but must be sufficiently dried before collection. Sufficiently dried shall mean what the processor and market shall tolerate without affecting the materials value.

900.10. Mobile home park owners. Mobile home park owners shall be required to notify their tenants in writing on what and how to recycle at the time of renting or leasing, and semi-annually thereafter about the established recycling program.

900.11. Responsibilities of owners or designated agents of multiple family dwelling.

(a) Owners or designated agents of multiple-family dwellings greater than four residential units shall do all of the following to recycle the materials specified in Section 900.15 (g).

- (1) Provide adequate, separate containers for the recyclable materials;
- (2) Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling programs;
- (3) 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;
- (4) Notify tenants of the 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.

(b) The requirements specified in (a) do not apply to the owners or designated agents or multiple-family dwellings if the post-consumer 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 Section 900.15 from solid waste in as pure a form as it technically feasible.

900.12. Responsibilities of owners or designated agents of non-residential facilities and properties.

(a) Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in Section 900.15.

- (1) Provide adequate, separate containers for the recyclable materials.
- (2) Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.
- (3) Provide for the collection of the materials separated from the solid waste by users, tenants and occupants and the delivery of the materials to a recycling facility.
- (4) 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.

(b) The requirements specified in (a) do not apply to the owners or designated agents of non-residential facilities and properties if the post-consumer 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 Section 900.15 from solid waste in as pure a form as is technically feasible.

900.13. Extent of recycling services.

(a) Municipal Collection. The City shall provide recycling collection services to single family through four (4) unit residential dwellings, churches, and mobile home parks.

(1) This service will involve curbside and alleyway collection, drop off site(s) and direct residents as to how to handle materials that are not required to be collected, but yet cannot be disposed of by land disposal or incineration.

(2) A building containing a business or organization, with rental units is a commercial operation and will not be provided City recycling services.

(3) In-home occupations as defined in the Uniform Development Code) will not be considered a commercial operation, and thus will receive City recycling services.

(4) Schools attached to churches will not be provided City recycling services.

(b) Those Not Provided With City Collection. Those who do not receive City collection will be required to handle their recyclables privately.

(c) Drop-Off Facilities. In the event the City establishes drop-off facilities for certain materials, everyone will be permitted their use, however, nominal material fees might be charged to those who are not provided regular recycling services as stated in Section 900.13 (a).

900.14. Placement of recyclables for collection.

(a) Recyclables placed for collection shall be located on the public right-of-way of the street, alley, or highway, adjacent to the resident's property as instructed by the most recent outreach materials provided in conformance with Section 900.09 (b) with the following exceptions:

- (1) Residents who are not eligible for City collection of recyclables.
- (2) Residents who have entered into driveway/private road service agreements with the Contractor.
- (3) Residents within mobile home parks, condominium developments, planned unit developments, or any other plat of land containing a driveway or private road can place their recyclables adjacent to the private road fronting their living unit in accordance with the instructions of the Contractor provided the property owner(s) or property owner's authorized representative or agent enters into a driveway service agreement with the Contractor.

(b) Recyclables shall not be placed on that portion of the right-of-way that is improved, designed or ordinarily used for vehicular travel.

900.15. Recyclable materials. Sec. 287.07, Wis. Stats., requires the following materials to be removed from the post-consumer waste stream and recovered as recyclable materials. Not all these materials are required to be collected by the City as part of an effective recycling program.

(a) Lead Acid Batteries.

- (1) Lead acid and vehicle batteries shall be recycled as required by Section 287.18 (1m), Wisconsin Statutes.
- (2) The City as a Responsible Unit managing a recycling program, is not required to provide for the collection of lead acid or automotive batteries.

(b) Waste Oil.

- (1) The comingling of waste oil in solid waste; disposal of waste oil on the ground, into a drain, sanitary sewer, or storm sewer; or into water is prohibited.
- (2) Oil filters are to be drained of their oil before being placed in the garbage. This is accomplished by either crushing, or punching a hole through the top of the filter and

drain in a pan until completely drained.

(3) Waste oil is to be recycled with retailers who accept waste oil as provided by Section 287.15, Wisconsin Statutes.

(4) The City, as a Responsible Unit managing an effective recycling program, will not provide for the collection of waste oil.

(c) Waste Tires

(1) The disposal of waste tires in a manner not provided for by statute is prohibited. Waste tires are to be taken to a retailer or collection site for disposal.

(2) The City, as a Responsible Unit managing an effective recycling program, will not provide for the collection of waste tires.

(d) Major Appliances. The following appliances, both commercial and residential, are to be separated from the post-consumer waste stream and recycled. All these appliances must remain in their original and undamaged condition.

(1) Stoves

(2) Ovens

(3) Microwave Ovens

(4) Refrigerators

(5) Freezers

(6) Dishwashers

(7) Air Conditioners

- (8) Dehumidifiers
- (9) Clothes Washers
- (10) Clothes Dryers
- (11) Water Heaters
- (12) Furnaces
- (13) Boilers

(e) Fluorescent Lamps.

- (1) Businesses must recycle fluorescent lamps or treat them as hazardous waste.
- (2) Households are exempted by State Law.
- (3) Organizations and business entities required by statute to recycle fluorescent lamps are to contact a transporter, processor, or Wisconsin Department of Natural Resources for their proper disposal.

(f) Yard Wastes.

- (1) Comingling of yard waste with the solid waste stream is prohibited.
- (2) Yard waste is to be composted on-site or delivered to a public or privately operated composting or disposal facility.
- (3) Bagged yard waste disposed of at a composting or disposal facility operated by the City shall consist of 2-3 ply brown kraft paper bags not to exceed a volume of approximately 30 gallons. Disposal of bagged yard waste in a plastic bag at a City facility is prohibited.

(g) Containers. The following types of containers shall be recycled:

- (1) Aluminum
- (2) Bi-metal
- (3) Steel
- (4) Glass
- (5) Plastic, inclusive of containers with SPI Codes 1 – 7

- (6) Newsprint
- (7) Paper brown bags
- (8) Magazines
- (9) Office/Mixed Papers
- (10) Corrugated Cardboard/Container Board and Grayboard/Chipboard
- (11) Foam Polystyrene Packaging

900.16. Separation requirements exempted. The separation requirements of Section 900.15 do not apply to the following:

(a) Occupants of single family and two to four unit residences, multiple-family dwellings and non-residential facilities and properties that send their post-consumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources for the recovery of the materials specified in 900.15 from the solid waste stream in as pure a form as is technically feasible.

(b) 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.

(c) A recyclable material specified in Section 900.15 for which a variance has been granted by the Department of Natural Resources under Sec. 287.11(2m) Wis. Stats., or NR 544.14, Wisconsin Administrative Code.

900.17. Prohibitions on disposal of recyclable materials separated for recycling. No person or other entity may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the material specified in Section 900.15 which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

900.18. Refusal of service.

(a) Recyclables will not be collected from single family through four (4) family dwelling units if the resident does not pay the solid waste collection fee as listed in the City's Comprehensive Fee Schedule.

(b) The Contractor shall refuse to furnish collection service to any household not complying with, or refusing to comply with this ordinance for the separation and collection of recyclable materials as listed in Section 900.15.

900.19. Collection by unauthorized persons.

(a) From the time recyclable materials are placed at the collection point for collection by the City or its authorized Contractor or agent(s) in accordance with the terms herein, recyclable materials shall be and become the property of the City or its authorized Contractor or agent(s).

(b) It shall be a violation of this ordinance for any person not authorized by the City of Ashland to collect or pick up or cause to be collected or picked up any such recyclable materials.

900.20. Enforcement. For the purpose of ascertaining compliance with the provisions of this chapter, any authorized officer, employee or representative of the City may inspect recyclable materials separated for recycling, post consumer 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 City who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.

900.21. Penalty.

(a) Any person who violates a provision of this chapter may be issued a citation by the Director of Public Works or his/her designee or the Ashland Police Department. 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 section.

(b) Each collection in violation of this chapter shall constitute a separate and distinct offense punishable as provided herein.

(c) When determining a penalty, the following schedule shall be followed:

(1) First Violation - Except for a violation of Section 900.19, a reminder on the proper preparation of recyclables is to be sent to the resident who is violating this chapter. For a violation of Section 900.19, the violator shall be subject to a forfeiture of \$50 plus restitution of the amount received for the materials unlawfully collected, or their value, whichever is greater.

(2) Second Violation - Except for a violation of Section 900.19, \$50 citation, plus court costs. For a violation of Section 900.19, the violator shall be subject to a forfeiture of \$100 plus restitution of the amount received for the materials unlawfully collected, or their value, whichever is greater.

(3) Third Violation - \$200 citation, plus court costs. For a violation of Section 900.19, the violator shall also be subject to restitution of the amount received for the materials unlawfully collected, or their value, whichever is greater.

(4) Fourth and Subsequent Violations – Not less than \$200 citation but not more than \$2,000 plus court costs. For a violation of Section 900.19, the violator shall also be subject to restitution of the amount received for the materials unlawfully collected, or their value, whichever is greater.

(d) Violations spaced more than three years apart shall be regarded as the first violation.

ADOPTED: 900 (1820) 1/14/2014

AMENDMENTS: 900 (1835) 10/28/2014