

## TOWN OF HARMONY

### CHAPTER 2 OF THE MUNICIPAL CODE OF THE TOWN OF HARMONY, WISCONSIN

#### MANDATORY RECYCLING

##### SECTION 1: INTRODUCTION

- (1) Title: This Chapter shall be entitled the “Town of Harmony Mandatory Recycling Ordinance.”
- (2) Purpose: The purpose of this Chapter is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in Section 159.11 of the Wisconsin Statutes and Chapter NR 544 of the Wisconsin Administrative Code.
- (3) Authority: This Chapter is adopted as authorized under Section 159.09(3)(b) of the Wisconsin Statutes.
- (4) Abrogation and Greater Restrictions: It is not intended by this Chapter 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 Chapter imposes greater restrictions, the provisions of this Chapter shall apply.
- (5) Interpretation: In their interpretation and application, the provisions of this Chapter 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 Chapter may be inconsistent or conflicting, the more restrictive interpretation or requirements shall apply. Where a provision of this Chapter is required by the Wisconsin Statutes or by a standard in Chapter NR 544 of the Wisconsin Administrative Code, and where the 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 adoption of this Recycling Ordinance, or in effect on the date of the most recent text amendment to this Chapter.
- (6) Severability: Should any portion of this Chapter be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected.
- (7) Applicability: The requirements of this Chapter apply to all persons within the Town of Harmony.

- (8) Administration: The provisions of this Chapter shall be administered by the Town Board of the Town of Harmony.
- (9) Effective Date: This Recycling Ordinance took effect on January 1, 1994.

## SECTION 2: DEFINITIONS

For the purposes of this Chapter:

- (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 fiberboard used in the manufacturing 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) It is designed for serving food or beverages.
  - (B) It consists of loose particles intended to fill space and cushion the packaged article in a shipping container.
  - (C) It consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.
- (4) “Glass container” means bottles, jars, and other similar containers but shall exclude drinking glasses, window panes, Pyrex, or any other similar glass item.
- (5) “HDPE” means high density polyethylene, labeled by SPI Code #2.
- (6) “LDPE” means low density polyethylene, labeled by SPI Code #4.
- (7) “Magazines” means magazines and other materials printed on similar paper.
- (8) “Major appliance” means a residential or commercial air conditioner, clothes washer, clothes dryer, dishwasher, freezer, oven, microwave oven, refrigerator, or stove.
- (9) “Multiple-family dwelling” means a property containing five or more residential units, including those which are occupied seasonally.
- (10) “Newspaper” means a newspaper and other materials printed on newsprint.
- (11) “Non-residential facilities and properties” means commercial, retail, industrial, institutional, and governmental facilities and properties. This term does not

include multiple-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 printout are examples of office paper generally accepted as high grade. This term does not include industrial process waste.
- (13) “Other resins or multiple resins” means plastic resins labeled by SPI Code #7.
- (14) “Person” includes any individual, corporation, partnership, association, local governmental unit (as defined in Section 66.299(1)(a) of the Wisconsin Statutes), state agency or authority, or federal agency.
- (15) “PETE” means polyethylene terephthalate, labeled by SPI Code #1.
- (16) “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.
- (17) “Post-consumer waste” means solid waste other than solid waste generated in the production of goods; hazardous waste, as defined in Section 144.61(5) of the Wisconsin Statutes; waste from construction and demolition of structures; scrap automobiles; or high-volume industrial waste, as defined in Section 144.44(7)(a)1., of the Wisconsin Statutes.
- (18) “PP” means polypropylene, labeled by SPI Code #5.
- (19) “PS” means polystyrene, labeled by SPI Code #6.
- (20) “PVC” means polyvinyl chloride, labeled by SPI Code #3.
- (21) “Recyclable materials” includes lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; corrugated fiberboard 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.
- (22) “Solid waste” has the meaning specified in Section 144.01(15) of the Wisconsin Statutes.
- (23) “Solid waste facility” has the meaning specified in Section 144.43(5) of the Wisconsin Statutes.
- (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, including incineration.

- (25) “Waste tire” means a tire that is no longer suitable for its 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 six inches in diameter. This term does not include stumps, roots, or shrubs with intact root balls.

### SECTION 3: SEPARATION OF RECYCLABLE MATERIALS

- (1) Separation Requirements: Occupants of single-family and two- to four-unit residences, multiple-family dwellings, and non-residential facilities and properties shall separate the following materials from post-consumer waste in accordance with the provisions set forth in subsections (3) and (4) below:
  - (A) Lead acid batteries.
  - (B) Major appliances.
  - (C) Waste oil.
  - (D) Yard waste.
  - (E) Aluminum containers.
  - (F) Bi-metal containers.
  - (G) Corrugated paper or other container board.
  - (H) Foam polystyrene packaging.
  - (I) Glass containers.
  - (J) Magazines.
  - (K) Newspaper.
  - (L) Office paper.
  - (M) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins.
  - (N) Steel containers.
  - (O) Waste tires.

(2) Exemptions: The separation requirements of subsection (1) 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 that recovers the materials specified in subsection (1) from solid waste 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 paragraphs (1)(E)-(O) for which a variance has been granted by the Department of Natural Resources under Section 159.11(2)(m) of the Wisconsin Statutes or Section NR 544.14 of the Wisconsin Administrative Code.

(3) Care of Separated Recyclable Materials: To the greatest extent practicable, the recyclable materials separated in accordance with subsection (1) 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 that protects them from wind, rain, and other inclement weather conditions.

(4) Management of Lead Acid Batteries, Major Appliances, Waste Oil and Yard Waste: Occupants of single-family and two- to four-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:

(A) Lead acid batteries shall be managed as follows:

1. Occupants of single-family and two- to four-unit residences, multiple-family dwellings, and non-residential facilities and properties who are service recipients under the Town of Harmony's Roadside Recycling and Refuse Collection Program shall place any car or truck lead acid batteries with undamaged casings adjacent to such occupants' recycling bin for collection by the Town's designated hauler.

2. All other occupants as well as all occupants with other than car or truck lead acid batteries or with lead acid batteries with damaged casings shall take such lead acid batteries to an area retail business that sells vehicle batteries or to the appropriate disposal area at the Rock County Landfill.

(B) Major appliances shall be managed as follows:

1. Occupants of single-family and two- to four-unit residences, multiple-family dwellings, and non-residential facilities and properties who are service recipients under the Town of Harmony's Roadside Recycling and Refuse Collection Program shall arrange for the collection of major appliances by the Town's designated hauler.
2. All other occupants shall arrange for the collection of such items by a licensed hauler or shall take such items to the appropriate area of the Rock County Landfill.

(C) Waste oil shall be managed as follows:

1. Occupants of single-family and two- to four-unit residences, multiple-family dwellings, and non-residential facilities and properties who are service recipients under the Town of Harmony's Roadside Recycling and Refuse Collection Program shall store waste oil in leak-proof containers with a maximum volume of one gallon and shall place the containers adjacent to such occupants' recycling bin for collection by the Town's designated hauler.
2. All other occupants shall arrange for the collection of waste oil by a licensed hauler or shall take such waste oil to a licensed waste oil collection site.

(D) Yard waste shall be managed as follows:

1. All occupants of properties within the Town of Harmony shall keep yard waste out of the trash and shall either take the material to the composting site at the Rock County Landfill or shall manage it on-site.

#### SECTION 4: PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS

Except as otherwise directed by the Town Board, occupants of single-family and two- to four-unit residences, multiple-family dwellings, and non-residential facilities and properties who are service recipients under the Town of Harmony's Roadside Recycling and Refuse Collection Program shall prepare and collect the separated materials specified in Section 3(1)(E)-(O) as follows:

- (1) Aluminum containers shall be rinsed free of product residue, placed in the approved recycling bin, and placed upon the curb on the day designated for collection.
- (2) Bi-metal containers shall be rinsed free of product residue, placed in the approved recycling bin, and placed upon the curb on the day designated for collection.
- (3) Corrugated fiberboard (cardboard) and, beginning on January 1, 1995, all other corrugated paper or other container board, shall be free of debris, flattened, cut into squares not greater than 2' x 2', stacked and tied, placed in the approved recycling bin, and placed upon the curb on the day designated for collection.
- (4) Beginning on January 1, 1995, foam polystyrene packaging shall be contained in an open paper bag or an open corrugated box free of debris, placed in the approved recycling bin, and placed upon the curb on the day designated for collection.
- (5) Clear, brown, and green glass containers and, beginning on January 1, 1995, all other glass containers shall be rinsed free of product residue with all caps removed and discarded. The glass containers shall be placed in the approved recycling bin and placed upon the curb on the day designated for collection.
- (6) Beginning on January 1, 1995, magazines shall be free of debris, stacked and tied, placed in the approved recycling bin, and placed upon the curb on the day designated for collection.
- (7) Newspapers shall be free of debris, stacked and tied, placed in the approved recycling bin, and placed upon the curb on the day designated for collection.
- (8) Beginning on January 1, 1995, office paper shall be free of debris, stacked and tied or contained in an open paper bag or an open corrugated cardboard box, placed in the approved recycling bin, and placed upon the curb on the day designated for collection.
- (9) Rigid plastic containers shall be prepared and collected as follows:
  - (A) Plastic containers made of PETE shall be rinsed free of product residue and caps shall be removed and discarded. The containers shall be placed upon the curb on the day designated for collection.
  - (B) Plastic containers made of HDPE shall be rinsed free of product residue and caps shall be removed and discarded. The containers shall be placed upon the curb on the day designated for collection.
  - (C) Beginning on January 1, 1995, plastic containers made of PVC shall be rinsed free of product residue and caps shall be removed and discarded. The

containers shall be placed upon the curb on the day designated for collection.

(D) Beginning on January 1, 1995, plastic containers made of LDPE shall be rinsed free of product residue and caps shall be removed and discarded. The containers shall be placed upon the curb on the day designated for collection.

(E) Beginning on January 1, 1995, plastic containers made of PP shall be rinsed free of product residue and caps shall be removed and discarded. The containers shall be placed upon the curb on the day designated for collection.

(F) Beginning on January 1, 1995, plastic containers made of PS shall be rinsed free of product residue and caps shall be removed and discarded. The containers shall be placed upon the curb on the day designated for collection.

(G) Beginning on January 1, 1995, plastic containers made of other resins or multiple resins shall be rinsed free of product residue and caps shall be removed and discarded. The containers shall be placed upon the curb on the day designated for collection.

(10) Beginning on January 1, 1995, steel containers shall be rinsed free of product residue, placed in the approved recycling bin, and placed upon the curb on the day designated for collection.

(11) Waste tires shall be placed upon the curb on the day designated for collection adjacent to the approved recycling bin.

#### SECTION 5: RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS

(1) Responsibilities of Owners or Designated Agents of Multiple-Family Dwellings:

(A) Owners or designated agents of multiple-family dwellings which are not service recipients under the Town of Harmony's Roadside Recycling and Refuse Collection Program shall do all of the following to recycle the materials specified in Section 3(1)(E)-(O):

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 program.

3. Provide for the collection of recyclable materials separated from solid waste by the tenants and for the delivery of the recyclable materials to a recycling facility.
4. Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare recyclable 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 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 3(1)(E)-(O) from solid waste in as pure a form as is technically feasible.

(2) Responsibilities of Owners or Designated Agents of Non-Residential Facilities and Properties:

(A) Owners or designated agents of non-residential facilities and properties which are not service recipients under the Town of Harmony's Roadside Recycling and Refuse Collection Program shall do all of the following to recycle the materials specified in Section 3(1)(E)-(O):

1. Provide adequate, separate containers for the recyclable materials.
2. Notify all users, tenants, and occupants of the properties in writing at least semi-annually about the established recycling program.
3. Provide for the collection of recyclable materials separated from solid waste by the users, tenants, and occupants and for the delivery of the recyclable materials to a recycling facility.
4. Notify users, tenants, and occupants of reasons to reduce and recycle, which materials are collected, how to prepare recyclable 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 facilities or properties is treated at a processing facility licensed by the Department of Natural Resources that

recovers for recycling the materials specified in Section 3(1)(E)-(O) from solid waste in as pure a form as is technically feasible.

## SECTION 6: PROHIBITIONS

- (1) Prohibitions on Disposal of Recyclable Materials Separated for Recycling: No person may dispose of in a solid waste disposal facility or burn in any solid waste treatment facility any of the materials specified in Section 3(1)(E)-(O) of this Chapter which have been separated for recycling, except that waste tires may be burned for energy recovery in a solid waste treatment facility.
- (2) Anti-Scavenging or Unlawful Removal of Recyclables: It shall be unlawful for any person, unless under contract with or licensed by the Town, to collect or remove any recyclable material that has been deposited or placed at the curb or in a container adjacent to a home or non-residential building for the purposes of collection for recycling.
- (3) No Dumping:
  - (A) It shall be unlawful for any person to dispose of or dump garbage in any street, alley, or other public place within the Town of Harmony or in any receptacles or private property without the owner's consent unless it is placed in bags or containers in the manner and at the times specified by this Chapter.
  - (B) No person shall place for collection any garbage at the curb not owned or occupied by such person.
- (4) Non-Disposable Materials: It shall be unlawful for any person to place for disposal any of the following wastes: hazardous and toxic wastes, chemicals, explosives, flammable liquids, paint, trees and stumps, construction debris, carcasses, or medical wastes (except personal needles, which shall be properly contained so as to prevent injury to collection personnel). All such wastes shall be taken to a licensed disposal facility for proper disposition.
- (5) Garbage from Outside of Municipality: It shall be unlawful to bring refuse and/or recyclables for disposal from outside the municipal limits of the Town of Harmony into the Town unless authorized by agreement with the Town.

## SECTION 7: HAULERS

- (1) Hauler Licensing: No person shall engage in the business of hauling recyclables within the Town of Harmony without being licensed by the Wisconsin Department of Natural Resources under Section NR 502.06 of the Wisconsin Administrative Code.

- (2) Hauler Restrictions: Haulers may not dispose in a landfill or burn in a solid waste facility any recyclable materials generated in the Town of Harmony that have been separated for recycling. In addition, haulers shall not compact glass with paper during collection and transport of recyclables to a processing facility or market, and shall keep materials in marketable condition.
- (3) Right to Reject Materials: Haulers who collect solid waste or recyclables in the Town of Harmony shall have the right to reject or leave at the curb any recyclable material that is not prepared according to the specifications in this Chapter or in educational material provided by the contractor to the service recipients. Materials may also be left if they are not separated from solid waste, are not placed in the proper container, or are not designated recyclable materials for collection. The haulers also have the right to refuse to pick up any solid waste if it contains recyclable containers and material. In such cases, the hauler or attendant shall notify the generator of the materials in writing the reasons for rejecting the items. The hauler shall also keep a list of such occurrences and provide it to the Town Clerk quarterly.
- (4) Hauler Permits: Haulers who collect solid waste or recyclables in the Town of Harmony for storage, treatment, processing, marketing, or disposal shall obtain and maintain all necessary municipal and state permits, licenses, and approvals prior to collecting any materials in the Town of Harmony.
- (5) Hauler Records: The recycling haulers and processors operating in the Town of Harmony shall be required to maintain records and report in writing to the Town Clerk at least twice each year, at such times as shall be designated by the Town Board. Reports shall include: the amount of solid waste and recyclables collected and transported from the Town of Harmony; the amount of solid waste and recyclables processed and/or marketed by item type from the Town of Harmony; and the final disposal location of solid waste and recyclable material. Failure to report shall be cause for the Town to revoke any license or sever any contract with the hauler/processor.
- (6) Processing Facilities: Any hauler operating in the Town of Harmony shall not transport for processing any recyclables to a processing facility unless the hauler notifies the Town of Harmony which facility the hauler is using and, by January 1, 1995, the facility has self-certified with the Wisconsin Department of Natural Resources under Section NR 544.16 of the Wisconsin Administrative Code.
- (7) Fees for Service Recipients: The Town Board shall establish fees for service recipients under the Town of Harmony's Roadside Recycling and Refuse Collection Program for the payment for collection services for solid waste and recyclables. Fees shall be assessed on a yearly basis on a per unit basis and be charged as a line item on taxes pursuant to Section 66.60(16) of the Wisconsin Statutes.

- (8) Ownership of Recyclables and Refuse: Recyclable materials and refuse, upon placement at the roadside, shall remain the property and responsibility of the service recipient. Recyclable materials and solid waste, upon collection by any permitted hauler, shall become the property of the hauler.

#### SECTION 8: DESIGNATION RIGHTS

The Town Board reserves the right to designate additional solid waste materials as recyclable or currently collected 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 or its haulers. The Town shall provide written notice of this declaration to service recipients.

#### SECTION 9: COLLECTION OF SOLID WASTE AND RECYCLABLES

- (1) Collection Schedule: The Town of Harmony shall establish the time of collection of solid waste and recyclables for all service recipients under the Town of Harmony's Roadside Recycling and Refuse Collection Program. The Town Clerk or the designated hauler shall provide written notice of the collection schedule to all service recipients at least once in the spring and fall of each year and at any time when the collection schedule is changed.
- (2) Specified Containers: All service recipients under the Town of Harmony's Roadside Recycling and Refuse Collection Program shall comply with the following requirements:
- (A) Solid waste shall be placed for collection in plastic bags and/or standard garbage cans, not to exceed 50 pounds or 30 gallons per container, and contained in a manner to avoid litter.
  - (B) Recyclables shall be placed in the approved recycling bin, except for lead acid batteries and waste oil, which shall be placed immediately adjacent to the bin. If there is a greater amount of recyclables than can be contained in the designated bin, those excess materials shall be placed in an open paper bag or an open corrugated cardboard box and set out on top of or adjacent to the recycling bin, clearly separated from the non-recyclable solid waste.
- (3) Placement of Recyclables and Solid Waste for Collection:
- (A) Except as otherwise specifically directed or authorized by the Town Board, all service recipients under the Town of Harmony's Roadside Recycling and Refuse Collection Program shall place solid waste and recycling containers at the mailbox adjacent to the premises owned or occupied by the person.

- (B) All solid waste and recyclables shall be placed out for collection as required in this section according to the scheduled days established by the Town of Harmony and no sooner than 24 hours prior to the regularly scheduled collection time. The empty recycling bin and any empty garbage cans shall not remain at the mailbox or other specified collection point longer than 12 hours after the regularly scheduled collection time.
- (4) Special Materials: When they have couches or other bulky items to dispose of, service recipients under the Town of Harmony's Roadside Recycling and Refuse Collection Program shall contact the designated hauler, and arrangements will be made for the collection of such items. Small quantities of building materials (lumber, plaster board, etc.) from household remodeling or repair shall be accepted by the designated hauler if placed in standard garbage cans and if the weight per container does not exceed 50 pounds. All lumber must be cut in lengths not exceeding four feet. Building materials not placed in standard garbage cans shall not be subject to collection by the designated hauler.

#### SECTION 10: PROVISION OF SPACE FOR RECYCLING

A person in the Town of Harmony owning or occupying a new building or a building that is remodeled or expanded by 50% or more in floor area shall provide a designated area for the separation, temporary storage, and collection of solid waste and recyclables either within or adjacent to the building.

#### SECTION 11: ENFORCEMENT

- (1) In order to ascertain compliance with the provisions of this Chapter, any authorized officer, employee, or representative of the Town of Harmony may inspect recyclable materials separated for recycling, post-consumer 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 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 representative of the Town of Harmony who requests access for purposes of inspection and presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.
- (2) Any person who violates a provision of this Chapter may be issued a citation by the Building Inspector or any member of the Town Board authorized to collect forfeitures. The issuance of a citation shall not preclude any proceeding under any other ordinance or law relating to the citation or any other matter, nor shall any proceeding under any other ordinance or law relating to the citation or any other matter preclude the issuance of a citation under this paragraph.

- (3) Penalties for violating this Chapter may be assessed as follows:
- (A) Any person who violates Section 6(1) of this Chapter 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 any provision of this Chapter other than Section 6(1) may be required to forfeit not less than \$10 nor more than \$1000 for each violation.

(Chapter Created by Ordinance 10394)