

Town of Byron Recycling Ordinance

Town of Byron, Fond du Lac County, Wisconsin

1. **Title:** Town of Byron Trash and Recycling Ordinance.
2. **Purpose:** The purpose of this ordinance is to provide for trash and recycling collection within the Town, and to promote recycling, composting and resource recovery through an effective recycling program, as provided in s. 287.11, WI Stats., and Chapter 544, Wisconsin Administrative Code.
3. **Statutory Authority:** this ordinance is adopted as authorized under sections 66.0405 and 287.09(3)(b), WI Stats.
4. **Definitions:** For the purpose of this ordinance:
 1. **Recyclable Materials:** For the purpose of this ordinance:
 - A. **Bi-metal container** means a container for carbonated or malt beverages that is made of primarily a combination of steel and aluminum.
 - B. **Container Board** means corrugated paperboard used in the manufacture of shipping containers related products.
 - C. **Foam Polystyrene packaging** means packaging made primarily from foam polystyrene that satisfies one of the following:
 - a. is designed for serving food or beverage
 - 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.
 - D. **Glass Container** means a glass bottle, jar or other packaging container used to contain a product that is the subject of a retail sale and does not include ceramic cups, dishes, even ware, plate glass, safety and window glass, heat resistant glass such as pyrex, lead based glass such as crystal, or TV tubes.
 - E. **HDPE** means high density polyethylene, labeled by SPI code #2.
 - F. **LDPE** means low density polyethylene, labeled by SPI code #4.
 - G. **Magazines** means magazines and other materials printed on similar paper.
 - H. **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.
 - I. **Newspaper** means a newspaper and other materials printed on newsprint.
 - J. **Non-residential Facilities and Properties** means commercial, retail, industrial, institutional and government facilities and properties. This term does not include multiple-family dwellings.
 - K. **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 waste.
 - L. **Other Resins or Multiple Resins** means plastic resins labeled by SPI code #7.
 - M. **PETE or PET** means polyethylene terephthalate, labeled by SPI code #1.
 - N. **Plastic Container** means an individual, separate, rigid bottle, can, jar or carton, except for a blister pack, that is originally used to contain a product that is the subject of retail sale.
 - O. **Postconsumer Waste** means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in s. 291.01(7) WI Stats.,

waste from construction and demolition of structures, scrap automobiles or high-volume industrial waste, as defined in s. 289.01(17) WI Stats.

- P. **PP** means polypropylene, labeled by SPI code #5.
- Q. **PS** means polystyrene, labeled by SPI code #6.
- R. **PVC** means polyvinyl chloride, labeled by the SPI code #3.
- S. **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.
- T. **Solid Waste** has the meaning specified in s. 289.01(33), WI Stats.
- U. **Solid Waste Facility** has the meaning specified in s. 289.01(35) WI Stats.
- V. **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.
- W. **Waste Tire** means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
- X. **Yard Waste** means leaves, grass clipping, 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 ball.

- 2. **Multi-family Dwelling** means a property containing 5 or more residential units, including those which are occupied seasonally.
- 3. **Person** includes any individual, corporation, partnership, association, local government unit, as defined in s. 66.0131(1)(a), WI Stats., state agency or authority or federal agency.

- 5. **Separation of Recyclable Materials:** Occupants of single family and 2 and 4 unit residences, multiple-family dwellings and non-residential facilities and properties shall separate the following items:

- 1. Lead acid batteries
- 2. Major appliances
- 3. Waste oil
- 4. Yard waste
- 5. Aluminum containers
- 6. Bi-metal containers
- 7. Corrugated paper and 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

- 6. **Separation Requirements Exempted:** The separation requirements of section 5 do not apply to the following:

1. Occupants of single-family and 2 – 4 unit residences, multi-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 section 5 from solid waste in a s pure a form as is technically feasible.
2. If less than 30% of the heat input to a facility is derived from the solid waste which is burned as a supplemental fuel.
3. A recyclable material specified in section 5 (5) through (15) for which a variance has been granted by the department of Natural Resources under s. 287.11(2)(m), WI. Stats. or Section NR 544.14, Wisconsin Administrative Code.

A variance is in effect for all plastics except PETE and HDPE; recycling of plastics #3-7, including polystyrene foam is not required as of

7. **Care of separated Recyclable Materials:** To the greatest extent practicable, the recyclable materials separated with section 5 shall be clean and kept free of contaminants such as food or product residue, oil, grease or other non-recyclable materials, including but not limited to household hazardous waste, medial waste and agricultural chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain and other inclement weather conditions.
8. **Preparation and Collection of Recyclable Materials** Except as otherwise directed by the Town of Byron, 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. 5.(1) through (15):

1. **Postconsumer Waste Pickup:**

A. Recyclables Prohibited from Garbage and Refuse Recyclable items as defined in this ordinance are prohibited from being co-mingled and placed in regular garbage bags and/or solid waste carts and must be handled separately and in compliance with the recyclable section of this ordinance.

B. Services Provided Garbage and refuse collection service shall be under the rules and schedules determined by the Town.

C. Properties Served The Town shall provide garbage and refuse collection services within the Town only to single family and multi-family(2-4 units) dwellings.

D. Container Regulations All garbage and refuse to be collected under this ordinance shall be in an approved container according to regulations issued by the Town or by the Town's authorized provider. If required by the provider, the property owner shall be responsible for the purchasing an approved container from the provider or Town. Any damage to the container not covered by the Town's authorized provider shall be the sole responsibility of the property owner.

E. Collection Requirements Garbage carts, cans or bags shall be out by 6AM on collection day. Placed 3 ft. from road, obstacles such as mailboxes and the recycle cart, so automated arm can work properly.

2. **Recycling Pickup:** The following items have all been defined as recyclables for the purpose of the ordinance. The following is a requirement and pickup schedule for particular types of recyclables.

- A. **Services Provided** Recyclable pickup will be provided the same day as garbage pickup, as to be determined by the Town
- B. **Properties Served** The town shall provide recyclable pickup and processing, the same day as garbage pickup to all residential properties of four(4) units or less.
- C. **Container Regulations** All recyclables to be collected under this ordinance shall be in an approved container according to regulations issued by the Town or by the Town's authorized provider. If required by the provider, the property owner shall be responsible for the purchasing an approved container from the provider or Town. Any damage to the container not covered by the Town's authorized provider shall be the sole responsibility of the property owner
- D. **Preparation of Recyclables Prohibited from Garbage and Refuse** The following recyclables to be collected under this ordinance shall be placed in an approved container according to regulations issued by the Town or the Town's authorized provided :
 - a. **Aluminum containers** shall be quickly rinsed and placed in approved cart.
 - b. **Bi-metal containers** shall be quickly rinsed to remove as much residue as possible and placed in approved cart.
 - c. **Glass containers** shall be quickly rinsed and placed in approved cart.
 - d. **Rigid plastic containers made of all PETE, HDPE and other resins and multi-resins** shall be quickly rinsed and placed in approved cart.
 - e. **Steel containers** shall be quickly rinsed to remove as much residue as possible and placed in approved cart.
 - f. **Newspapers** shall be placed in approved cart.
 - g. **Magazines** shall be placed in approved cart.
 - h. **Office paper** shall not be shredded and placed in approved cart.
 - i. **Corrugated cardboard** shall be placed in approved cart.
- E. **Foam Polystyrene Packaging** recommended to be placed in the trash, unless/until the Town directs otherwise.

3. **Occupants of single family and 2 to 4 unit residences, multiple-family dwelling and non-residential facilities and properties shall:**

- A. **Yard Waste** shall be composted in the residents' yard or dispose of at a proper facility or business offering the service.
- B. **Lead Acid Batteries** shall be exchanged at place of purchase of new battery or to be disposed of at a proper facility or business offering this service.
- C. **Major Appliances** shall be disposed of at a proper facility or business offering this service.
- D. **Waste Oil** shall be disposed of at a proper facility or business offering this service.
- E. **Tires** shall be disposed of at a proper facility or business offering this service.

9. **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. 5.5 through 5.15**.
 - A. Provide adequate, separate containers for 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 materials to a recycling facility.
 - D. Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare materials in order to meet the proceeding 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 **9.1** do not apply to the owners or designated agents of multiple-family dwelling if:
 - A. 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 **5.5 through 5.15** from solid waste in as pure a form as is technically feasible.

10. 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. 5.5 through 5.15**.
 - A. Provide adequate, separate containers for recycling 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 user, 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 proceeding 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 **10.1** do not apply to the owners or designated agents of non-residential facilities and properties if:
 - A. 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 section **5.5 through 5.14** from solid waste in as pure a form as is technically feasible.

11. **Prohibitions on Disposal of Recyclable Materials Separated for Recycling** No person may dispose of in a solid waste disposal facility or in a solid waste treatment facility any of the materials specified in **s. 5.5 through 5.15** which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.
12. **Abrogation and Greater Restrictions** It is not intended by this ordinance to repeal, abrogate, annul, impair or interfere with any existing rules, regulation, ordinances or permits previously adopted or issued pursuant to law. However, whenever this ordinance imposed greater restrictions, the provisions of the ordinance shall apply.
13. **Interpretation** In their interpretation application, the provision of this ordinance shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any power

granted by the Wisconsin Statutes. Where any terms or requirements of this ordinance may be inconsistent or conflicting, the more restrictive requirements or interpretations 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 provisions shall be interpreted in light of the Wisconsin Statutes and Chapter NR 544 standards in effect on the date of the adoption of this ordinance, or in effect of the date of the most recent text amendment to this ordinance.

14. **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.
15. **Applicability** The requirements of this ordinance shall apply to all persons within the Town of Byron.
16. **Administration** It shall be the responsibility of the Town of Byron to administer the content of this ordinance. Items not specifically covered in the ordinance shall be handled by the Board based on common municipal practices.
17. **Enforcement** For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the Town of Byron may inspect recycling, postconsumer 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 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 representative of the Town of Byron who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.
18. **Penalty** Any person who violates a provision of this ordinance may be issued a citation by the Town of Byron to collect forfeitures. The issuance of the 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.
1. Any person who violates Section 11 may be required to forfeit \$50 for a first violation, \$200 for the second, and not more than \$2000 for the third or subsequent violation.
 2. Any person who violates a provision of this ordinance, except Section 11, may be required to forfeit not less than \$10 and not more than \$1000 for each violation.
19. **Effective Date** The provisions of this ordinance shall take effect on and after its passage, approval and publication according to Section 60.80(1), Wis Stats.

Adopted this 10/13 day of October, 2020.

TOWN OF BYRON

By:



Bob Simon, Town Chairman

Published this 4th day of November, 2020.

Attest: Mary Laudloff
Mary Laudloff, Town Clerk