

TOWN OF ASHFORD
FOND DU LAC COUNTY WISCONSIN

ORDINANCE #94-1

TOWN OF ASHFORD RECYCLING ORDINANCE

SECTION 1: TITLE

1.1 This ordinance is entitled the "Town of Ashford Recycling Ordinance." The purpose of this Ordinance is to establish and implement a recycling Ordinance pursuant to 1989 Wisconsin Act 335 as set forth in Chapter 159 of the Wisconsin Statutes.

SECTION 2: AUTHORITY

2.1 The Town of Ashford is a "responsible unit" as defined by sec. 159.01 of the Wisconsin Statutes. As such, the Town has the authority under Chapter 159 as well as pursuant to its Village powers under sec. 60.10 of the Wisconsin Statutes to plan, develop, implement and operate an effective recycling program within the Town.

SECTION 3: GENERAL REQUIREMENTS

3.1 All recyclable material shall be separated and prepared as specified in Section 4.2 and delivered by Town residents to the drop off location located at the Ashford Town Hall recycling Building in the Town of Ashford, Wisconsin or at a comparably equipped designated drop off location or facility ("designee") where recyclable materials are processed for recycling. The Town Board reserves the right to designate other drop of locations or facilities to which recyclable material is delivered. The Town reserves the right to prohibit delivery of recyclable materials to any location or facility which it shall deem unqualified to reliably handle recyclable materials in accordance with Chapter 159 of the Wisconsin Statutes. The Town, as the Responsible unit under 159.09, Wis. Stats reserves the right to refuse to receive and to permit its designee to refuse to receive any waste from any person in the Town for recycling purposes if the waste is not properly separated and prepared or if waste is contaminated or otherwise in a condition that makes recycling inappropriate.

3.2 Pursuant to sec. 159.11, Wis. Stats. The Town shall develop an effective recycling program for determination by the Wisconsin Department of Natural Resources. In addition, the Town intends to develop and implement an education program to inform residents of the reasons to recycle, local opportunities to recycle and the prohibitions if recycling does not occur.

3.3 The Town or its agent shall receive recyclable material at the location specified in Section 3.1 above on the following days and the following times:

DAYS WHEN OPEN

1ST Saturday of the month

HOURS WHEN OPEN

From 9 am to 4 pm

SECTION 4: RECYCLABLE MATERIAL

4.1 For purposes of this Ordinance, recyclable material shall include the following, except as otherwise directed by the Ashford Town Board, or if the Department of Natural Resources grants a variance for any of the recyclables 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 beginning on January 1, 1995
- (i) Glass containers
- (j) Magazines and other materials printed on similar paper
- (k) Newspaper and other materials printed on newsprint
- (l) Office paper
- (m) Rigid plastic containers, including those made of PETE (#1), HDPE (#2), Beginning on January 1, 1995 PVC (#3), LDPE (#4), PP (#5), PS (#6), and other resins or multiple resins (#7)
- (n) Steel containers
- (o) Waste tires beginning on January 1, 1995

4.2 All recyclable material shall be handled, separated and prepared for collection and removal as follows, except as otherwise directed by the Ashford Town Board. The following items shall be taken to the recycling center at the Town Hall except if noted otherwise.

- (a) Lead acid batteries shall be dropped off at the recycling center
- (b) Major appliances except any appliances which contain or use chlorofluorocarbons (CFCs) known by the trade name Freon™ are to be dropped off at the Town of Ashford's Old Landfill Site on Highway W, from the 1st of April to the 31st of October only. Major appliances that contain or use chlorofluorocarbons (CFCs), known by the trade name Freon™ are to be taken or picked up by a licensed CFC's (Freon™) salvager (*check at the recycling center for a licensed CFC's (Freon™) salvager*).
- (c) Waste oil must be placed in tightly closed containers of five gallons or less,
- (d) Yard waste which includes grass clippings, leaves and brush, shall be managed on-site.
- (e) Aluminum containers shall be clean.
- (f) Bi-metal containers shall be clean, labels removed and flattened if possible.
- (g) Corrugated paper and other container board shall be flattened and in separate bundles. Liners such as in cereal boxes must be removed.
- (h) Foam polystyrene packaging shall be bundled. (*This item will not be accepted until it is banned from landfills*)
- (i) Glass containers shall be clean, sorted by color (clear, brown and green), have not contained any toxic substances and any neck bands removed. Only glass bottles are accepted. (No window glass, light bulbs, china, dishes and ceramics.)
- (j) Magazines shall be dry and tied in separate bundles.
- (k) Newspaper shall be dry and tied in separate bundles.
- (l) Office paper shall be dry and tied in separate bundles.
- (m) Rigid plastic containers, including those made of PETE(#1), HDPE(#2), PVC(#3), LDPE(#4), PP(#5), PS(#6), and other resins or multiple resins (#7) shall be clean, caps removed, any bands removed and have not contained any toxic substance including motor oil and anti-freeze. (*PVC(#3), LDPE(#4), PP(#5), PS(#6), and other resins or multiple resins (#7) will not be accepted until they are banned from landfills*).
- (n) Steel containers shall be clean, label removed and flattened if possible.
- (o) Waste tires shall be taken to a tire recycler. (*check at recycling center for a tire recycler*).

4.3

The following materials will also be accepted at the Town of Ashford's Old Landfill site from the 1st of April to the 31st of October only.

- (a) Scrap Metal which includes steel, cast iron, aluminum, brass and copper. No wire or fuel tanks of any type will be accepted. Non-metal parts must be removed and disposed of properly. The recycling person in charge has the right to reject any item at their discretion.

The above materials will be accepted by the designee provided they are separated, prepared and delivered in compliance with the instructions of the designee, which the designee shall post in a prominent place at its facility.

SECTION 5: RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF MULTIPLE-FAMILY DWELLINGS

5.1

Owners or designated agents of multiple-family dwellings (5 or more units) shall do all the following to recycle the materials specified in section 4.1.

- (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 facility.
- (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, collections methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.

SECTION 6: RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF NON-RESIDENTIAL FACILITIES AND PROPERTIES

6.1

Owners or designated agents of non-residential and properties shall do all of the following to recycle the materials specified in section 4.1.

- (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 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.

6.2 The requirements specified in (6.1) 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 4.1 from solid waste in as pure a form as is technically feasible.

SECTION 7: SERVICE CONTRACTS

7.1 The Town may negotiate and attempt to enter into an annual or multi-year contract with a licensed waste hauler for the purpose of providing the collection and removal of recyclable material. In that case, recyclable material shall be separated and prepared for collection and removal as specified in sec. 4.2.

SECTION 8: CHARGES

8.1 The Town Board reserves the right to implement a fee structure if they find it necessary to fund the recycling program.

SECTION 9: EXCEPTIONS

9.1 This ordinance shall not apply to or govern recycling operations under the specific control and specific direction of the Town Board.

SECTION 10: PROHIBITIONS ON DISPOSAL OF RECYCLABLE MATERIALS SEPARATED FOR RECYCLING

10.1 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 section 4.1 which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

SECTION 11: ENFORCEMENT

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

11.2 Any person who violates a provision of this ordinance may be issued a citation by the Town of Ashford 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.

11.3 Penalties for violating this ordinance may be assessed as follows:

- (a) Any person who violated section 10.1 may be required to forfeit \$50 for a first violation, \$200 for a second violation, and not more than \$2,000 for a third or subsequent violation.
- (b) Any person who violated a provision of this ordinance, except section 10.1, may be required to forfeit not less than \$10 nor more than \$1,000 for each violation.

SECTION 12: SEPARABILITY

12.1 Should any section or provision of this Ordinance be declared invalid by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance.

SECTION 13: EFFECTIVE DATE

13.1 This Ordinance shall be in force from and after its passage, approval and publication according to law.

SECTION 14 RULES OF CONSTRUCTION

14.1 In the construction of this Ordinance, the following rules shall be observed unless such construction would be inconsistent with the manifest intent of the Ordinance:

- (a) The term “Wisconsin Statutes” whenever used in the Ordinance shall mean the Wisconsin Statutes for the years 1989-90 unless otherwise noted.
- (b) Reference to the male gender includes female and references to the single include the plural. References to “person” extends to natural persons, firms, corporations, partnerships or other entities.
- (c) This Ordinance shall not be construed to abrogate minimum and maximum penalties prescribed by the laws of the State of Wisconsin.

SECTION 15 DEFINITIONS

15.1 For the purposes of this ordinance:

- (1) “Bi-metal container” means a container for carbonated or malt beverages that is made primarily from 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 material 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, stove, residential and commercial furnaces, boilers, dehumidifiers and water heaters.
- (8) "Multiple-family dwelling" means a property containing 5 or more residential units, including those which are occupied seasonally.
- (9) "Newspaper" means a newspaper or 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.
- (12) "Other resins or multiple resins" means plastics resins labeled by SPI code #7.
- (13) "Person" includes any individual, corporation, partnership, association, local governmental unit, as defined in s. 66.299(1)(a), Wis. Stats., state agency or authority or federal agency.
- (14) "PETE" means polyethylene terephthalate, labeled by SPI code #1.
- (15) "Plastic container" means an individual, separated, 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) "Post-consumer waste" means solid waste other than waste generated in the production of goods, hazardous waste, as defined in s. 144.61(5), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in s. 144.44(7)(a)1., 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. 144.01(5), Wis. Stats.
- (22) "Solid Waste Facility" has the meaning specified in s. 144.43(5), 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 and brush, including clean woody vegetative material no greater than 6 inches in diameter. This does not include stumps, roots or shrubs with intact root balls.

5.2 "Wis Stats." Used in section 15.1 of this Ordinance means the Wisconsin Statutes for the years 1993-94.

Adopted this 12th day of September, 1994.

**TOWN OF ASHFORD
BY:**

**Joseph Koch
Town Chairman**

Attest:

**Vivian Bartelt
Town Clerk**

Published this 21st day of September, 1994.