

CHAPTER 10

ESTABLISHING MANDATORY RECYCLING AND REGULATING DISPOSAL OF RECYCLABLE AND OTHER SOLID WASTE AT THE HAMPDEN AND LEEDS WASTE TRANSFER SITE AND TO FIX PENALTIES FOR THE VIOLATION THEREOF

Section 10.1. Abrogation and Greater Restrictions. This Chapter is not intended 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 restriction, the provisions of this Chapter shall apply.

Section 10.2. 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 requirements or interpretation shall apply. Where a provision of this Chapter is required by Wisconsin Statutes, or by a standard in Chapter NR 544, Wis. Administrative Code, and where the Chapter 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 this adoption of this Chapter, or in effect on the date of the most recent text amendment to this Chapter.

Section 10.3. 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.

Section 10.4. Applicability. The requirements of this Chapter apply to all persons within the Town of Hampden, Columbia County, Wisconsin.

Section 10.5. Administration. The provisions of this Chapter shall be administered by the Town Board of the Town of Hampden, Columbia County, Wisconsin.

Section 10.6. 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) "Combustible Rubbish" means all material that may be burned such as brush, branches, small trees (without stumps), waste wood, wood furniture and all other small discarded wood products.

(3) "Construction Waste and Materials" shall mean all stone, dirt, roofing, concrete and related material resulting from construction or demolition of structures, except that construction and waste materials shall be classified as postconsumer waste provided said waste or material does not exceed fifty pounds and is contained in a plastic bag.

(4) "Container board" means corrugated paperboard used in the manufacture of shipping containers and related products.

(5) "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.

(6) "HDPE" means high density polyethylene, labeled by the SPI Code #2.

(7) "LDPE" means low density polyethylene, labeled by the SPI Code #4.

(8) "Magazines" means magazines and other materials printed on similar paper.

(9) "Major appliance" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, refrigerator or stove.

(10) "Multiple-family dwelling" means a property containing five or more residential units, including those which are occupied seasonally.

(11) "Newspaper" means a newspaper and other materials printed on newsprint.

(12) "Non-residential facilities and properties" means commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.

(13) "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.

(14) "Operator" means the person or persons specifically authorized by the Town Boards of the Towns of Hampden and Leeds to operate the Waste Transfer Site

(15) "Other resins or multiple resins" means plastic resins labeled by SPI Code #7.

(16) "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.

(17) "PETE" means polyethylene terephthalate, labeled by the SPI Code #1.

(18) "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.

(19) "Postconsumer waste" means solid waste other than solid 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.

(20) "PP" means polypropylene, labeled by the SPI Code #5.

(21) "PS" means polystyrene, labeled by the SPI Code #6.

(22) "PVC" means polyvinyl chloride, labeled by the SPI Code #3.

(23) "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.

(24) "Solid waste" has the meaning specified in s. 144.01(15), Wis. Stats.

(25) "Solid waste facility" has the meaning specified in s. 144.43(5), Wis. Stats.

(26) "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.

(27) "SPI Code #" means Society of Plastics Industry Symbols.

(28) "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.

(29) "Waste Transfer Site" means the site operated jointly by the Towns of Hampden and Leeds located in the Town of Hampden.

(30) "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 10.7. Separation of Recyclable Materials. 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 postconsumer waste:

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

Section 10.8. Separation, Requirements Exempted. The separation requirements of Chapter 10.7 do not apply to the following:

- (1) Occupants of single family and two to four unit residences, multiple-family swellings 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 Chapter 10.7 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 Chapter 10.7(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.

Section 10.9. Care of Separated Recyclable Materials. To the greatest extent practicable, the recyclable materials separated in accordance with Chapter 10.7 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.

Section 10.10. 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:

- (1) Lead acid batteries shall be returned to the retailer whom sold the replacement battery or contact Columbia County Solid Waste Department.
- (2) Major appliances shall be traded into the appliance dealer or contact Columbia County Solid Waste Department for proper disposal options.
- (3) Waste oil shall be dropped off at the Columbia County Recycling Center located on Highway 16 or other drop-off points approved by the Columbia County Solid Waste Department.
- (4) Yard waste shall be composted on site or leaves and grass clippings can be composted at any location approved by the Town Board or the Columbia County Solid Waste Department.

Section 10.11. Preparation and collection of Recyclable Materials. Except as otherwise directed by the Town Board or Columbia County as Responsible Unit, occupants of single family and two to four unit residences shall do the following for the preparation and collection of the separated materials specified herein:

- (1) Aluminum containers shall be cleaned and/or rinsed and drain off all liquids.
- (2) Bi-metal containers shall be cleaned and/or rinsed and drain off all liquids.
- (3) Corrugated paper or other container board shall be flattened, remove any wax or plastic liners.
- (4) Glass containers shall be "CLEAR, BROWN, or GREEN" bottles and jars, separate by color and remove lids and caps and put in trash, labels can remain.
- (5) Magazines shall be clean and dry.
- (6) Newspaper consists of newspaper, non-corrugated cardboard and mixed paper; clean paper, no wax coated, carbon or tissue paper.
- (7) Office paper shall be clean, no carbon or tissue paper.

(8) Rigid plastic containers shall be prepared and collected as follows:

(a) Plastic containers made of PETE, including soda and liquor bottles, etc., labeled with SPI Code #1 shall have caps removed and discarded and shall be rinsed.

(b) Plastic containers made of HDPE, including milk jugs, laundry bottles, household bottles, labeled with SPI Code #2 (NO PESTICIDE CONTAINERS), shall have caps removed and discarded and shall be rinsed free of product residue.

(c) Plastic containers made of PVC, identified with the SPI Code #3, shall have caps removed and discarded and shall be rinsed free of product residue, and shall be recycled after January 1, 1996.

(d) Plastic containers made of LDPE, identified with the SPI Code #4 PP, identified with the SPI Code #5, PS, identified with the SPI Code #6, and any plastic containers made of other resins or multiple resins, identified with the SPI Code #7, shall have all caps removed and discarded, shall be rinsed to remove product residue, and shall be recycled after January 1, 1995.

(9) Steel containers shall be rinsed and labels removed.

(10) Waste tires shall be left with the retailer who sold the replacement tires, or contact the Columbia County Solid Waste Department.

Section 10.12. 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 Chapter 10.7(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 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 of multiple-family dwellings if 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 above from solid waste in as pure a form as is technically feasible.

Section 10.13. 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 Chapter 10.7(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 of non-residential facilities and properties if the postconsumer 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 above from solid waste in as pure a form as is technically feasible.

Section 10.14. Requirements For And Prohibitions on Disposal.

(1) No person in the Town of Hampden shall dispose, or arrange for the disposal of recyclable material, postconsumer waste, solid waste, combustible material or yard waste at the waste transfer site except in the specific container or area which is designated as the depository for that type, color or composition of material except according to the standards set forth in this Chapter. Such areas shall include, but are not limited to, the recyclable storage shed, yard waste, compost bin, combustible rubbish burning site, heavy metal area, and dumpster for postconsumer waste. All non-recyclable postconsumer waste intended for the dumpster shall be placed in a clear or transparent water-tight plastic bag not exceeding thirty-five (35) gallons in capacity or fifty (50) pounds in weight. The requirement to use clear or transparent bags shall be mandatory and non-compliance subject to the penalty provisions of Chapter 10.15(3).

(2) The operator shall refuse to accept any recyclable material which is not prepared in accordance with the requirements of this Chapter and shall refuse to accept for disposal any postconsumer waste that contains recyclable material, combustible rubbish or any yard waste and shall refuse to accept any construction waste or material or other postconsumer waste unless packaged as provided for in this Chapter.

(3) No person in the Town of Hampden shall deposit, or arrange for the deposit of, any recyclable material, postconsumer waste, combustible rubbish, or yard waste at the Waste Transfer Site anytime that the Site is closed or the Operator is not on duty at the site, except that this subsection shall not restrict access to the Waste Transfer Site by anyone working for a business or the Town to which permission has been granted by the Town Boards of the Towns of Hampden and Leeds, while engaged in such business.

(4) No person in the Town of Hampden shall dump, dispose of, deposit or litter, or arrange therefore, upon any road or road right-of-way, alley, driveway, park, or private property any recyclable material, postconsumer waste, combustible rubbish, construction waste or material litter or yard waste, provided, however, nothing herein shall prevent any person from burning combustible materials if otherwise allowed or from maintaining a private compost pile.

(5) No person shall dispose, or arrange for the disposal, of motor oil in the Town of Hampden except at drop off points approved by Columbia County.

Motor oil shall be contained in a sealed plastic container or a drain pan oil container without contamination with anti-freeze or other solvents.

(6) No person in the Town of Hampden shall dump, dispose, or arrange for the disposal, of any recyclable material in violation of any State Statute or ordinance of Columbia County or instructions posted by the operator of the Waste Transfer Site as directed by the Town Board.

(7) No person in the Town of Hampden shall dispose, or arrange for the disposal, of any recyclable materials, postconsumer waste, combustible rubbish, construction waste or material, or yard waste at the Waste Transfer Site unless the waste originated from a premises in the Town of Hampden or the Town of Leeds.

Section 10.15. Enforcement.

(1) For the purpose of ascertaining compliance with the provision of this Chapter, the Town Chair, any Town Constable, or the Operator may inspect recyclable materials separated for recycling, postconsumer waste, or any other waste, 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 the Town Chair, Town Constable, any other law enforcement officer or Operator who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with any inspection.

(2) Any person who violates a provision of this Chapter may be issued a citation by the Town Chair, any Town Constable or any other law enforcement officer 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.

(3) Penalties for violating this Chapter may be assessed as follows:

(a) Any person who violates Chapter 10.7 may be required to forfeit not more than \$50.00 for a first violation, \$200.00 for a second violation, and \$2,000.00 for a third or subsequent violation. Costs of prosecution and penalty assessment, if any, shall be in addition.

(b) Any person who shall violate any other provision of this Chapter shall, upon conviction thereof, forfeit not less than fifty dollars

(\$50.00) nor more than five hundred dollars (\$500.00) for each offense together with the cost of prosecution and penalty assessment, if any. Each day or incident of violation shall be deemed a separate offense. In addition to the penalty provided herein, the court may order the violator to clean up, remove and pay the cost of clean up or removal of any recyclable material, postconsumer waste, combustible rubbish, construction waste or material or litter disposed of in violation of this Chapter.

(c) In connection with the issuance of citations under Chapter 8 of the Code of Ordinances, the deposits for a violation referenced in Chapter 10.15(3)(a) shall be established at \$40.00 for a first violation, \$150.00 for a second violation, and \$500.00 for a third and subsequent violations. With respect to referenced violations of Chapter 10.15(3)(b), the deposits shall be established as \$75.00 for the first violation and \$250.00 for each subsequent violation.

ORDINANCE NO. 02-2005

**AN ORDINANCE OF THE TOWN OF HAMPDEN CREATING CHAPTER 10
OF THE MUNICIPAL CODE OF THE TOWN OF HAMPDEN ENTITLED
ESTABLISHING MANDATORY RECYCLING AND REGULATING DISPOSAL
OF RECYCLABLE AND OTHER SOLID WASTE AT THE HAMPDEN
AND LEEDS WASTE TRANSFER SITE AND TO FIX PENALTIES
FOR THE VIOLATION THEREOF**

THE TOWN BOARD OF THE TOWN OF HAMPDEN, COLUMBIA COUNTY, WISCONSIN, DOES
HEREBY ORDAIN AND CREATE CHAPTER 10 OF THE MUNICIPAL CODE OF THE TOWN OF HAMPDEN
ENTITLED ESTABLISHING MANDATORY RECYCLING AND REGULATING DISPOSAL OF RECYCLABLE
AND OTHER SOLID WASTE AT THE HAMPDEN AND LEEDS WASTE TRANSFER SITE AND TO FIX
PENALTIES FOR THE VIOLATION THEREOF.

This Ordinance shall be in full force and effect upon passage and publication as
required by law.

TOWN OF HAMPDEN

By:

David Tuschen

David Tuschen, Town Chair

5-17-05

Date

Attest: Diane Guenther
Diane Guenther, Town Clerk

5-17-05

Date

VOTE:

Ayes: 3
Noes: 0
Adopted: 5-17-05
Published: _____