

TITLE XI

Chapter 60

RECYCLING

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60.01 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 Section 159.11, Wis. Stat., and Chapter NR 544, Wisconsin Administrative Code.

60.02 STATUTORY AUTHORITY.

This ordinance is adopted as authorized under Section 159.09(3)(b), Wis. Stat. and the City of Blair.

60.03 ABROGATION AND GREATOR RESTRICTIONS.

It is not intended by this ordinance to repeal, abrogate, annul or impair or interfere with any existing rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, whenever this ordinance imposes greater restrictions, the provisions of this ordinance shall apply.

60.04 INTREPRETATION.

In their interpretation and application, the provisions of this ordinance 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 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 Wisconsin Statutes and the Chapter NR 544 standards in effect on the date of the adoption of this ordinance, or in effect on the date of the most recent text amendment to this ordinance.

60.05 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.

60.06 APPLICABILITY.

The requirements of this ordinance apply to all persons within the City of Blair.

60.07 ADMINISTRATION.

The provisions of this ordinance shall be administered by the City of Blair.

60.08 EFFECTIVE DATE

The provisions of this ordinance shall take effect on January 1, 1995.

60.09 DEFINITIONS FOR THE PURPOSE OF THIS ORDINANCE.

- (1) "Bi-metal container" means a container for carbonated or malt a beverage that is made primarily of a combination of steel and aluminum.
- (2) "Container board" means corrugated paperboard used I 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 materials shaped to hold and cushion the packaged article in a shipping container.
- (4) "HDPE" means high-density polyethylene I as labeled by the SPI code #2.
- (5) "LDPE" means low-density polyethylene as 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 over, oven, refrigerator or stove.

- (8) “Multiple family dwelling” means a property containing five (5) or more residential units including those that are occupied seasonally.
- (9) “Newspaper” means a newspaper and 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” mean plastic resins as labeled by the SPI code #7.
- (13) “Person” includes any individual, corporation, partnership, association, local governmental unit as defined in Section 66.299(1) (a), Wis. Stat., state agency or authority or federal agency.
- (14) “PETE” means polyethylene terephthalate as labeled by the SPI code #1.
- (15) “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 or a retail sale.
- (16) “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), Wis. Stat., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste as defined in Section 144.44(7)(a)1, Wis. Stat.
- (17) “PP means polypropylene as labeled by the SPI code #5.
- (18) “PS” means polystyrene as labeled by the SPI code #6.
- (19) “PVC” means polyvinyl chloride as 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 (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 Section 44.01(15), Wis. Stat.
- (22) “Solid waste facility” has the meaning specified in Section 144.01(5), Wis. Stat.
- (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 six inches (6") in diameter. This term does not include stumps, roots or shrubs with intact root balls.

60.10 SEPARATION OF RECYCLABLE MATERIALS.

Occupants of single family and two (2) to four (4) unit residences, multiple-family dwellings and non-residential facilities and properties shall separate the following materials from post-consumer 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 container made of PETE, HDPE, PVC, LDPE, PP, PS and other resins or multiple resins;
- (14) Steel containers;
- (15) Waste tires.

60.11 SEPARATION REQUIREMENTS EXEMPTED.

The separation requirements of Section 60.11 do not apply to the following:

- (1) Occupants of single family and two (2) to four (4) 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 Section 60.11 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 thirty percent (30%) of the heat input to the facility is derived from the solid waste burned as supplemental fuel.

- (3) A recyclable material specified in Section 60.11(5) through 60.11(15) from which a variance has been granted by the Wisconsin Department of Natural Resources under Section 159.11(2m), Wis. Stat., or Section 544.14, Wisconsin Administrative Code.

60.12 CARE OF SEPARATED RECYCABLE MATERIALS.

To the greatest extent practicable, the recyclable materials separated in accordance with Section 60.10 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.

60.13 MANAGEMENT OF LEAD ACID BATTERIES, MAJOR APPLIANCES, WASTE OIL AND YARD WASTE.

Occupants of single family and two (2) to four (4) 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 delivered to a retail drop-off center.
- (2) Major appliances shall be curbside pick-up once a year during the City of Blair Spring Clean-up Days.
- (3) Waste oil shall be deposited at a retail drop-off center.
- (4) Yard waste shall be deposited at the compost site or disposed of on site by owner. (Example: mulch for garden.)

60.14 PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS.

Except as otherwise directed by the City of Blair, occupants of single family and two (2) to four (4) unit residences shall do the following for the preparation and collection of the separated materials specified in Section 60.10(5) through 60.10(15).

- (1) Aluminum containers shall be clean and removed by authorized haulers during curbside pick-up.
- (2) Bi-metal containers shall be free of paper, rinsed flattened and removed by authorized haulers during curbside pick-up.
- (3) Corrugated paper or other containerboard shall be clean, dry and delivered to the City of Blair Recycling Center.
- (4) Foam polystyrene packaging shall be clean, dry and delivered to the City of Blair Recycling Center.
- (5) Glass containers shall be free of all rings, caps and rinsed, then removed by authorized haulers during curbside pick-up.

- (6) Magazines shall be dry, bundled and removed by authorized haulers during curbside pick-up.
- (7) Newspaper shall be dry, bundled and removed by authorized haulers during curbside pick-up.
- (8) Office paper shall be dry, bundled and removed by authorized haulers during curbside pick-up.
- (9) Rigid plastic containers shall be prepared and collected as follows:
 - (A) Plastic containers made of PETE, including SPI code #1 shall be clean and removed by authorized haulers during curbside pick-up.
 - (B) Plastic containers made of HDPE, including SPI code #2 shall be clean and removed by authorized haulers during curbside pick-up.
 - (C) Plastic containers made of PVC, including SPI code #3, shall be clean and removed by authorized haulers during curbside pick-up.
 - (D) Plastic containers made of LDPE, including SPI code #4, shall be clean and removed by authorized haulers during curbside pick-up.
 - (E) Plastic containers made of PP, including SPI code #5, shall be clean and removed by authorized haulers during curbside pick-up.
 - (F) Plastic containers made of PS, including SPI code #6, shall be clean and removed by authorized haulers during curbside pick-up.
 - (G) Plastic containers made of other resins or multiple resins, including SPI code #7, shall be clean and removed by authorized haulers during curbside pick-up.
- (10) Steel containers shall be removed during the Spring Clean-up Days provided by the City of Blair.
- (11) Waste tires shall be removed during the Spring Clean-up Days provided by the City of Blair or a retail drop-off center.

60.15 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 Section 60.10(5) through Section 60.10(15).
 - (A) Provide adequate, separate container 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 the 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 post-consumer waste generated within the dwelling is treated at a processing facility licensed by the Wisconsin Department of Natural Resources that recovers for recycling the materials specified in Section 60.10(5) through Section 60.10(15) from solid waste in as pure a form as is technically feasible.

60.16 RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF NON-RESIDENTIAL FACILITIES AND PROPERTIES.

- (1) Owners of designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in Section 60.10(5) through Section 60.10(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 and 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 post-consumer waste generated within the facility or property is treated at a processing facility licensed by the Wisconsin Department of Natural Resources that recovers for recycling the materials specified in Section 60.10(5) through Section 60.10(15) from solid waste in as pure a form as is technically feasible.

60.17 PROHIBITIONS ON DISPOSAL OF RECYCLABLE MATERIALS SEPARATED FOR RECYCLING.

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 60.10(5) through Section 60.10(15),

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

60.18 ENFORCEMENT.

- (1) For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the City of Blair 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 representative of the City of Blair who requests access for purposes of inspection and who presents appropriate credentials. No person may obstruct, hamper or interfere with such an inspection.
- (2) Any person who violates a provision of this ordinance may be issued a citation by the City of Blair to collect forfeitures. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same of any other matter shall not preclude the issuance of a citation under this paragraph.
- (3) Penalties for violating this ordinance may be assessed as follows:
 - (A) Any person who violates Section 60.17 may be required to forfeit fifty dollars (\$50.00) for a first violation, two hundred dollars (\$200.00) for a second violation and not more than two thousand dollars (\$2,000.00) for a third or subsequent violation.
 - (B) Any person who violates a provision of this ordinance, except Section 60.17, may be required to forfeit not less than ten dollars (\$10.00) nor more than one thousand dollars (\$1,000.00) for each violation.

ADOPTED: December 5, 1994