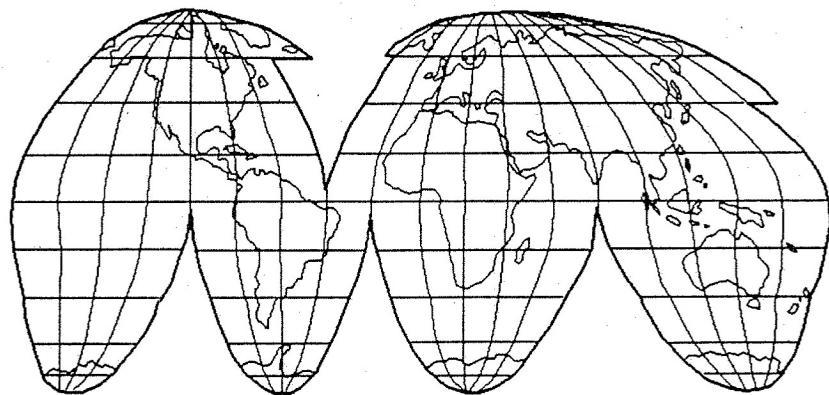


ADAMS COUNTY

RECYCLING

ORDINANCE



"EARTH FRIENDLY"

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ADAMS COUNTY RECYCLING ORDINANCE

2.01 TITLE. The title of this ordinance shall be Adams County Recycling Ordinance.

2.02 AUTHORITY. The authority to enact this ordinance is provided pursuant to Wis. Stats. 159.09(3)(b) and WI Stats. 59.02.

2.03 PURPOSE. The purpose of this ordinance is to promote recycling and resource recovery through the administration of an effective program, as provided in s. 159.11, Wis. Stats., and Chapter NR 544, Wis. Administrative Code.

2.04 ABROGATION AND GREATER RESTRICTIONS. It is not intended by this ordinance 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 ordinance imposes greater restrictions, the provisions of this ordinance shall apply.

2.05 INTERPRETATION. In their interpretation and application, the provisions of this ordinance shall be held to 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 interpretation shall apply. Where a provision of this ordinance is required by Wis. Stats., or by a standard in Chapter NR 544, Wis. Administrative Code, and where the ordinance provision shall be interpreted in light of the Wis. Stats., 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.

2.06 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.

2.07 APPLICABILITY. The requirements of this ordinance apply to all persons within the municipalities that have opted to have Adams County as the Responsible Unit of Government for recycling programs.

2.08 ADMINISTRATION. The provisions of this ordinance shall be administered by the Director of the Adams County Solid Waste Department.

2.09 EFFECTIVE DATE. The provisions of this ordinance shall take effect on _____.

2.10 DEFINITIONS.

- (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 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 and beverages.
 - (b) Consists of loose particles intended to fill space and cushion the packages 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, labeled by the SPI code #2.
- (5) "LDPE" means low density polyethylene, labeled by the SPI code #3.
- (6) "Lead acid battery" such as car or marine battery.
- (7) "Magazines" means magazines and other materials printed on similar paper.
- (8) "Major appliances" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator or stove.
- (9) "Materials recovery facility (MRF)" means a solid waste processing facility where recyclable materials are processed for reuse or recycling by an end user.
- (10) "Multiple-family dwelling" means a property containing 5 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.

(14) "Other resins or multiple resins" means plastic resins labeled by the SPI code #7.

(15) "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.

(16) "PETE" means polyethylene terephthalate, labeled by the SPI code #1.

(17) "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.

(18) "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.

(19) "PP" means polypropylene, labeled by the SPI code #5.

(20) "PS" means polystyrene, labeled by the SPI code #6.

(21) "PVC" means polyvinyl chloride, labeled by the SPI code #3.

(22) "Recyclable materials" means any item as designated in s. 2.11 of this ordinance.

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

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

(25) "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.

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

(27) "Yard waste" means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative materials no greater than 6 inches in diameter. This term does not include stumps, roots of shrubs with intact root balls.

2.11 SEPARATION OF RECYCLABLE MATERIALS. Occupants of single family and 2 to 4 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

2.12 SEPARATION REQUIREMENTS EXEMPTED. The separation requirements of s. 2.11 do not apply to the following:

- (1) Occupants of single family and 2 to 4 units residences, multiple-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 s. 2.11 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 30% of the heat input to the facility is derived from the solid waste burned as supplemental fuel.
- (3) A recyclable material specified in s. 2.11(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.

2.13 CARE OF SEPARATED RECYCLABLE MATERIALS. To the greatest extent practicable, the recyclable materials separated in accordance with s. 2.11 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.

2.14 MANAGEMENT OF LEAD ACID BATTERIES, MAJOR APPLIANCES, WASTE OIL, AND YARD WASTE. Occupants of single family and 2 to 4 unit residents, 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 an approved material recovery facility which accepts lead acid batteries or a lead acid battery retailer.
- (2) Major appliances shall be accepted by a waste hauler/recycler or a material recovery facility that accepts major appliances. Any person accepting major appliances must comply with the provisions of Wis. Stats. 144.44(9) and 144.79 for the removal and disposal of capacitors and s. 144.422, Wis. Stats., for the dismantling of refrigeration equipment.
- (3) Waste oil shall be delivered to an approved drop-off site.
- (4) Yard waste shall be managed on site or composted at an approved composting facility.

2.15 PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS. Except as otherwise directed by Adams County Solid Waste Committee or designee, 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. 2.11(5) through (15):

- (1) Aluminum containers shall be rinsed free of product and flattened if possible. Placed in the designated receptacle of an established drop-off site during the days and hours of operation.
- (2) Bi-metal containers shall be rinsed free of product and flattened if possible, placed in the designated receptacle of an established drop-off site during the days and hours of operation.
- (3) Corrugated paper or other container board shall be free of debris, flattened, stacked and tied, and placed in the designated receptacle of an established drop-off site during the days and hours of operation.
- (4) Foam polystyrene packaging shall be placed in a bag and placed in the designated receptacle of an established drop-off site during the days and hours of operation.
- (5) Glass containers shall be rinsed free of product residue and caps and rings shall be removed and discarded. The glass containers shall be placed in the designated receptacle of an established drop-off site during the days and hours of operation.
- (6) Magazines shall be free of debris, stacked and tied, and placed in the designated receptacle of an established drop-off site during the days and hours of operation.
- (7) Newspaper shall be free of debris, stacked and tied, and placed in the designated receptacle of an established drop-off site during the days and hours of operation.

(8) Office paper shall be free of debris, bagged, and placed in the designated receptacle of an established drop-off site during the days and hours of operation.

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

- (a) Plastic containers made of PETE (#1), shall be rinsed free of product residue and caps shall be removed and discarded. The containers shall be placed in the designated receptacle of an established drop-off site during the days and hours of operation.
- (b) Plastic containers made of HDPE (#2), shall be rinsed free of product residue and caps shall be removed and discarded. The containers shall be placed in the designated receptacle of an established drop-off site during the days and hours of operation.
- (c) Plastic containers made of PVC (#3), shall be rinsed free of product residue and caps shall be removed and discarded. The containers shall be placed in the designated receptacle of an established drop-off site during the days and hours of operation.
- (d) Beginning on January 1, 1995, rigid plastic containers made of LDPE (#4), shall be rinsed free of product residue and caps shall be removed and discarded. The containers shall be placed in the designated receptacle of an established drop-off site during the days and hours of operation.
- (e) Beginning on January 1, 1995, rigid plastic containers made of PP (#5), shall be rinsed free of product residue and caps shall be removed and discarded. The containers shall be placed in the designated receptacle of an established drop-off site during the days and hours of operation.
- (f) Beginning on January 1, 1995, rigid plastic containers made of PS (#6), shall be rinsed free of product residue and caps shall be removed and discarded. The containers shall be placed in the designated receptacle of an established drop-off site during the days and hours of operation.
- (g) Beginning on January 1, 1995, Plastic containers made of other resins of multiple resins (#7), shall be rinsed free of product residue and caps shall be removed and discarded. The containers shall be placed in the designated receptacle of an established drop-off site during the days and hours of operation.

- (10) Steel containers shall be rinsed free of product residue, labels removed, and may be flattened. The containers shall be placed in the designated receptacle of an established drop-off site during the days and hours of operation.
- (11) Waste tires shall be delivered to an approved material recovery facility which accepts waste tire or to a tire retailer.

2.16 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. 2.11(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 licensed 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 of 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 in s. 2.11(5) through (15) from solid waste in as pure a form as is technically feasible.

2.17 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. 2.11(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 licensed 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 owner 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 in s. 2.11(5) through (15) from solid waste in as pure a form as is technically feasible.

2.18 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 s. 2.11(5) through (15) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

2.19 SPECIFIED CONTAINERS. Beginning January 1, 1995, solid waste shall be placed for collection and drop-off, in clear plastic bags, not to exceed 50 pounds per container or 30 gallons, and contained in a manner to avoid litter.

2.20 RIGHT TO REJECT MATERIALS. The hauler or drop-off site attendant has the right to reject or leave at the curb any solid waste that is not prepared according to the specifications in s. 2.19. The hauler and drop-off site attendant also have the right to refuse to pick up or reject any solid waste if it contains recyclables in s. 2.11(5) through (14). In such cases, the hauler or attendant shall notify the generator of the materials about the reasons for rejecting the items either in writing or verbally. The hauler or attendant shall also keep a list of such occurrences and provide it to Adams County Solid Waste Department at least quarterly.

2.21 ENFORCEMENT. (1) For the purpose of asserting compliance with the provisions of this ordinance, any authorized officer, employee or representative of Adams County Solid Waste Department may inspect recyclable materials separated for recycling,

postconsumer 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 Adams County Solid Waste Department who requests access for purpose of inspections, 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 an official of the Adams County Solid Waste Department and any law enforcement officials employed by Adams County 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 ordinance may be assessed as follows:
 - (a) Any person who violates s. 2.18 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 a provision of this ordinance, except s. 2.18, may be required to forfeit not less than \$10 nor more than \$1000 for each violation.

2.22 AMENDMENT. This ordinance may be amended subject to approval by the Adams County Board of Supervisors.