

CHAPTER XV

RECYCLING

15.01 Title. Recycling Ordinance for the Town of Brighton.

15.02 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 s. 159.11, Wis. Stats., and Chapter NR 544, Wis. Administrative Code.

15.03 Statutory Authority. This ordinance is adopted as authorized under s. 159.09(3)(b), Wis. Stats.

15.10 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.

15.11 Interpretation. 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 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.

15.12 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.

15.13 Applicability. The requirements of this ordinance apply to all persons within the Town of Brighton.

15.14 Administration. The provisions of this ordinance shall be administered by the Town of Brighton.

15.15 Effective Date. The provisions of this ordinance shall take effect on January 1, 1994.

15.16 Separation of Recyclable Materials. Occupants of single family and 2 to 4 unit residences, multiple-family and non-residential facilities and properties shall separate the following materials from post consumer waste:

(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
- (i) Glass containers
- (j) Magazines
- (k) Newspaper
- (l) office paper
- (m) Rigid plastic containers made of PETE, HDPE, LDPE, PP, PS, and other resin or multiple resins.
- (n) Steel containers
- (o) Waste tires

15.17 Definitions of Recyclable Materials. For the purpose of this ordinance refer to Wisconsin Recycling Administrative Code, Chapter NR 544 for DNR definitions of the recyclable materials in s.15.16.

15.18 Separation Requirements Exempted. The separation requirements of s.15.16 do not apply to the following:

- (a) Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties that send their postconsumer waste to a processing facility licenses by the Wisconsin Department of Natural Resources that recovers the materials specified in s.15.16 from solid waste in as pure a form as technically feasible.
- (b) 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.
- (c) A recyclable material specified in s.15.16 (e) through (o) for which a variance has been granted by the Department of Natural Resources under s.159.11(2m), Wis. Stats., or NR 544.14, Wis. Administrative Code.

15.19 Care of Separated Recyclable Materials. to the greatest extent practicable, the recyclable materials separated in accordance with s.15.16 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 weather conditions.

15.20 Management Of Lead Acid Batteries, Major Appliances, Waste Oil and Yard Waste. Occupants of single family and 2 to 4 unit residences and multiple-family dwellings and non-residential facilities and properties shall manage lead acid batteries, major appliances, waste oil and yard waste as follows:

(a) Lead acid batteries shall be free from leaks, clean and separated.

(b) Major appliances shall be cleaned and doors removed.

(c) Waste oil shall be free of contaminants in clean container and poured in waste oil receptacle.

(d) Yard waste shall be clean and clear of nails, wire, dirt, cements and stones and piled in compost bin.

15.21 Preparation and Collection of Recyclable Materials. Except as otherwise directed by the Town Board of Brighton, 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.15.16 (e) through (o):

(a) Aluminum containers shall be clean and tap rinsed.

(b) Bi-metal containers shall be clean and tap rinsed.

(c) Corrugated paper or other container board shall be clean and free from staples, wire, etc. and flattened.

(d) foam polystyrene packages shall be clean and bagged.

(e) Glass containers only shall be clean, tap rinses, all caps removed and rings removed. Brown, green and clear glass must be separated.

(1) No window or auto glass.

(f) Magazines shall be boxed or bagged.

(g) Newspaper shall be bagged or bundled.

(h) Office paper shall be free of all staples, paper clips and rubber bands.

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

(1) Plastic containers made of PETE, including milk bottles and laundry soap containers shall be cleaned and tap rinsed. No hand soap containers.

(2) Plastic containers made of HDPE, including all soda bottles, shall be cleaned, tap rinsed, empty, all caps and rings removed, crushed and separated by color.

(3) No other plastics will be accepted at this time, but may be in 1995.

(j) Steel containers shall be washed and tops removed.

(k) Waste tires shall be free of rims, dry and clean.

15.22 Disposal of Separated Recyclable Materials. The Town clerk will maintain and make available to the public a list of which recyclable materials will be accepted at the Town of Brighton drop off site. The Town Clerk will also maintain and make available to the public a list of which facilities will accept the recyclables that the town cannot, and the cost of disposing of these recyclables.

15.23 Responsibilities of Owners or Designated Agents of Multiple-Family Dwellings.

(a) Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in s.15.16 (e) through (o):

(1) Provide adequate, separate containers for the recyclable materials.

(2) Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.

(3) 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.

(4) Notify the 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.

(b) the requirements in (a) do not apply to the owners or designated agents of multiple-family dwellings if the post consumer waste is 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.15.16 (e) through (o) from solid waste in as pure a form as is technically feasible.

15.24 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 materials specified in s.15.16 (e) through (o) which have been separated for recycling, except waste tires may be burned with energy recovery in solid waste treatment facility.

15.25 Enforcement.

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

(b) Any person who violated a provision of this ordinance may be issued a citation by the Town of Brighton 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.

(c) Penalties for violating this ordinance may be assessed as follows:

(1) Any person who violates s.15.24 may be required to forfeit Fifty (\$50.00) Dollars for a first violation, Two Hundred (\$200.00) Dollars for a second violation and not more than Two Thousand (\$2000.00) Dollars for a third or subsequent violation.

(2) Any person who violates a provision of this ordinance, except s.15.24, may be required to forfeit not less than Ten (\$10.00) Dollars nor more than One Thousand (\$1000.00) Dollars for each violation.

15.26 Scrap salvage, Garbage and Refuse Collectors.

(a) Purpose: The Town Board of Brighton makes the following findings:

(1) The Town has implemented a recycling program which, among other things, encourages the separation and collection of various types of household scraps, refuse and garbage.

(2) The acts of third persons, defined as "scrap salvage collectors" herein in taking or attempting to take or collect various components of household scrap, garbage and refuse from privately owned property has a detrimental effect on the implementation and efficiency of the Town recycling program.

(3) In addition to having an adverse impact on the Town recycling program, the acts of "scrap salvage collectors" in going upon privately owned property to collect scrap, garbage and refuse has the potential for spreading disease, creating fire hazards and other safety and health hazards, creates, extends and aggravates urban blight, interferes with the enjoyment of and reduces the value of private property and interferes with the comfort and well-being of the public.

Based upon the foregoing findings, it is determined that the adequate protection of the public health, safety and welfare requires that "scrap salvage collectors" be regulated and controlled, and such is the purpose of this ordinance.

(b) Definitions. Except where otherwise indicated by the context, the following definitions shall apply in the interpretation and enforcement of this ordinance:

(1) "Person" shall mean any person, firm partnership, association, corporation, company or organization of any kind.

(2) "Scrap Salvage" shall mean any of the following or combination of thereof: old iron, steel, brass, copper, tin, lead or other base materials; used limber, used conveyor belts, used barrels, used appliances not intended for resale as such; old ropes, rags, fibers or fabrics; old tires or rubber; old bottles or other glass; waste paper and other waste or discarded materials which might be prepared to be used again in

some other form; household furniture, used wearing apparel, used brick, tile, plumbing fixtures, pipes, tools or any other used articles or personal property; aluminum cans, glass bottles, plastic bottles or any other container; and any and all household waste, garbage, refuse, debris or other matter which is customarily placed by the owner of private property upon his or her property for the purpose of collection and disposal of the same by a "contractor", as defined herein, whether or not such material is separated or otherwise segregated for purposes of recycling.

(3) "Contractor" shall mean any person, firm, partnership, corporation, company or organization of any kind whose services are enlisted or contracted by the Town or by the "Owner of Private Property", as that term is defined herein, for the purpose of removing and disposing of "Scrap Salvage" from private property.

(4) "Owner of Private Property" means the legal titleholder of record, tenant or other person who is in lawful possession of private property upon which "Scrap Salvage" is situated.

(c) Prohibitions.

(1) Unauthorized Scrap Salvage Collectors. It shall be unlawful for any person who is not a "Contractor" as defined herein, to collect "Scrap Salvage" which is located on privately owned property without first obtaining the permission of the owner of such private property as that term is defined herein.

(2) Non-Profit and Charitable Entities. Nothing contained herein is intended to prohibit bona fide non-profit and charitable entities and persons acting on their behalf with the permission of such non-profit or charitable entity from collecting recyclable items from private property for the purpose of fund raising so long as such non-profit or charitable entity complies with the following: Not less than fourteen (14) days prior to the date upon which such recycling collection will occur the non-profit or charitable entity shall notify, in writing, the chairman of the Town Board of its intent to conduct a fund raising drive by collecting recyclable items; the chairman of the Town Board must give permission to the non-profit or charitable organization to conduct scrap salvage collection for the purpose of fund raising not less than seven (7) days prior to the date of such fund raising activity and he or she shall include in such written permission such requirements as he or she may specify to be in the public interest including, but not limited to the following:

(a) the date and times during which the scrap salvage collection activity shall occur;

(b) the manner in which such scrap salvage activity shall be conducted;

(c) the method of notification or advertising which must be conducted prior to the scrap salvage collection activities which must be utilized to inform the public of such activity; and

(d) such other requirements as are deemed necessary under the circumstances. No such scrap salvage fund raising activity shall occur on any date upon which a regularly scheduled Town garbage pick up is to occur, whether or not such garbage pick up includes recyclable items, unless permission is granted.

(3) Public Property. Nothing shall prohibit any person from engaging in "Scrap Salvage" activities on any publicly owned property located within the Town.