

SOLID WASTE, COMPOSTING AND MANDATORY RECYCLING
ORDINANCE FOR THE TOWN OF PLYMOUTH

The Town Board of the Town of Plymouth do ordain as follows:

The existing Recycling Ordinance for the Township of Plymouth adopted December 7, 1993 is repealed and recreated to read as follows:

SECTION 1. DEFINITIONS. For the purposes of this ordinance:

(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 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, 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 or stove.

(8) "Multiple-family dwelling" means a property containing 5 or more residential units, including those which are occupied seasonally.

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

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

(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 plastic resins labeled by the 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 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 of a retail sale.

(16) "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.

(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(15), 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 term does not include stumps, roots or shrubs with intact root balls.

SECTION 2. 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

SECTION 3. SEPARATION REQUIREMENTS EXEMPTED. The separation requirements of Section 2 do not apply to the following:

(1) 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 licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in Section 2 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 Section 2(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 4. CARE OF SEPARATED RECYCLABLE MATERIALS. To the greatest extent practicable, the recyclable materials separated in accordance with Section 2 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 5. MANAGEMENT OF LEAD ACID BATTERIES, MAJOR APPLIANCES, WASTE OIL AND YARD WASTE. Occupants of single family and 2 to 4 unit residences, multiple-family dwellings, commercial and non-residential facilities and properties shall manage lead acid batteries, major appliances, waste oil, and yard waste as follows:

(1) Lead acid batteries with intact cases shall be placed alongside in the recycling bin.

(2) Major appliances shall be placed at roadside provided prior arrangement has been made between the occupant and the licensed recyclable hauler.

(3) Waste oil shall be placed in a clean covered receptacle and placed alongside the recycling bin.

(4) Yard waste shall be disposed of on site.

SECTION 6. PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS. Occupants of single family, 2 to 4 unit residences and commercial facilities shall do the following for the preparation and collection of the separated materials specified in Section 2(5) through (15):

(1) Aluminum containers shall be placed in the recycling bin.

(2) Bi-metal containers shall be placed in the recycling bin.

(3) Corrugated paper or other container board shall be placed alongside or under the recycling bin.

(4) Foam polystyrene packaging shall be placed in the recycling bin.

(5) Glass containers shall be placed in the recycling bin.

(6) Magazines shall be, beginning on January 1, 1995, separated from newspaper and placed in the recycling bin.

(7) Newspaper shall be placed in the recycling bin.

(8) Office paper shall be, beginning on January 1, 1995, placed in the recycling bin.

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

follows:

(a) Plastic containers made of PETE shall be placed in the recycling bin.

(b) Plastic containers made of HDPE shall be placed in the recycling bin.

(c) Plastic containers made of PVC shall be, beginning January 1, 1995, placed in the recycling bin.

(d) Plastic containers made of LDPE shall be, beginning January 1, 1995, placed in the recycling bin.

(e) Plastic containers made of PP shall be, beginning January 1, 1995, place in the recycling bin.

(f) Plastic containers made of PS shall be, beginning January 1, 1995, placed in the recycling bin.

(g) Plastic containers made of other resins or multiple resins shall be, beginning January 1, 1995, placed in the recycling bin.

(10) Steel containers shall be placed in the recycling bin.

(11) Waste tires shall be placed at roadside provided prior arrangement has been made between the occupants and the licensed recyclable hauler.

SECTION 7. 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 2(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 in Section 2(5) through (15) from solid waste in as pure a form as is technically feasible.

SECTION 8. 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 Section 2(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 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 Section 2(5) through (15) from solid waste in as pure a form as is technically feasible.

SECTION 9. 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 2(5) through (15) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

SECTION 10. ENFORCEMENT.

(1) For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the Town of Plymouth 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 the Town of Plymouth 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 Town of Plymouth 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 Section 9 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 Section 9, may be required to forfeit not less than \$10 nor more than \$1000 for each violation.

SECTION 11. ANTISCAVENGING OR UNLAWFUL REMOVAL OF RECYCLABLES. It shall be unlawful for any person, unless under contract with or licensed by the Town of Plymouth, to collect or remove any recyclable material that has been deposited or placed at the curb or in a container adjacent to a home or non-residential building for the purposes of collection for recycling.

SECTION 12. NO DUMPING.

(1) It shall be unlawful for any person to dispose of or dump solid waste, post consumer waste, garbage, refuse or recyclable materials in any street, alley or other public place within the Town of Plymouth or in any receptacles or private property without the owner's consent unless it is placed in bags or containers in the manner and at the times specified by this ordinance.

(2) The owner of solid waste, post consumer waste, garbage or refuse deposited or discharged in violation of this ordinance shall be liable for a violation hereof as provided in this section. It shall be presumptive evidence that solid waste, waste, garbage or refuse containing indicia of ownership, such as name labels, mail containing names and addresses or other printed or written names that are consistent throughout is owned by the person or persons whose names are found therein.

(3) No person shall place for collection any garbage at the roadside not owned or occupied by such person.

SECTION 13. NONDISPOSABLE MATERIALS. It shall be unlawful for

any person to place for disposal any of the following wastes: Hazardous and toxic wastes, chemicals, explosives, flammable liquids, paint, trees and stumps, construction debris, carcasses, medical wastes.

SECTION 14. GARBAGE FROM OUTSIDE OF TOWN OF PLYMOUTH. It shall be unlawful to bring refuse for disposal (and recyclables) from outside the corporate limits into the Town of Plymouth unless authorized by agreement with the Town of Plymouth.

SECTION 15. HAULER RESTRICTIONS.

(1) Haulers may not dispose in a landfill or burn in a solid waste facility any recyclable materials generated in Town of Plymouth that have been separated for recycling.

(2) Haulers shall not compact glass with paper during collection and transport of recyclables to a processing facility or market, and shall maintain materials in marketable condition.

SECTION 16. RIGHT TO REJECT MATERIALS. The hauler has the right to reject or leave at the roadside any recyclable material that is not prepared according to the specifications in this ordinance or in education material provided by the contractor to the service recipients. Materials may also be left if not separated from solid waste, placed in the proper container, or are not designated recyclable materials for collection. The hauler also has the right to refuse to pick up any solid waste if it contains recyclable containers and material. In such cases, the hauler or attendant shall notify the generator of the materials about the reasons for rejecting either in writing or verbally. The hauler shall also keep a list of such occurrences and provide it to the Town of Plymouth on a monthly basis.

SECTION 17. HAULER LICENSING. Haulers who collect solid waste or recyclables in the Town of Plymouth for storage treatment, processing, marketing or disposal shall obtain and maintain all necessary municipal and state permits, licenses and approvals prior to collecting any materials in the Town of Plymouth.

SECTION 18. REPORTING REQUIREMENTS. The recycling haulers and processors operating in the Town of Plymouth are required to maintain records and report in writing to the Town Clerk at least twice each year. Reports shall include: the amount of solid waste and recyclables collected and transported from the Town of Plymouth the amount of solid waste and recyclables processed and or marketed by item type from the Town of Plymouth; and the final disposal location of solid waste and recyclable material. Failure to report shall be cause for the municipality to revoke any license or sever any contract with the hauler/processor.

SECTION 19. OWNERSHIP OF RECYCLABLES AND REFUSE. Recyclable materials and refuse, upon placement at the roadside, shall become the property of the collector. Recyclable materials, upon collection by any permitted collector, shall become the property of the contractor.

SECTION 20. EXEMPTIONS. The Town of Plymouth reserves the right to designate additional postconsumer waste as recyclable or currently collected materials as no longer recyclable in accordance with state law and to either add or delete them from any collection services provided by the municipality or its contractors. The municipality shall provide written notice to its service recipients of this declaration.

SECTION 21. COLLECTION SCHEDULE. The Town of Plymouth shall establish the time of collection of solid waste and recyclables and the clerk shall publish and provide written notice of the collection schedule at least once at the beginning of each year and at anytime when the collection schedule is changed.

SECTION 22. SPECIFIED CONTAINERS.

(1) Solid waste shall be placed for collection in adequate garbage containers or disposable plastic bags not to exceed 50 pounds per container or 33 gallons, and contained in a manner to avoid litter.

(2) Recyclables shall be placed in the recyclable bins to be furnished by the collector contractor. If there is a greater amount of recyclables than can be contained in the designated bin, those excess materials can be placed on top of or adjacent to the recycling container, clearly separated from the garbage.

(3) All solid waste and recyclables shall be placed as herein required at the specified collection point no sooner than 24 hours prior to the regularly scheduled collection time or be allowed to remain at the roadside longer than 12 hours thereafter.

SECTION 23. PLACEMENT OF RECYCLABLES AND SOLID WASTE FOR COLLECTION. Except as otherwise specifically directed or authorized by the Town of Plymouth, solid waste and recycling containers shall be placed at the roadside or mail box, adjacent to the premises owned or occupied by the person, of the street designated in the published collection schedule for collection. Materials shall be placed out for collection according to the scheduled days established and published by the Town of Plymouth.

SECTION 24. SPECIAL MATERIALS. Residents shall contact the collector contractor when they have couches, bulky items, and construction material from household remodeling or repair and arrangements for collection will be made.

SECTION 25. ESTABLISH FEES. The municipality shall establish fees for service recipients for the payment of collection services for solid waste and recyclables. Fees shall be assessed on a per unit basis with the total cost for each year to be divided by the number of units as of October 1 of that year and then assessed to each unit on an equal basis and be charged as a line item on taxes pursuant to Section 66.60(16), Wis. Statutes on a yearly basis.

SECTION 26. 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.

SECTION 27. EFFECTIVE DATE. The provisions of this ordinance shall take effect on April 1, 1994.

Town of Plymouth

By:

Duane VanKeuren
Duane VanKeuren, Chairman

ATTEST:

Elda Ehrlinger
Elda Ehrlinger, Clerk

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