

RECYCLING ORDINANCE

1.01 Title. Recycling Ordinance for the Town of Union.

1.02 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., Chapter NR 544, Wis. Administrative Code.

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

1.04 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.

1.05 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. Where any terms or requirements of this ordinance may be inconsistent of 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, Wis. 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.

1.06 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.

1.07 Applicability. The requirements of this ordinance apply to all persons within the Town of Union.

1.08 Administration. The provisions of this ordinance shall be administered by the Union Town Board.

1.09 Effective Date. The provisions of this ordinance shall take effect on August 4, 1994.

1.10 Definitions. For the purposes of this ordinance:

- (1) "Bi-metal container" means a container for carbonated or malt beverages that is 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) "Multi-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 commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multi-family dwellings.
- (11) "Office Paper" means high grade printing and writing paper 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 government 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 and no greater than 6 inches in diameter.

This term does not include stumps, roots or shrubs with intact root balls.

1.11 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

1.12 Separation Requirements Exempted. The separation requirements of s 1.11 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 s 1.11 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 1.1(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.

1.13 Care of Separated Recyclable Materials. To the greatest extent practicable, the recyclable materials separated in accordance with s 1.11 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 agriculture chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions.

1.14 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 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 taken by the resident to a retailer and/or a commercial installer of motor vehicle batteries. All lead acid batteries are to be kept out of the land fill.

(2) Major appliances shall be taken by the resident to a responsible contractor who will recycle all possible components. All major appliances are to be kept out of the waste stream.

(3) Waste oil shall be taken by the resident to a retailer managing a waste oil collection center. All waste oil is to be kept out of the waste stream.

(4) Yard waste shall be managed by resident on site. All yard waste is to be kept out of the trash and composting is highly recommended by this unit.

1.15 Preparation and Collection of Recyclable Materials. Except as otherwise directed by the Town Board of Union, 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 1.11 (5) through (15):

(1) Aluminum containers shall be rinsed free of product residue and placed in the designated receptacle at an established drop-off site during the day(s) and hours of operation.

(2) Bi-metal container shall be rinsed free of product residue, have labels removed and be placed in the designated receptacle at an established drop-off site during the day(s) 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 at an established drop-off site during the day(s) and hours of operation.

(4) Beginning January 1, 1996 foam polystyrene packaging shall be free of debris and placed in the designated receptacle at an established drop-off site the day(s) and hours of operation.

(5) Glass containers shall be rinsed free of product residue. Remove and discard all lids, metal rings and labels. Place in the designated receptacle of an established drop-off site during the day(s) and hours of operation.

(6) Beginning January 1, 1995 magazines shall be free of debris, stacked, tied and placed in the designated receptacle of an established drop-off site during the day(s) and hours of operation.

(7) Newspaper shall be free of debris, stacked, tied and placed in the designated receptacle of an established drop-off site during the day(s) and hours of operation.

(8) Beginning January 1, 1995 office paper shall be free of debris, stacked, tied and placed in the designated receptacle of an established drop-off site during the day(s) and hours of operation.

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

(a) Plastic containers made of PETE, including soda bottles and clear non-prescription bottles, shall be rinsed free of product residue, caps removed and discarded and placed in the designated receptacle of a established drop-off site during the day(s) and hours of operation.

(b) Plastic containers made of HDPE, including milk jugs and detergent bottles rinsed free of product residue, caps removed and discarded and placed in designated receptacle of an established drop-off site during the day(s) and hours of operation.

(c) Plastic containers made of PVC, including peanut butter plastic jars and hair care containers, shall be rinsed free of product residue, caps removed and discarded and placed in the designated receptacle of an established drop-off site during the day(s) and hours of operation.

(d) Plastic containers made of LDPE, including mustard

containers and white glue containers, shall be rinsed free of product residue, caps removed and discarded and placed in the designated receptacle of an established drop-off site during the day(s) and hours of operation.

(e) Plastic containers made of PP, including prescription bottles and spice containers, shall be rinsed free of product residue, caps removed and discarded and placed in the designated receptacle of an established drop-off site during the day(s) and hours of operation.

(f) Plastic containers made of PS, including vitamin and petroleum jelly containers, shall be rinsed free of product residue, caps removed and discarded and placed in the designated receptacle of an established drop-off site during the day(s) and hours of operation.

(g) Plastic containers made of other resins or multiple resins, including tomato catsup bottles and deodorant containers, shall be rinsed free of product residue, caps removed and discarded and placed in the designated receptacle of an established drop-off site during the day(s) and hours of operation.

(h) Plastic 3 through 7 will be enforced at a later date.

(10) Steel containers shall be rinsed free of product residue, caps or lids removed and discarded and placed in the designated receptacle of an established drop-off site during the day(s) and hours of operation.

(11) Waste tires shall be free of debris and taken by the resident to a retailer who sells and/or installs tires and manages a tire recycling program, or the Rock County Recycle Center.

1.16 No Dumping. It shall be unlawful for any person to dispose of, or dump garbage in any street, alley or other public place within the Town of Union 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 specifies by this ordinance.

1.17 Non-Disposable 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 (unless personal needles which shall be contained in cardboard to eliminate injury to collection personnel).

1.18 Garbage From Outside of Municipality. It shall be unlawful to bring refuse from outside the corporate limits into the Town of Union for disposal unless authorized by agreement with the municipality.

1.19 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. 1.11 (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 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. 1.11 (5) through (15) from solid waste in as pure a form as is technically feasible.

1.20 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. 1.11 (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 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 in s. 1.11 (5) through (15) from solid waste in as pure a form as is technically feasible.

1.21 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. 1.11 (5) through (15) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

1.22 Enforcement. (1) For the purpose of ascertaining compliance with the provisions of this ordinance any authorized officer, employee or representative of the Town of Union 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 Union who requests access for the purpose 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 any authorized officer of the Town of Union 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. 1.22 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. 1.22 may be required to forfeit not less than \$10 nor more than \$1000 for each violation.

Adopted

Aug. 4, 1994

CHAIRMAN

Wayne Brock

**Public Notice
Town of Union Meeting
July 7, 1994**

The Town of Union monthly meeting will be held Thursday, July 7, 1994, at 7:30 pm in the Union Mutual Fire Insurance Building.


Agenda

1. Chairman opens meeting
2. Clerk's minutes from June 2, 1994
3. Treasurer's report
4. Constable report
5. Weed Commissioner's report
6. Assessor report
7. Approval right-of-way permits
8. Building Inspector report
9. John Morning final approval 6 lots Morning Ridge Estate
10. Will Heritage request. Common driveway. Lots 7 & 8. Morning Ridge Estates
11. Approval irrevocable letter of credit. Woodworth Family Partnership, Glacier Valley Estates
12. Public hearing Town of Union Mandatory Recycling Ordinance. Tentative approval by Town Board of Union Township July 7. (Presented for adoption Aug. 4, 1994)
13. Consulted attorney pertaining to Stewart Road
14. Dave Rich report. Auto removal and complaint on building coming in.
15. Haddinger request
16. Any such business as provided by law
17. Pay bills
18. Adjourn meeting

Karen L. George, Clerk

6-29-1t

Committee. Motion carried by roll call vote.

 The Public Hearing was opened for the Mandatory Town of Union Recycling Ordinance which was tentatively approved by the Town Board at the July 7 meeting and is being presented for adoption at this time. Chairman Disch stated that the ordinance needs to be in action by January of 1995 in order to be eligible to receive the recycling grants. There were no questions or comments at this time and the public hearing was closed. Motion was made by George, second by Hatlen to approve the Recycling Ordinance. Motion carried by roll call vote.

Motion was made by Disch, second by George to approve payment of the six month Jan-June Evansville Fire Department Budget. The Town of Union's share of the budget is 33.91% totaling \$6,157.50. Motion carried by roll call vote. Motion was made by Disch, second by George to also approve payment of \$5,086.50 which is 33.91% of our share of the replacement of the new tanker truck for the Evansville Fire Dept. Motion carried by roll call vote.

Chairman Disch reported that the 920 Bridge on Brooklyn Evansville Rd. will be replaced in 1995 with the estimated cost of \$85,000. The Town of Union's share of the cost is \$8,500. and will be budgeted in October.

Mayor Harlin Miller addressed the Town Board and residents concerning an Ethanol Plant in the Town of Union. The Mayor wanted to know how the Town felt about him pursuing it and if they weren't interested he would not pursue it further. He mentioned a possible location of the Brunsell land east of County M along Highway 14 approximately 150 acres. Residents attending the meeting felt the ethanol plant would be a good thing but using prime agricultural land wouldn't. The Town Board will be getting more information with the possibility of visiting a working ethanol plant to find out the pros and cons before any further decisions are made.

Dave Rich was present at the meeting to update the board on his car removal process. He stated he was now in the 10 car range of his permit and requested that the Town Board members come out for an inspection. He also stated that he will be removing alot more materials but lately has been concentrating on removing cars. The Town Board Officers will be making an inspection on Wednesday evening, August 10th at 7:00 P.M.

The Rock County Unit of the Wisconsin Towns Association will be holding their next meeting on Tuesday, August 16, 1994 at the Rock Town Hall, 5102 Afton Rd. at 8:00 P.M.

In other business, a motion was made by Hatlen, seconded by Disch to approve 3 pollworkers for the September 13 Primary Election. Motion carried by roll call vote.

Motion was made by Disch, second by George to adjourn the August

Town of Union Connections

By Anita Myrland

Evansville Mayor Harlin Miller attended the Thursday night meeting of the Town of Union, which included a concern of a possible ethanol plant in the Town of Union. Miller said, "I would like to know what the Town of Union felt about me pursuing it and if they weren't interested I won't pursue it any further". He added, "I feel it would be a big boost to the farmers in this area and the location is perfect." The Brunsell land east of Cty. M, along Highway 14 (approx. 150 acres) was mentioned, and also the proximity of the railroad to the area.

Those attending the meeting felt the ethanol plant would be a good thing but using prime agricultural land wouldn't. Miller said, "All the farmers have to realize that the by-product of feed would be very essential and would really help the farmers to maybe get a better price for their corn". The Town Board is going to get

Town of Union Public Hearing Planning & Zoning Committee

Notice is hereby given that the town of Union Planning & Zoning Committee will hold a Public Hearing on Wednesday, Aug. 3, at 7:30 pm at the Union Mutual Fire Insurance Building. Agenda is as follows:

Richard & Janet Wienke, 18251 W. Emery Rd., Evansville WI 53536 (N.E. 1/4 of the S.E. 1/4, Sec. 19) request separation of a 5 acre parcel currently zoned A-1. Proposed zoning A-3 for their son to build a home.

Karen L. George, Clerk

7-20-2t

Public Notice Town of Union Meeting Aug. 4, 1994

The Town of Union monthly meeting will be held Thursday, Aug. 4, 1994, at 7:30 pm in the Union Mutual Fire Insurance Building.

Agenda

1. Chairman opens meeting
2. Clerk's minutes from July 7, 1994
3. Treasurer's report
4. Constable report
5. Weed Commissioner's report
6. Assessor report
7. Approval right-of-way permits
8. Building Inspector report
9. Board consideration and action public hearing — Richard & Janet Wienke, 18251 W. Emery Rd. (N.E. 1/4 of S.E. 1/4 Sec. 19) request separation of a 5-acre parcel currently zoned A-1. Proposed zoning A-3 for their son to build a home.
10. Mandatory Town of Union Recycling Ordinance Public Hearing, given tentative approval by the Town Board of Union on July 7, 1994. Presented for adoption Aug. 4, 1994.
11. Six month expenditures - Evansville Fire Dept. Jan-June.
12. Estimated cost of construction for 1995 Old 920 Bridge-Evansville-Brooklyn road
13. Mayor Harlin Miller discussion of possible ethanol plant.
14. Dave Rich report.
15. Wisconsin Towns Association (Rock County Unit) Meeting Tuesday, Aug. 16, 1994, at the Rock Town Hall 5102 Afton Rd. at 8 pm.
16. Any such business as provided by law.
17. Pay bills,
18. Adjourn meeting

Karen L. George, Clerk

8-3-1t

Phone: 882-5220
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ty soccer team will hold its organizational meeting Friday, Aug. 12 at 2 pm. The meeting will be in the school gym at 2909 Kellogg Ave., Janesville. Students (male or female) with 10 or more credits are eligible. For any information call Michael Dietz at 754-3144.

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1/10/95
MB
CD

Notice Town of Union

Whereas a code of general ordinances entitled Municipal Code of Town of Union (or part of code of Municipal Code of Town of Union specifically a Mandatory recycling Ordinance) has been prepared and will be tentatively approved by the Town Board of Union on July 7, 1994.

Now therefore, be it resolved, that this code (or part of code) will be presented for adoption by the Town Board at the next regular board meeting on Aug. 4, 1994.

Be it further resolved that the Town Clerk in accordance with the requirement of Sec. 66.035 of Wis. Statutes shall file a copy of the proposed "Municipal Code of the Town of Union" (or a copy of part of code, specifically; Town of Union Mandatory Recycling Ordinance) in his/her office for public inspection commencing June 20 and cause a copy of the following notice be published in the Evansville Review.

Wayne Disch, Chairman, 17941 W. Croft Rd.
Sharon Franklin, Treasurer, 13847 W. Hwy. 59
Karen George, Clerk, 14506 W. Golf Air Dr.

6-15-2t

Town of Union Recycling

Our fee system for solid waste disposal entitles us to additional recycling grant money. For each user's address we document, the DNR credits us for a household of 2.6 people. They estimate a payment of \$6 for each person or \$15.60 per address. We need your name and address just one time per year. The attendant will be asking you if you have signed the log. If you haven't, please take a minute and sign in.

The Wisconsin Recycling Law mandates that municipalities meet certain criteria by Jan. 1, 1995. We will be fine tuning our recycling program in 1994 to meet those mandates:

Adoption of a Recycling Ordinance with provisions for separation, preparation and collection of recyclables; banning disposal of recyclable materials in landfills; a system of enforcement, citations and penalties.

Public education on recycling.

Meeting minimum collection amounts for recyclable materials by Jan. 1, 1997.

Some possible changes might include requiring use of clear garbage bags to ensure no recyclable material is going into the solid waste containers, slightly different separation and/or preparation of recyclables, requiring haulers for privately contracted curbside service to provide records to the Town.

6-15-2t