

ORDINANCE 2025-06 Responsible Unit Recycling Ordinance

TOWN OF WAYNE, WASHINGTON COUNTY, WISCONSIN

Section 1 - Title

This Ordinance may be cited as the Town of Wayne's Responsible Unit Recycling Ordinance. The Town of Wayne, Washington County, State of Wisconsin ordains as follows:

Section 2 - 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. 287.11, Wis. Stats., and ch. NR 544, Wis. Adm. Code.

Section 3 - Statutory Authority

This ordinance is adopted as authorized under s. 287.09(3)(b), Wis. Stats.

Section 4 - 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.

Section 5 - 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 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 ch. NR 544, Wis. Adm. Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the ch. 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.

Section 6 - 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 7 - Applicability

The requirements of this ordinance apply to all persons within the Town of Wayne.

Section 8 - Administration

The provisions of this ordinance shall be administered by the Town Board of the Town of Wayne.

Section 9 - Effective Date

The provisions of this ordinance shall take effect on September 17, 2025.

Section 10 - Definitions

For the purpose 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. "Glass Container" means a glass bottle, jar or other packaging container used to contain a product that is the subject of a retail sale and does not include ceramic cups, dishes, oven ware, plate glass, safety and window glass, heat-resistant glass such as pyrex, lead based glass such as crystal, or TV tubes.
5. "HDPE" means high density polyethylene, labeled by the resin code # 2.
6. "LDPE" means low density polyethylene, labeled by the resin code # 4.
7. "Magazines" means magazines and other materials printed on similar paper.
8. "Major appliance" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, furnace, boiler, dehumidifier, water heater or stove.
9. "Multiple-family dwelling" means a structure containing 5 or more residential units, including units that are occupied seasonally.
10. "Newspaper" means a newspaper and other materials printed on a newsprint.
11. "Non-residential facilities and properties" means commercial, retail, industrial, institutional and government facilities and properties. Non-residential facilities and properties include any location at which goods or services are provided or manufactured, including locations under construction, demolition, or remodeling, or used for special events such as fairs, festivals, sport venues, conferences, and exhibits. This term does not include multiple family dwellings.
12. "Office paper" means a variety of high-grade printing and writing papers. This term does not include industrial process waste, newspaper or packaging.
13. "Other resins or multiple resins" mean plastic resins labeled by the resin code # 7.
14. "Person" includes any individual, corporation, limited liability company, partnership, association, local government unit, as defined in s. 66.0131(1)(a), Wis. Stats., state agency or authority or federal agency.
15. "PETE" or "PET" means polyethylene terephthalate, labeled by the resin code # 1.
16. "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.
17. "Postconsumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in s. 291.01(7) Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in s. 289.01(17), Wis. Stats.
18. "PP" means polypropylene, labeled by the resin code # 5.
19. "PS" means polystyrene, labeled by the resin code # 6.
20. "PVC" means polyvinyl chloride, labeled by the resin code # 3.
21. "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.
22. "Solid waste" has the meaning specified in s. 289.01(33), Wis. Stats.
23. "Solid waste facility" has the meaning specified in s. 289.01(35), Wis. Stats.
24. "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.
25. "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.

26. "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 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

Section 12 - Separation Requirements Exempted

The separation requirements of Section 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 Section 11 from solid waste in as pure a form as is technically feasible.
2. Solid waste which is burned as a supplement fuel at a facility if less than 30 % of the heat input to the facility is derived from the solid waste burned as supplement fuel.
3. A recyclable material specified in Section 11(5) through (15) for which a variance has been granted by the Department of Natural Resources under s. 287.11(2m), Wis. Stats., or s. NR 544.14, Wis. Adm. Code.

Section 13 - Care of Separated Recyclable Materials

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

Section 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: (for example, will materials be collected curbside or brought to drop-off programs; should residents be directed to scrap metal operations or retail stores, should residents home compost or bring yard waste to a central drop-off location, etc.)

1. Lead acid batteries shall be unbroken.

2. Major appliances such as stoves, microwaves, refrigerators, televisions, VCRs, washers, dryers, air conditioners and dishwashers shall be placed in designated areas at the recycling center, scrap iron shall also be placed in designated areas. All doors must be removed from all appliances.
3. Waste oil shall be dumped into a container at the recycling site.
4. Yard waste shall be placed in designated areas at the recycling site.

Section 15 - Preparation and Collection of Recyclable Materials

Except as otherwise directed by the Town Board of the Town of Wayne, 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 Section 11(5) through (15):

1. Aluminum containers shall be rinsed free of product residue, crushed, kept dry and brought in a separate container.
2. Bi-metal containers shall be rinsed free of product residue, crushed, kept dry and brought in a separate container.
3. Corrugated paper or other container board shall be free of debris, flattened, kept dry, and properly tied or packaged.
4. Foam polystyrene packaging shall be free of debris, flattened, kept dry, and properly tied or packaged.
5. Glass containers shall be rinsed free of product residue with covers removed, kept dry, and separated by color.
6. Magazines or other materials printed on similar paper shall be kept dry, separated from newsprint and properly tied or bagged.
7. Newspaper or other materials printed on newsprint shall be kept dry and properly tied or bagged.
8. Office paper shall be in cardboard boxes, kept dry and tied together.
9. Rigid plastic containers (made of PETE, HDPE, PVC, LDPE, PP, PS or mixed or other plastic resin types) shall be rinsed free of product residue with covers removed, kept dry, and crushed.
10. Steel containers shall be rinsed free of product residue, shall have labels removed, kept dry, crushed, and be separated from aluminum.
11. Waste tires shall not be accepted, and shall be taken to the retail establishments that sell tires.

Section 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 Section 11(5) through (15):
 - a. Provide adequate, separate containers for the recycling program established in compliance with the ordinance. The number of recycling containers shall equal or be greater than the number of trash containers and at least one of the following shall be met:
 - i. The minimum total volume of recycling container space is equal to 20 gallons per week per dwelling unit.
 - ii. The ratio of trash container volume to recycling container volume is at most 2:1.
 - iii. An alternative method that does not result in the overflow of a recycling container during the time period between collection of materials and delivery to a recycling facility.
 - 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 which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, and locations of drop-off collection sites to recycle materials not collected on-site.
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 11(5) through (15) from solid waste in as pure a form as is technically feasible.

Section 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 Section 11(5) through (15):
 - a. Provide adequate, separate containers for the recycling program established under this section. The total volume of recycling containers shall be sufficient to avoid overflow during the time period between collection of materials and delivery to a recycling facility.
 - 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 which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, and locations of drop-off collection sites to recycle materials not collected on-site.
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 Section 11 (5) through (15) from solid waste in as pure a form as is technically feasible.

Section 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 Section 11 (5) through (15) that have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

Section 19 - Anti-scavenging or Unlawful Removal of Recyclables

It shall be unlawful for any person, unless under contract with or licensed by the Town of Wayne, to collect or remove any recyclable material that has been deposited or placed at the Town's recycling center

Section 20 - Non-disposable Materials

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

Section 21 - Garbage Outside the Municipality

It shall be unlawful for any person to bring refuse or disposal (and recyclables) from outside the corporate limits, into the Town of Wayne, unless authorized by written agreement with the municipality.

Section 22 - Right to Reject Materials

The Town of Wayne has the right to reject any recyclable material that is not prepared in accordance with the specifications of Sections 14 and 15 of this Ordinance.

Section 23 - Exemptions

The Town Board of the Town of Wayne, reserves the right to designate additional solid waste materials as recyclable or currently collected materials as no longer recyclable, in accordance with State law and to either add or delete them from any services provided by the Town of Wayne. The Town of Wayne shall provide written notice to its recipients of this declaration.

Section 24 - Applicable date for separation of certain recyclable materials, and applicable date on which such items will be accepted by the Town

The following items are not required to be separated from the waste stream prior to January 1, 1995, and will not be accepted by the Town prior to January 1, 1995, or such later date as provided by Statute law or code of the State of Wisconsin, whichever shall be later:

1. Foam polystyrene packaging
2. Office paper
3. Plastic containers made of PVC, LDPE, PP, PS, and mixed or other plastic resin types
4. Bi-metal containers

Section 25 - Enforcement

1. For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the Town of Wayne 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 Wayne 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 Board of the Town of Wayne 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 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 Section 18, may be required to forfeit not less than \$10 or more than \$1000 for each violation.