

**Ordinance No. 2-94
State of Wisconsin
County of Washington
Town of Farmington**

FARMINGTON MUNICIPAL TRASH AND RECYCLING ORDINANCE

THE TOWN BOARD OF THE TOWN OF FARMINGTON, WASHINGTON COUNTY, WISCONSIN, does ordain as follows:

1. **Title:** Farmington Municipal Trash and Recycling Ordinance.
2. **Purpose:** The purpose of this ordinance is to provide for trash collection within the Town and to promote recycling, composting, and resource recovery through an effective recycling program, as provided in s. 287.11, Wis. Stats., and Chapter NR 544, Wisconsin Administrative Code.
3. **Statutory Authority:** This ordinance is adopted as authorized under sections 66.0405 and 287.09(3)(b), Wis. Stats.
4. **Definitions:** For the purpose of this ordinance:
 - A. **Acceptable Waste** shall mean all non-hazardous solid waste generated by households in the ordinary course including food wastes and discarded papers, cardboard, plastics, cloth, glass and metal materials, but excluding Excluded Waste as defined herein. Waste shall be considered “Acceptable Waste” only if properly contained within the 64-gallon or 96-gallon Carts placed at the curbside on the proper weekly collection day. As used herein, the term “waste” shall mean Acceptable Waste unless the context demonstrates otherwise. Title to Acceptable Waste shall transfer to WM upon collection in WM vehicles.
 - B. **Excluded Waste** shall mean, without limitation, any regulated quantity of a Hazardous Waste or Hazardous Substance as defined by federal, state or local laws or regulations; containerized wastes, the contents of which are not able to be identified; sludges; waste from a pollution control process or cleanup of a spill of a chemical substance or commercial product; waste tires; biohazards or regulated medical waste; friable asbestos; construction and demolition waste; soil, sod, tree branches and stumps; paint; motor oil; excessive storm debris or debris resulting from weather events such as hurricanes or tropical storms; or any item too large or heavy to be contained within a WM provided trash Cart; or any waste or material that is prohibited from being received, managed or disposed of at the disposal facility. Title to and liability for Excluded Waste shall remain with the RU that generated the Excluded Waste at all times.
 - C. **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 all other resins or multiple resins; steel containers; waste tires; and bi-metal containers.
 - D. **Bi-metal container** means a container for carbonated or malt beverages, that is made primarily of a combination of steel and aluminum.
 - E. **Container board** means corrugated paperboard used in the manufacture of shipping containers and related products.
 - F. **Foam polystyrene packaging** means packaging made primarily from foam polystyrene that satisfies one of the following criteria:

1. Is designed for serving food or beverages.
 2. Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.
 3. Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.
- G. **HDPE** means high density polyethylene, labeled by the SPI code #2.
- H. **LDPE** means low density polyethylene, labeled by the SPI code #4.
- I. **Magazines** means magazines and other materials printed on similar paper.
- J. **Major appliance** means a residential or commercial air conditioner, boiler, clothes dryer, clothes washer, dehumidifier, dishwasher, freezer, furnace, microwave oven, oven, refrigerator, stove or water heater.
- K. **Multiple-family dwelling** means a property containing five (5) or more residential units, including those which are occupied seasonally.
- L. **Newspaper** means a newspaper and other materials printed on newsprint.
- M. **Non-residential facilities and properties** means commercial, retail, industrial, institutional and governmental facilities and properties. It includes 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, but not limited to, fairs, festivals, sport venues, conferences and exhibits.
- N. **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.
- O. **Other resins or multiple resins** means plastic resins labeled by the SPI code #7.
- P. **Person** includes any individual, corporation, partnership, association, local governmental unit, as defined in s. 287.01(5m), Wis. Stats., state agency or authority or federal agency.
- Q. **PETE** means polyethylene terephthalate, labeled by the SPI code #1.
- R. **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.
- S. **Postconsumer waste** means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in s. 287.01(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.
- T. **PP** means polypropylene, labeled by the SPI code #5.
- U. **PS** means polystyrene, labeled by the SPI code #6.
- V. **PVC** means polyvinyl chloride, labeled by the SPI code #3.
- W. **Solid waste** has the meaning specified in s. 289.01(33), Wis. Stats.

- X. **Solid waste facility** has the meaning specified in s. 289.01(35), Wis. Stats.
- Y. **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.
- Z. **Waste tire** means a tire that is no longer suitable for its original purpose because of wear, damage or defect
- AA. **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.
5. **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:
- A. Lead acid batteries.
 - B. Major appliances.
 - C. Waste oil.
 - D. Yard waste.
 - E. Aluminum containers.
 - F. Bi-metal containers.
 - G. Corrugated paper and 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, (PVC, LDPE, PP, PS, and other resins or multiple resins.
 - N. Steel containers.
 - O. Waste tires.
6. **Separation Requirements Exempted.** The separation requirements of Section 5, do not apply to the following:
- A. Occupants of single-family and 2 to 4-unit residences, multi-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 5 from solid waste in as pure a form as is technically feasible.
 - B. If less than 30% of the heat input to a facility is derived from the solid waste which is burned as a supplemental fuel at that facility in accordance with s. 287.07(7)(bg), Wis. Stats.
 - C. A recyclable material specified in section 5, for which a variance has been granted by the Department of Natural Resources under s. 287.07(7)(h), Wis. Stats., or Section NR 544 Wisconsin Administrative Code.
- A variance is in effect for all plastics except PETE and HDPE; recycling of other plastics, including polystyrene foam, is not required.
7. **Care of Separated Recyclable Materials.** To the greatest extent practicable, the recyclable

materials separated in accordance with section 5, shall be cleaned and kept free of contamination 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 that could reduce the marketability of the recyclable materials.

8. **Requirements for and Pickup Services Provided by the Town of Farmington.**

A. **Regular Garbage Pickup.**

1. **Recyclables Prohibited from Garbage and Refuse.** Recyclable items as defined in this Ordinance are prohibited from being co-mingled and placed in regular garbage bags and/or solid waste dumpsters and must be handled separately and in compliance with the recyclable section of this ordinance.
2. **Illegal Dumping and Disposal Prohibited.** The Town Board shall be responsible for investigating illegal dumping violations in compliance with this Ordinance, and shall work with the contractor to assure compliance with the recycling program in the Town of Farmington.
3. **Services Provided.** Garbage and refuse collection service shall be under the rules and schedules determined by the Town.
4. **Users Served.** The Town shall provide garbage and refuse collection services within the Town only to single-family and two-family dwellings and to multi-family dwellings containing four or fewer dwelling units.
5. **Container Regulations.** All garbage and refuse to be collected under this Ordinance shall be placed in an approved container according to regulations issued by the Town or the Town's authorized provider. If required by the provider, the property owner shall be responsible for purchasing an approved container from the provider or Town. Any damage to the container not covered by the Town's authorized provider shall be the sole responsibility of the property owner.
6. **Collection Requirements.** In order for garbage and refuse to be collected, garbage and refuse shall be placed in approved containers and placed at the roadside by 6 A.M. on the scheduled collection day, but no earlier than 12 hours before collection. After collection, containers shall be removed from the curb or roadside within 12 hours.

B. **Recycling Pickup.** The following items have all been defined as recyclables for the purpose of this ordinance. The following is a requirement and pickup schedule for particular types of recyclables.

1. **Day Service Provided.** Recyclable pickup will be provided on an Every other week basis under the rules and schedules determined by the Town, or on an alternate day designated by the Town.
2. **Property Served.** Recyclable pickup and processing will be available to all residential properties of four (4) units or less.
3. **Placement.** The following recyclables to be collected under this Ordinance shall be placed in an approved container according to regulations issued by the Town or the Town's authorized provider.:
 - a. Aluminum containers.
 - b. Bi-metal containers.
 - c. Glass containers.
 - d. Rigid plastic containers made of all PETE, HDPE, and other resins specified by the Town's recycling provider.
 - e. Steel containers.
 - f. Newspapers.
 - g. Magazines.
 - h. Office Paper.

- i. Corrugated cardboard.
 - 4. **Damage to Collection Container.** Any damage to the container not covered by the Town's authorized provider shall be the sole responsibility of the property owner.
 - 5. **Lead acid batteries** contact hauler for disposal procedure or dispose of at a proper facility or business offering that service.
 - 6. **Major appliances** contact hauler for disposal procedure or dispose of at a proper facility or business offering that service.
 - 7. **Waste oil** shall be disposed of at a proper facility or business offering that service.
 - 8. **Tires** contact hauler for disposal procedure or dispose of at a proper facility or business offering that service.
 - 9. **Yard Waste** shall be composted in the residents' yard or dispose of at a proper facility or business offering that service.
 - 10. **Foam polystyrene packaging** recommended to be placed in the trash, unless/until the Town directs otherwise.
- 9. **Responsibilities of Owners or Designated Agents of Multi-Family Dwellings.**
 - A. Owners or designated agents of multi-family dwellings shall do all of the following to recycle the materials specified in section 5(E) through (O):
 - 1. Provide adequate, separate containers for 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 tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare materials in order to meet the proceeding 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 specified in 9A do not apply to the owners or designated agents of multiple-family dwellings if:
 - 1. 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 5(E) through (O) from solid waste in as pure a form as is technically feasible.
 - 2. Less than 30% of the heat input to a facility is derived from the solid waste which is burned as a supplemental fuel at that facility in accordance with s. 287.07(7)(bg), Wis. Stats.
 - 3. Items have been granted a separation variance by the Department of Natural Resources under s. 287.07(7)(h), Wis. Stats.
- 10. **Responsibilities of Owners or Designated Agents of Non-Residential Facilities and Properties.**
 - A. Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in section 5(E) through (O):
 - 1. Provide adequate, separate containers for recyclable materials.
 - 2. Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.
 - 3. 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.
 - 4. Notify users, tenants, and occupants of reasons to reduce and recycle, which

materials are collected, how to prepare materials in order to meet the proceeding 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 specified in 10A do not apply to the owners or designated agents of non-residential facilities and properties if:

1. 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 5(E) through (O) from solid waste in as pure a form as is technically feasible.
2. Less than 30% of the heat input to a facility is derived from the solid waste which is burned as a supplemental fuel at that facility in accordance with s. 287.07(7)(bg), Wis. Stats.
3. Items have been granted a separation variance by the Department of Natural Resources under s. 287.07(7)(h), Wis. Stats.

11. **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 5(E) through (O), which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

12. **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.

13. **Interpretation.** In their interpretation application, the provision of this ordinance shall be held to be 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 interpretations shall apply. Where a provision of this ordinance is required by Wisconsin Statutes, or by a standard in Chapter NR 544, Wisconsin Administrative Code, and where the ordinance provision is unclear, the provisions 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.

14. **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. **Applicability.** The requirements of this ordinance shall apply to all persons within the Town of Farmington.

16. **Administration.** It shall be the responsibility of the Town Board to administer the content of this Ordinance. Items not specifically covered in this Ordinance shall be handled by the Board based on common municipal practices.

17. **Effective Date.** The provisions of this ordinance shall take effect on the day after proof of posting the same in accordance with Section 60.80(1), Wis. Stats., has been filed with the Town Clerk.

18. **Violations.** Upon determining that a violation exists with requirements of the Chapter, materials in violation at curb side shall be tagged with a notice informing the property owner of the violation and corrective action required. If tagged, the materials shall be removed from the curb within 24 hours by the property owner. The violation shall be corrected and the materials shall be placed curb

side at the next regular pickup. No special pickups are to be made for materials which were in violation.

19. **Penalty.** Any person who shall violate any provision of this Chapter shall be subject to a penalty as provided in Town of Farmington Ordinance #2-87, Establishing Use of Uniform Citation Method for Enforcement of Ordinance violations.

Amendment to Ordinance No. 2-94 Introduced by: Doug Neumann

Adopted by the Town of Farmington Board of Supervisors this 12th day of November, 2019.

Ayes 3 Noes 0 Absent 0

Chris Elbe
Chris Elbe, Town Chairperson
Town of Farmington

Date Posted: _____

Date Published: _____

Attest:

Chris Schellinger
Chris Schellinger, Town Clerk
Town of Farmington