

11.03 RECYCLING REGULATIONS

(1) **PURPOSE.** The purpose of this section is to promote recycling, composting and resource recovery through the administration of an effective recycling program, as provided in §159.11, Wis. Stats., and Wis. Adm. Code NR 544.

(2) **ABROGATION AND GREATER RESTRICTIONS.** It is not intended by this section 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 section imposes greater restrictions, the provisions of this section shall apply.

(3) **INTERPRETATION.** In their interpretation and application, the provisions of this section 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 section may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where provision of this section is required by Wisconsin Statutes or by a standard in Wis. Adm. Code NR 544, and where a provision of this section is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Wis. Adm. Code NR 544 standards in effect on the date of the adoption of this section or in effect on the date of the most recent text amendment to this section.

(4) **APPLICABILITY.** The requirements of this section apply to all persons within the Village.

(5) **ADMINISTRATION.** The provisions of this section shall be administered by the Village Board.

(6) **DEFINITIONS.** The terms used herein shall be defined as follows:

(a) Bi-metal Container. A container for carbonated or malt beverages that is made primarily of a combination of steel

(b) Container Board. Corrugated paperboard used in the manufacture of shipping containers and related products.

(c) Foam Polystyrene Packaging. Packaging made primarily from foam polystyrene that satisfies one of the following criteria:

1. Is designed for serving food or beverages, or

2. Consists of loose particles intended to fill space and cushion the packaged article in a shipping container, or

3. Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.

(d) HDPE. High density polyethylene plastic containers marked by the SPI code No.2.

(e) LDPE. Low density polyethylene plastic containers marked by the SPI code No.4.

(f) Magazines. Magazines and other materials printed on similar paper.

(g) Major Appliance. A residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator or stove.

(h) Mixed or Other Plastic Resin Types. Plastic containers marked by the SPI code No.7.

(i) Multiple-family Dwelling. A property containing 5 or more residential units, including those which are occupied seasonally.

(j) Newspaper. A newspaper and other materials printed on newsprint.

(k) Nonresidential Facilities and Properties. Commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.

(l) Office Paper. High grade printing and writing papers from offices in nonresidential 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.

(m) Other Resins or Multiple Resins. Plastic resins labeled by the SPI code No.7.

(n) Person. Any individual, corporation, partnership, association, local governmental unit, as defined in §66.0103, Wis. Stats., State agency or authority or Federal Agency.

(o) PETE. Polyethylene terephthalate plastic containers marked by the SPI code No.1.

(p) Plastic Container. 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.

(q) Postconsumer Waste. Solid waste other than solid waste generated in the production of goods, hazardous waste as defined in §144.61(5), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high volume industrial waste as defined in §144.44(7)(a)1., Wis. Stats.

(r) PP. Polypropylene plastic containers marked by the SPI code No.5.

(s) PS. Polystyrene plastic containers marked by the SPI code No.6.

(t) PVC. Polyvinyl chloride plastic containers marked by the SPI code No.3.

(u) 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; newspapers; office paper; rigid plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS and mixed or other plastic resin types; steel containers; waste tires; and bi-metal containers.

(v) Solid Waste. The meaning specified in §144.01(15), Wis. Stats.

(w) Solid Waste Facility. The meaning specified in §144.43(5), Wis. Stats.

(x) Solid Waste Treatment. Any method, technique or process which is designed to change the physical, chemical or biological character

or composition of solid waste. "Treatment" includes incineration.

(y) Waste Tire. A tire that is no longer suitable for its original purpose because of wear, damage or defect.

(z) Yard Waste. 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.

(7) SEPARATION OF RECYCLABLE MATERIALS. Occupants of single-family and 2 to 4 unit residences, multiple-family dwellings and nonresidential 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 or other container board
- (h) Foam polystyrene packaging
- (i) Glass containers
- (j) Magazines or other materials printed on similar paper
- (k) Newspapers or other materials printed on newsprint
- (l) Office paper
- (m) Plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS and mixed or other plastic resin types
- (n) Steel containers
- (o) Waste tires

(8) SEPARATION REQUIREMENTS EXEMPTED. The separation requirements of sub. (7) above do not apply to the following:

- (a) Occupants of single-family and 2 to 4 unit residences, multiple-family dwellings and nonresidential 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 sub. (7) above from solid waste in as pure a form as is 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 sub. (7) above for which a variance or exemption has been granted by the Department of Natural Resources under §§159.07(7)(d) or 159.11(2m), Wis. Stats., or Wis. Adm. Code NR 544.14.

(9) CARE OF SEPARATED RECYCLABLE MATERIALS. To the greatest extent practicable, the recyclable materials separated in accordance with sub. (7) above shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other nonrecyclable 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.

(10) MANAGEMENT OF LEAD ACID BATTERIES, MAJOR APPLIANCES, WASTE OIL, MAGAZINES AND YARD WASTE. Occupants of single-family and 2 to 4 unit residences, multiple-family dwellings and nonresidential facilities and properties shall manage lead acid batteries, major appliances, waste oil, magazines and yard waste as follows:

(a) Village residents are encouraged to trade their old lead acid batteries with the retailer upon purchase of a new battery.

(b) Major appliances shall be collected by the Village's contractor upon payment of the designated fee to the Village Clerk.

(c) Waste oil may be deposited at a location designated by the Village during business hours.

(d) Magazines, all cardboard and paper products may be deposited at the Consolidated Paper Company during business hours in collection bins designated by the Company.

(e) Garden waste and leaves shall be placed in open bags at the curb line for collection by the Village on designated spring and fall dates.

Brush, tree limbs and Christmas trees shall be placed at the curb line for collection by the Village on designated dates; brush and tree limbs shall be laid in the same direction and not exceed 8 feet in length.

(11) PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS. Except as otherwise directed by the Village Board, 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 sub. (7)(e) through (0) above:

(a) Curbside Collection of Recyclable Materials. The following containers and materials shall be placed at the curb in a Village-provided recycling receptacle on designated collection days at 7:00 A.M.:

1. Aluminum containers.
2. Bi-metal containers.
3. Foam polystyrene packages.
4. Glass containers securely tied in bundles.
5. Newspapers in paper bags or securely tied in bundles.
6. Corrugated cardboard.
7. Steel containers.
8. Rigid plastic containers, as follows:
 - a. Plastic containers made of PETE.
 - b. Plastic containers made of HDPE.

(b) Nonrecyclable Plastics. Plastic containers marked with the SPI code #3, #4, #5, #6 and #7 shall not be recycled until deemed marketable by the Village Board or required by law.

(12) 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 for recycling the materials specified in sub. (7)(e) through (0) above:

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 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 specified in par. (a) above 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 sub. (7)(e) through (0) above from solid waste in as pure a form as is technically feasible.

(13) RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF NON- RESIDENTIAL FACILITIES AND PROPERTIES. (a) Owners or designated agents of nonresidential facilities and properties shall do all of the following for recycling the materials specified in sub. (7)(e) through (0) above:

1. Provide adequate separate containers for the recyclable materials.
2. Notify, in writing, at least semi-annually, all users, tenants and occupants of the properties about the
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 pre- pare 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 specified in par. (a) above do not apply to the owners or designated agents of nonresidential 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 sub. (7)(e) through (0) above from solid waste in as pure a form as is technically feasible.

(14) PROHIBITIONS ON DISPOSAL OF RECYCLABLE MATERIALS. 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 sub. (7)(e) through (0) above which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

(15) ENFORCEMENT.

(a) Any authorized officer, employee or representative of the Village and the contracted recycling and waste collection firm employees may inspect recyclable materials separated for recycling, postconsumer waste intended for disposal, collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and nonresidential facilities and properties, solid waste disposal facilities and solid waste treatment facilities, and any records relating to recycling activities for the purpose of and any records relating to recycling activities which shall be kept confidential when necessary to protect proprietary information ascertaining compliance with the provisions of this section. No person may refuse access to any authorized officer, employee or authorized representative of the Village and the contracted recycling and waste

collection firm employees who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper or interfere with such an inspection.

(b) Any person who violates a provision of this section may be issued a citation by Village police 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 section of this Code 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 section may be assessed consistent with §159.97, Wis. Stats., as follows:

1. Any person who violates sub. (14) above may be required to forfeit \$50 for a first violation, \$200 for a second violation and not more than \$2,000 for a third or subsequent violation.
2. Any person who violates a provision of this section, except sub. (14) above, may be required to forfeit not less than \$10 nor more than \$1,000 for each violation.

(d) In addition to the other penalties provided in this subsection, in the event garbage or refuse is not in containers authorized in this section or if recyclables are mixed with garbage, such garbage or refuse will be tagged and not picked up. If the said garbage or refuse is not cleaned up by the following Thursday, it shall be picked up by the Village and the landowner billed for the cost; any such bill which is not paid to the Village Treasurer in 30 days shall be placed on the tax roll as a special charge.

(16) SEVERABILITY. Should any portion of this section be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this section shall not be affected.