

CHAPTER 22 SOLID WASTE, COMPOSTING AND MANDATORY RECYCLING

22.01 DEFINITIONS

For the purposes of this chapter:

Bi-metal container means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.

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.

HDPE means high density polyethylene, labeled by the SPI code #2.

LDPE means low density polyethylene, labeled by the SPI code #4.

Magazines means magazines and other materials printed on similar paper.

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.

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

Newspaper means a newspaper and other materials printed on newsprint.

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

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.

Other resins or multiple resins means plastic resins labeled by the SPI code #7.

Person includes any individual, corporation, partnership, association, local governmental unit, as defined in §66.0131(1)(a), Wis. Stats., state agency or authority or federal agency.

PETE means polyethylene terephthalate, labeled by the SPI code #1.

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.

Post-consumer waste means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in §291.01(7), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in §289.01(17), Wis. Stats.

PP means polypropylene, labeled by the SPI code #5.

PS means polystyrene, labeled by the SPI code #6.

PVC means polyvinyl chloride, labeled by the SPI code #3.

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 bimetal containers.

Solid waste has the meaning specified in §289.01(33), Wis. Stats.

Solid waste facility has the meaning specified in §289.01(35), Wis. Stats.

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.

Waste tire means a tire that is no longer suitable for its original purpose because of wear, damage or defect.

Yard waste means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than 6" in diameter. This term does not include stumps, roots or shrubs with intact root balls.

22.02 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 post-consumer 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.

22.03 SEPARATION REQUIREMENTS EXEMPTED

The separation requirements of §22.02 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 post-consumer waste to a processing facility licensed by the State DNR that recovers the materials specified in §22.02 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.
 - (b) A recyclable material specified in §22.02(5)--(15) for which a variance has been granted by the DNR under §287.11(2m), Wis. Stats., or §NR 544.14, Wis. Adm. Code.

22.04 CARE OF SEPARATED RECYCLABLE MATERIALS

To the greatest extent practicable, the recyclable materials separated in accordance with §22.02 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, medicinal waste, and agricultural chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions.

22.05 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 with intact cases shall be placed next to the recycling bin.
 - (b) Major appliances shall be taken to the Village Garage during its hours of operation only.

Freon must be removed from freezers, refrigerators or dehumidifiers in a legally permissible manner by an appropriate licensed facility or handler with the appropriate written certification provided to the Village that the freon has been legally removed prior to placement at the Village Garage.

- (3) Waste oil shall be placed in a clean covered receptacle and placed next to the recycling bin.
- (4) Yard waste to include only leaves, grass clippings, yard and garden debris but excluding all brush, woody vegetative material no greater than 6" in diameter, shall be taken to the Village designated compost site during its hours of operation only.
- (5) Clean woody vegetative material no greater than 6" in diameter (this material includes branches and small limbs not greater than 6" in diameter) may be put out for collection by the Village crew at curbside by appointment only. Occupants must call the Village Hall and make an appointment for the placement of this type of material at curbside. The Village crew will then pick up the material and chip it, placing the chipped material at the Village designated compost site.
- (6) As an alternative to the occupant taking major appliances to the Village Garage, the occupant may purchase from the office of the Village Clerk, a major appliance sticker at a fee to be established from time to time by the Village Board and affix the sticker to the major appliance at the occupant's residence. Thereafter, the Village crew will pick up the major appliance and transport the major appliance to the Village Garage.

(7) As an alternative, occupants may wish to utilize the leaf collection program to be run by the Village each fall and spring as will be announced in the local official newspaper. Leaves will be collected by Village personnel and thereafter taken to the Village designated compost site.

(8) The Village designated compost site's hours of operation will be established from time to time by the Village Board. At the time of the adoption of this ordinance, the hours of operation are Wednesdays from 7:00 a.m. to 3:00 p.m. and Saturdays from 8:00 a.m. to 4:00 p.m. Future hours of operation changes will be made by the Village Board by resolution.

22.06 PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS

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 §22.05(5)--(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 in 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 placed in the recycling bin.
- (7) Newspaper shall be placed in the recycling bin.
- (8) Office paper shall be 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, 1996, placed in the recycling bin.
 - (d) Plastic containers made of LDPE shall be, beginning January 1, 1996, placed in the recycling bin.
 - (e) Plastic containers made of PP shall be, beginning January 1, 1996, placed in the recycling bin.
 - (f) Plastic containers made of PS shall be, beginning January 1, 1996, placed in the recycling bin.
 - (g) Plastic containers made of other resins or multiple resins shall be, beginning January 1, 1996, placed in the recycling bin.
- (10) Steel containers shall be placed in the recycling bin.
- (11) Waste tires shall be taken to the Village Garage during its hours of operation only. As an alternative, the occupant may purchase a tire removal sticker from the office of the Village Clerk at a price to be established by the Village Board from time to time and thereafter affix the sticker to the tire at the occupant's residence. Village personnel will then pick up the waste tire from the occupant's residence and transport it to the Village Garage.

22.07 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 §22.02(5)--(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 sub. (1) do not apply to the owners or designated agents of multiple-family dwellings if the post-consumer waste generated within the dwelling is treated at a processing facility licensed by the DNR that recovers for recycling the materials specified in §22.02(5)--(15) from solid waste in as pure a form as is technically feasible.

22.08 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 §22.02(5)--(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 nonresidential facilities and properties if the post-consumer waste generated within the facility is treated at a processing facility licensed by the DNR that recovers for recycling the materials specified in §22.02(5)--(15) from solid waste in as pure a form as is technically feasible.

22.09 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 §22.02(5)--(15) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility, and except that a person may dispose of a microwave oven in a solid waste disposal facility if the capacitor has been removed and disposed of in accordance with §299.45(7), Wis. Stats.

22.10 ENFORCEMENT

(1) For the purpose of ascertaining compliance with the provisions of this chapter, any authorized officer, employee or representative of the Village may inspect recyclable materials separated for recycling, post-consumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and nonresidential 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 Village 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 chapter may be issued a citation by the Village 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 chapter may be assessed as follows:

(a) Any person who violates §22.09 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 chapter, except §22.09, may be required to forfeit not less than \$10 nor more than \$1000 for each violation.

22.11 ANTISCAVENGING OR UNLAWFUL REMOVAL OF RECYCLABLES

It shall be unlawful for any person, unless under contract with or licensed by the Village, 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. It shall be unlawful for a person, unless under contract with or licensed by the Village, to collect or remove any recyclable material from the Village designated compost site.

22.12 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 Village 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 chapter.

(2) The owner of solid waste, post consumer waste, garbage or refuse deposited or discharged in violation of this chapter 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 curb not owned or occupied by such person.

22.13 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.

22.14 GARBAGE FROM OUTSIDE OF VILLAGE

It shall be unlawful to bring refuse for disposal (and recyclables) from outside the corporate limits into the Village unless authorized by agreement with the Village.

22.15 HAULER RESTRICTIONS

(1) Haulers may not dispose in a landfill or burn in a solid waste facility any recyclable materials generated in the Village 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.

22.16 RIGHT TO REJECT MATERIALS

The Village has the right to reject any recyclable material that is not prepared according to the specifications in this chapter or in education material provided by the Village from its Village designated compost site or the Village designated collection center at the Village Garage for major appliances and tires. The Village may also reject any branches placed at curbside that are not properly prepared or are too large for the Village chipper to handle. The recyclable hauler has the right to reject or leave at the curb any recyclable material that is not prepared according to the specifications in this chapter 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 solid waste hauler also has the right to refuse to pick up any solid waste if it containers 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 Village on a monthly basis.

22.17 HAULER LICENSING

Haulers who collect solid waste or recyclables in the Village 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 Village.

22.18 REPORTING REQUIREMENTS

The recycling haulers and processors operating in the Village are required to maintain records and report in writing to the Village Clerk at least monthly. Reports shall include: the amount of solid waste and recyclables collected and transported from the Village; the amount of solid waste the recyclables processed and or marketed by item type from the Village; 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.

22.19 OWNERSHIP OF RECYCLABLES AND POST-CONSUMER WASTE

Recyclable materials and refuse, upon placement at the curb, shall become the property of the collector. Recyclable materials, upon collection by any permitted collector, shall become the property of the collector. Post-consumer waste, upon placement at the curb, shall become the property of the collector.

22.20 EXEMPTIONS

The Village reserves the right to designate additional post-consumer 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.

22.21 COLLECTION SCHEDULE

The Village shall establish the time of collection of post-consumer waste and the clerk shall publish and provide written notice of the collection schedule at least once at the beginning of each year and at any time when the collection schedule is changed.

22.22 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 curb longer than 12 hours thereafter.

22.23 PLACEMENT OF POST-CONSUMER WASTE FOR COLLECTION

Except as otherwise specifically directed or authorized by the Village, post-consumer waste shall be placed at the curb line or mail box, adjacent to the premises owned or occupied by the person, or 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 Village.

22.24 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. Major appliances that do not have the freon legally removed therefrom are special materials.