

Chapter 42

SOLID WASTE*

* **Cross References:** Buildings and building regulations, ch. 14; manufactured homes, ch. 22; litter, mud, dirt, stone and debris control, § 26-6; utilities, ch. 54.

Article I. In General

Sec. 42-1. Contracting for services.
Secs. 42-2--42-30. Reserved.

Article II. Recycling

Sec. 42-31. Statutory authority.
Sec. 42-32. Purpose.
Sec. 42-33. Definitions.
Sec. 42-34. Abrogation and greater restrictions.
Sec. 42-35. Interpretation.
Sec. 42-36. Applicability.
Sec. 42-37. Administration.
Sec. 42-38. Enforcement.
Sec. 42-39. Separation of recyclable materials.
Sec. 42-40. Separation requirements exempted.
Sec. 42-41. Care of separated recyclable materials.
Sec. 42-42. Management of lead acid batteries, major appliances, waste oil and yard waste.
Sec. 42-43. Preparation and collection of recyclable materials.
Sec. 42-44. Responsibilities of owners or designated agents of multiple-family dwellings.
Sec. 42-45. Responsibilities of owners or designated agents of nonresidential facilities and properties.
Sec. 42-46. Prohibitions on disposal of recyclable materials separated for recycling.
Sec. 42-47. Nonrecyclable materials.
Sec. 42-48. Items not accepted.

ARTICLE I.

IN GENERAL

Sec. 42-1. Contracting for services.

The village board shall contract for the weekly removal of garbage, refuse and recyclables from single-family homes, multifamily dwellings having fewer than five units, businesses, industry, church, school, public or private organizations.

(Ord. No. 1-94, § 1.01, 1-13-1994)

Secs. 42-2--42-30. Reserved.

ARTICLE II.

RECYCLING

Sec. 42-31. Statutory authority.

This article is adopted as authorized under ch. 287, Wis. Stats.

(Ord. No. 1-94, § 1.03, 1-13-1994)

Sec. 42-32. Purpose.

The purpose of this article is to promote recycling, composting and resource recovery through the administration of an effective recycling program, as provided in ch. 287, Wis. Stats., and NR ch. 544, Wis. Admin. Code.

(Ord. No. 1-94, § 1.02, 1-13-1994)

Sec. 42-33. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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

Container board means corrugated paperboard used in the manufacture of shipping containers and related products.

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.

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, stove or hot water heater.

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

Newspaper means a newspaper and other materials printed on newsprint.

Nonresidential facilities and properties means commercial, retail, industrial, institutional and governmental facilities and properties. The term "nonresidential facilities and properties" does not include multiple-family dwellings.

Office paper means 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. The term "office paper" does not include industrial process waste.

Other resins and multiple resins mean plastic resins labeled by the SPI code #7.

Person includes any individual, corporation, partnership, association, local governmental unit, as defined in s. 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.

Postconsumer waste means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in s. 289.01(12), 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.

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 bi-metal containers.

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

Solid waste facility has the meaning specified in s. 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. The term "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 two inches in diameter. The term "yard waste" does not include stumps, roots or shrubs with intact root balls.
(Ord. No. 1-94, § 1.10, 1-13-1994)

Sec. 42-34. Abrogation and greater restrictions.

It is not intended by this article to repeal, abrogate, annul, impair or interfere with any rules, regulations, ordinances or permits previously adopted or issued pursuant to law existing on the effective date of the ordinance from which this article is derived. However, whenever this article imposes greater restrictions, the provisions of this article shall apply.
(Ord. No. 1-94, § 1.04, 1-13-1994)

Sec. 42-35. Interpretation.

In their interpretation and application, the provisions of this article shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by statute. Where any terms or requirements of this article may be inconsistent or conflicting, the more restrictive requirements shall apply. Where a provision of this article is required by statute, or by a standard in NR ch. 544, Wis. Admin. Code, and where a provision of this article is unclear, the provision shall be interpreted in light of the statute and NR ch. 544, Wis. Admin. Code, standards in effect on the date of the adoption of the ordinance from which this article is derived, or in effect on the date of the most recent text amendment to this article.
(Ord. No. 1-94, § 1.05, 1-13-1994)

Sec. 42-36. Applicability.

The requirements of this article apply to all persons within the village.
(Ord. No. 1-94, § 1.07, 1-13-1994)

Sec. 42-37. Administration.

The provisions of this article shall be administered by the recycling committee of the village.
(Ord. No. 1-94, § 1.08, 1-13-1994)

Cross References: Administration, ch. 2.

Sec. 42-38. Enforcement.

(a) Refusal to separate recyclables in compliance with the terms of this article shall be cause for the village's refuse collector to refuse to pick up such garbage or refuse. It shall be the responsibility of the property owner to properly dispose of any garbage or refuse not collected by the village's refuse collector due to failure to separate recyclables.

(b) For the purposes of ascertaining compliance with the provisions of this article, any authorized officer, employee or representative of the village 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 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.

(c) Any person who violates a provision of this article may be issued a citation by local law enforcement officers or other designated persons 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 or a citation under this subsection.

(d) Penalties for violating this article may be assessed as follows:

(1) Any person who violates section 42-46 may be required to forfeit \$50.00 for a first violation, \$200.00 for a second violation, and not more than \$2,000.00 for a third or subsequent violation.

(2) Any person who violates a provision of this article, except section 42-46, may be required to forfeit not less than \$10.00 nor more than \$1,000.00 for each violation.

(Ord. No. 1-94, § 1.20, 1-13-1994)

Sec. 42-39. Separation of recyclable materials.

Occupants of single-family and two-unit to four-unit residences, multiple-family dwellings and nonresidential 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.
- (Ord. No. 1-94, § 1.11, 1-13-1994)

Sec. 42-40. Separation requirements exempted.

The separation requirements of section 42-39 do not apply to the following:

- (1) Occupants of single-family and two-unit to four-unit residences, multiple-family dwellings and nonresidential facilities and properties who send their postconsumer waste to a processing facility licensed by the state department of natural resources that recovers the materials specified in section 42-39 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 percent of the heat input to the facility is derived from solid waste burned as supplemental fuel.
 - (3) A recyclable material specified in subsections 42-39(5) through (15) for which a variance has been granted by the state department of natural resources under s. 287.11(2m), Wis. Stats., or NR s. 544.14, Wis. Admin. Code.
- (Ord. No. 1-94, § 1.12, 1-13-1994)

Sec. 42-41. Care of separated recyclable materials.

To the greatest extent practicable, the recyclable materials separated in accordance with section 42-39 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.

(Ord. No. 1-94, § 1.13, 1-13-1994)

Sec. 42-42. Management of lead acid batteries, major appliances, waste oil and yard waste.

Occupants of single-family and two-unit to four-unit residences, multiple-family dwellings and nonresidential facilities and properties shall manage these items as follows:

- (1) Lead acid batteries shall be placed curbside separate from other refuse and recyclables.
- (2) Major appliances shall be placed curbside.
- (3) Waste oil shall be placed curbside in tightly capped containers clearly labeled as oil.
- (4) Yard waste shall be collected only on special yard waste pick-up days in spring and fall as specified by the village board. Acceptable yard waste consists of leaves and debris in plastic bags, tree limbs or brush not to exceed two inches in diameter and to be cut in four-foot lengths and bundled.

(Ord. No. 1-94, § 1.14, 1-13-1994)

Sec. 42-43. Preparation and collection of recyclable materials.

(a) Except as otherwise directed by the village, occupants of single-family and two-unit to four-unit residences shall do the following for the preparation and collection of the separated materials specified in subsections 42-39(5) through (15):

- (1) Aluminum containers, bi-metal containers, foam polystyrene packaging, glass containers, rigid plastic containers and steel containers shall be cleaned of debris and placed in the yellow recycling bins.
- (2) Dry paper shall be placed in clear plastic bags. Dry paper includes magazines and office paper.
- (3) Newspaper shall be bundled or placed in brown paper bags then placed in clear plastic bags.
- (4) Waste tires shall be set curbside. Each household is limited to disposal of two tires per week.
- (5) Large corrugated cardboard boxes and sections (appliance, furniture boxes, etc.) shall be set out empty and free of wood, styrofoam and plastic packing materials. Other corrugated cardboard boxes shall be flattened and tied.

- (b) All recyclables are to be set curbside separated from other refuse.

(Ord. No. 1-94, § 1.15, 1-13-1994)

Sec. 42-44. 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 to recycle the materials specified in subsections 42-39(5) through (15):

- (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 semiannually 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 subsection (a) of this section 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 state department of natural resources that recovers for recycling the materials specified in subsections 42-39(5) through (15) from solid waste in as pure a form as is technically feasible.

(Ord. No. 1-94, § 1.16, 1-13-1994)

Sec. 42-45. Responsibilities of owners or designated agents of nonresidential facilities and properties.

(a) Owners or designated agents of nonresidential facilities and properties shall do all of the following to recycle the materials specified in subsections 42-39(5) through (15):

- (1) Provide adequate, separate containers for the recyclable materials.
- (2) Notify in writing, at least semiannually, 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 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 subsection (a) of this section 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 state department of natural resources that recovers for recycling the materials specified in subsections 42-39(5) through (15) from solid waste in as pure a form as is technically feasible.

(Ord. No. 1-94, § 1.17, 1-13-1994)

Sec. 42-46. 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 subsections 42-39(5) through (15) which have been separated for recycling, except that waste tires may be burned with energy recovery in a solid waste treatment facility.

(Ord. No. 1-94, § 1.18, 1-13-1994)

Sec. 42-47. Nonrecyclable materials.

All nonrecyclable materials shall be grouped together and placed in one or more plastic garbage bags or covered garbage cans weighing not more than 70 pounds for garbage collection purposes. Nonrecyclable materials shall include the following:

- (1) *Glass.* All pyrex glass, window glass, light bulb glass, mirrors, broken glass and china shall be considered nonrecyclable glass.
- (2) *Paper.* All waxed paper, waxed cardboard, envelopes with gummed labels, and envelopes with plastic windows shall be considered nonrecyclable paper.
- (3) *Other garbage and refuse.* All other garbage and refuse not qualifying as recyclable material.

(Ord. No. 1-94, § 1.19, 1-13-1994)

Sec. 42-48. Items not accepted.

Items which will not be collected are as follows:

- (1) Earth, rocks, concrete, construction and demolition materials, and trees or parts thereof, except as stated in subsection 42-42(4).
- (2) Hazardous, toxic or infectious materials, including any items recognized as special waste by the state.

(Ord. No. 1-94, § 1.20, 1-13-1994)