

**Chapter 8.36
Recycling**

This chapter is the recycling ordinance for the Village of Oakfield. (Ord. dated 5/11/94 § 1.01)

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8.36.20 Purpose.

The purpose of this chapter is to promote recycling compositing and resource recovery through the administration of an effective recycling program, as provided in Section 159.11, Wisconsin Statutes, and Chapter NR 544, Wisconsin Administrative Code. (Ord. dated 5/11/94 § 1.02)

8.36.030 Statutory authority.

The ordinance codified in this chapter is adopted as authorized under Section 159.09 (3) (b), Wisconsin Statutes and pursuant to its village powers under Section 60.10 of the Wisconsin Statutes to plan, develop, implement and operate an effective recycling program within the village. (Ord. dated 5/11/94 § 1.03)

8.36.040 Abrogation and greater restriction.

It is not intended by this chapter 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 chapter imposes greater restrictions, the provisions of this chapter shall apply. (Ord. dated 5/11/94 § 1.04)

8.36.050 Interpretation.

In their interpretation and application, the provisions of this chapter 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 chapter may be inconsistent or conflicting, the more restrictive requirements of interpretation shall apply. Where a provision of this chapter is required by Wisconsin Statutes, or by a standard in Chapter NR 544, Wisconsin

Administrative Code, and where the chapter provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Chapter NR 544 standards in effect on the date of the adoption of the ordinance codified in this chapter, or in effect on the date of the most recent text amendment to this chapter. (Ord. dated 5/11/94 § 1.05)

8.36.060 Applicability.

The requirements of this chapter apply to all persons within the village of Oakfield. (Ord. dated 5/11/94 § 1.07)

8.36.070 Administration.

The provisions of this chapter shall be administered by the village board of the village of Oakfield. (Ord. dated 5/11/94 §1.08)

8.36.080 Definitions.

For the purpose of this chapter:

“Bimetal container” means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.

“Container board” means corrugated paper board 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 material 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 appliances” means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, micro-wave oven, oven, refrigerator or stove, furnace, boiler, water heater and dehumidifier.

“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. This term 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. This term does not include industrial process waste.

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

“Person” means and includes any individual, corporation, partnership, association, local governmental unit, as defined in Section 66.299(1)(a), Wisconsin Statutes, 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 retail sale.

“Post consumer waste” means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in Section 144.61(15), Wisconsin Statutes, waste from construction and

demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in Section 144.44(7)(a)1., Wisconsin Statutes.

“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” means and include lead acid batteries, major appliances, waste oil, yard waste, aluminum container, 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 Section 144.01(15), Wisconsin Statutes.

“Solid waste treatment” means any method, technique or process which is designed to change the physical, chemical or biological composition of solid wastes. “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 six inches in diameter. This term does not include stumps, roots or shrubs with intact root balls. (Ord. dated 5/11/94 § 1.10)

8.36.090 Separation of recyclable materials.

Occupants of single-family and two to four unit residences, multiple-family dwellings and nonresidential facilities and properties shall separate the following material from post-consumer waste:

- A. Lead acid batteries;
- B. Major appliances;

- C. Waste Oil;
- D. Yard waste;
- E. Aluminum containers;
- F. Bimetal containers;
- G. Corrugated paper or 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. (Ord. dated 5/11/94 § 1.11)

8.36.100 Separation requirements exempted.

The separation requirements of Section 8.36.090 do not apply to the following:

A. Occupants of single-family and two to four unit residences, multiple-family dwellings and nonresidential facilities and properties that send their post consumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in Section 8.32.090 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 thirty percent of the heat input to the facility is derived from the solid waste burned as supplemental fuel;

C. A recyclable material specified in Section 8.36.090E through O for which a variance has been granted by the Department of Natural Resources under Section 159.11 (2m), Wisconsin Statutes, or Section NR 544.14, Wisconsin Administrative Code. (Ord. dated 5/11/94 § 1.12)

8.36.110 Care of separated recyclable materials.

To the greatest extent practicable, the recyclable materials separated in accordance with Section 8.36.090 shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other non-recyclable material, 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. dated 5/11/94 § 1.13)

8.36.120 Management of lead acid batteries, major appliances, waste oil and yard waste.

Occupants of single-family and two-to four unit residences, multiple-family dwellings and nonresidential facilities and properties shall manage lead acid batteries, major appliances, waste oil, and yard waste as follows:

A. Lead acid batteries shall be taken to an area retail business that sells vehicle batteries. Please see the most current version of the recycling pamphlet available at the Village Office during regular business hours.

B. Major appliances shall be taken to an area retail business that sells major appliances. Please see the most current version of the recycling pamphlet available at the Village Office during regular business hours.

C. Used oil shall be taken to an area retail business that sells oil or delivered to the village garage oil recycling tank. Please call the village operations director to set up a delivery time.

D. Yard waste shall be kept out of the trash. Yard waste may be composted or delivered to the village garage during open daylight hours and in designated area. Tree trimmings should be limited to four (4) foot lengths and two (2) inches in diameter.

Whole trees or shrubs cannot be brought to the village garage even if they are cut down to the lengths specified above. Yard waste may not be burned (see Chapter 8.32.010). Curbside pickup is only available for leaf collection in the fall, normally from mid-October through November.

8.36.130 Preparation and collection of recyclable materials.

Except as otherwise directed by the Village board, occupants of single-family and two to four unit residences shall do the following for the preparation and collection of the separated materials specified in Section 8.36.090E through O:

A. Aluminum containers shall be rinsed, flattened, placed in the approved recycling bin and put on the terrace on the day and time designated for collection.

B. Bimetal containers shall be rinsed, flattened, placed in the approved recycling bin and put on the terrace on the day and time designated for collection.

C. Corrugated paper or other container board shall be free of debris, dry, flattened, stacked and tied, and placed in or next to the approved recycling bin and put on the terrace on the day and time designated for collection.

D. Foam polystyrene packaging shall be cleaned, separated for recycling and placed in the approved recycling bin and put on the terrace on the day and time designated for collection, effective January 1, 1996 or by notice from the village of Oakfield.

E. Glass containers shall be rinsed, caps removed and discarded, containers placed in the approved recycling bin and put on the terrace on the day and time designated for collection.

F. Magazines shall be free of debris, dry, stacked, and tied or placed in grocery bags, placed in the approved recycling bin and put on the terrace on the day and time designated for collection.

G. Newspaper shall be free of debris, dry, stacked and tied or placed on grocery bags, placed in the approved recycling bin and put on the terrace on the day and time designated for collection.

H. Office paper shall be free of debris, paper clips, staples, binder rings, hauled to an established drop off site and placed in the designated receptacle during daylight hours.

I. Rigid plastic containers shall be prepared and collected as follows:

1. Plastic containers made of PETE, including soda bottles, shall be rinsed, flattened, caps discarded. Place in approved recycling bin and put on the terrace on the day and time designated for collection.

2. Plastic containers made of HDE, including milk jugs and detergent bottles, shall be rinsed, flattened, caps discarded. Place in approved recycling bin on the terrace on the day and time designated for collection.

3. Plastic containers made of PVC, including salad oil containers, shall be cleaned, separated for recycling and placed in approved recycling bin and put on the terrace on the day and time designated for collection.

*Effective January 1, 1996 or by notice from the village of Oakfield.

4. Plastic containers made of LDPE, including shrink wrap, bags, shall be cleaned, separated for recycling and placed in approved recycling bin and put on the terrace on the day and time designated for collection.

*Effective January 1, 1996 or by notice from the village of Oakfield.

5. Plastic containers made of PP, including yogurt and margarine tubs, shall be cleaned, separated for recycling and placed in approved recycling bin and put on the terrace on the day and time designated for collection.

*Effective January 1, 1996 of by notice from the village of Oakfield.

6. Plastic containers made of

PS, including package foam and food containers, shall be cleaned, separated for recycling and placed in approved recycling bin and put on the terrace on the day and time designated for collection.

*Effective January 1, 1996 or by notice from the village of Oakfield.

7. Plastic containers made of other resins or multiple resins, including salad containers, shall be cleaned, separated for recycling and placed in approved recycling bin and put on the terrace on the day and time designated for collection.

*Effective January 1, 1996 or by notice from the village of Oakfield.

J. Steel containers shall be rinsed, flattened, placed in approved recycling bin and put on the terrace on the day and time designated for collection.

K. Waste tires shall be taken to a tire dealer for recycling. You may call the Village of Oakfield operations director to make arrangements for recycling tires. (Ord. dated 5/11/94 § 1.15)

8.36.140 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 section 8.36.090E through O:

1. Provided 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 recycling program;

3. Provide the collection of the materials separated from the solid waste by the tenants and 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 post consumer 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 8.36.090E through O from solid waste in as pure a form as is technically feasible. (Ord. dated 5/11/94 § 1.16)

8.36.150 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 Section 8.36.090E through O:

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 established recycling program;
3. Provide for the collection of the material 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 the 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 of 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 Section 8.36.090E through O from solid waste in as pure a form as is technically feasible. (Ord. dated 5/11/97 § 1.17)

8.36.160 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 8.36.090E through O which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility. (Ord. dated. 5/11/94 § 1.18)

8.36.170 Service contracts.

The village shall negotiate and enter into an annual or multiyear contract with a licensed waste hauler for the purpose of providing the collection and removal of recyclable material. (Ord. dated 5/11/94 § 1.19)

8.36.180 Charges.

The cost of collection and removal services in the village for recyclable material shall be paid by the village from the proceeds in part from a grant received from the state of Wisconsin, Department of Natural Resources and the balance from a special assessment charge per each residential unit placed on the tax roll pursuant to §66.0627, Wis. Stats. The village requires that all residential establishments shall be charged by the village for collection and removal services regardless of whether the establishment uses the collection and removal services provided for or arranged for by the village. (Ord. dated 5/11/94 § 1.20) An extra recycling container may be obtained for a fee as specified on the

current fee schedule which can be obtained at the Village Office. The fee will be applied annually as an extra special assessment charge on the tax roll in addition to the charge stated above. Recycling bins may be upgraded to a larger size, if available, for a one-time fee according to the current fee schedule on file at the Village Office. (Ord. dated 3/11/15, 2015-1)

8.36.190 Enforcement and penalties.

A. For the purpose of ascertaining compliance with the provisions of this chapter, any authorized officer, employee, or representative of the village of Oakfield may inspect recyclable materials 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 of Oakfield who requests access for purpose 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 chapter may be issued a citation by a village of Oakfield designated employee to collect forfeitures. The issuance of 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 subsection.

C. Penalties for violating this chapter may be assessed as follows:

1. Any person who violates Section 8.36.160 may be required to forfeit

fifty dollars (\$50.00) for a first violation, two hundred dollars (\$200.00) for a second violation, and not more than two thousand dollars (\$2,000) for a third or subsequent violation, including reasonable attorneys' fees if any occur and in default of payment of such forfeitures and costs shall be imprisoned in the county jail until payments of such forfeiture and cost of prosecution.

2. Any person who violates a provision of this chapter, except Section 8.36.160 may be required to forfeit not less than ten dollars (\$10.00) nor more than one thousand dollars (\$1,000) for each violation. (Ord. dated 5/11/94 § 1.21)