

CHAPTER 11

RECYCLING ORDINANCE ¹

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11.01 PURPOSE

The purpose of this Ordinance is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as defined in sec. 159. 11, Stats., and ch. NR 544, Wisconsin Administrative Code.

11.02 SOLID WASTE DISPOSAL REGULATED

- (A) **Separation of Recyclable Materials.** Occupants of single-family and two (2) to four (4) unit residences; multiple-family dwellings; and commercial, retail, industrial, and governmental facilities 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 or other materials printed on similar paper;
 - (11) Newspaper or other materials printed on newsprint;
 - (12) Office paper;
 - (12) Furniture;
 - (13) All electronics;

¹ Adopted through Ordinance 5-2010 on December 13, 2010; Published on December 14, 2010. See Minutes of the Village Board, Vol. 20, pg. 1646. This ordinance replaces the prior recycling ordinance which was adopted on November 19, 1994.

- (14) Plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins;
- (15) Steel containers;
- (16) Waste Tires.

(B) Preparation of Recyclable Materials. Except as otherwise directed by the Village Board, occupants of single-family and two (2) to four (4) unit residences shall do the following for the preparation for recycling of the separated materials specified in Section 11.02:

- (1) Aluminum containers shall be rinsed clean. Flattening the containers is optional.
- (2) Bi-metal containers shall be rinsed clean. Flattening the containers is optional.
- (3) Corrugated paper or other container board shall be flattened, and tied in bundles.
- (4) Foam polystyrene shall be rinsed clean and recycled. Flattening the containers is optional.
- (5) Glass containers shall be rinsed clean; rings and lids thereon shall be removed and discarded.
- (6) Magazines and slick newsprint shall be placed in brown grocery bags or tied with string in both directions approximately eight (8) inches in height.
- (7) Newspaper shall be placed in brown grocery bags or tied with string in both directions approximately eight (8) inches in height.
- (8) Office paper shall be placed in brown grocery bags or tied with string in both directions approximately eight (8) inches in height.
- (9) Rigid plastic containers shall be prepared as follows:
 - a. Plastic containers made of PETE, and HDPE, including milk, soda, and detergent bottles, shall be rinsed clean; lids shall be removed and discarded, and flattening shall be optional.
 - b. Plastic containers made of PVC, LDPE, PP, PS, and plastic containers made of other resins or multiple resins, shall be rinsed clean and recycled; lids shall be removed and discarded, and flattening shall be optional.
- (10) Steel containers shall be rinsed clean; flattening shall be optional.

(C) Care of Separated Recyclable Materials. To the greatest extent practicable, the recyclable materials separated in accordance with Section 11.02(A) 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, 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.

(D) 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 Section 11.02:
 - 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 semiannually 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 users, tenants, and occupants 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 (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 Department of Natural Resources that recovers for recycling the materials specified in Section 11.02.
- (E) **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 Section 11.02:
 - a. Notify in writing, at least semi-annually, all users, tenants, and occupants of the properties about the established recycling program.
 - b. 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.
 - c. 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 non-residential facilities and properties if the post consumer 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 11.02(A).
- (G) **Management of Lead Acid Batteries, Major Appliances, Waste Oil, Furniture, Yard Waste, Tires and Electronic Waste.** Occupants of single-family and two (2) to four (4) unit residences, multiple-family dwellings, and non-residential facilities and properties shall manage lead acid batteries, major appliances, waste oil, furniture, yard waste, tires and electronic waste as follows:
- (1) Lead acid batteries can be disposed of by contacting any enterprise which accepts lead acid batteries.
 - (2) Major appliances will NOT be accepted at the curb. For information on disposal of refrigerators, freezers, air conditioners, dehumidifiers and any other appliance containing a form of Freon gas, the appliance owner may contact any enterprise which accepts appliances containing Freon to inquire about disposal fees.
 - (3) Waste oil can be disposed of by contacting any enterprise which accepts waste oil.
 - (4) Waste tires shall be taken by owners to any enterprise which accepts waste tires. Owners will be charged a fee for disposal.
 - (5) Yard waste shall be disposed of per current village policies. Branches can be disposed of at the Department of Public Works located on the 1100 block of Superior Ave., in the appropriately marked area. These branches are recycled into wood chips which are free to the public for landscaping chips as available. Leaves, plants and other yard waste can be disposed of at the drop off point located just east of the Wastewater Treatment Plant on North 10th Street. Place the yard

waste in the marked collection point removing any plastic bags or other containers, disposing of them properly. This organic material will be recycled by composting.

- (6) Electronic Waste (E-Waste) can be disposed of by contacting any enterprise which accepts electronic waste.

11.03 ADMINISTRATIVE PROVISIONS

(A) **Definitions.** For the purposes of this Ordinance:

- (1) "**Bi-metal container**" means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.
- (2) "**Container board**" means corrugated paperboard used in the manufacture of shipping containers and related products.
- (3) "**E-Waste**" means Wisconsin Act 50 Eligible Electronic Devices, including computers and computer peripherals; TVs' desktop printers, fax machines; DVD players, VCRs, DVRs and cell phones.
- (4) "**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.
- (5) "**HDPE**" means high density polyethylene, labeled by the SPI code #2.
- (6) "**LDPE**" means low density polyethylene, labeled by the SPI code #4.
- (7) "**Magazines**" means magazines and other materials printed on similar paper.
- (8) "**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.
- (9) "**Multiple-family dwelling**" means a property containing five (5) or more residential units, including those which are occupied seasonally.
- (10) "**Newspaper**" means a newspaper and other materials printed on newsprint.
- (11) "**Non-residential facilities and properties**" means commercial, retail, industrial, institutional, and governmental facilities and properties. This term does not include multiple-family dwellings.
- (12) "**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.
- (13) "**Other resins or multiple resins**" means plastic resins labeled by the SPI code #7.
- (14) "**Person**" includes any individual, corporation, partnership, association, local governmental unit as defined in sec. 66.299(1)(a), Stats., state agency, or authority or federal agency.
- (15) "**PETE**" means polyethylene terephthalate, labeled by the SPI code #1.

- (16) "**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.
 - (17) "**Post consumer waste**" means solid waste other than solid waste generated in the production of goods, hazardous waste as defined in sec. 144.61(5), Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste as defined in sec. 144.44(7)(a) 1., Stats.
 - (18) "**PP**" means polypropylene, labeled by the SPI code #5.
 - (19) "**PS**" means polystyrene, labeled by the SPI code #6.
 - (20) "**PVC**" means polyvinyl chloride, labeled by the SPI code #3.
 - (21) "**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.
 - (22) "**Solid waste**" has the meaning specified in sec. 144.01(15), Stats.
 - (23) "**Solid waste facility**" has the meaning specified in sec. 144.43(5). Stats.
 - (24) "**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.
 - (25) "**Waste tire**" means a tire that is no longer suitable for its original purpose because of wear, damage, or defect.
 - (26) "**Yard waste**" means leaves, grass clippings, yard, and garden debris and brush, including clean woody vegetative material no greater than six (6) inches in diameter. This term does not include stumps, roots, or shrubs with intact root balls.
- (B) **Statutory Authority.** This Ordinance is adopted as authorized under sec. 159.09(3)(b), Stats.
 - (C) **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.
 - (D) **Interpretation.** In their interpretation and application, the provisions of this Ordinance 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 Ordinance may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this Ordinance is required by Wisconsin Statutes, or by a standard in ch. NR 544, Wisconsin Administrative Code, and where the Ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the ch. 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.
 - (E) **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.

- (F) **Applicability.** The requirements of this Ordinance apply to all persons within the Village of Oostburg.
- (G) **Administration.** The provisions of this Ordinance shall be administered by the Village Board of the Village of Oostburg.

11.04 ENFORCEMENT

For the purpose of ascertaining compliance with the provisions of this Ordinance, any authorized officer, employee, or representative of the Village of Oostburg 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.

- (a) No person may refuse access to any authorized officer, employee, or authorized representative of the Village of Oostburg 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 Ordinance may be issued a citation by the Village of Oostburg 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.
- (c) Penalties for violating this Ordinance may be assessed as follows:
 - 1. Any person who violates Section 11.02(E) 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 (\$2,000.00) for a third or subsequent violation.
 - 2. Any person who violates a provision of this Ordinance, except Section 11.02(E), may be required to forfeit not less than Ten Dollars (\$10.00) nor more than One Thousand Dollars (\$1,000.00) for each violation.
- (A) **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 materials which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.
- (B) **No Dumping.** It shall be unlawful for any person to dispose of or dump garbage in any street, alley, or other public place within the Village of Oostburg or in any receptacles or private property without the owner's consent.
- (C) **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, E-Waste, and heavy refuse such as furniture, appliances, cement, tires and batteries.