

CHAPTER 7 RECYCLING

(ORDINANCE 94-2, Recreated and Renumbered, 2001, LGRS)

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ORDINANCE 94-2, contained certain statutory references to Ch. 144, Wis. Stats. Those references have been corrected to

reflect the renumbering changes made by the 1995 legislature. 1995 Wis. Act 227 renumbered the provisions of Chs. 144, 147,

159 and 162, Stats. 1993-94, to be Chs. 280-299, Stats. 1995-96.

7.01 TITLE. This chapter shall be known and cited as the, "Recycling Ordinance for Village of Brownsville."

7.02 PURPOSE. The purpose of this chapter is to promote recycling, composting and resource recovery through the administration of an effective recycling program, as provided in s. 59.11, Wis. Stats., and Chapter NR 544, Wis. Administrative Code.

7.03 STATUTORY AUTHORITY. This chapter is adopted as authorized under §287.09(3)(b), Wis. Stats.

7.04 ABROGATION AND GREATER RESTRICTIONS. It is not intended by this chapter to repeal, abrogate, annul, impair or interfere with any existing rules, regulations, chapters or permits previously adopted or issued pursuant to law. However, whenever this chapter imposes greater restrictions, the provisions of this chapter shall apply.

7.05 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 or interpretation shall apply. Where a provision of this chapter is required by Wisconsin Statutes, or by a standard in Chapter NR 544, Wis. 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 this chapter, or in effect on the date of the most recent text amendment to this chapter.

7.06 SEVERABILITY. _____ Should any portion of this chapter be declared unconstitutional or invalid by a court or competent jurisdiction, the remainder of this chapter shall not be affected.

7.07 APPLICABILITY. The requirements of this chapter apply to **all** persons within the Village of Brownsville.

7.08 ADMINISTRATION. The provisions of this chapter shall be administered by the Village Board of the Village of Brownsville.

7.09 EFFECTIVE DATE. The provisions of this chapter shall first have taken effect on October 1, 1994.

7.10 DEFINITIONS. For the purposes of this chapter: (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) "Foam polystyrene packaging" means packaging made primarily from foam polystyrene that satisfies one of the following criteria:

(a) Is designated 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.

(4) "HDPE" means high density polyethylene, labeled by the SPI code #2.

(5) "LDPE" means low density polyethylene, labeled by the SPI code #4.

(6) "Magazines" means magazines and other materials printed on similar paper.

(7) "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.

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

(9) "Newspaper" means a newspaper and other materials printed on newsprint.

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

(11) "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.

(12) "Other resins or multiple resins" means plastic resins labeled by the SPI code #7.

(13) "Person" includes any individual, partnership, association, local governmental unit, as defined in § 66.299(1)(a), Wis. Stats., state agency or authority or federal agency.

(14) "PETE" means polyethylene terephthalate, labeled by the SPI code #1.

(15) "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.

(16) "Postconsumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in §291.01(5), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in §289.01(17), Wis. Stats.

(17) "PP" means polypropylene, labeled by the SPI code #5.

(18) "PS" means polystyrene, labeled by the SPI code #6.

(19) "PVC" means polyvinyl chloride, labeled by the SPI code #3.

(20) "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.

(21) "Solid waste" has the meaning specified in §281.01(15), Wis. Stats.

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

(23) "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.

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

(25) "Yard waste" means 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 intake root balls.

7.11 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 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

(14) Steel containers

(15) Waste tires

7.12 SEPARATION REQUIREMENTS EXEMPTED. The separation requirements of §7.11, 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 postconsumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers specified §7.11 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.

(3) A recyclable material specified in §7.11(5) through (15) for which a variance has been granted by the Department of Natural Resources under §287.11(2m), Wis. Stats., or NR §544.14, Wis. Administrative Code.

7.13 CARE OF SEPARATED RECYCLABLE MATERIALS. To the greatest extent practicable, the recyclable materials separated in accordance with §7.11 shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other non-recyclable materials, including but no 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.

7.14 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 shall be taken to authorized dealers or battery retailers.

(2) Major appliances shall be taken to a licensed place for de-manufacturing.

(3) Waste oil shall be taken to the Village of Brownsville collection site at 419 Highland Ave. (Only motor oil).

(4) Yard waste shall be taken to the Village of Brownsville compost site. Separated on site.

7.15 PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS.

Except as otherwise directed by Village of Brownsville 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 §7.11(5) through (15):

(1) Aluminum containers shall be separated, crushed at the curb to be picked up by the hauler or taken to a designated place at the Village garage.

(2) Bi-metal containers shall be rinsed, remove labels, flattened if possible and placed at curb for picked up.

(3) Corrugated paper or other container board shall be tied in bundles and placed at curb.

(4) Foam polystyrene packaging shall be directed as per educational material.

(5) Glass containers shall be rinsed and placed at curb site.

(6) Magazines shall be tied in bundles and placed at curb site.

(7) Newspaper shall be tied in bundles or place in paper bags an and put at curb site.

(8) Office paper shall be

(9) Rigid plastic containers shall be prepared and collected as follows:

(a) Plastic containers made of PETE, including soda bottles #1, shall be rinsed, caps removed and placed at curb.

(b) Plastic containers made of HDPE, including #2 milk jugs & detergent bottles, shall be rinsed, caps removed and placed by curb. No motor oil bottles accepted.

- (c) Plastic containers made of PVC, including All #3, shall be rinsed, caps removed and place for collection as directed per educational material.
- (d) Plastic containers made of LDPE, including all #4, shall be rinsed, caps removed and place for collection as directed per educational material.
- (e) Plastic containers made of PP, including all #5, shall be rinsed, caps removed and place for collection as directed per educational material.
- (f) Plastic containers made of PS, including all #6, shall be rinsed, caps removed and place for collection as directed per educational material.
- (g) Plastic containers made of other resins or multiple resins, including all #7, shall be rinsed, caps removed and place for collection as directed per educational material.
- (10) Steel containers shall be rinsed, remove labels and flattened if possible, clean of residue and placed at curb.
- (11) Waste tires shall be directed where to take them.

7.16 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 §7.11(5) through (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 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 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 §7.11(5) through (15) from solid waste in as pure a form as is technically feasible.

7.17 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 §7.11(5) through (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 subs. (1) do not apply to the owners or designated agents of non-residential 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 §7.11(5) through (15) from solid waste in as pure a form as is technically feasible.

7.18 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 §7.11(5) through (15) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

7.19 ENFORCEMENT. (1) For the purpose of ascertaining compliance with the provisions of this chapter, any authorized officer, employee or representative of Village of Brownsville 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 non-residential 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 Village of Brownsville 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 citation by the Village of Brownsville Chief of 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 ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this paragraph.

Penalties for violating this chapter may be assessed as follows:

(a) Any person who violates §7.18 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 §7.18, may be required to forfeit not less than \$10 nor more than \$1000 for each violation.

7.20 WASTE HAULER LICENSING REQUIRED.(1) No person, corporation or business shall engage in the business of hauling recyclable or solid waste within the Village of Brownsville without being licensed by the Wisconsin Department of Natural Resources under NR §502.06, Wis. Administrative Code, and without a license issued by the Village of Brownsville.

(2) All waste haulers and recycling haulers and processors operating in Brownsville are required to maintain records and report in writing to the Board of the Village of Brownsville at least once per year, if requested in writing to do so by the Village Board of the Village of Brownsville. Reports shall include: the amount of solid waste and recyclables collected and transported from Brownsville; the amount of solid waste and recyclables processed and/or marketed by item type from Brownville and the final disposal location of solid wastes and recyclable material. Failure to report after

being requested to do so shall be cause for the Village of Brownsville to revoke any license or sever any contract with the hauler/processor.

(3) The annual fee for a solid waste hauler or recyclable hauler permit shall be \$10.00.