

Title 8 ► Chapter 3

Recycling

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Sec. 8-3-1 General Provisions.

- (a) **Title.** The title of this Chapter is the Recycling Ordinance for the Village of Elmwood.
- (b) **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 Sec. 159.11, Wis. Stats., and Ch. NR544, Wis. Adm. Code.
- (c) **Statutory Authority.** This Chapter is adopted as authorized under Sec. 159.09(3)(b), Wis. Stats.
- (d) **Abrogation and Greater Restrictions.** 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.
- (e) **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 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 Ch. NR544, Wis. Adm. Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and

the Ch. NR544 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.

- (f) **Applicability.** The requirements of this Chapter apply to all persons within the Village of Elmwood.
- (g) **Administration.** The provisions of this Chapter shall be administered by the Village of Elmwood Village Board, and its designees.

Sec. 8-3-2 Definitions.

- (a) For the purpose of this Chapter:
 - (1) **Aluminum cans** shall include used beverage cans only.
 - (2) **Bi-metal container** means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.
 - (3) **Collector** means the contractor selected by the Village to collect solid waste.
 - (4) **Container board** means corrugated paperboard used in the manufacture of shipping containers and related products.
 - (5) **Container glass** shall include container glass only. "Glass" does not include ceramic cups, dishes, ovenware, plate glass, safety and window glass, heat resistant glass such as pyrex, lead-based glass such as crystal, or TV tubes.
 - (6) **Corrugated cardboard** shall include corrugated cardboard only; it does not include waxed cardboard or chipboard such as cereal boxes, shoe boxes, and similar materials.
 - (7) **Foam polystyrene packaging** means packaging made primarily from foam polystyrene that satisfies one (1) 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.
 - (8) **Garbage** means and includes all waste resulting from the use, preparation, cooking or consumption of food.
 - (9) **Hazardous waste** means any substance or combination of substances, including any waste of a solid, semisolid, or gaseous form, which may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or which may pose a substantial present or potential hazard to human health or environment because of its quantity, concentration or physical, chemical or infectious characteristics. This term includes but it not limited to, substances which are toxic, corrosive, flammable, irritants, strong sensitizers or explosives as determined by the Village.
 - (10) **HDPE** means high density polyethylene, labeled by the SPI Code #2.

- (11) **LDPE** means low density polyethylene, labeled by the SPI Code #4.
- (12) **Magazines** means magazines and other materials printed on similar paper.
- (13) **Major appliance** means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, oven, refrigerator or stove, residential and commercial furnaces, boilers, dehumidifiers and water heaters, and allowing the disposal of microwaves if the capacitor has been removed.
- (14) **Mixed papers** shall include all grades of papers, including: white, colored, ledger, shiny, coated, carbonless or NCR papers; envelopes, including windowed, labeled, and kraft; magazines, phone books, computer printout paper, glued pads and tablets, file folders, key punch cards, post-it notes, spiral notebooks, cereal boxes, shoe boxes, etc.; can include paper clips and staples; does not include hand towels or other paper products from restrooms, or soiled napkins and paper plates; also does not include carbon paper, cellophane, or any waxed paper.
- (15) **Multiple-family dwelling** means a property containing five (5) or more residential units, including those which are occupied seasonally.
- (16) **Newspapers** shall include newspapers and newspaper advertisements printed on newsprint, but does not include catalogues, magazines, cardboard, or other paper products.
- (17) **Non-recyclable material** means any material other than a recyclable material and includes garbage, rubbish and other solid waste, including but not limited to ashes, plastic material other than the type included within recyclable materials, ceramics, broken glass of all types, window glass, styrofoam, Pyrex, light bulbs, mirrors, china, waxed paper, waxed cardboard, furniture, carpeting, used clothing and other materials not defined as recyclable materials for purposes of this Chapter.
- (18) **Non-residential facilities and properties** means commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.
- (19) **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.
- (20) **Other resins or multiple resins** means plastic resins labeled by the SPI Code #7.
- (21) **Person** includes any individual, corporation, partnership, association, local governmental unit, as defined in Sec. 66.0131(1)(a), Wis. Stats., state agency or authority or federal agency.,
- (22) **PETE** means polyethylene terephthalate, labeled by the SPI Code #1.
- (23) **Plastic bottles** shall include only plastic bottles clearly marked with the recycling emblem, encircling the #1 (PET or PETE) or the #2 (HDPE); does not include motor oil bottles, even if they are labeled #1 or #2.
- (24) **Postconsumer waste** means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in Sec. 144.61(5), Wis. Stats., waste

- from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in Sec. 144.44(7)(a)1., Wis. Stats.
- (25) **PP** means polypropylene, labeled by the SPI Code #5.
 - (26) **PS** means polystyrene, labeled by the SPI Code #6.
 - (27) **PVC** means polyvinyl chloride, labeled by the SPI Code #3.
 - (28) **Recyclable material** includes lead acid batteries, major appliances, waste oil, yard waste, aluminum containers, corrugated paper and other container board, glass containers, magazines, newspapers, office paper, rigid plastic containers including those of PETE and HDPE, steel containers, waste tires and bi-metal containers.
 - (29) **Recyclable plastic** generally means high density polyethylene and polyethylene terephthalate plastic containers and specifically means any plastic containers described as recyclable on the list maintained at the office of the Village Clerk-Treasurer, which list is incorporated herein by reference and is subject to revision and updating at any time.
 - (30) **Solid waste** has the meaning specified in Sec. 144.01(15), Wis. Stats.
 - (31) **Solid waste facility** has the meaning specified in Sec. 144.43(5), Wis. Stats.
 - (32) **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.
 - (33) **Tin cans** shall include tin coated metal cans, and steel containers.
 - (34) **Waste tire** means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
 - (35) **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.

Sec. 8-3-3 Separation or Recyclable Materials.

All recyclable material shall be separated from other garbage and refuse, separated from nonrecyclable material, and be brought to the Village Recycling Center. Occupants of single family and two (2) to four (4) unit residences, multiple-family dwellings and non-residential facilities and properties shall separate the following materials from postconsumer waste:

- (a) **Glass.** Brown, green and clear glass accepted. Rinse clean, remove lids. Separate by color. Labels may stay on. No broken glass, light bulbs, pyrex glass, or window glass.
- (b) **Metal Containers.** Rinse clean, remove labels, and flatten if desired. All aluminum, steel and bi-metal containers accepted. Aerosol paint cans cannot be recycled.
- (c) **Plastic.** Rinse clean, remove caps. Labels do not need to be removed. Flatten if desired.
- (d) **Newspapers and Magazines.** Tie in twelve (12) inch bundles tied with cord (four-way cross) or put in grocery bag or box recycling bin. Do not let paper get wet.

- (e) **Cardboard.** Flatten and bundle corrugated cardboard; remove tape and staples. Cut down in pieces no larger than four feet by four feet by eight inches (4' x 4' x 8"). No cardboard is allowed that has come into contact with food.
- (f) **Magazines.** Catalogs and other "gloss paper" — tie in twelve (12) inch bundles with heavy cord or baler twine, four-way cross or boxed and tied.
- (g) **Plastics.** All rigid plastic containers, including those made of PETE (#1), HDPE (#2), PVC (#3), LDPE (#4), PP (#5), PS (#6), and other resins or multiple resins (#7), must be separated, cleaned and placed in authorized garbage bags for collection.
- (h) **Aluminum Cans.** Separate from other aluminum and rinse clean.
- (i) **Hard Aluminum.** Clean and stack trays, pie plates, etc.
- (j) **Feed Sacks (Lined) and All Other Non-Specified Paper and Burlap.** Each item should be separated and bundled.
- (k) **Computer Paper and Office Paper.** Bundled in no more than twelve (12) inch thick bundles and separated from all other paper.
- (l) **Yard Waste.** No person in the Village shall dispose of brush, tree branches or other wood materials with refuse. The Village maintains a burn site for yard waste disposal.
- (m) **Mandatory Separation of Materials for Composting.** No person in the Village shall dispose of deciduous materials, such as grass clippings and leaves, with other refuse that may be lawfully deposited. Composted material shall be disposed of in such locations as established by the Village Board.
- (n) **Lead Acid Batteries.** To be directed to the Recycling Center.
- (o) **Major Appliances.** Any residential or commercial air conditioner, furnace, boiler, dehumidifier, water heater, clothes dryer, clothes washer, dishwasher, freezer (door removed), microwave oven (capacitor removed), oven, stove or refrigerator (door removed) may be collected by the refuse collector for a fee.
- (p) **Waste Oil.** To be directed to the Recycling Center.
- (q) **Waste Tires.** Must be taken to a business that accepts used tires or will be picked up by the Village for a fee and taken to such a place.

Sec. 8-3-4 Separation Requirements Exempted.

The separation requirements of Section 8-3-3 do not apply to the following:

- (a) Occupants of single family and two (2) to four (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 the materials specified in Section 8-3-3 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 (30%) of the heat input to the facility is derived from the solid waste burned as supplemental fuel.

- (c) A recyclable material specified in Section 8-3-3 for which a variance has been granted by the Department of Natural Resources under Sec. 159.11(2m), Wis. Stats., or NR544.14, Wis. Adm. Code.

Sec. 8-3-5 Care of Separated Recyclable Materials.

To the greatest extent practicable, the recyclable materials separated in accordance with Section 8-3-3 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.

Sec. 8-3-6 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 8-3-3:
 - (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 semi-annually 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 reason 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 site, 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) do not apply to the owners or designate agents of multiple-family dwellings if the postconsumer waste generated within the dwelling is treated at a processing facility licensed by the Wisconsin Department of Natural Resources that recovers for recycling the materials specified in Section 8-3-3 from solid waste in as pure a form as is technically feasible.

Sec. 8-3-7 Responsibilities of Owners or Designated Agents of Non-Residential facilities and Properties.

- (a) Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in Section 8-3-3:

- (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 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 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) do not apply to the owners or designate agents of non-residential facilities if the postconsumer waste generated within the facility or property is treated at a processing facility licensed by the Wisconsin Department of Natural Resources that recovers for recycling the materials specified in Section 8-3-3 from solid waste in as pure a form as is technically feasible.

Sec. 8-3-8 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 8-3-3 which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

Sec. 8-3-9 Enforcement.

- (a) For the purpose of ascertaining compliance with the provisions of this Chapter, any authorized officer, employee or representative of the Village of Elmwood 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 the Village of Elmwood 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 Elmwood law enforcement officer or other authorized Village official. 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 Subsection.
- (c) Any person who violates this Chapter may be assessed a penalty per Section 1-1-6.