

## CHAPTER 18

### MANDATORY RECYCLING

- 18.01 Statutory Authority
- 18.02 Abrogation And Greater Restrictions
- 18.03 Interpretation
- 18.04 Effective Date
- 18.05 Severability
- 18.06 Application
- 18.07 Administration
- 18.08 Definitions
- 18.09 Separation and Placement of Recyclable Materials
- 18.10 Separation Requirements Exempted
- 18.11 Care of Separated Recyclable Materials
- 18.12 Responsibility of Owners or Designated Agents of Multiple Family Dwellings and Non-Residential Facilities and Properties.
- 18.13 Collection Schedule, Standards and Locations
- 18.14 Recyclable Materials Property of Village
- 18.15 Authority of Village
- 18.16 Materials Not to be Placed or Picked Up
- 18.17 Prohibition on Disposal of Recyclable Materials Separated for Recycling
- 18.18 Enforcement

## MANDATORY RECYCLING

18.01 STATUTORY AUTHORITY. This ordinance is adopted as authorized under Sec. 159.09(3)(b), Wis. Stats.

18.02 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.

18.03 INTERPRETATION. In their interpretation and application, the provisions of this ordinance shall 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 interpretations shall apply. Where a provision of this ordinance is required by Wis. Statutes, or by a standard in Chapter NR 544, Wis. Administrative Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wis. Statutes and the Chapter 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.

18.04 EFFECTIVE DATE. The ordinance shall become effective April 1, 1991, with amendments becoming effective following passage and publication.

18.05 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.

18.06 APPLICABILITY. The requirements of this ordinance apply to all persons within the Village of Belmont.

18.07 ADMINISTRATION. The provisions of this ordinance shall be administered by the Belmont Village Board.

18.08 DEFINITIONS. For purposes of this ordinance, the following words have the following meanings:

- (1) "Collector" means the contractor selected by the Village to collect solid waste.
- (2) "Garbage" means and includes all waste resulting from the use, preparation, cooking or consumption of food.
- (3) "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 is not limited to, substances which are toxic, corrosive, flammable, irritants, strong sensitizers or explosives as determined by the Village.
- (4) "Magazine" means magazines and other materials printed on similar paper.

## MANDATORY RECYCLING

(5) "Major Appliance" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, refrigerator, stove, furnace, boiler, dehumidifier & water heater. Microwave ovens may be disposed of with solid waste if capacitor has been removed.

(6) "Multi-family Dwelling" means a property containing 5 or more residential units.

(7) "Newspaper" means newspapers and other materials printed on newsprint.

(8) "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 ordinance.

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

(10) "Office Paper" means paper from offices, residential and non-residential facilities and properties. This specifically means any papers described as recyclable on the list maintained at the Village Office by the Village Clerk, which list is incorporated herein by reference.

(11) "Recyclable Materials" 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.

(12) "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 Village Office by the Village Clerk, which list is incorporated herein by reference and is subject to revision and updating at any time.

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

(14) "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 intact root balls.

### 18.09 SEPARATION AND PLACEMENT OF RECYCLABLE MATERIALS.

(1) Separation and Management 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 post consumer waste:

(a) GLASS - Rinse clean, remove lids. All colors accepted. Labels can stay on. No broken glass, light bulbs, or window glass.

(b) METAL - Rinse clean, remove labels, and flatten if desired. All aluminum, steel and bi-metal containers accepted. No appliances will be taken.

(c) PLASTIC - Rinse clean, remove caps. Labels do not need to be removed. Flatten if desired.

(d) NEWSPAPERS & MAGAZINES - Tie in 8-inch bundles or put in grocery bag in the recycling bin. Do not let paper get wet.

(e) CARDBOARD - Flatten and bundle corrugated cardboard; remove tape

## MANDATORY RECYCLING

and staples. Cut down in pieces no larger than 3 foot square. No cardboard that has come into contact with food.

(f) OFFICE PAPER - Office paper will be accepted from businesses and residences. Place in brown paper bags or bundles of eight inches or less.

(g) LEAD ACID BATTERIES - Should be taken to a place that sells batteries.

(h) WASTE OIL - Waste oil can be taken to a gas station or salvage yard.

(i) MAJOR APPLIANCES - Will be picked up by the Village for a fee and taken to a recycling certified salvage yard or they can be taken there by the residents.

(j) YARD WASTE - Should be kept out of the trash. Will be picked up by the Village at designated times. Yard waste and garden debris will be composted for land spread. Brush will be chipped and the wood chips used by the Village and residents.

(k) 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.

18.10 SEPARATION REQUIREMENTS EXEMPTED. The separation requirements of 18.09 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 post consumer waste to a processing facility licensed by the Wis. Dept. of Natural Resources that recovers the materials specified in Sec. 18.09 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 Sec. 18.09 (a) through (f) for which a variance has been granted by the Dept. of Natural Resources under Sec. 159.11(2m), Wis. Stats. or Sec. NR 544.14, Wis. Administrative Code.

18.11 CARE OF SEPARATED RECYCLABLE MATERIALS. To the greatest extent practicable, the recyclable materials separated in accordance with Sec. 18.09 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.

### 18.12 RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF MULTIPLE FAMILY DWELLINGS AND NON-RESIDENTIAL FACILITIES AND PROPERTIES.

(1) Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in Sec. 18.09:

(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.

## MANDATORY RECYCLING

(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 a contact person or company, including a name, address and telephone number.

(2) Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in Sec. 18.09:

(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.

(3) SEPARATION REQUIREMENTS EXEMPTED. The requirements specified in (1) and (2) 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 Sec. 18.05.

18.13 COLLECTION SCHEDULE, STANDARDS AND LOCATIONS. The Village shall annually establish a schedule for waste collections. The Village may vary from or modify the schedule at any time as necessary. The Village Clerk shall publish the collection schedule at any time when the collection schedule is modified. Collection of waste will be made at curbside only. No items or materials shall be placed at curbside pickup sooner than 24 hours prior to the scheduled collection times as designated by the Village and containers shall not remain at the curb longer than 12 hours after the scheduled pickup.

### 18.14 RECYCLABLE MATERIALS PROPERTY OF VILLAGE.

(1) All recyclable materials placed out for collection as provided for in this section shall, upon such placement, become the property of the collector.

(2) Only persons authorized by the Village to collect recyclable materials shall take them from any premises where they have been placed out for Village collection.

### 18.15 AUTHORITY OF VILLAGE.

(1) The Village shall be responsible for the enforcement of this ordinance.

(2) The Village shall prepare rules and standards as necessary for the implementation of this ordinance.

(3) From time to time, as appropriate, the Village shall prepare and distribute information to the Village residents regarding recycling or the requirements of this ordinance.

18.16 MATERIALS NOT TO BE PLACED OR PICKED UP. No person shall place for pickup, nor shall the collector or the Village pick up, any of the following materials:

## MANDATORY RECYCLING

(1) Materials that do not comply with one or more of the requirements of this ordinance or do not comply with the rules or standards established by the Village.

(2) Any hazardous substances, unless the Village specifically authorizes such disposal and/or collection.

18.17 PROHIBITION 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 Sec. 18.05(1)(a) through (f) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

### 18.18 ENFORCEMENT.

(1) For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the Village of Belmont 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 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 Belmont 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 violated a provision of this ordinance may be issued a citation by the Belmont Police Dept. 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.

(3) Penalties for violating this ordinance may be assessed as follows:

(a) Any person who violates this ordinance may be required to forfeit \$50 for the first violation, \$100 a second violation, and \$200 for a third or subsequent violation.