

## 17.01 RECYCLING ORDINANCE

- (1) **TITLE.** Recycling Ordinance for the Village of Hilbert.
- (2) **PURPOSE.** The purpose of this ordinance is to promote recycling, composting and resource recovery through the administration of an effective recycling program, as provided in S. 287.11, Wis. Stats., and Chapter NR 544 Wis. Administrative Code.
- (3) **STATUTORY AUTHORITY.** This ordinance is adopted as authorized under S. 287.09(3)(b), Wis. Stats., and the village of Hilbert.
- (4) **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.
- (5) **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 interpretations shall apply. Where a provision of this ordinance is required by Wisconsin Statutes or by a standard in Chapter NR 544, Wis. Administrative Code, and there the ordinance 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 ordinance, or in effect on the date of the most recent text amendment to this ordinance.
- (6) **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.
- (7) **APPLICABILITY.** The requirements of this ordinance apply to all persons within the corporate limits of the Village of Hilbert.
- (8) **ADMINISTRATION.** The provisions of this ordinance shall be administered by the Village Board of the Village of Hilbert.
- (9) **EFFECTIVE DATE.** The provisions of this ordinance shall take effect on August 9, 2011.
- (10) **DEFINITIONS.** For the purposes of this ordinance:
  - (a) Bi-Metal container. A container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.
  - (b) Container Board. Corrugated paperboard used in the manufacture of shipping containers and related products.
  - (c) HDPE. High density polyethylene, labeled by the SPI code #2.
  - (d) LDPE. Low density polyethylene, labeled by the SPI code #4.
  - (e) Magazines. Magazines and other materials printed on similar paper.

- (f) Major appliance. A residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, boiler, dehumidifier, water heater or stove.
- (g) Multiple-family dwelling. A property containing 5 or more residential units, including those which are occupied seasonally.
- (h) Newspaper. A newspaper and other materials printed on newsprint.
- (i) Non-residential facilities and properties. Commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.
- (j) Office paper. 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.
- (k) Other resins or multiple resins. Plastic resins labeled by the SPI code #7.
- (l) Person. Any individual, corporation, partnership, association, local governmental unit, as defined in S. 66.0901(a), Wis. Stats., state agency or authority or federal agency.
- (m) PETE. Polyethylene terephthalate, labeled by the SPI code #1.
- (n) Plastic container. 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.
- (o) Postconsumer waste. Solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in S. 291.01(7), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in S. 289.01(17), Wis. Stats.
- (p) PP. Polypropylene, labeled by the SPI code #5.
- (q) PS. Polystyrene, labeled by the SPI code #6.
- (r) PVC. Polyvinylchloride, labeled by the SPI code #3.
- (s) 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.
- (t) Solid Waste. The meaning specified in S. 289.01(33), Wis. Stats.
- (u) Solid Waste Facility. The meaning specified in S. 289.01(35), Wis. Stats.
- (v) Solid waste treatment. Any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste. "Treatment" includes incineration.

- (w) Waste tire. A tire that is no longer suitable for its original purpose because of wear, damage or defect.
- (x) Yard Waste. Leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than 4 inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.
- (y) E-Waste. Computers; printers; televisions; fax machines; DVD players; VCR's; digital video players/recorders; computer monitors; laptop computers; cell phones; computer peripherals including external CD/DVD drives, external hard drives/backup drives, external modems, flash drives/memory sticks, game controllers used with a computer, keyboards, mice, projectors used with a computer, scanners, speakers used with a computer and webcams or similar cameras specifically used for a computer.
- (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:
  - (a) Lead acid batteries.
  - (b) Major appliances
  - (c) Waste oil
  - (d) Yard waste
  - (e) Aluminum containers
  - (f) Bi-metal containers
  - (g) Corrugated paper or other container board
  - (h) Glass containers
  - (i) Magazines
  - (j) Newspapers
  - (k) Office paper
  - (l) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins
  - (m) Steel containers
  - (n) Waste tires
  - (o) E-Waste

- (12) **SEPARATION REQUIREMENTS EXEMPTED.** The separation requirements of S. 11 do not apply to the following:
- (a) 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 the materials specified in S. 11 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 30% of the heat input to the facility is derived from the solid waste burned as a supplemental fuel.
  - (c) A recyclable material specified in S. 11 (e) through (o) for which a variance has been granted by the Department of Natural Resources under S. 287.11(2m), Wis. Stats., or NR 544.14, Wis. Administrative Code.
- (13) **CARE OF SEPARATED RECYCLABLE MATERIALS.** To the greatest extent practicable, the recyclable materials separated in accordance with S. 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 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.
- (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:
- (a) Lead acid batteries shall be disposed of properly. Disposal costs are the responsibility of the generator.
  - (b) Major appliances shall be disposed of properly. Any major appliance containing Freon (refrigerators, freezers, air conditioners, etc.) must have the Freon removed by a responsible vendor. Pickup and disposal costs are the responsibility of the generator.
  - (c) Waste oil shall be dropped off at the Village garage using a sealed container. If you wish to have the container back, you must label it with your name. Containers have to be picked up after disposal of the waste oil. They will not be returned.
  - (d) Yard waste shall be recycled on site where generated (i.e. composting or chipping) or disposed of by using one of the following two methods:
    1. **Drop-Off Center.** Generators of yard waste may take them to the compost site located on 3<sup>rd</sup> St. north of Cedar St. Yard waste must be emptied from all containers and placed in the correct areas and correct piles as indicated by the signage at the compost site. The containers, including bags must be removed. Nothing other than yard waste may be disposed at this site.
    2. **Curbside Collection.** Generators of brush in quantities so large that it makes it difficult to transport the brush to the compost site may have the brush picked up curbside. In order to have the brush picked up curbside, residents must contact the clerk's office to be placed on the list for pickup.

- (15) **PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS.** Except as otherwise directed by the Village 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 S. 11 (e) through (o):
- (a) Aluminum containers shall be rinsed thoroughly and placed in clear plastic bags. Includes: T.V. dinner trays, foil wrap, pot pie pans, aluminum cans.
  - (b) Bi-metal containers shall be rinsed thoroughly, the labels removed and placed in clear plastic bags. Includes: steel containers or combination steel and aluminum containers.
  - (c) Corrugated paper or other container board shall be tied and bundled or placed inside a cardboard box. Maximum size is 24" x 24".
  - (d) Glass containers, clear and colored, shall be rinsed thoroughly and placed in clear plastic bags. The covers and metal rings are to be removed. No plate glass, ceramics or clay items or light bulbs.
  - (e) Magazines shall be tied and bundled or stacked in paper bags or cardboard boxes.
  - (f) Newspaper shall be bundled or stacked in paper bags or cardboard boxes.
  - (g) Office paper shall be put in boxes.
  - (h) Plastic containers, SPI numbers 1 through 7 shall be rinsed thoroughly and placed in clear plastic bags. Caps and rings shall be removed and discarded.
  - (i) Waste tires shall be disposed of by hauling them to a responsible vendor or arranging for pickup. Pickup and disposal costs are the responsibility of the generator.
  - (j) E-Waste shall be disposed of by hauling them to a responsible vendor or arranging for pickup. Pickup and disposal costs are the responsibility of the generator.
- (16) **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 S. 11 (e) through (o):
    - (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 the 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 (a) 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 S. 11 (e) through (o) from solid waste in as pure a form as is technically feasible.
- (17) **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 S. 11 (e) 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 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 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 (a) do not apply to the owners or designated agents of non-residential facilities and properties if the postconsumer waste generated within the facility is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in S. 11 (e) through (o) from solid waste in as pure a form as is technically feasible.
- (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 S. 11 (e) through (o) which have been separated for recycling.
- (19) **SCAVENGING.** It shall be unlawful for any person or firm, other than the contracted collector, to scavenge through recyclables placed for collection.
- (20) **ENFORCEMENT.**
- (a) For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the contracted hauler or any board member, employee or designated representative of the Village of Hilbert 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, 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 representative of the contracted hauler or any board member, employee or designated representative of the Village of Hilbert 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 recycling committee or designated representative for the Village of Hilbert 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 S. 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.
  - (2) Any person who violates a provision of this ordinance, except S. 18, may be required to forfeit not less than \$10 or more than \$1000 for each violation
- (d) It shall be a violation of this ordinance for any person to use the Drop-Off Center for disposal of any yard waste, refuse, recyclable or other items that originated from outside of the Village.