

VILLAGE OF EDEN RECYCLING ORDINANCE

1.01 Title. Recycling Ordinance for Village of Eden, Fond du Lac County, Wisconsin. This ordinance will replace any and all previously adopted ordinances regarding recycling.

1.02 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 sec.287.11, Wis. Stats., and Chapter NR 544, Wis. Administrative code.

1.03 Statutory Authority. This ordinance is adopted as authorized under s. 287.09(3)(b), Wis. Stats., and sec. 61.34, Wis. Stats.

1.04 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.

1.05 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 NR544, Wis. Administrative Code, and where 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 of this ordinance.

1.06 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.

1.07 Applicability. The requirements of this ordinance apply to all persons within the corporate limits of the Village of Eden.

1.08 Administration. The provisions of this ordinance shall be administered by the Village of Eden Board.

1.09 Effective Date. The provisions of this ordinance shall take effect on September 15, 2015.

1.10 Definitions. For the purpose of this Ordinance:

- (1) "Bi-metal container" means a container for carbonated or malt beverages that is made primarily of a combinations 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 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.
- (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, humidifier, 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) "Nonresidential facilities and properties" means commercial, retail, industrial, institutional and government facilities and properties. This term does not include multiple family dwellings.
- (11) "Office Paper" means high grade printing and writing papers from offices in nonresidential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. 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, corporation, partnership, association, local government unit, as defined in s. 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 retail sale.
- (16) "Postconsumer waste" means solid waste other than solid waste generated in the production of goods, hazard waste, as defined in s. 287.01(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.
- (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, SP, and other resins or multiple resins; steel containers; waste tires; and bi-metal containers.
- (21) "Solid Waste" has the meaning specified in s. 289.01(33), Wis. Stats.

- (22) "Solid waste facility" has the meaning specified in s. 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 intact root balls.

1.11 Separation of Recyclable Materials. Occupants of single family and 2 to 4 unit residents, multiple-family dwellings, and non-residential facilities and properties 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
- (11) Newspapers
- (12) Office Paper
- (13) Rigid Plastic Containers made of PETE and HDPE
- (14) Rigid Plastic Containers made of PVC, LDPE, PP, PS, and other resins or multiple resins*
- (15) Steel Containers
- (16) Waste Tires

*Note: Denotes materials for which DNR has granted a waiver from separation and collection requirements and landfill/incineration bans.

1.12 Separation Requirements Exempted. The separation requirements of s. 1.11 do not apply to the following:

- (1) Owners and designated agents of non-residential facilities and properties that send their postconsumer waste to a processing facility that recovers the materials specified in s 1.11 from solid waste in as pure a form as is technically feasible.
- (2) Solid waste which is burned as a supplement fuel at a facility if less than 30% of the heat input to the facility is derived from the solid waste burned as a supplement fuel.
- (3) A recyclable material specified in s 1.1(5) through (16) for which a variance has been granted by the Department of Natural Resources under s. NR 544.14, Wis. Administrative Code.

1.13 Care of separated Recyclable Materials. To the greatest extent practicable, the recyclable materials separated in accordance with s.1.11 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 from wind, rain, and other inclement weather conditions.

1.14 Management of Lead Acid Batteries, Major Appliances, Waste Oil and Yard Waste.

Occupants of single family and 2 to 4 unit residents, 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 retail battery stores for proper recycling and disposal.
- (2) Major appliances shall be scheduled for pick up by calling any private hauler of white goods.
- (3) Waste oil shall be taken to any private business that accepts waste oil for recycling.
- (4) Yard waste, if collected and not deposited in a private compost pile shall be taken to the Village Yard Waste Drop Off Site located at the Village of Eden Sewer Plant. The Yard Waste drop off site shall be subject to specific limitations set from time to time by the Village Board and posted upon the premises containing the Village Drop Off Site.

1.15 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. 1.11(5) through (16):

- (1) Aluminum containers shall be rinsed free of product residue and shall be placed in the designated receptacle for curbside collection on designated dates as per calendar.
- (2) Bi-metal containers shall be rinsed free of product residue and shall be placed in the designated receptacle for curbside collection on designated dates as per calendar.
- (3) Corrugated paper or other container board shall be free of debris, flattened and shall be placed in the designated receptacle for curbside collection on designated dates as per calendar.
- (4) Foam Polystyrene packaging shall be free of debris, flattened and shall be placed in the designated receptacle for curbside collection on designated dates as per calendar.
- (5) Glass containers shall be rinsed free of product residue, caps removed, and shall be placed in the designated receptacle for curbside collection on designated dates as per calendar.
- (6) Magazines shall be placed in the designated receptacle for curbside collection on designated dates as per calendar.
- (7) Newspapers shall be placed in the designated receptacle for curbside collection on designated dates as per calendar.
- (8) Office Paper shall be placed in the designated receptacle for curbside collection on designated dates as per calendar.
- (9) Rigid plastic containers (PETE or HDPE) and other required recyclable plastics shall be rinsed free of product residue, caps removed and placed in the designated receptacle for curbside collection on designated dates as per calendar.
- (10) Steel containers shall be rinsed free of product residue and placed in the designated receptacle for curbside collection on designated dates as per calendar.

(11) Waste tires shall be discarded only by contracting with a licensed private waste disposal firm for proper collection, recycling and disposal.

1.16 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 s. 1.11 (5) through (16):

- a) Provide adequate containers for the recyclable materials.
- b) Provide the tenants with a written notice as to the times for recycling collection at the time of renting or leasing a building as well as annually.
- c) Provide the collection schedule for the curbside recycling.
- d) Provide tenants with reasons to reduce and recycle solid waste, which items to recycle, how to prepare such items for collection, and times of curbside collection.

(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 that recovers for recycling the materials specified in s. 1.11(5) through (16) from solid waste in as pure a form as is technically feasible.

1.17 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 s.1.11(5) through (16):

- 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 and or pick up of materials.
- 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.

(2) The requirements specified in 1) do not apply to the owners of 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 that recovers for recycling the materials specified in s. 1.11(5) through (16) from solid waste in as pure a form as is technically feasible.

1.18 Prohibitions of 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. 1.11(5) through (16) which have been separated for recycling, except waste tires may be burned with energy recovery in a licensed solid waste treatment facility.

1.19 Enforcement.

- (1) For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the Village of Eden Board may inspect recyclable materials separated for recycling, postconsumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwelling 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 Eden Board 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 ordinance may be issued a citation by the President of the Village Board to collect forfeitures. The issuance of a citation shall not preclude proceedings under any other ordinance or law relating to the same or any other matter. Proceedings 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 sec 1.18 may be required to forfeit \$50.00 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 ordinance, except s 1.18, may be required to forfeit not less than \$10.00 nor more than \$1000 for each violation.

Adopted this 21st day of July 2015.

VILLAGE OF EDEN

Dennis Immel
Dennis Immel
Village President

ATTEST

Sheila M Zook
Sheila M Zook
Village Clerk

I, Sheila M Zook, Clerk/Treasurer of the Village of Eden, Fond du Lac County, State of Wisconsin, do hereby certify the ordinance entitled Village of Eden Recycling Ordinance, was duly adopted by the Village Board of the Village of Eden on 21st day of July, 2015.