

CHAPTER 7

SOLID WASTE RECYCLING

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7.01 TITLE

This Chapter shall be known as the Solid Waste Recycling Ordinance of the Village of Montfort.

7.02 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 Wis. Stat. § 287.11 and Chapter NR 544, Administrative Code.

7.03 AUTHORITY

This Ordinance is adopted as authorized under Wis. Stat. § 287.09(3)(b).

7.04 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.

7.05 INTERPRETATION

In their interpretation and application, the provisions of this Ordinance shall be held to be 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 interpretation shall apply. Where a provision of this Ordinance is required by Wisconsin Statutes, or by a standard in Chapter NR 544, Wis. Administration 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 to this Ordinance.

7.06 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.

7.07 APPLICABILITY

The requirements of this Ordinance apply to all persons within the Village of Montfort, Grant County, Wisconsin.

7.08 ADMINISTRATION

The provisions of this Ordinance shall be administered by the Village Board with the assistance of the Village Clerk and other Village personnel when required.

7.09 EFFECTIVE DATE

The provisions of this Ordinance shall take effect on the effective date of an enabling ordinance adopted by the Village Board pursuant to Wis. Stat. § 66.0103.

7.10 DEFINITIONS

For the purposes of this Ordinance:

(1) "Approved Recycling Container" means the containers approved by the Village Board for collection of recyclable materials.

(2) "Bi-metal container" means a container for carbonated or malt beverage that is made primarily of a combination of steel and aluminum.

(3) "Village Contractor" means the individual, partnership or corporation currently under contract with the Village of Montfort to provide residential collection and disposal of solid waste and recyclable materials.

(4) "Container board" means corrugated paperboard used in the manufacture of shipping containers and related products.

(5) "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 a packaged article in a shipping container.
- (c) Consists of rigid materials shaped to hold and cushion a packaged article in a shipping container.

(6) "Glass Container": means a glass bottle, jar or other packaging container used to contain a product that is the subject of a retail sale and does not include ceramic cups dishes, oven ware, plate glass, safety and window glass, heat resistant glass such as Pyrex, lead based glass such as crystal, or TV tubes.

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

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

(9) "Magazines" means magazines and other material printed on similar paper.

(10) "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.

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

(12) "Newspaper" means a newspaper and other materials printed or newsprint.

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

(14) "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.

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

(16) "Persons" include any individual, corporation, partnership, association, local government unit, as defined in Wis. Stat. § 66.0131(1)(a), state agency or authority or federal agency.

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

(18) "Plastic container" means an individual, separate, rigid plastic bottle, can, jar or carton, except for blister pack, that is originally used to contain a product that is the subject of a retail sale.

(19) "Postconsumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in Wis. Stat. § 289.01(12), waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in Wis. Stat. § 289.01(17).

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

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

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

(23) "Recyclable materials" include lead acid batteries; major appliances; waste oil; 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.

(24) "Solid waste" has the meaning specified in Wis. Stat. § 289.01(33).

(25) "Solid waste facility" has the meaning specified in Wis. Stat. § 289.01(35).

(26) "Solid waste treatment" means any method, technique or process which is designed to change the physical, chemical and biological character or composition of solid waste. "Treatment" includes incineration.

(27) "SPI Code" is the triangular form consisting of three curved arrows surrounding a number (1-7) which is stamped or written on a plastic container and which designates the type of plastic material from which the container is manufactured.

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

(29) "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.

7.11 SEPARATION OF RECYCLABLE MATERIALS

(1) Occupants of single family and 2 to 4-unit residences, multiple-family dwellings and non-residential facilities and properties shall separate the following material 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) Foam polystyrene packaging
- (i) Glass containers
- (j) Magazines
- (k) Newspaper
- (l) Office paper
- (m) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins
- (n) Steel containers
- (o) Waste tires

7.12 SEPARATION REQUIREMENTS EXEMPTED

The separation requirements of s. 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 the materials specified in s. 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 s. 7.11(5) through (15) for which variance has been granted by the Department of Natural Resources under Wis. Stat. § 287.11(2m), or s. 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 s. 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 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.

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 placed in a receptacle until full and scheduled for disposal with the Village's waste and recyclable collector. The receptacle may also be taken to a business which is qualified to accept such batteries for disposal.

(2) Major appliances shall be scheduled for disposal with the Village's waste and recyclable collector, or other properly licensed collector, and placed at the site designated for pickup by the collector on the date designated for pickup by the collector.

(3) Waste oil shall be placed in a sealed recyclable container, such as an empty milk jug with a close-fitting cap, and be taken to a business which is qualified to accept waste oil for disposal.

(4) Yard waste shall be separated from recyclables and other refuse and may be composted on site, or at a site as the Village Board may designate.

7.15 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 recyclable materials specified in s. 7.11(5) through (15):

- (1) Aluminum containers shall be rinsed free of product residue and placed in the approved recycling container.
- (2) Bi-metal containers shall be rinsed free of product residue, flattened, and placed in approved recycling container.
- (3) Corrugated paper or other container board shall be free of debris, flattened, smaller than 3' by 4' sheets be placed in approved recycling container.
- (4) Foam polystyrene packaging shall be placed in a sealed clear plastic bag and placed in approved recycling container.
- (5) Glass containers shall be rinsed free of product residue and placed in the approved recycling container.
- (6) Magazines shall be free of debris, bundled and tied or placed in a paper bag in approved recycling container.
- (7) Newspaper shall be free of debris, bundled and tied or placed in a paper bag in approved recycling container.
- (8) Office paper shall be placed in a bag (i.e., plastic or brown paper) and placed in approved recycling container.
- (9) Rigid plastic containers shall be prepared and collected as follows:
 - (a) Plastic containers bearing SPI code #1, including soda jugs, etc., shall be rinsed free of product residue and caps shall be removed and discarded. The containers shall be placed in or tied together and placed in approved recycling container.
 - (b) Plastic containers bearing SPI code #2, including milk jugs and detergent bottles, shall be rinsed free of product residue and caps shall be removed and discarded. The containers shall be placed in or tied together and placed in approved recycling container.
 - (c) Plastic containers bearing SPI code #3, including those made of PVC, shall be rinsed free of product residue and caps shall be removed and discarded. The containers shall be placed in or tied together and placed in approved recycling container.
 - (d) Plastic containers bearing SPI code #4, including those made of LDPE, shall be rinsed free of product residue and caps shall be removed and discarded. The containers shall be placed in or tied together and placed in approved recycling container.

(e) Plastic containers bearing SPI code #5, including those made of PP, shall be rinsed free of product residue and caps shall be removed and discarded. The containers shall be placed in or tied together and placed in approved recycling container.

(e) Plastic containers bearing SPI code #6, including those made of PS, shall be rinsed free of product residue and caps shall be removed and discarded. The containers shall be placed in or tied together and placed in approved recycling container.

(f) Plastic containers made of other resins or multiple resins, shall be rinsed free of product residue and caps shall be removed and discarded. The containers shall be placed or tied together and placed in the approved recycling container.

(g) Steel containers shall be rinsed free of product residue, labels removed, ends cut out, flattened and placed in the approved recycling container.

(h) Waste tires shall be taken to a waste and recyclable collector or other property licensed collector and placed at the location designated by the collector on the date designated for pickup by the collector.

7.16 RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF MULTIPLE - FAMILY DWELLINGS AND NON-RESIDENTIAL FACILITIES OR PROPERTIES

(1) Owners or designated agents of multiple-family dwellings and non-residential facilities or properties shall do all of the following to recycle the materials specified in s. 7.11(5) through (15):

(a) Provide adequate, separate containers for the recyclable materials.

(b) Notify tenants, users or occupants of the property in writing at the time of renting or leasing the dwelling at last semi-annually thereafter about the established recycling program.

(c) Provide for collection of the materials separated from the solid waste by the tenants and the delivery of the materials to the recycling facility.

(d) Notify the tenants, users or occupants of the property:

(i) That reduction and recycling of solid waste is in the best interest of the citizens of the state in order to protect public health, to protect the quality of the natural environment, and to conserve resources and energy;

(ii) Which materials are to be collected and recycled;

(iii) How to prepare recyclable materials in order to meeting processing requirements; and

(iv) Of collection methods, or of collection sites available, and their location, hours of operation and a contact person or company (i.e., of the Village contractor and/or a designated Village employee, 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 or 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 s. 7.11 (5) through (15) from solid waste in as pure as form as is technically feasible.

7.17 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. 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 and microwave ovens may be disposed of in a solid waste disposal facility in this state if the capacitor has been removed and disposed of in accordance with Wis. Stat. § 299.47(7), if applicable.

7.18 ENFORCEMENT

(1) For the purpose of ascertaining compliance with the provisions of this Ordinance, any authorized officers, employee or representative of the Village of Montfort 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 Montfort who requests access for purposes of inspection, and who presents appropriate credentials. No such 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 Village of Montfort to collect forfeitures. The issuance of a citation shall not preclude a proceeding under any other ordinance or law relating to the same or any other matter. A 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 violated s. 7.17 may be required to forfeit \$50.00 for a first violation, \$200.00 for a second violation, and not more than \$2,000.00 for a third or subsequent violation.

(b) Any person who violates a provision of this Ordinance, other than s. 7.17 may be required to forfeit not less than \$10.00 nor more than \$1,000.00 for each violation.

7.19 COLLECTION OF SOLID WASTE AND RECYCLABLE MATERIAL

(1) No person shall place for collection any solid waste or recyclables at the curb or street line if he or she does not reside at the abutting property.

(2) No person shall bring any item solely for disposal or recycling from outside the corporate limits of the Village into the Village of Montfort.

(3) No collection of solid waste or recyclable material will occur at any unoccupied premises.

(4) Any person who violates this section may be required to forfeit not less than \$10.00 nor more than \$200.00 for each violation together with the costs of prosecution.

7.20 RESIDENTIAL REFUSE AND GARBAGE COLLECTION FEE ASSESSMENT PROCEDURE

(1) The Village Clerk-Treasurer of the Village of Montfort is hereby directed to bill each residential owner or occupant, except for owners of residential property who have not occupied or permitted other persons to occupy said property during the entirety of the month being billed, no later than 5 days after the end of each month with directions to each person receiving a bill to pay the Village Treasurer the charge rendered within 20 days thereafter and notifying each person that failure to pay within 20 days will result in a 3% delinquency charge.

(2) It is hereby provided that said charge is a charge to the property served. Such charge shall be rendered to the occupant of the property and the occupant shall be primarily liable for the charge. Upon failure to pay, said charge shall also become a charge to the owner of the property as a secondary charge and become a lien on the property as herein provided.

7.21 LIEN FOR DELINQUENT CHARGES AND PROCEDURE

(1) Any delinquency in the payment of refuse and garbage collection fees shall be a lien on the property served, after notice to the owner and occupant as provided herein.

(2) The Village Clerk-Treasurer shall prepare a list before October 15 of each year of all lots or parcels subject to the refuse and garbage collection fee in the year preceding October 1,

and for which amounts of the garbage and refuse collection fee are still owed. A copy of said list shall be furnished to the Village Clerk-Treasurer.

(3) On October 15 of each year the Village Clerk-Treasurer shall give written notice to the owner and occupant of each such parcel stating that an amount is owed for garbage collection and refuse disposal services by the Village; stating the amount still owed, including any penalty assessed pursuant to the rules of the Village; stating that unless that amount is paid by November 1, an additional penalty of 10% of the amount in arrears will be added thereto and stating that unless the amount in arrears plus penalty are paid by November 15, the amount will be levied as a tax on the lot or parcel served and for which payment is delinquent. Notice mailed to the lot address shall be notice to the occupant. Notice mailed to the last known address of the lot owner shall be notice to the owner. It shall be the duty of the owner to notify the Village Clerk-Treasurer of a change in address. In the event the owner and occupant are the same person, then notice mailed to such person shall be considered notice to both the owner and the occupant,

(4) After November 16, the Village Treasurer shall certify to the Village Clerk a list of all parcels or lots for which payments are in arrears and for which notice has been given, including the amount of arrears with any penalty added thereto. Such delinquent amounts including any penalty shall thereupon become a lien upon the property and shall be collected as provided in Wis. Stat. § 66.0627(3)(b).