

Village of Curtiss Recycling Ordinance #040821A

1.01 Title. Recycling Ordinance for the Village of Curtiss

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 s. 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 287.11(2)(d)(g)

1.04 Abrogation and Restrictions. It is intended by this ordinance to replace any other conflicting previous recycling ordinances made by the Village of Curtiss.

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 interpretation 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 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.

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 village limits of the Village of Curtiss.

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

1.09 Effective Date. The provisions of this ordinance shall take effect immediately upon proper public notification and publication.

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 combination 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) "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.
 - 5) "HDPE" means high density polyethylene, labeled by the SPI code # 2.
 - 6) "LDPE" means low density polyethylene, labeled by the SPI code # 4.
 - 7) "Magazines" means magazines and other materials printed on similar paper.
 - 8) "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.
 - 9) "Multiple-family dwelling" means a property containing 5 or more residential units, including those which are occupied seasonally.
 - 10) "Newspaper" means a newspaper and other materials printed on newsprint.
 - 11) "Non-residential facilities and properties" means commercial, retail, industrial, institutional and government facilities and properties. This term does not include multiple family dwellings.
 - 12) "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.
 - 13) "Other resins or multiple resins" mean plastic resins labeled by the SPI code # 7.
 - 14) "Person" includes any individual, corporation, partnership, association, local government unit, as defined in s. 66.0131(1)(a), Wis. Stats., state agency or authority or federal agency.
 - 15) "PETE" or "PET" means polyethylene terephthalate, labeled by the SPI code # 1.
 - 16) "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 a retail sale.
 - 17) "Postconsumer waste" means 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.
 - 18) "PP" means polypropylene, labeled by the SPI code # 5.
 - 19) "PS" means polystyrene, labeled by the SPI code # 6.
 - 20) "PVC" means polyvinyl chloride, labeled by the SPI code # 3.
 - 21) "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.
 - 22) "Solid waste" has the meaning specified in s. 289.01(33), Wis. Stats.

- 23) "Solid waste facility" has the meaning specified in s. 289.01(35), Wis. Stats.
- 24) "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.
- 25) "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
- 26) "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 residences, multiple-family dwellings and non-residential facilities and properties shall separate all materials from postconsumer waste that Wisconsin Statute requires. This may include the following:

- 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) Newspaper
- 12) Office paper
- 13) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins
- 14) Steel containers
- 15) Waste tires

1.12 Separation Requirements Exempted. The separation requirements of s. 1.11 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. 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 supplement fuel.
- 3) A recyclable material specified in s. 1.11(5) through (15) for which a variance has been granted by the Department of Natural Resources under s. 287.11(2m), Wis. Stats., or 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 them from wind, rain, and other inclement weather conditions.

1.14 Management of Lead Acid Batteries, Major Appliances, Waste Oil, Waste Tires, 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, waste tires, and yard waste as follows:

- 1) ~~1)~~ Lead acid batteries shall be recycled in any way allowable by state law such as sale to salvage yards, disposal at an auto parts store, or at a Village clean up day location when applicable.
- 2) Major appliances shall be recycled in any way allowable by state law such as sale to salvage yards or at a Village clean up day location when applicable.
- 3) Waste oil shall be recycled in any way allowable by state law such as disposal at a used oil collection site such as an auto center.
- 4) Yard waste shall be recycled in any way allowed by state law such as composting on your own site. Yard waste may also be dropped off at the Village yard waste collection site.
- 5) Waste tires shall be recycled in any way allowable by state law such as disposal at salvage yards, tire retailers, or at a Village clean up day location when applicable.

1.15 Preparation and Collection of Recyclable Materials. Except as otherwise directed by the applicable recycling service provider for the premises, 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 (14). These directions are provided by the Village's current recycling service provider and will/may be modified from time to time independently of this ordinance but by reference shall be applicable as part of this ordinance:



800-440-4990



**N14985 Tieman Ave
Thorp, WI 54771**

Glass

Rinse clean, remove and discard plastic lids & caps
 ⓧ No Windows, Mirrors, Ceramics or Light Bulbs



Brown, green, blue, and clear
glass bottles & jars

Metal

Rinse Clean
 ⓧ No E-Waste, TV's or Computer Items



Aluminum & Steel Cans, Clean Aluminum Foil, Empty Aerosol Cans, Small Metal Appliances, metal pots and pans and utensils, Small plumbing fixtures, pipes, and misc. scrap

Plastic Containers

Rinse clean, remove and discard lids & caps
 ⓧ No Plastic Bags, Film, or Styrofoam



All Plastic Bottles & containers Marked #1 - #7
 (plastic food & beverage containers, milk/water/juice bottles, detergent/shampoo bottles, yogurt cups)

Paper, Cardboard & Cartons

Break down cardboard into 2x2 sections
 ⓧ No Greasy Pizza Boxes



Envelopes, magazines, newspapers, flattened cardboard, milk/ juice cartons, cereal boxes, beverage boxes, hardcover books (covers removed) wrapping paper empty paper towel/toilet paper rolls

PLACE ALL RECYCLABLES LOOSE IN YOUR RECYCLING CART.

Remember, state and local laws require everyone in Wisconsin to recycle newspaper, magazine, cardboard, food and beverage containers, tires, yard waste, appliances, motor oil, lead acid batteries and office paper. Wisconsin DNR Adm. Code NR 502.06

Please place your carts
4 feet

from any obstacles
such as other carts & mailboxes



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 (14):
 - 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.
 - 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) The requirements specified in 1) 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 s. 1.11(5) through (14) 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 (14):
 - (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.
- 2) The requirements specified in 1) do not apply to the owners or 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 licensed by the Department of Natural Resources that recovers for recycling the materials specified in s. 1.11 (5) through (15) from solid waste in as pure a form as is technically feasible.

1.18 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. 1.11 (5) through (15) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

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 Curtiss or contracted disposal service (currently Express Disposal) 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 Curtiss or contracted disposal service (currently Express Disposal) 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 Village of Curtiss board and/or its designee 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 s. 1.18 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.
 - (b) Any person who violates a provision of this ordinance, except s. 1.18, may be required to forfeit not less than \$10 or more than \$1000 for each violation.
 - (c) Any Attorney fees acquired by the Village due to the enforcement of this ordinance to address a violation thereof, may be billable as part of the penalty/forfeiture associated with the violation in addition to the stated amounts in (a) and (b).

EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

ADOPTED: _____

Betty Rettig
VILLAGE PRESIDENT

ATTEST:

Carol Devine
VILLAGE CLERK

