

CHAPTER 3

Refuse Disposal

| <i>Section Number</i> | <i>Title</i> | <i>Ordinance Number</i> | <i>Date of Ordinance</i> |
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| 8-3-1 | Garbage Accumulation; When a Nuisance | | |
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| 8-3-4 | Recycling | 2008-03 | 04/15/08 |

SEC. 8-3-1 GARBAGE ACCUMULATION; WHEN A NUISANCE.

- (a) The accumulation or deposit of garbage, trash or putrescible animal or vegetable matter in or upon any lot or land or any public or private place within the Town which causes the air or environment to become noxious or offensive or to be in such a condition as to promote the breeding of flies, mosquitoes or other insects, or to provide a habitat or breeding place for rodents or other animals, or which otherwise becomes injurious to the public health is prohibited and declared to constitute a nuisance.
- (b) No person shall dump or deposit any refuse along any public right-of-way or in any Town park or property, except in authorized collection containers.

SEC. 8-3-2 REFUSE FROM OUTSIDE THE TOWN.

It is unlawful for any person, firm or corporation to place, deposit or cause to be deposited, for collection, any waste or refuse not generated within the corporate limits of the Town of Caledonia.

SEC. 8-3-3 REFUSE DISPOSAL.

- (a) **Collection of Solid Waste and Recyclable Materials.** Solid waste and recyclable materials shall be placed at the roadside for collection by 7:00 a.m. on the scheduled day of collection but no sooner than 15 hours before 7:00 a.m. of such day.
- (b) Containers and equipment used to hold solid waste and recyclables for roadside collection shall be removed from the roadside within 12 hours after collection.

SEC. 8-3-4 RECYCLING ORDINANCE.

- (a) Title. This Chapter shall be known as the Recycling Ordinance for the Village of Caledonia.

- (b) Purpose. The purpose of this ordinance is to regulate and require the separation, collection and processing of recyclable materials to the greatest extent feasible and 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, Wisconsin Administrative Code.
- (c) Statutory Authority. This ordinance is adopted as authorized under Sec. 287.09 (3)(b), Wis. Stats.
- (d) 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 than the provisions of this ordinance shall apply.
- (e) Interpretation. In their interpretation and application, the provision 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 requirement of this ordinance may be consistent or conflicting, the more restrictive requirement or interpretation shall apply. Where a provision of this ordinance is required by the Wisconsin Statutes, or by a standard in Chapter NR 544, Wisconsin Administrative Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Wisconsin Administrative Code 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.
- (f) 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.
- (g) Applicability. The requirement of this ordinance applies to all persons including businesses and solid waste haulers within the Village of Caledonia. Owners and/or occupants of single-family and multi-family residences and non-residential facilities located within or conducting business in the Village are required to separate and recycle, from their municipal solid waste, those items identified in Section (j) of this Ordinance.
- (h) Administration. The provisions of this Ordinance shall be administered by the Village Engineer or his/her designee.
 - (1) Program Documents:
 - (a) Educational Program. The Village shall create a public information and education program to address recycling of materials specified in Section 287(1m) to (4), Wis. Stats, and waste reduction and reuse efforts at single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties. The program shall continue the regular distribution of current program information and consumer and youth education. The general form of educational brochures and other materials

shall be approved by the Village Board by resolution and may be revised as needed by the Village Engineer to meet the goals of the ordinance.

- (b) Compliance Assurance Program. The Village shall create a compliance assurance plan describing the procedures the responsible unit will follow to address at a minimum one act of non-compliance with recycling requirements specified in its recycling ordinance which is commonly encountered by the responsible unit. The compliance assurance plan shall be approved by the Village Board by resolution.
- (2) The Village may, by contract, provide for the equipment and staff to implement the recycling program.
- (i) Definitions. For the purposes of this ordinance:
 - (1) "Aluminum container" means all aluminum food or beverage cans.
 - (2) "Bi-metal Container" means a food or beverage container that is primarily made of a combination of steel and aluminum.
 - (3) "Composting" means the decomposition or breakdown of organic materials.
 - (4) "Container board" means paperboard used in the manufacture of shipping containers and related products.
 - (5) "Corrugated cardboard" means corrugated paperboard or cardboard used in the manufacture of shipping containers and related products.
 - (6) "Curbside collection" means the collection of recyclable items, usually at the curb, from single-family and 2-4 unit residences, apartments, and non-residential facilities and properties.
 - (7) "Drop-off system" means a system for collecting recyclable materials in which the recyclable materials are taken by individuals to designated collection sites and deposited into designated containers from which the recyclable materials are transported for processing and marketing.
 - (8) "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 package article in a shipping container.

- (c) Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.
- (9) "Glass container" means bottles and jars, such as food jars, beer and pop bottles, wine and liquor bottles, etc.
- (10) "HDPE" means high density polyethylene, labeled by the SPI code #2.
- (11) "Household waste" means any material, including garbage, trash and sanitary wastes in septic tanks, derived from households, including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day-use recreation areas.
- (12) "LDPE" means low density polyethylene, labeled by the SPI code #4.
- (13) "Lead acid battery" means a battery, such as a car, tractor or marine battery.
- (14) "Magazines" means magazines and other materials printed on similar paper.
- (15) "Major appliance" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, stove, residential or commercial furnaces, boilers, dehumidifiers and water heater.
- (16) "Material(s) recovery facility (MRF)" means a facility where 1 or more of the materials specified in section 287.07(3) or (4), Wisconsin Statutes, not mixed with other solid waste, are processed for reuse or recycling by conversion into a consumer product or a product which is used as a raw material in a commercial or industrial process.
- (17) "Multiple-family dwelling" means a property containing 5 or more residential units, including those which are occupied seasonally.
- (18) "Newspaper" means a newspaper and other materials printed on newsprint.
- (19) "Non-residential facilities and properties" means commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings. It includes any location at which goods or services are provided or manufactured, including locations under construction, demolition or remodeling, or used for special events such as, but not limited to, fairs, festivals, sports venues, conferences and exhibits.
- (20) "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.

- (21) "Other resins or multiple resins" means plastic resins labeled by the SPI code #7.
- (22) "PP" means polypropylene, labeled by the SPI code #5.
- (23) "PS" means polystyrene, labeled by the SPI code #6.
- (24) "PVC" means polyvinyl chloride, labeled by the SPI code #3.
- (25) "Person" includes any individual, corporation, partnership, association, local governmental unit, as defined in Sec. 66.0131(1)(a), Wis. Stats., state agency or authority or federal agency.
- (26) "PETE" means a plastic container made from polyethylene terephthalate, labeled by the SPI code #1.
- (27) "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.
- (28) "Postconsumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in Sec. 291.01(7), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in Sec. 289.01(17), Wis. Stats.
- (29) "Public information and education program" means a program established to address recycling, waste reduction and reuse efforts under Section NR 544.04(1), Wis. Administrative Code.
- (30) "Recycling" means the collection, transfer, transporting, processing, marketing and conversion of solid wastes into usable materials or products.
- (31) "Recyclable materials" includes lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; corrugated paper; 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.
- (32) "SPI" means the Society of the Plastic Industry, Inc.
- (33) "Solid Waste" meaning is specified in Sec. 289.01(33), Wis. Stats.
- (34) "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.
- (35) "Steel Containers" means a food or beverage container made from steel.

- (36) "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
- (37) "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.

(j) 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 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) Foam Polystyrene packaging
- (i) Glass containers
- (j) Magazines
- (k) Newspaper
- (l) Office Paper
- (m) Rigid plastic containers made of PETE (#1), HDPE(#2), PVC(#3) LDPE(#4), PP(#5), PS(#6) and other resins or multiple resins (#7)
- (n) Steel Containers
- (o) Waste tires

- (2) Exceptions. The separation requirements of Section (j) do not apply to the following:

- (a) 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.
- (b) Containers for an industrial pesticide as defined in Wis. Stats. 94.681(1)(b) or a non-household pesticide, as defined in Wis. Stats. 94.681(1)(c), is contaminated or is otherwise in a condition that makes recycling infeasible.
- (c) A recyclable material specified in Section (j)(1)(e) through (o) for which a variance has been granted by the Department of Natural Resources under Sec. 287.11(2m), Wis. Stats., or NR 544.14, Wisconsin Administrative Code.

- (k) Care of Separated Recyclable Materials. To the greatest extent practicable, the recyclable materials separated in accordance with Section (j) 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 chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain, snow, ice and other inclement weather conditions.

- (l) Management of Lead Acid Batteries, Major Appliance, Waste Oil, Yard Waste and Waste Tires. Occupants of single family and 2 to 4 unit residences multiple-family dwellings and non-residential facilities and properties shall dispose of lead acid batteries, major appliances, waste oil, yard waste and waste tires as follows:
 - (1) Lead acid batteries shall be taken to a retail business which sells lead acid batteries.
 - (2) Major appliances shall be picked up by the Village or applicable district refuse contractor for a fee or deposited by the owner with a scrap metal recycling vendor which is licensed by the State.
 - (3) Waste oil shall be taken to the Village drop center located behind the Village Safety Building.
 - (4) Residents should leave grass clippings on their lawns if feasible. Yard waste shall be taken to the yard waste drop off center designated by the Village for recycling or composted provided the compost pile does not constitute a nuisance and provided not more than 50 cubic yards of material are composted in any given year on the owner's property. Although burning is discouraged, yard waste may be burned provided such burning does not constitute a nuisance and provided that such burning does not violate Village Burning Ordinances and policies as set forth by the Village Fire Department. Yard waste shall not be bagged for disposal with other refuse.
 - (5) Waste tires shall be taken to a retail business which sells tires or to a processor of tires.

- (m) Preparation and Collection of Recyclable Materials. 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 Section (j)(1)(e) through (o):
 - (1) Aluminum containers and bi-metal containers shall be rinsed and flattened, placed in the approved recycling bin and placed on the curb on the day designated for collection. Labels need not be removed.
 - (2) Corrugated paper or other container board shall be free of debris, flattened, stacked and tied, and placed upon the curb on the day designated for collection.

- (3) Foam polystyrene packaging shall be neatly stacked, tied or placed in a recyclable paper bag and placed in the approved recycling bin and placed by the curb on the day designated for collection.
- (4) Glass:
 - (a) Glass containers shall be rinsed, placed in the approved recycling bin and placed on the curb on the day designated for collection. Labels need not be removed.
 - (b) Window glass, light bulbs, ceramics mirrors, drinking glasses, Pyrex, TV tubes, eye glasses and broken glass are not recyclable and should be disposed of with normal refuse.
- (5) Magazines shall be placed in brown paper bags or tied in bundles with string and placed on top of other recycled items in the approved recycling bin and placed on the curb on the day designated for collection. Magazines shall be separated from newspapers.
- (6) Newspaper shall be placed in brown paper bags or tied in bundles with string and placed on top of other recycled items in the approved recycling bin and placed on the curb on the day designated for collection. Newspapers shall be separated from magazines.
- (7) Office paper generated from non-residential properties shall be placed in separate office paper containers which must be supplied by the owner or agent of the non-residential property.
- (8) Rigid plastic containers shall be prepared and collected as follows:
 - (a) Plastic containers made of PETE (#1), including soft drink bottles, shall be rinsed and flattened, placed in the approved recycling bin and placed on the curb on the day designated for collection. Labels are to be removed, if possible. Caps are to be removed and placed in the normal refuse.
 - (b) Plastic containers made of HDPE (#2) including milk bottles and laundry soap bottles shall be rinsed and flattened, placed in the approved recycling bin and placed on the curb on the day designated for collection. Labels are to be removed, if possible. Caps are to be removed and placed in the approved recycling bin and placed on the curb on the day designated for collection.
 - (c) Plastic containers made of PVC (#3), LPD (#4), PP (#5), PS (#6), and plastic containers made of other resins or multiple resins shall be rinsed and flattened, placed in the approved recycling bin and placed on the curb on the day designated for collection. Labels are to be removed, if possible. Caps

are to be removed and placed in the approved recycling bin and placed on the curb on the day designated for collection.

- (9) Steel containers shall be rinsed and flattened, placed in the approved recycling bin and placed on the curb on the day designated for collection. Labels need not be removed.

(n) Responsibilities of Owners or Designated Agents of Multiple-Family Dwellings.

Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in Section (j)(1)(e) through (o):

- (1) Provide adequate, separate containers for the recyclable materials.
- (2) Notify tenants in writing at the time of rental or lease and at least semiannually thereafter about the established recycling program.
- (3) Provide for the separation of recyclable materials from solid waste by tenants in accordance with Section (m), and the collection and delivery of the recyclable materials to a recycling facility.
- (4) 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, and of the separation and proper disposal requirements of lead acid batteries, major appliances, waste oil, yard waste and waste tires in accordance with Section (l) of this Chapter.

(o) Responsibilities of Owners or Designated Agents of Non-Residential Facilities and Properties. Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in Section (j)(1)(e) through (o) unless postconsumer waste generated in those facilities and properties is treated at a processing facility that recovers the materials specified in Section (j)(1)(e) through (o) from solid waste in as pure a form as is technically feasible.

- (1) Provide adequate, separate containers for the recyclable materials.
- (2) 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.
- (3) Notify in writing, at least semi-annually all users, tenants and occupants of the properties about the established recycling program, the 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, and of the separation and proper disposal requirements of lead acid batteries, major appliances, waste oil, yard waste and waste tires in accordance with Section (l) of this Chapter.

(p) Prohibitions on Disposal of Recyclable Materials Separated for Recycling.

- (1) 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 Section (j)(1)(e) through (o) which have been separated for recycling.

(q) Enforcement.

- (1) For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the Village of Caledonia 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 authorize representative of the Village of Caledonia 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 any provision of this ordinance may be issued a citation by the Village of Caledonia. The issuance of a citation shall not preclude 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

- (a) Any person who violates Section (q)(1) may be required to forfeit not less than \$50 nor more than \$1,000 for each violation, plus costs of prosecution.
- (b) Any person who violates any provision of this ordinance except Section (q)(1), may be required to forfeit \$50 for a first violation, \$200 for a second violation and not more than \$2,000 for a third or subsequent violation, plus costs of prosecution.