VILLAGE OF ALBANY ORDINANCE 03-26

ORDINANCE TO AMEND PORTIONS OF ARTICLE III OF CHAPTER 32: RECYCLING PROGRAM

THE VILLAGE BOARD of the Village of Albany do ordain as follows:

ARTICLE III: Chapter 32, Solid Waste, Article III, Recycling Program, of the Village of Albany Code is hereby established to read as follows:

ARTICLE III. RECYCLING PROGRAM

Sec. 32-55. Purpose; authority; severability; applicability; administration.

(a) This article is adopted as authorized under Wis. Stats. § 287.09, for the purpose of promoting recycling, composting and resource recovery through the administration of an effective recycling program, as provided in Wis. Stats. § 287.11 and Wis. Admin. Code ch. NR 544. The village shall be the responsible unit of the recycling program.

(b) Should any portion of this article be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this article shall not be affected.

(c) The requirements of this article apply to all persons within the village and shall be administered by the village.

Sec. 32-56. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bi-metal container means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.

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

Foam polystyrene packaging means packaging made primarily from foam polystyrene that satisfies one of the following criteria:

(1) Is designed for serving food or beverages.

(2) Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.

(3) Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.

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.

HDPE means high density polyethylene, labeled by the resin code # 2.

LDPE means low density polyethylene, labeled by the resin code # 4.

Magazines means magazines and other materials printed on similar paper.

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.

Multiple-family dwelling means a structure containing 5 or more residential units, including units that are occupied seasonally.

Newspaper means a newspaper and other materials printed on newsprint.

Non-residential facilities and properties means commercial, retail, industrial, institutional and government facilities and properties. Non-residential facilities and properties 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 fairs, festivals, sport venues, conferences, and exhibits. This term does not include multiple family dwellings.

Office paper means a variety of high-grade printing and writing papers. This term does not include industrial process waste, newspaper or packaging.

Other resins or multiple resins mean plastic resins labeled by the resin code # 7.

Person includes any individual, corporation, limited liability company, partnership, association, local government unit, as defined in s. 66.0131(1)(a), Wis. Stats., state agency or authority or federal agency.

PETE or *PET* means polyethylene terephthalate, labeled by the resin code # 1.

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.

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.

PP means polypropylene, labeled by the resin code # 5.

PS means polystyrene, labeled by the resin code # 6.

PVC means polyvinyl chloride, labeled by the resin code # 3.

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.

Solid waste has the meaning specified in s. 289.01(33), Wis. Stats.

Solid waste facility has the meaning specified in s. 289.01(35), Wis. Stats.

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.

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

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.

Sec. 32-57. Abrogation and greater restrictions.

It is not intended by this article 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 article imposes greater restrictions, the provisions of this article shall apply.

Sec. 32-58. Interpretation.

In their interpretation and application, the provisions of this article shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by state law. When any terms or requirements of this article may be

inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. When a provision of this article is required by state statutes, or by a standard in Wis. Admin. Code ch. NR 544, and where the article provision is unclear, the provision shall be interpreted in light of state law and the Wis. Admin. Code ch. NR 544 standards in effect on the date of the adoption of the ordinance from which this article is derived, or in effect on the date of the most recent text amendment to this article.

Sec. 32-59. Required recycling.

Each residence, residential unit, place of business, industry, commerce or other place providing goods or services of any type within the village shall cooperate in the mandatory recycling of garbage and refuse by following the provisions of this article. No person shall deliver to or place into or cause to be delivered to or placed into or at the recycling center any material except recyclable material, and only in such manner as set forth herein.

Sec. 32-60. Recycling facility.

Recyclables shall be brought to the dropoff recycling center during business hours designated by the recycling committee. The center is located at the corner of Ogden Avenue and Briggs Drive in the village.

Sec. 32-61. Recyclable materials.

(a) *Materials to recycle.* All recyclable material shall be separated from other garbage and refuse and be separated from nonrecyclable material when deposited for recycling. Recyclable materials shall consist of:

(1) *Aluminum.* Any cans made of aluminum, which shall be rinsed clean and flattened, are accepted. Pie pans and foil are not accepted. Screen frames and lawn chairs go in metal dumpsters.

(2) *Glass.* Clear, green or brown glass, windows, canning jars, borosilicate glass, and ceramic are allowed. Lids and all metal parts shall be cleaned and removed; labels may be left on. Mirrors and lightbulbs are not accepted.

(3) *Tin food cans.* Only tin food cans are allowed, which shall be rinsed clean, labels removed, ends cut off, and flattened if possible. Gas cans, paint cans, fuel oil cans, or license plates go in the metal dumpster. Batteries, foil, and aerosol cans are not accepted (these go in a designated bag).

(4) *Plastic.* All plastics with the recycling triangle are accepted, which include items such as milk jugs, pop bottles, laundry detergent bottles, cottage

cheese/margarine containers and ice cream buckets with metal handles removed. Approved plastics shall be rinsed clean, flattened, and all metal parts removed; caps on plastic bottles shall be removed and placed in a designated bag. Plastic wrap, bags, hand cream tubes, foam cups, trays or containers, deodorant containers and air fresheners are not accepted and shall be placed in a designated bag.

(5) *Newspaper, office paper, junk mail, and magazines.* Junk mail, phone books, soft cover books and packaging paper are accepted. Hard covers must be removed from books. Approved items shall be placed in the proper crate.

(6) *Cardboard.* Corrugated cardboard and other containerboard are accepted. No wax-covered cardboard or wax-covered juice or milk containers are accepted. Pizza boxes and plates must be clean. All boxes shall be flattened and placed in the proper crate.

(7) *Waste oil.* No gasoline, cleaning solvents, or antifreeze is accepted; give to attendant.

(8) *Batteries.* Large-volt batteries and motorcycle, car and truck batteries are accepted and shall be placed in the proper container.

(9) *Antifreeze.* No gasoline or cleaning solvents are accepted; give to attendant.

(10) *Bubble wrap, packing popcorn and packing paper.* Bubble wrap, packing popcorn, and packing paper are accepted.

(11) *Metal items.* Appliances with no capacitors or ballasts containing PCB, components containing mercury (bulbs, switches, thermocouples), refrigerants (CFCs, HCFCs, ammonia, etc.) will be accepted. No containing appliances containing ammonia or asbestos. No scrap containing asbestos. No ballast or capacitors. Compressors must be drained with a drill hole visible. No electronic scrap. No LP/propane, acetylene tanks or compressed/liquefied gas cylinders. No one-time-use propane or helium tanks (torch, camping stoves, balloon helium, etc.). Appliances containing CFCs (refrigerators, freezers, coolers, etc.) will be accepted for a CFC removal charge or if refrigerant/CFC recovery certification is provided. The attendant may be seen for more information.

(12) *Waste tires.* Waste tires must be delivered to the recycling center with a payment designated by the recycling committee. Payment must be made at the time of delivery to the attendant.

(13) *Other designated materials.* Other materials may be designated as recyclable, depending on market conditions.

(b) *Costs involved.* All costs to be charged at the recycling center will be decided by the recycling committee and village board as needed. This will be done by resolution and includes, but is not only for, garbage bags, used tires, and the fee schedule for large items.

Sec. 32-62. Nonrecyclable materials designated.

Nonrecyclable materials shall include the following:

(1) *Glass.* All lightbulbs and mirrors.

(2) *Plastics.* Plastic wraps, grocery or garbage bags.

(3) *Paper.* All waxed paper and waxed cardboard.

(4) *Other materials.* All other garbage and refuse not qualifying as recyclable materials.

Sec. 32-63. Recycling committee may change designated recyclable and nonrecyclable materials.

Listed recyclable and nonrecyclable materials may change with recommendation from the recycling committee. The recycling committee retains the right to review and list recyclable and nonrecyclable items.

Sec. 32-64. Newsprint recycling.

No person shall dispose of newsprint with refuse, except for such newsprint rendered unfit for recycling. This section shall apply to all persons, governmental operations and business, commercial, retail and industrial enterprises, however organized and of whatever type. Newsprint shall not be placed in containers with other refuse or garbage. Newsprint placed for recycling shall become the property of the village or its collection agent.

Sec. 32-65. Mandatory separation of materials for composting.

No person shall dispose of ~~deciduous materials~~ yard waste, such as grass clippings and leaves, with other refuse that may be lawfully deposited. Composted material shall be disposed of in such locations as established by the village board.

Sec. 32-66. Care of separated recyclable materials.

To the greatest extent practicable, the recyclable materials separated in accordance with section 32-61 shall be clean and kept free of contaminants, such as food or product residue, oil or grease or other nonrecyclable 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.

Sec. 32-67. Nondisposable materials.

It is unlawful for any person to place for disposal at the dropoff center any of the following wastes, which must be disposed of as prescribed by state and federal laws and regulations:

(1) Hazardous wastes.

(2) Toxic wastes.

(3) Chemicals.

(4) Explosives or ammunition.

(5) Large quantities of paint.

(6) Dead animals.

(7) Trees and stumps.

(8) Gravel and concrete.

(9) Construction debris.

(10) Animal or human waste.

Sec. 32-68. Hospital and medical wastes.

It is unlawful for any person to place for collection any pathogenic hospital or medical wastes. Such items as needles and syringes may be disposed of in accordance with the Wisconsin Medical Sharps Collection Program and Wis. Admin. Code ch. NR 526 regarding the packaging, treatment and disposal of sharps, including household sharps.

Sec. 32-69. Building waste.

All waste resulting from remodeling, construction or removal of a building, roadway or sidewalk shall be disposed of by the owner, builder or contractor. Building materials of

any kind will not be disposed of by the village. Building materials shall not be burned at the construction site.

Sec. 32-70. Alteration of recyclable materials.

It is unlawful to intentionally alter recyclable materials so as to render them as nonrecyclable material.

Sec. 32-71. Title to refuse and recyclable materials.

(a) In the absence of an agreement to the contrary, title to the refuse and recyclable material placed for disposal shall vest in the village or its authorized agent as soon as it is placed for recycling and collection.

(b) It is a violation of this article for any person unauthorized by the village to collect or pick up or cause to be collected or picked up any recyclable materials that are placed or left for disposal at the dropoff center or by any authorized private entity. Any and each such unauthorized collection or scavenging of recyclable materials in violation hereof shall constitute a separate and distinct offense punishable as provided for herein.

Sec. 32-72. 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 section 32-73 (5) through (15) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

Sec. 32-73. 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:

(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

Sec. 32-74. Separation Requirements Exempted.

The separation requirements of s. 32-73 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. 32-73 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. 32-73(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. Adm. Code.

Sec. 32-75. 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. 32-73(5) through (15):

a) Provide adequate, separate containers for the recycling program established in compliance with the article. The number of recycling containers shall equal or be greater than the number of trash containers and at least one of the following shall be met:

i. The minimum total volume of recycling container space is equal to 20 gallons per week per dwelling unit.

ii. The ratio of trash container volume to recycling container volume is at most 2:1.

iii. An alternative method that does not result in the overflow of a recycling container during the time period between collection of materials and delivery to a recycling facility.

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 which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, and locations of drop-off collection sites to recycle materials not collected on-site.

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 licensed by the Department of Natural Resources that recovers for recycling the materials specified in s. 32-73(5) through (15) from solid waste in as pure a form as is technically feasible.

Sec. 32-76. 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. 32-73(5) through (15):

(a) Provide adequate, separate containers for the recycling program established under this section. The total volume of recycling containers shall be sufficient to avoid overflow during the time period between collection of materials and delivery to a recycling facility.

(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 which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, and locations of drop-off collection sites to recycle materials not collected on-site.

2) The requirements specified in 1) do not apply to the owners or designated agents of 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. 32-73 (5) through (15) from solid waste in as pure a form as is technically feasible.

Sec. 32-77. Enforcement.

(a) For the purpose of ascertaining compliance with the provisions of this article, any authorized village officer, employee or representative 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 nonresidential 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 village officer, employee or authorized representative 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 article may be issued a citation by the village police department 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 section.

(c) Any person who violates section 32-72 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. Any person who violates a provision of this article other than section 32-72 may be required to forfeit not less than $10.00 nor more than $1,000.00 for each violation.

Adopted by the Board of Trustees of the Village of Albany, Wisconsin, the 14th day of September, 2026. This ordinance shall be in full force the day following its passage and official posting.

Dated this 14th day of September 2026.
Passed this 14th date of September 2026.
Posted this 15th date of September 2026.

AYES: 7

NOES: 0

BY:

Kim A Blumer — 9-14-2026

KIM BLUMER, Village President — DATE

ATTEST:

I, Michelle C. Brewer, clerk in and for the Village of Albany do hereby attest that the above and foregoing is a true and correct copy of the Ordinance adopted by the Village Board of the Village of Albany on September 14, 2026.

Michelle C Brewer — 9-14-2026

MICHELLE C. BREWER, Village Clerk — DATE