

## VILLAGE OF BROOKLYN ORDINANCE CHAPTER 26

### AN ORDINANCE TO AMEND

#### ARTICLE II OF CHAPTER 26 OF THE CODE OF THE VILLAGE OF BROOKLYN REGARDING TRUANCY

THE BOARD OF TRUSTEES OF THE VILLAGE OF BROOKLYN DO ORDAIN AS FOLLOWS:

Article II: Chapter 26, Solid Waste; Article II, Recycling, of the Village of Brooklyn Code is hereby established to read as follows:

### **ARTICLE II. RECYCLING<sup>1</sup>**

#### **Sec. 26-32. Purpose.**

The purpose of this article is to promote recycling, composting, resource recovery and recycling compliance through the administration of an effective recycling program, as provided in Wis. Stats. ch. 287.11, Wis. Admin. Code ch. NR 544; and the village recycling contract with any and all amendments adopted to the contract.

(Ord. of 5-8-2000, § 40.01)

#### **Sec. 26-33. Statutory authority.**

This article is adopted as authorized under Wis. Stats. § 287.09(3)(b), Wis. Admin. Code ch. NR 544 and other provisions relating to the regulation of recycling of materials are incorporated herein by reference.

(Ord. of 5-8-2000, § 40.02)

#### **Sec. 26-34. 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.

#### **Sec. 26-35. 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 the state statutes. Where any terms or requirements of this article may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where 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 the state statutes 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, such as the recycling contract, to this article. Because the recycling contract is subject to change, it will reflect the most recent initiatives in the field of recycling, and therefore, the contract and any future amendments to the contract that are in conflict with the provisions in this article should take precedence over this article.

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<sup>1</sup>State law reference(s)—Recycling generally, Wis. Stats. § 287.01; local recycling ordinances, Wis. Stats. § 287.09(3)(b).

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(Ord. of 5-8-2000, § 40.04)

### **Sec. 26-36. Severability and Applicability.**

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. The requirements of this article apply to all persons within the village, and to owners of multifamily dwellings and nonresidential facilities and properties located in the village, even if such owners do not personally live in the village.

(Ord. of 5-8-2000, § 40.06)

### **Sec. 26-37. Administration.**

The provisions of this article shall be administered by the village board.

(Ord. of 5-8-2000, § 40.07)

### **Sec. 26-38. 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 (includes "tin" cans).

*Brush* means branches and other clean, woody vegetative material no greater than six inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

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

*Curbside recyclables* means recyclables specified in the recycling contract which are only allowed in the recycling container collected bimonthly; and monthly pickup by public works employees of non-contract recyclables of lead batteries, waste oil, tires and brush.

*Electronics* means computers, monitors, television sets, DVD players, CD players, cell phones or mobile phones, home telephones, calculators, printers, fax machines, stereo equipment, VHS players, handheld devices such as PDAs, Blackberries, and similar equipment/devices.

*Foam polystyrene packaging* means packaging made primarily from foam polystyrene which 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.

*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, furnace, boiler, dehumidifier, water heater, refrigerator or stove.

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*Mixed paper* means cereal boxes and similar type cardboard; all types of paper other than newspaper; junk mail, office paper, flyers; freezer food cartons, coated paper containers; brown paper bags; nonmetallic gift wrap; margarine and butter boxes; etc.

*Multiple-family dwelling* means a property containing five or more residential units, including those which are occupied seasonally.

*Newspaper* means a newspaper and other materials printed on newsprint.

*Non-curbside recyclables* means recyclable items accepted by area companies who specialize in recycling items such as electronics, construction waste, household items, furniture, carpeting, remodeling waste, metal and similar items most frequently described in the village brochure delineating sources for this specialized service.

*Nonresidential facilities* and properties means commercial, retail, industrial, institutional and governmental 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. The term nonresidential facilities does not include multiple-family dwellings.

*Office paper* means a variety of high grade printing and writing papers. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. The term "office paper" 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 Wis. Stats. 66.0131(1)(a), stated agency or authority or federal agency.

*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.

*Post-consumer waste* means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in Wis. Stats. § 291.01(7), waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in Wis. Stats. § 289.01(17).

*Recyclable materials* includes lead acid batteries; white goods/appliances; waste oil; yard waste; brush; aluminum containers; corrugated paper or other container board (with the exception of pizza boxes); foam polystyrene packaging; junk mail; magazines/catalogs (coated paper); newspaper (ONP); office paper; brown paper bags; nonmetallic gift wrapping paper; other unbleached paper products; rigid plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS and other resins or multiple resins; glass bottles and jars; steel containers; waste tires; bi-metal ("tin" cans) containers, mixed paper, electronics, and any other such materials as may be added by the village board from time to time.

*Refuse* means all discarded and unwanted putrescible and nonputrescible household and kitchen wastes, including, but not limited to, food, food residues, and materials necessarily used for packaging, storing, preparing, and consuming same, usually defined as "garbage"; and all combustible and noncombustible waste materials resulting from the usual routine of domestic housekeeping, including, but not limited to, plastic containers not included as recyclables; crockery and other containers; cold ashes; furniture, furnishings, and fixtures; textiles and leather; dead domestic animals and domestic animal waste; toys and recreational equipment; and similar items. (For the purpose of this article, the terms "refuse" and "solid waste" may be used interchangeably.)

*Solid waste* means as specified in Wis. Stats. § 289.01(33). (The term "solid waste" as stated in the village recycling contract means normal household garbage and/or rubbish including accumulations of animal, fruit or vegetable matter (but not grease) that attend the preparation, use or cooking of foods and the containers originally used for food stuffs. The term "solid waste" shall not include wood, wood products, rocks, concrete, bricks, plaster, or other similar building materials that do not fit within the cart. Furthermore, the term "solid waste" shall not include asphalt, chemicals, toxins, hazardous waste, carpeting, tires, dirt, white goods, or similar materials.)

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*Solid waste facility* means as specified in Wis. Stats. § 289.01(35).

*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.

*SPI-coded rigid plastics and other resins or multiple resins located in triangle:*

*PETE* means polyethylene terephthalate, labeled by the SPI code #1.

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

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

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

*PP* means polypropylene, labeled by the SPI code #5.

*PS* means polystyrene, labeled by the SPI code #6.

*Other resins or multiple resins* means plastic resins labeled by the SPI code #7.

*Treatment* includes incineration.

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

*White goods* means washers, dryers, refrigerators, freezers, dishwashers, water heaters, stoves, furnaces, microwave ovens, conventional ovens, and similar appliances.

*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.

(Ord. of 5-8-2000, § 40.09)

### **Sec. 26-39. Separation of recyclable materials.**

(a) Occupants of single-family and two-to-four-unit dwellings, multiple-family dwellings and nonresidential facilities and properties shall separate the following recyclable materials from other post-consumer waste:

- (1) Lead acid batteries.\*
- (2) White goods/major appliances.\*\*
- (3) Waste oil.\*
- (4) Leaves.\*
- (5) Brush.\*
- (6) Yard Waste\*
- (7) Waste tires.\*
- (8) Aluminum containers.\*\*
- (9) Bi-metal containers.\*\*
- (10) Corrugated paper or other container board.\*\*
- (11) Glass containers and jars.\*\*
- (12) Magazines.\*\*
- (13) Newspaper.\*\*
- (14) Office paper.\*\*

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- (15) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins\*\*
- (16) Steel containers.\*\*
- (17) Foam polystyrene packaging\*\*

\*Curbside collection of recyclables picked up by public works employees (lead acid batteries, waste oil, leaves (fall only), waste tires, and brush) is available and delineated in section 26-42. Yard waste shall be disposed of as delineated in section 26-42.

\*\*Curbside collection of recyclables identified in the village recycling contract.

- (b) Users of public facilities and village parks shall separate the following recyclable materials from other post-consumer waste:
  - (1) Aluminum containers.
  - (2) Bi-metal containers.
  - (3) Corrugated paper or other container board.
  - (4) Glass containers and jars.
  - (5) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins (plastic bottles).

(Ord. of 5-8-2000, § 40.10)

### **Sec. 26-40. Separation requirements exempted.**

The separation requirements of section 26-39 do not apply to the following:

- (1) Occupants of single-family and two-to-four-unit dwellings, multiple-family dwellings and nonresidential facilities and properties, such as businesses, that send their post-consumer waste directly to a processing facility licensed by the state department of natural resources, which facility recovers the recyclable materials specified in section 26-39 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 percent of the heat input to the facility is derived from the solid waste burned as supplemental fuel.
- (3) Any recyclable material specified in section 26-39(a)(8) through (a)(16) for which a variance has been granted to the village by the department of natural resources under Wis. Stats. ch. 287.11(2m); Wis. Admin. Code § NR 544.14; or the village recycling contract.

(Ord. of 5-8-2000, § 40.11)

### **Sec. 26-41. Care of separated recyclable materials.**

To the greatest extent practicable, the recyclable materials separated in accordance with section 26-39 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 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. Recyclable materials shall be stored in a container as specified in the recycling contract.

(Ord. of 5-8-2000, § 40.12)

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**Sec. 26-42. Management of lead acid batteries, waste oil, yard waste, waste tires, leaves, brush and white goods (appliances).**

Occupants of single-family and two-to-four-unit dwellings, multiple-family dwellings and nonresidential facilities and properties shall manage and dispose of lead acid batteries, waste oil, yard waste, waste tires, brush and white goods (appliances) as follows:

- (1) Lead acid batteries shall be placed at the curb for collection at such collection dates as may be determined by the village board from time to time.
- (2) Waste oil shall be put in one-gallon plastic containers with screw-on cap and placed at the curb for collection at such collection dates as may be determined by the village board from time to time.
- (3) Yard waste shall be taken by the person disposing thereof to the village compost site located at such place as determined by the village board from time to time. Residential composting is encouraged using recommended composting techniques available at Dane County UW Extension, phone number 608-224-3700.
- (4) Waste tires 17 inches or less and rimless shall be collected at the curb only after the person disposing thereof first purchases a collection sticker from the village clerk. Any other waste tires shall be disposed of with a private removal service.
- (5) Brush and leaves shall be placed parallel to the curb for collection at such collection dates as may be determined by the village board from time to time.
- (6) White goods (appliances) shall be collected at the curb only after the person disposing thereof contacts the recycling contractor to purchase a removal fee.

(Ord. of 5-8-2000, § 40.13)

**Sec. 26-43. Preparation and collection of recyclable materials.**

- (a) Except as otherwise directed by the village, occupants of single-family and two-to four unit dwellings shall do the following for the preparation and collection of the separated materials specified in section 26-39(a)(8) through (a)(17):
  - (b) The recycling processor prefers to have the bottles and cans rinsed prior to placing inside the recycling cart.
  - (c) The following items shall be placed in the recycling container for curbside pickup:
    - (1) Aluminum containers, including foil, pie pans, etc.
    - (2) Bi-metal containers including aerosol cans.
    - (3) Corrugated paper or other container board (excluding used pizza boxes). Cardboard paper that doesn't fit into container can be flattened and placed in a clear plastic bag and set next to the recycling container for pickup.
    - (4) Glass containers and jars.
    - (5) Magazines, newspaper, mixed paper, office paper, brown paper sacks.
    - (6) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP (#1—6).
    - (7) Steel containers.

(Ord. of 5-8-2000, § 40.14)

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**Sec. 26-44.**

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**Sec. 26-45. Responsibilities of owners or designated agents of multiple-family dwellings.**

(a) Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in section 26-39(a) (8)through (a)(17):

- (1) Provide adequate, separate recycling containers for collection of recyclable materials established in compliance with the ordinance. The number of recycling containers shall be equal or be greater than the number of trash containers and at least one of the following shall be met:
  - a. The minimum total volume of recycling container space is equal to 20 gallons per week per dwelling unit.
  - b. The ratio of trash container volume to recycling container volume is at most 2:1.
  - c. 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.
- (2) Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
- (3) Provide for the collection of recyclable materials, separated from the solid waste by the tenants, and the delivery of the recyclable materials to a recycling facility.
- (4) Notify tenants of reasons to reduce and recycle solid waste, which materials are recyclable, recycling cart requirements, dates/days of collection, and a contact person or company, including a name, address and telephone number, for local recycling information.

(b) The requirements specified in subsection (a) of this section do not apply to the owners or designated agents of a multiple-family dwelling 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 section 26-39(a)(8) through (a)(17) from solid waste in as pure a form as is technically feasible.

(Ord. of 5-8-2000, § 40.15)

**Sec. 26-46. Responsibilities of owners or designated agents of nonresidential facilities and properties.**

(a) Owners or designated agents of nonresidential facilities and properties shall do all of the following to recycle the materials specified in section 26-39(a)(8) through (a)(17):

- (1) Provide adequate, separate containers for the recyclable materials 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.
- (2) Provide written information to all users, tenants and occupants of the properties by distributing village and recycling hauler educational recycling materials semi-annually.
- (3) Provide for the collection of materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility.
- (4) Notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected, recycling cart requirements, dates/days of collection, and contact person or company, including phone number, for local recycling information.

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(b) The requirements specified in subsection (a) of this section do not apply to the owners or designated agents of nonresidential 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 section 26-39(a)(8) through (a)(17) from solid waste in as pure a form as is technically feasible.

(Ord. of 5-8-2000, § 40.16)

**Sec. 26-47. Responsibilities of users of public facilities and village parks and/or green space.**

(a) Users or designated agents of users of public facilities and village parks and/or green space shall do all of the following to recycle only the materials specified in section 26-39(a)(8) through (a)(11) and (a)(15):

- (1) Provide adequate, separate containers for recyclable materials.
- (2) Post notice of materials to be recycled.
- (3) Post notice that recycling is required by Village Code section 26-47 (this section).
- (4) If recyclable containers available in the public space are inadequate for the size of the event, a procedure that ensures recyclables will be held separate from refuse and will be collected by a recycling contractor (for example, a dumpster for recycling materials and a dumpster for refuse) will be presented when application for a picnic permit or reservation of public park/facility is obtained.

**Sec. 26-48. 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 26-39(a)(1) through (a)(17) which have been separated for recycling, except waste tires may be burned for energy recovery in a solid waste treatment facility.

(Ord. of 5-8-2000, § 40.17)

**Sec. 26-49. Enforcement.**

(a) For the purpose of ascertaining compliance with the provisions of this article, any authorized officer, employee or representative of the village 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 officer, employee or authorized representative of the village 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 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.

(c) Penalties for violating this article may be assessed as follows:

- (1) Any person who violates section 26-48 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.
- (2) Any person who violates a provision of this ordinance, except section 26-48, may be required to forfeit not less than \$10 or more than \$1000 for each violation.

(Ord. of 5-8-2000, § 40.18)

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Adopted by the Board of Trustees of the Village of Brooklyn, Wisconsin, this  
8th day of December, 2025.

APPROVED:

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Michael Brusberg, Village President

Ayes: 4

ATTEST:

Nays: 0

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Linda Kuhlman, Clerk-Treasurer