

CHAPTER 17

SOLID WASTE AND RECYCLING ORDINANCE

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17.01 PURPOSE AND AUTHORIZATION

(1) 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. 159.11, Wis. Stats., and Chapter NR 544, Wis. Administration Code.

(2) Authorization. This ordinance is adopted as authorized under s. 159.09 (3)(b), Wis. Stats., and s. 1.05 of the Village of Highland Ordinances.

(3) Abrogation. 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.

(4) 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 term 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.

(5) 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.

17.02 APPLICABILITY AND ADMINISTRATION

(1) Applicability. The requirements of this ordinance apply to all persons within the Village of Highland.

(2) Administration. The provisions of this ordinance shall be administered by the Village Clerk/Treasurer and the Village Board.

(3) Collection Schedule. The following provisions shall govern collection of solid waste and recyclables for the Village of Highland.

(a) All refuse and garbage from single family and 2 to 4 unit residences, exclusive of those materials listed in 17.04(1), shall be collected weekly and shall be placed at the curbside in clear plastic bags by 7:00 a.m. on the day of collection.

(b) All refuse and garbage from multiple-family dwellings and non-residential facilities and properties, exclusive of those materials listed in 17.04(1), shall be collected weekly and shall be placed either at the curbside in clear plastic bags or in an approved dumpster by 7:00 a.m. on the day of collection.

(c) All recyclables listed in 17.04(1) (e) through (n) shall be collected every two (2) weeks and shall be placed at the curbside in approved recycling bins by 7:00 a.m. on the day of collection.

(d) Said recycling bins shall remain the property of the contracting company. It shall be the responsibility of all users of the bins to maintain the bin. If the bin is lost or damaged, the user shall be responsible for replacing the recycling bin.

4) Local Government Purchasing. The Village of Highland shall, to the extent practicable, make purchasing decisions to maximize the purchasing of products made from recycled and recovered materials. The Village of Highland shall, to the extent practicable, award contracts for equipment and supplies on the basis of recyclability and ultimate disposition of products to discourage the purchase of single-use disposable products and require purchase of multiple-use, durable products.

(5) Unauthorized Garbage.

(a) No person shall dispose of or dump garbage in any street, alley or other public place within the Village of Highland or in any receptacles or private property without the owner's consent unless it is placed in bags or containers in the manner and in the times specified in this ordinance.

(b) No person shall place for collection any garbage or recyclables at the curb not owned or occupied by such person.

(c) No person shall bring refuse for disposal (and recyclables) from outside the corporate limits into the Village of Highland unless authorized by agreement with the Village of Highland.

(6) Effective Date. The provisions of this ordinance shall take effect and be in force on January 1, 1994.

17.03 DEFINITIONS

For the purpose of this ordinance, the following definitions are utilized:

(1) "Bi-metal container" means a container for carbonated or malt beverage 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 beverage.
 - (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) "HDPE" means high density polyethylene, labeled by the SPI code #2.
- (5) "LDPE" means low density polyethylene, labeled by the SPI code #4.
- (6) "Magazines" means magazines and other materials printed on similar paper.
- (7) "Major appliance" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, or stove. *amended*
- (8) "Multiple-family dwelling" means a property containing 5 or more residential units, including those which are occupied seasonally.
- (9) "Newspaper" means a newspaper and other materials printed on newsprint.
- (10) "Non-residential facilities and properties" means commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.
- (11) "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.
- (12) "Other resins or multiple resins" means plastic resins labeled by the SPI code #7.
- (13) "Person" includes any individual, corporation, partnership, association, local governmental unit, as defined in s. 66.299(1) (a), Wis. Stats., state agency or authority or federal agency.
- (14) "PETE" means polyethylene terephthalate, labeled by the SPI code #1.
- (15) "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.
- (16) "Postconsumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in s. 144.61(5), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in s. 144.44(7)(a)(1), Wis. Stats.
- (17) "PP" means polypropylene, labeled by the SPI code #5.
- (18) "PS" means polystyrene, labeled by the SPI code #6.
- (19) "PVC" means polyvinyl chloride, labeled by the SPI code #3.
- (20) "Recyclable materials" include 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.
- (21) "Solid waste" has the meaning specified in s. 144.01(15), Wis. Stats.
- (22) "Solid waste facility" has the meaning specified in s. 144.43(5), Wis. Stats.

(23) "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.

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

(25) "Yard waste" means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetable material no greater than 6 inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

17.04

MANDATORY RECYCLABLE MATERIALS

(1) 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:

- (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

(2) Separation Requirements Exempted. These separation requirements do not apply to the following:

- (a) 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. 17.04(1) from solid waste in as pure a form as is technically feasible.
- (b) 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 solid waste burned as a supplemental fuel.
- (c) A recyclable material specified in s. 17.04(1) for which a variance has been granted by the Department of Natural Resources under s. 159.11(2)(m), Wis. Stats., or s. NR 544.14 Wis. Administrative Code.

(3) Care of Separated Recyclable Materials. To the greatest extent practicable, the recyclable materials separated in accordance with s. 17.04(1) 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 wastes and agricultural chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions.

(4) Nondisposable materials. No person shall place for disposal any of the following wastes: hazardous and toxic wastes, chemicals, explosives, flammable liquids, paint, trees and stumps (except Christmas trees), construction debris, carcasses, medical wastes (unless personal needles which shall be contained in metal containers to eliminate injury to collection personnel).

(5) Special materials. Materials such as couches and bulky items shall be disposed of quarterly during the special collection days. Any Village of Highland resident or business can bring such items to the collection site on the collection day and place such items in the designated area.

17.05 PREPARATION, COLLECTION AND MANAGEMENT OF RECYCLABLE MATERIALS

(1) 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:

(a) Lead acid batteries shall be taken to a retail business which sells vehicle batteries. Don's Tire will accept any lead acid batteries.

(b) Major appliances shall be taken to the quarterly clean-up day and set in the designated area. There will be an additional charge for items containing freon.

(c) Waste oil shall be taken to a facility which collects waste oil. The Village of Highland has an appropriate tank located on Brewery Street. Fillback Ford will accept waste oil.

(d) Yard waste shall be mulched or composted on site. Brush shall be tied in bundles with a length of four feet or less and placed by the curb on the first Monday of the month.

(2) Preparation and Collection of Recyclable Materials. Except as other 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 separated materials specified in s. 17.04 (1) (e) through (o).

a) Aluminum containers shall be rinsed free of product residue and placed in the approved recycling bin and placed upon the curb on the day designated for collection.

b) Bi-metal containers shall be rinsed free of product residue and placed in the approved recycling bin and placed upon the curb on the day designated for collection.

c) Corrugated paper or other container board shall be free of debris, flattened, stacked and tied of a size no longer than 3 foot by 3 foot, and placed upon the curb on the day designated for collection.

d) Foam polystyrene packaging shall be rinsed free of product residue, put in a plastic or paper sack, placed in the approved recycling bin and placed upon the curb on the day designated for collection.

e) Glass containers shall be rinsed free of product residue. Labels do not have to be removed. Containers shall be placed in the approved recycling bin and placed upon the curb on the day designated for collection.

- f) Magazines shall be bundled or bagged separately from other paper products and placed upon the curb on the day designated for collection.
- g) Newspapers shall be bundled or bagged separately from other paper products and placed upon the curb on the day designated for collection.
- h) Office paper shall be bundled or bagged separately from other paper products and placed upon the curb on the day designated for collection.
- i) Rigid plastic containers shall be prepared and collected as follows:
 - 1) Plastic containers made of PETE including clear and green soda and liquor bottles shall be rinsed free of product residue and caps shall be removed and discarded. The containers shall be placed in the approved recycling bin and placed on the curb on the day designated for collection.
 - 2) Plastic containers made of HDPE including milk and detergent bottles shall be rinsed free of product residue and caps shall be removed and discarded. The containers shall be placed in the approved recycling bin and placed on the curb on the day designated for collection.
 - 3) All other plastic containers shall be rinsed free of product residue and caps shall be removed and discarded. The containers shall be placed in the approved recycling bin and placed upon the curb on the day designated for collection.
- j) Steel containers shall be rinsed free of product residue and labels shall be removed. The containers should be flattened. The containers and lids shall be placed in the approved recycling bin and placed upon the curb on the day designated for collection.
- k) Waste tires shall be taken to the quarterly clean-up day and set in the designated area. There will be an additional charge for each tire.

(3) Responsibilities of Owners or Agents of Multiple-Family Dwellings. Owners or designated agents of multiple-family dwellings shall do the following to recycle the material specified in s. 17.04

(1) (e) through (o):

- 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 the 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.

(4) Responsibilities of Owners or 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 material specified in 17.04(1) (e) through (o):

- 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 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.

(5) Antiscavenging of recyclables. No person, unless under contract with the Village of Highland, shall collect or remove any recyclable material that has been deposited or placed at the curb for the purpose of collecting or recycling.

(6) Exemptions. The Village Board reserves the right to designate additional solid waste materials as recyclable or currently collected materials as no longer recyclable in accordance with state law and to either add or delete them from any collection services provided by the Village of Highland. The Village Clerk-Treasurer shall provide written notice to its service recipients of this declaration through official posting .

17.06

HAULER SPECIFICATIONS

(1) Hauler licensing. No person or corporation shall engage in the business of hauling recyclables within the Village of Highland without being licensed by the Department of Natural Resources under s. NR 502.06, Wis. Administrative Code.

(2) Hauler restrictions. Haulers may not dispose in a landfill or burn in a solid waste facility any recyclable materials generated in the Village of Highland that have been separated for recycling, except waste tires which may be burned with energy recovery in a solid waste treatment facility. Haulers shall not compact glass with paper during collection and transport of recyclables to a processing facility or market, and shall maintain materials in marketable condition.

(3) Right to reject materials. The hauler has the right to leave at the curb any recyclable material that is not prepared according to the specifications of s. 17.05(2). Materials may also be left if not separated from solid waste, placed in a proper container, or are not designated recyclable materials for collection. The hauler also has the right to refuse to pick up any solid waste if it contains recyclable containers and material. In such cases, the hauler shall notify the generator of the materials about the reasons for rejecting the items in writing. The hauler shall also keep a list of such occurrences and provide it to the Village of Highland on a quarterly basis.

(4) Unmarketable materials. The hauler has the right to request from the Department of Natural Resources a variance for recycling items in 17.04 (1)(h), (j), (l), and (m) until there is a market for such items.

(5) Reporting requirements. The recycling hauler operating in the Village of Highland is required to maintain records and report in writing to the Village Clerk at least twice each year. Reports shall include: the amount of solid waste and recyclables collected and transported for the Village of Highland; the amount of solid waste and recyclables processed and/or marketed by item type for the Village of Highland; and the final disposal location of solid waste and recyclable material. Failure to report shall be cause for the Village of Highland to sever any contract with the hauler.

17.07 SOLID WASTE AND RECYCLING COLLECTION FEE

(1) Collection fee.

(a) Pursuant to s. 66.049, Wis. Stats., there is hereby established a special charge as authorized by s. 66.60(16), Wis. Stats., which shall be referred to as a waste collection fee.

(b) Such waste collection fee shall be determined by resolution of the Highland Village Board and collected as defined in s. 17.07(2).

(2)

Waste collection fee procedures.

(a) A quarterly charge period is for a three month (3) period and the four (4) annual quarterly periods are hereby established as being:

- 1) January, February and March ----- 1st Quarter.
- 2) April, May and June ----- 2nd Quarter.
- 3) July, August and September ----- 3rd Quarter.
- 4) October, November and December --- 4th Quarter.

(b) The Village Clerk-Treasurer is hereby directed to bill each commercial and residential owner or occupant no later than twenty (20) days after the end of each period with directions to each person receiving the bill to pay the Village Clerk - Treasurer the charge within twenty (20) days and notifying each person that failure to pay within the twenty (20) days will result in a three percent (3%) delinquency charge.

(c) It is hereby provided that said charge is a charge to the property served. It shall be the landlord's responsibility to provide the names of tenants in landowner/renter situations so that the charge can be rendered to the occupant of the property. Upon doing so, such occupant shall then be held primarily liable for the charge. Upon failure to pay, said charge shall also become a charge to the owner of property and become a lien on the property as defined in s.17.07(3).

(3) Lien for delinquent charges and procedures.

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

(b) On October 15th of each year, the Village Clerk-Treasurer shall give written notice to the owner and occupant of each parcel for which any outstanding balance is due stating the amount owed, plus any penalty assessed pursuant to s. 17.07(2), and state that unless the same is paid by November 1st thereafter a penalty of ten percent (10%) of such amount in arrears will be added thereto, and that unless such arrears with any such added penalty shall be paid by November 15th thereafter, the same shall be levied as a tax on the parcel served.

(c) After November 15th, all parcels or lots for which payments are in arrears and for which notice has been given shall thereupon become a lien upon the property and shall be added to the tax roll as a special charge.

17.08

ENFORCEMENT

(1) For purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the Village of Highland 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 related 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 Highland who requests access for the purpose 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 President 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. Penalties for violating this ordinance may be assessed as follows:

(a) Any person who violates s. 17.06(2) 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.

(b) Any person who violates a provision of this ordinance, except s. 17.06(2), may be required to forfeit not less than \$10 nor more than \$1,000 for each violation.

Dated: December 24, 1993.

APPROVED:



MARY J. HEBGEN, Village President

This is to certify that the foregoing ordinance was adopted December 6, 1993.

This ordinance has been posted as is required by law at the following places on December 24, 1993:

Village of Highland Bulletin Board
Highland State Bank
Highland Post Office



THERESA C. MICHEK, Village Clerk-Treasurer