

**VILLAGE OF THERESA
DODGE COUNTY, WISCONSIN**

PROPOSED ORDINANCE NO. 2026-04

AN ORDINANCE AMENDING CHAPTER 297, ARTICLE I, RECYCLING

Purpose of amendment. This draft updates Article I to incorporate the Wisconsin Department of Natural Resources August 2025 model responsible-unit recycling ordinance requirements while retaining the Village's existing local collection, billing, dumpster, and curbside provisions. It also clarifies that multiple-family dwellings with more than four units may participate in the Village-contracted collection service when allowed under the current contract.

The Village Board of the Village of Theresa, Dodge County, Wisconsin, does ordain as follows:

SECTION 1. Chapter 297, Article I, Recycling, is repealed and recreated to read as follows:

ARTICLE I — RECYCLING

§ 297-1. General provisions.

A. Title. The title of this article is the "Recycling Ordinance for the Village of Theresa."

B. Purpose. The purpose of this article is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in § 287.11, Wis. Stats., and Ch. NR 544, Wis. Adm. Code.

C. Statutory authority. This article is adopted as authorized under § 287.09(3)(b), Wis. Stats., and the Village's general statutory authority.

D. 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.

E. 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 Wisconsin 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 Wisconsin Statutes or by a standard in Ch. NR 544, Wis. Adm. Code, and the provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and Ch. NR 544 standards in effect on the date of adoption of this article or the most recent text amendment to this article.

F. Severability. 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.

G. Applicability. The requirements of this article apply to all persons within the Village of Theresa.

H. Administration. The provisions of this article shall be administered by the Village of Theresa Village Board and its designees.

§ 297-2. Definitions.

The following definitions shall be applicable in this article:

BIMETAL CONTAINER. A container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.

CONTAINER BOARD. Corrugated paperboard used in the manufacture of shipping containers and related products.

FOAM POLYSTYRENE PACKAGING. Packaging made primarily from foam polystyrene that is designed for serving food or beverages; consists of loose particles intended to fill space and cushion a packaged article in a shipping container; or consists of rigid materials shaped to hold and cushion a packaged article in a shipping container.

GLASS CONTAINER. A glass bottle, jar or other packaging container used to contain a product that is the subject of a retail sale. This term does not include ceramic cups, dishes, ovenware, plate glass, safety and window glass, heat-resistant glass such as Pyrex, lead-based glass such as crystal, or television tubes.

HDPE. High-density polyethylene, labeled by resin code No. 2.

LDPE. Low-density polyethylene, labeled by resin code No. 4.

MAGAZINES. Magazines and other materials printed on similar paper.

MAJOR APPLIANCE. 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. A structure containing five or more residential units, including units that are occupied seasonally.

NEWSPAPER. A newspaper and other materials printed on newsprint.

NONRESIDENTIAL FACILITIES AND PROPERTIES. Commercial, retail, industrial, institutional and government facilities and properties. This term 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. 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. Plastic resins labeled by resin code No. 7.

PERSON. Any individual, corporation, limited liability company, partnership, association, local government unit, as defined in § 66.0131(1)(a), Wis. Stats., state agency or authority, or federal agency.

PETE or PET. Polyethylene terephthalate, labeled by resin code No. 1.

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

PP. Polypropylene, labeled by resin code No. 5.

PS. Polystyrene, labeled by resin code No. 6.

PVC. Polyvinyl chloride, labeled by resin code No. 3.

RECYCLABLE MATERIALS. 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 bimetal containers.

SOLID WASTE. Has the meaning specified in § 289.01(33), Wis. Stats.

SOLID WASTE FACILITY. Has the meaning specified in § 289.01(35), Wis. Stats.

SOLID WASTE TREATMENT. Any method, technique or process designed to change the physical, chemical or biological character or composition of solid waste. "Treatment" includes incineration.

WASTE TIRE. A tire that is no longer suitable for its original purpose because of wear, damage or defect.

YARD WASTE. Leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than six inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

§ 297-3. Collection of garbage, refuse, solid waste and recyclables.

A. Collection.

(1) Collection, removal and disposal of garbage, refuse, solid waste and recyclables for one- to four-family units, business, industrial and commercial units, Village-owned properties and parks, and participating multiple-family dwellings shall be performed per the specifications and terms set forth in the current Village contract. One curbside garbage collection shall be performed each week; recycling collection shall be performed at the frequency specified in the current contract.

(2) Residential, business, industrial, commercial, public authority and participating multiple-family garbage, refuse, solid waste and recyclables shall be placed in approved waste and recycling containers, with container type and size determined by the current contract and this article.

(a) One waste and one recycling container will be provided to each residential dwelling unit as provided by the current contract.

(b) Multiple-family dwellings comprised of one to four units may receive up to one waste and one recycling container per dwelling unit.

(c) Each business, industrial, commercial and public authority unit may receive up to one waste and one recycling container, subject to the current contract.

(d) Apartments, condominiums and other multiple-family dwellings consisting of more than four dwelling units per building may remain in or participate in the Village-contracted waste and recycling collection service when permitted by the current contract. Each dwelling unit receiving Village-contracted service

shall be assessed the applicable residential collection fee. The owner or designated agent remains responsible for compliance with § 297-9, including adequate recycling capacity.

B. Collection placement. Residential, business, industrial, commercial and multiple-family waste and recyclables shall be placed in approved containers at the curb, street-side or driveway collection location. Collection crews will not collect materials unless placed and located as required by the current contract. If a container cannot be discharged using normal handling procedures, it may be left uncollected.

C. Dumpsters. Dumpsters are prohibited on single-family residential dwelling property for collection of garbage, refuse, trash, solid waste or recyclables. Dumpsters used for multiple-family, business, commercial, industrial or public authority customers shall display the collector's name, address and telephone number; receive sufficient pickups to prevent overflow or nuisance conditions; be maintained with the surrounding area clean, odor-free and litter-free; not block a public or private right-of-way, sidewalk or driveway; and be placed within an enclosure where otherwise required by Village ordinance.

D. Placement restrictions. Waste and recycling containers shall be placed at least 12 inches apart and shall not be placed on snowbanks. Containers shall not be placed for collection sooner than 24 hours before regular collection and shall be removed within 24 hours after collection. Collection crews shall not enter structures to remove containers.

E. Garbage and recycling collection regulated. No person shall transport into the Village for disposal garbage, refuse, trash, solid waste or recyclables generated outside the Village limits. Burning barrels and burning of garbage, refuse, solid waste, recyclables, furniture and yard waste within the Village limits are prohibited as otherwise provided by Village ordinance.

F. Collection fee. Fees shall be established in accordance with the current Village collection contract and Village Board action. Contract costs may be placed on the Village sewer and water utility bill or otherwise billed as authorized by the Village. Single-family and two- to four-unit dwellings shall be charged the standard Village collection fee per dwelling unit. Business, industrial, commercial and public authority customers may use Village service as allowed by the current contract or make alternative arrangements consistent with this article. Multiple-family dwellings of more than four units may use Village-contracted service under Subsection A(2)(d) or make alternative arrangements; if alternative arrangements are made, the Village collection fee is waived for units not receiving Village-contracted service.

§ 297-4. Separation of recyclable materials.

Occupants of single-family and two- to four-unit residences, multiple-family dwellings and nonresidential facilities and properties shall separate the following materials from postconsumer waste: lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; bimetal containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspaper; office paper; rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS and other resins or multiple resins; steel containers; and waste tires.

§ 297-5. Exceptions.

The separation requirements of § 297-4 do not apply to:

A. Occupants of single-family and two- to four-unit residences, multiple-family dwellings and nonresidential 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 § 297-4 from solid waste in as pure a form as is technically feasible.

B. Solid waste 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.

C. A recyclable material specified in § 297-4E through O for which a variance has been granted by the Wisconsin Department of Natural Resources under § 287.11(2m), Wis. Stats., or § NR 544.14, Wis. Adm. Code.

§ 297-6. Care of separated materials.

To the greatest extent practicable, recyclable materials separated in accordance with § 297-4 shall be clean and kept free of contaminants such as food or product residue, oil or grease, and 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 that protects them from wind, rain and other inclement weather conditions.

§ 297-7. Lead acid batteries, major appliances, waste oil and yard waste.

Occupants of single-family and two- to four-unit residences, multiple-family dwellings and nonresidential facilities and properties shall manage these materials as follows:

A. Lead acid batteries shall be taken to an appropriate retailer, collection site or recycling facility that accepts lead acid batteries, or otherwise managed as directed by the Village.

B. Major appliances, tires and electronics are not collected during regular bulk pickup unless expressly provided by the current Village contract. The property owner shall make arrangements for lawful recycling or disposal as directed by the Village.

C. Clean waste oil shall be taken to a collection location designated or identified by the Village or another lawful collection site.

D. Yard waste shall be managed or disposed of as directed by the Village and shall not be placed in regular garbage or burned except as otherwise expressly authorized by law and Village ordinance.

§ 297-8. Preparation and collection of recyclable materials.

Except as otherwise directed by the Village Board or the Village's contracted collector, occupants of single-family and two- to four-unit residences shall prepare and place recyclable materials accepted by the Village program in accordance with the current collection contract and Village recycling instructions. Recyclables shall be clean and placed loose in the approved recycling container unless otherwise directed. Cardboard shall be flattened and prepared to fit within the approved container. Materials not accepted in the Village curbside recycling program, including special materials, shall be managed through an appropriate drop-off, retailer take-back, special collection or other lawful recycling or disposal program. The Village may publish and update preparation instructions to reflect the processing requirements of its contracted recycling facility without amending this article, provided the instructions remain consistent with Wisconsin law and Ch. NR 544, Wis. Adm. Code.

§ 297-9. Multiple-family dwellings.

A. Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in § 297-4E through O:

(1) Provide adequate, separate containers for the recycling program established in compliance with this 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:

(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 is used that does not result in overflow of a recycling container during the time 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 semiannually thereafter about the established recycling program.

(3) Provide for collection of materials separated from solid waste by tenants and delivery of those materials to a recycling facility.

(4) Notify tenants which materials are collected, how to prepare the materials to meet processing requirements, collection methods or sites, and locations of drop-off collection sites for recyclable materials not collected on-site.

B. Subsection A does not apply if postconsumer waste generated within the dwelling is treated at a processing facility licensed by the Wisconsin Department of Natural Resources that recovers for recycling the materials specified in § 297-4E through O from solid waste in as pure a form as is technically feasible.

C. Participation in the Village-contracted collection service does not relieve the owner or designated agent of a multiple-family dwelling from the responsibilities in this section.

§ 297-10. 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 § 297-4E through O:

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

(2) Notify in writing, at least semiannually, all users, tenants and occupants of the properties about the established recycling program.

(3) Provide for collection of materials separated from solid waste by users, tenants and occupants and delivery of those materials to a recycling facility.

(4) Notify users, tenants and occupants which materials are collected, how to prepare materials to meet processing requirements, collection methods or sites, and locations of drop-off collection sites for recyclable materials not collected on-site.

B. Subsection A does not apply if postconsumer waste generated within the facility or property is treated at a processing facility licensed by the Wisconsin Department of Natural Resources that recovers for recycling the materials specified in § 297-4E through O from solid waste in as pure a form as is technically feasible.

§ 297-11. Prohibition on disposal or burning of materials.

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 § 297-4E through O that have been separated for recycling, except that waste tires may be burned with energy recovery in a solid waste treatment facility.

§ 297-12. Enforcement; violations and penalties.

A. For purposes of ascertaining compliance with this article, any authorized officer, employee or representative of the Village of Theresa 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 nonresidential facilities and properties, and records

relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to an authorized Village officer, employee or representative who requests access for inspection and 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 of Theresa to collect forfeitures. Issuance of a citation does not preclude proceeding under any other ordinance or law relating to the same or another matter, and proceeding under another ordinance or law does not preclude issuance of a citation under this subsection.

C. Penalties may be assessed as follows:

(1) A person who violates § 297-11 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) A person who violates another provision of this article may be required to forfeit not less than \$10 nor more than \$1,000 for each violation.

SECTION 2. All ordinances or parts of ordinances inconsistent with this ordinance are repealed to the extent of the inconsistency.

SECTION 3. If any provision of this ordinance is adjudged invalid or unconstitutional, the remainder shall not be affected.

SECTION 4. This ordinance shall take effect upon passage and publication or posting as provided by law.

Adopted by the Village Board of the Village of Theresa this 19th day of October, 2026.



Village President

ATTEST:



Village Clerk-Treasurer