

# Solid Waste

## ARTICLE I. IN GENERAL

### Sec. 23-1. Purpose and Intent.

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of the Village of Kronenwetter through the regulation of dumping, discharge or disposal of waste, garbage, refuse and sludge by individuals, corporations, and municipalities or others within the Village. Because of the possible danger to the health, safety and welfare of the public, such dumping, discharge or disposal within the Village shall only be permitted under the terms and conditions set forth in this article.

The purpose of this ordinance is to also promote recycling, composting, and resource recovery through the administration of an effective program, as provided in Wis. Stats. §159.11 and Wis. Admin. Code ch. NR 544.

### Sec. 23-2. Applicability.

This ordinance shall apply to all Refuse dumped, discharged or disposed of within the Village, and any Refuse entering or exiting the Village limits.

### Sec. 23-3. Definitions.

In the construction of this ordinance the rules and definitions contained in this section shall be observed and applied, except when the context clearly indicates otherwise. In further amplification and for clarity of interpretation of the context, the following finite definitions of word use shall apply:

- (a) Words used in the present tense shall include the future; and words used in the singular number shall include the plural number, and the plural the singular.
- (b) The word "shall" is mandatory and not discretionary.
- (c) The word "may" is permissive.
- (d) For the purpose of this ordinance, certain words or phrases shall have meanings that either vary somewhat from their customary dictionary meanings or are intended to be interpreted to have a specific meaning. Any words not defined in this ordinance shall be presumed to have their customary dictionary meaning.

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

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

***Dumping, Discharge and Disposal*** include, but are not limited to, unloading, throwing away, discarding, emptying, abandoning, discharging, burning, or burying waste, garbage, refuse or sludge on, into or under any property or lands, whether publicly or privately owned, within the Village.

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

- (a) Is designed for serving food or beverages.

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- (b) Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.
- (c) Consist of loose particles intended to fill space and cushion the packaged article in a shipping container.

**Garbage** means discarded material resulting from the handling, processing, storage, preparation, serving and consumption of food.

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

**LDPE** means low-density polyethylene, labeled by the SPI 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, stove, boilers, dehumidifiers and water heaters. Microwaves may be disposed of in a landfill after the capacitor has been removed.

**Multiple-Family Dwelling** means a property containing four or more residential units, including those which are occupied seasonally.

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

**Nonresidential Facilities and Properties** means commercial, retail, industrial and governmental facilities and properties. This does not include multiple-family dwellings.

**Office Paper** means high grade printing and writing papers from offices in nonresidential 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.

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

**Person** includes any individual, corporation, LLC, partnership, association, local governmental unit, as defined in Wis. Stats. §66.299(1)(a), State agency or authority or federal agency.

**PETE** means polyethylene terephthalate, labeled by the SPI 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.

**Post Consumer Waste** means solid waste other than solid waste generated in the production of goods hazardous waste, as defined in Wis. Stats. §144.61(5), waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in Wis. Stats. §144.44(7)(a)1.

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

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

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

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**Recyclable Material** 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.

**Refuse** means combustible and noncombustible discarded material including, but not limited to, trash, rubbish, paper, wood, metal, glass, plastic, rubber, cloth, ashes, litter and street rubbish, industrial waste, dead animals, mine tailings, gravel pit and quarry spoils, toxic and hazardous wastes, and material and debris resulting from construction or demolition.

**Single Stream** (also known as "fully commingled") recycling refers to a system in which all paper fibers and containers are mixed together in a collection truck, instead of being sorted into separate commodities (newspaper, cardboard, plastic, glass, etc.) by the resident and handled separately throughout the collection process. In single stream, both the collection and processing systems must be designed to handle this fully commingled mixture of recyclables.

**Sludge** means sewage treatment residue in any forms whatsoever, whether solid, semisolid or liquid which has been processed or treated in any way, form or manner.

**Solid Waste** has the meaning specified in Wis. Stats. §144.01(15).

**Solid Waste Facility** has the meaning specified in Wis. Stats. §144.43(5).

**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. The term "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 six inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

### Sec. 23-4. Garbage From Outside of Village.

It shall be unlawful to bring refuse for disposal or recycling from outside the corporate limits of the Village unless authorized by agreement with the Village.

### Sec. 23-5. Enforcement; Penalty.

- (a) For the purpose of ascertaining compliance with the provisions of this chapter, 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 dwelling 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 chapter may be issued a citation by the Village as addressed in Section 1-8 of the Village Code of Ordinances. 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

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ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this subsection.

- (c) Any person who violates this chapter shall be subject to the Compliance Assurance Plan of the Village.

### **Sec. 23-6. Ownership of Recyclable Material and Refuse.**

Recyclable materials and Refuse, upon placement at the road, shall become the property of the hauler or Village. Recyclable materials, upon collection by any permitted hauler, shall become the property of the hauler.

### **Sec. 23-7. Hauler Responsibilities.**

- (a) Haulers who collect solid waste or recyclables in the Village from storage, treatment, processing, marketing or disposal shall obtain and maintain all necessary municipal and State permits, licenses and approvals prior to collecting any materials in the Village.
- (b) The recycling haulers and processors operating in the Village are required to maintain records and report in writing to the clerk at least once each year. Reports shall include the amount of solid waste and recyclables collected and transported from the Village, the amount of solid waste and recyclables processed and/or marketed by item type from the Village, and the final disposal location of solid waste and recyclable materials. Failure to report shall be cause for the Village to revoke any license or sever any contract with the hauler.

### **Sec. 23-8. Placement of Recyclables and Solid Waste for Collection.**

Solid waste and recycling containers shall be placed at the roadside or alongside the mailbox, adjacent to the premises owned or occupied by the person, of the street designated for collection. Such placement of any garbage or recyclables in any containers, garbage cans or any receptacles shall not occur any sooner than 24 hours prior to the designated pick-up schedule for the property and all containers or declined Refuse or recyclables should be removed from the Village road right-of-way no later than 12 hours after the designated pick-up time.

### **Sec. 23-9. Right to Reject Materials.**

The hauler or drop-off site attendant has the right to reject or leave at the roadside any recyclable material that is not prepared according to the specifications of Section 23-82(a)-(o), or in education material provided by the hauler or Village to the service recipients. Materials may also be left or rejected if not separated from solid waste, placed in the proper container, or are not designated recyclable materials for collection. The hauler also has the right to refuse collections and the attendant shall notify the generator of the materials about the reasons for rejecting the items either in writing or verbally. The hauler shall also keep a list of such occurrences and provide it to the Village quarterly or at a designated time period.

**Secs. 23-10--23-31. Reserved.**

## **ARTICLE II. DUMPING AND REFUSE DISPOSAL**

### **Sec. 23-34. Dumping, Discharge and Disposal**

- (a) It shall be unlawful for any person to Dump, Discharge and Dispose Refuse in any street, alley or other public place within the Village or in any receptacles on private property without the owner's consent unless it is placed in accordance with this Chapter.

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- (b) No person shall place for collection any garbage at property not owned or occupied by such person.

### **Sec. 23-35. Permit Required.**

Except as expressly permitted by law, no individual, corporation, or municipality shall Dump, Discharge and Dispose of Garbage, Refuse or Sludge within the Village unless a conditional use permit has been approved to engage in such Dumping, Discharge and Disposal. The conditions of the permit shall be those of this ordinance and those set forth in the Appendix B of the Municipal Code, as well as any conditions set by the Village Board at the time of approval.

### **Sec. 23-36. General Regulations.**

Persons or municipalities permitted to engage in Dumping, Discharge and Disposal operations shall be subject to the following regulations:

- (a) All applicable State and Federal permits must be obtained prior to the public hearing, for the Conditional Use Permit, being held.
- (b) The Dumping, Discharge and Disposal operations must be conducted in such a way as to not constitute a public or private nuisance, and as approved by the Village Board.
- (c) The Dumping, Discharge and Disposal operations shall be permitted only in the M2 zoned areas, with a conditional use permit, as set forth in the Appendix B of the Municipal Code.
- (d) Persons or municipalities engaged in Dumping, Discharge and Disposal operations must conduct the operations in such a way that dust, dirt, debris or other materials or substances will not be carried by wind across the boundary of the parcel of land being used for Dumping, Discharge and Disposal operations.
- (e) A suitable covering to comply with state and federal standards shall be placed over all of the area used for the Dumping, Discharge and Disposal operation within a reasonable time after the Dumping, Discharge and Disposal occurs, not to exceed ten days. Such covering must be done in such a way as to give the area so covered a grading compatible with the surrounding and adjacent property in such a way as to not substantially depreciate property values within the immediate area.
- (f) No material shall be placed upon any property so as to permit the drainage of such materials away from the property by reason of rain or other surface waters.

### **Sec. 23-37. Bond.**

The Board reserves the right to require the applicant to post a bond, the condition of which will be that this Chapter shall be observed and that the Dumping, Discharge and Disposal plan will be carried out and any penalties imposed shall be paid. If there is a violation of this Chapter or if the Dumping, Discharge and Disposal plan is not carried out, the Village Board shall have the right to revoke the Dumping, Discharge and Disposal permit and, if necessary, obtain a court order terminating such Dumping, Discharge and Disposal operation. If after reasonable demand the owner of the land does not cover the Dumping, Discharge and Disposal area in accordance with the Dumping, Discharge and Disposal plan, the Village Board shall have the right to correct the violation and to charge the expense against the bond.

### **Sec. 23-38. State Law Applies.**

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Nothing contained in this article shall be deemed to limit or restrict the application of any law of administrative regulation of any State agency regulating the subject of this article.

### **Sec. 23-39. Exceptions to Article.**

The following are exceptions to the provisions of this article:

- (a) The use of septic tanks, which conform to applicable ordinances, or the discharge of human waste products into the public sewage system located within the Village.
- (b) A farm on which only animal waste resulting from the operation of the farm are disposed of.
- (c) Any dumping operation under the direction and control of the Village.

**Secs. 23-40--23-74. Reserved.**

## **ARTICLE III. RECYCLING**

### **Sec. 23-75. Statutory Authority.**

This article is adopted as authorized under Wis. Stats. §159.09(3)(b).

### **Sec. 23-76. 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. 23-77. 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 statute. 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 statute, or by standard in Wis. Admin. Code Ch. NR 544, and where the article provision is unclear, the provision shall be interpreted in light of the statute and 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. 23-78. Administration.**

The provisions of this article shall be administered by the Village Public Works Director.

### **Sec. 23-79. Separation of Recyclable Material.**

Occupants of single-family and two- and three-unit residences, multiple-family dwellings and nonresidential facilities and properties shall separate the following materials from post consumer waste:

- (a) Lead-acid batteries.
- (b) Major appliances.
- (c) Waste oil.
- (d) Yard waste.

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- (e) Aluminum containers.
- (f) Bi-metal containers.
- (g) Corrugated paper or other container board.
- (h) Foam polystyrene packing.
- (i) Glass containers.
- (j) Magazines.
- (k) Newspaper.
- (l) Office paper.
- (m) Rigid plastic containers made of PETE #1, HDPE #2.
- (n) Steel containers.
- (o) Waste tires.

### Sec. 23-80. Separation Requirements Exempted.

The separation requirements of Section 23-79 do not apply to the following:

- (a) Occupants of single-family and two- to three-unit residences, multiple-family dwellings and nonresidential facilities and properties that send their post consumer waste to a processing facility licensed by the State Department of Natural Resources that recovers the materials specified in Section 23-79 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 percent of the heat input to the facility is derived from the solid waste burned as supplemental fuel.
- (c) A recyclable material specified in Section 23-79(e) through (o) for which a variance has been granted by the State Department of Natural Resources under Wis. Stats. §159.11(2m), or Wis. Admin. Code § NR 544.14.

### Sec. 23-81. Care of Separated Recyclable Material.

To the greatest extent practicable, the recyclable materials separated in accordance with Section 23-79 shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other non-recyclable materials, including, but not limited to, household hazardous waste, medical waste, and agricultural chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain and other inclement weather conditions.

### Sec. 23-82. Preparation and Collection for Recyclable Materials.

Occupants of single-family and two-to three unit residences shall do the following for the preparation and collection of the separated materials specified in Section 23-79(e) through (o):

- (a) Cans shall be shall be clean, empty and labels removed. Acceptable types are as follows:
  - (1) Aluminum cans
  - (2) Bi-metal beverage and food containers
  - (3) Steel beverage and food containers
  - (4) Tin beverage and food containers
  - (5) Aerosol cans, empty of all contents

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- (b) Corrugated paper or other container board shall be flattened and kept dry, in bundles no larger than 2' x3'.
- (c) Glass containers shall be thoroughly cleaned; all rings, caps and foil removed; glass food and beverage containers only. Glass – blue, dishes, light bulbs, window, all non- food and beverage containers may not be recycled.
- (d) Rigid plastic containers shall be prepared and collected as follows:
  - (1) Plastic containers made of PETE #1, HDPE #2 shall be rinsed clean, caps and rings removed and the labels may be left on. Plastic - #3 through #7 may not be recycled.
- (e) Paper shall be flattened and kept dry. Acceptable types are as follows:
  - (1) Newspaper
  - (2) Brown paper grocery bags
  - (3) Magazines and catalogs
  - (4) Telephone books
  - (5) Mail – junk, flyers, brochures, regular and window envelopes
  - (6) Stationary and note
  - (7) Computer and typing
- (f) Boxes shall be flattened and kept dry. Acceptable types are as follows:
  - (1) Cereal
  - (2) Tissue
  - (3) Shoe
  - (4) Soda and Beer Cases
- (g) Automotive waste oil shall be placed in clear see-through, leak/spill proof one gallon containers that are sealed and the liquid identified on the container.
- (h) Lead-acid batteries shall be non-leaking

For the items referenced above, they shall be placed in recycling bin provided by the Village or similar for Single Stream pick-up.

- (i) Waste tires shall be left with the individual retailer or taken to a tire recycling center.
- (j) Nondisposable materials. It shall be unlawful for any person to place for disposal any of the following wastes:

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- (1) Hazardous and toxic waste.
  - (2). Chemicals – including, but not limited to; drain cleaner, paint removers, pesticides.
  - (3) Explosives.
  - (4) Flammable liquids.
  - (5) Paint.
  - (6) Trees.
  - (7) Stumps.
  - (8) Construction debris.
  - (9) Carcasses.
  - (10) Medical wastes and infectious waste.
- (k) Open burning shall be permitted only of clean wood and paper products, as defined in Chapter 26 Article 1 of Village Code of Ordinances.
- (l) Special materials such as couches, mattresses, bulky items and construction material are to be taken care of by contacting the hauler and making arrangements for their collection.
- (m) Major appliances shall be the responsibility of the resident to contract with the hauler and make arrangements for their collection and recycling.
- (n) Yard waste shall be kept out of the solid waste and recycling. Yard waste can be deposited at the Village yard waste site located on Martin Road during specified times in the spring through fall of each year.
- (o) It shall be unlawful for any person, unless under contract with or licensed by the Village, to collect or remove any recyclable material that has been deposited or placed at the roadside or in a container adjacent to a home or nonresidential building for the purposes of collection for recycling.

### **Sec. 23-83. Responsibilities of Owners or Designated Agents of Multiple-Family Dwellings and Mobile Home Parks.**

- (a) Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in Section 23-79(e) through (o):
- (1) Provide adequate, separate containers for the recyclable materials.
  - (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 the collection of the materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.

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- (4) Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and contact person or company, including a name, address and telephone number.
- (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 dwelling is treated at a processing facility licensed by the State Department of Natural Resources that recovers for recycling the materials specified in Section 23-79(e) through (o) from solid waste in as pure a form as is technically feasible.

### **Sec. 23-84. 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 23-79(e) through (o):
  - (1) Provide adequate separate containers for the recyclable materials.
  - (2) Notify in writing, at least semiannually, all users, tenants and occupants of the properties about the established recycling program.
  - (3) Provide for the collection of the materials separated from the solid waste by the users, tenants and occupants and the delivery of the material to a recycling facility.
  - (4) Notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and contact person or company, including a name, address and telephone number.
- (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 State Department of Natural Resources that recovers for recycling the materials specified in Section 23-79(e) through (o) from solid waste in as pure a form as is technically feasible.

### **Sec. 23-85. 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 23-79(e) through (o) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

**Secs. 23-86--23-110. Reserved.**

## **ARTICLE VI. RECYCLING COMMITTEE**

**Sec. 23-111. Established.**

The Board establishes the Village Recycling Committee.

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### Sec. 23-112. Composition.

The Village Recycling Committee shall consist of four citizen members and one member of the Village Board. Appointments and duties shall be as set forth in Chapter 2 Article III of the Village Code of Ordinances.

Secs. 23-113--23-140. Reserved.

### ARTICLE V. FEES AND CHARGES

### Sec. 23-141. Set by Board.

All fees and charges for services under this chapter shall be set by the Village Board from time to time and all existing charges are expressly ratified and confirmed by the Board and such shall remain in force and effect until amended by the Village Board.