

CHAPTER 16
RECYCLING ORDINANCE

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16.01 PURPOSE.

The purpose of the ordinance is to promote recycling through the administration of an effective recycling program, as provided in s. 287.11, Wi Stats. and Chapter NR 544, WI Administrative code.

16.02 STATUTORY AUTHORITY.

This ordinance is adopted as authorized under s. 287.09(3)(b), WI Stats., and the Village of Ferryville Board.

16.03 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.

16.04 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 terms 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, WI Administrative Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the WI Statutes and the Chapter NR 544 standards in effect on the date of adoption of this ordinance, or in effect on the date of the most recent text amendment to this ordinance.

16.05 SEVERABILITY.

Should any portion of this ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, the remainder of the ordinance shall not be affected.

16.06 APPLICABILITY – SPECIAL ASSESSMENT.

The requirements of this ordinance apply to all persons within the Village of Ferryville, Crawford County, Wisconsin. Owners of all property parcels, with assessed structures, will pay \$80 annually, billed on the Property Tax Bills for village recycling/garbage costs.
(AMENDED 11/30/2017)

16.07 ADMINISTRATION.

The provisions of this ordinance shall be administered by the Village Board of the Village of Ferryville.

16.08 EFFECTIVE DATE.

The provisions of this ordinance shall be retroactive to September 1, 2000, but pursuant to statutory requirements cannot be enforced until after adoption and publication.

16.09 DEFINITIONS.

For the purposes of this ordinance:

- (1) “Bi-Metal Container” means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.
- (2) “Container Board” means a 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 beverages.
 - (b) Consists of loose particles intended to fill space and cushion in shipping.
 - (c) Consists of rigid materials shaped to hold articles in shipping.
- (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, furnace, boiler, dehumidifier, water heater, or stove.
- (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 items printed on newsprint.
- (10) "Non-residential facilities and properties" means commercial, retail, industrial, institutional and government 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.
- (12) "Other resins/ multiple resins" means plastic resins labeled by the SPI code #7
- (13) "Person" includes any individual, corporation, partnership, association, llc, local government unit, as defined in s. 66.0131 (1) (a) WI 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. 291.01 (5), WI Stats., waste from construction and/or demolition of structures, scrap automobiles, or high volume industrial waste, as defined by WI 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" includes lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; corrugated paper or other container board; 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 as defined by WI Stats.
- (22) "Solid waste facility" has the meaning as defined by WI 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.

- (25) "Yard waste" means leaves, grass clippings, yard and garden debris and brush.
- (26) "electronics" means all items as defined by Wis Statute 20.370(2)(hr).
- (27) "oil filters & absorbent materials" means those as defined by Wis Statute 287.07(4m).

16.10 SEPERATION OF RECYCLABLE MATERIALS.

Occupants of single family and 2 to 4 unit residences, multiple family dwellings and non-residential facilities and properties shall separate the following materials from postconsumer waste:

- (1) Lead acid batteries
- (2) Major Appliance
- (3) Waste Oil
- (4) Yard waste
- (5) Aluminum containers
- (6) Bi-metal containers
- (7) Corrugated paper or other container board
- (8) Glass containers
- (9) Magazines
- (10) Newspaper
- (11) Office paper
- (12) Rigid plastic made of PETE, HDPE, PVC, LDPE, PP, PS and other resins or multiple resins
- (13) Steel containers
- (14) Waste tires

16.11 SEPERATION REQUIREMENTS EXEMPTED.

The separation requirements do not apply to the following:

- (1) Occupants of single family and 2 to 4 unit residences, multiple-family dwelling 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. 16.10 from solid waste.
- (2) 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 the solid waste burned as supplemental fuel.
- (3) A recyclable material specified in s. 16.10 (5) through (14) for which a variance has been granted by the Department of Natural Resources under s. 287.11(2m), WI Stat., or NR 544.14, WI Administrative Code.

16.12 MANAGEMENT OF LEAD ACID BATTERIES, MAJOR APPLIANCES, WASTE OIL AND YARD WASTE.

- (1) Lead Acid Batteries. May be placed curbside for pickup on scheduled recycling pickup days.
- (2) Waste Oil. May be placed curbside, in not larger than a 5 gallon jug with leak proof cap, for pickup on scheduled recycling pickup days.
- (3) Major Appliances. The Village Recycling Contractor, will remove these at the request of the resident, at the contracted price, payable by the resident.
- (4) Yard Waste. This waste shall be, to the extent possible, used on-site where it is generated.

16.13 PREPARATION AND COLLECTION OF RECYCLE MATERIALS.

Except as otherwise directed by the Village Board of the Village of Ferryville, occupants of single family and 2 to 4 unit residences shall do the following for the preparation and collection of materials specified in s.16.10, (5) through (14).

- (1) RECYCLE BINS. All residents shall purchase a designated "recycling bin(s)" from the Village Clerk or the Village's Contracted Recycling Company. No recyclable materials will be picked up unless designated recycling bins are utilized.
- (2) STORAGE OF BINS. All recyclable bins must be kept inside and in a dry place except on designated days of curbside pickup by the Contractor.
- (3) MATERIALS SPECIFIED IN s. 16.10 (5) THROUGH (13). These items shall be prepared for pick-up in accordance with written rules provided to the Village by their Recycling Contractor and distributed at least annually, in written form, by the Village Clerk to Village residents.

- (4) WASTE TIRES. Waste tires shall be taken to a designated area as specified by the Village Board, in cooperation with Crawford County, on the selected day, at least one day annually.

16.14 RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF MULTIPLE FAMILY DWELLINGS OR NON-RESIDENTIAL FACILITIES OR PROPERTIES.

- (1) Owners or designated agents shall do the following to recycle the materials specified in s. 16.10 (5) through (13):
 - (a) Provide adequate containers for the recyclable materials.
 - (b) Notify in writing, at least 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
- (2) The requirements specified in (1) do not apply to the owners or designated agents in this section if the postconsumer waste generated is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the described materials.

16.15 PROHIBITIONS.

- (1) No person may dispose of in a solid waste facility or burn in a solid waster treatment facility any of the materials specified in s. 16.10 (5) through (14) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.
- (2) No person may dispose of any electronic device specified in Wis Statute 20.370 (2) (hr) in any landfill materials. All electronic devices, specified in the statue must be recycled to an “authorized e-cycling collector”.
- (3) No person may dispose of used oil filters and oil absorbent materials, specified in Wis statute 287.07(4m), in any landfill. All such items must be recycled to an authorized recycling center.

16.16 ENFORCEMENT.

- (1) For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the Village of Ferryville may inspect recyclable materials separated for recycling,
- (2) postconsumer waste intended for disposal, collection vehicles, collection areas of non-residential facilities, collection areas of multiple-family dwellings, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information.

- (3) No person may refuse access to any authorized officer, employee or authorized representative of the Village Board, who requests access for the purpose of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such inspection.
- (4) Any person who violates a provision of this ordinance may be issued a citation by an authorized officer of the Village of Ferryville 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.
- (5) PENALTIES. Penalties for violating this ordinance may be assessed as follows:
 - (a) Any person who violates s. 16.15 may be required to forfeit \$50 for the first violation, \$200 for a second violation, and not more than \$2000 for a third or subsequent violation.
 - (b) Any person who violates a provision of this ordinance, except s. 16.15, may be required to forfeit not less than \$10 nor more than \$1000 for each violation.