

CHAPTER 13
RECYCLING ORDINANCE

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Chapter 13 Board Action

Adopted December 20, 2011 as part of Village Incorporation

13.01 TITLE

This chapter shall be the Recycling Ordinance for the Village of Bloomfield.

13.02 PURPOSE

The purpose of this Chapter is to promote recycling, composting and resource recovery through the administration of an effective recycling program, as provided in Sec. 287.11, Wis. Stats., and Chapter NR 544 of the Wisconsin Administrative Code.

13.03 STATUTORY AUTHORITY

This Chapter is adopted pursuant to Sec. 287.09(3)(b).

13.04 ABROGATION AND GREATER RESTRICTION

It is not intended by this Chapter to repeal, abrogate, annul, impair or interfere with any existing rules, regulations, ordinances or permits previously adopted or issued pursuant to the law. However, whenever this Chapter imposes greater restrictions, the provisions of this Chapter shall apply.

13.05 INTERPRETATION

In their interpretation and application, the provisions of this Chapter 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 Chapter may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where provision of this Chapter is required by Wisconsin Statutes, or by a standard in Chapter NR 544 of the Wisconsin Administrative Code, and where the Chapter provision is unclear, the provision shall be interpreted in light of Wisconsin Statutes and the Chapter NR 544 standards in effects at the time of the interpretation.

13.06 SEVERABILITY

Should any provision of this Chapter be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected.

13.07 APPLICABILITY

The requirements of this Chapter shall apply to all persons, businesses and other legal entities within the Village limits of the Village of Bloomfield, State of Wisconsin.

13.08 DEFINITIONS

For the purposes of this Chapter, the words and phrases used herein shall be defined in section 287.01, Wis. Stats., or as defined hereinafter.

(1) "Aluminum container" means all aluminum food or beverage cans.

(2) "Bi-metal or tin container" means a container for carbonated or malt beverages, soup, vegetable or juice can that is primarily of a combination of steel and aluminum.

(3) "Corrugated cardboard" means corrugated paper board or cardboard used in manufacturing of shipping containers and related products.

(4) "HDPE" means high-density polyethylene, labeled by SPI code number 2.

(5) "LDPE" means low-density polyethylene, labeled by SPI code number 4.

(6) "Lead-acid batteries" means automotive and related batteries that are comprised of lead plates with an acid electrolyte, and does not include nickel-cadmium batteries, dry-cell (flashlight) batteries, or batteries used in calculators, hearing aids or similar devices.

(7) "Magazines" mean magazine or other printed materials of similar paper.

(8) "Major appliances" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, water heater, garbage compactor, refrigerator, water softener, furnaces, boilers, dehumidifiers, or stove.

(9) "Furniture" means a couch/sofa/loveseat, chair, table, mattress, dresser or other such furnishing made from recyclable materials.

(10) "Multi-family dwelling" means a property containing five or more residential units, including those which are occupied seasonally.

(11) "Newspaper and Office paper" means newspaper, printed newsprint, glossy inserts, catalogs, mail circulars, phone books, paperback books, cereal boxes, envelopes, writing paper, wrapping paper, etc.

(12) "Non-residential facilities and properties" means commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multi-family dwellings.

(13) "Other resins or multiple resins" mean plastic resins labeled by the SPI code number 7.

(14) "Person" includes any individual, corporation, partnership, association, local unit, State agency or other legal entity as recognized under statute.

(15) "PETE" means polyethylene terephthalate, labeled by FBI code number 1.

(16) "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.

Number 1 - PETE

Number 2 - HDPE

Number 3 - PVC

Number 4 - LDPE

Number 5 - PP

Number 6 - PS

Number 7 - Mixed or other resin types

(17) "Post-consumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste as defined in Sec. 144.65(5), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high volume industrial waste as defined in Sec. 144.44(7)(a))1. Wis. Stats.

(18) "PP" means polypropylene labeled by SPI code number 5.

(19) "PS" means polystyrene labeled by SPI code number 6.

(20) "PVC" means polyvinyl chloride labeled by SPI code number 3.

(21) "Glass" means clear, brown or green bottles or jars. No window glass, light bulbs, TV tubes, drinking glasses, etc.

(22) "Recyclable material" includes lead acid batteries; major appliances; waste oil; aluminum containers; corrugated paper or other major container board; foam polystyrene packaging (PS) paper; rigid plastic containers, including those made with PETE, HDPE, PVC, LDPE, PP and PS; steel containers, waste tires, furniture, glass and bi-metal/tin containers.

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

13.09 SEPARATION OF RECYCLABLE MATERIALS

Occupants of single family and two to four unit residences, multi-family dwellings and non-residential facilities and properties shall separate the following materials from post-consumer waste:

- (1) Aluminum containers
- (2) Bi-metal/ tin containers
- (3) Corrugated paper or other container board
- (4) Foam polystyrene packaging
- (5) Glass containers
- (6) Magazines
- (7) Newspaper
- (8) Office paper
- (9) Rigid plastic containers made of PETE and HDPE (classified as number 1 and number 2, respectively), and other resins or multiple resin (classified as number 7).
- (10) Steel containers
- (11) Furniture
- (12) Lead Acid batteries
- (13) Major appliances
- (14) Waste oil
- (15) Waste tires

13.10 SEPARATION REQUIREMENTS EXEMPTED

The following requirements of Section 13.09 shall not apply to the following:

(1) Occupants of single family and two to four unit residences, multi-family dwellings and non-residential facilities and properties that send their post-consumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in Section 13.09 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% of the heat input to the facility is derived from the solid waste burned as supplemental fuel.

(3) Persons that have received a variance pursuant to Sec. 287.11(2)(m) Wis. Stats., or Sec. NR 544.14, Wis. Admin. Code.

13.11 CARE OF SEPARATED RECYCLABLE MATERIAL

To the greatest extent practicable, the recyclable material separated in accordance with Sec. 13.09 shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other non-recyclable material, 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.

13.12 MANAGEMENT OF LEAD ACID BATTERIES, MAJOR APPLIANCES, WASTE OIL, TIRES AND FURNITURE

Occupants of single family and two to four unit residences, multi-family dwellings and non-residential facilities and properties shall manage lead acid batteries, major appliances, waste oil, waste tires and furniture as follows:

(1) Lead Acid Batteries. Lead acid batteries will be accepted for recycling if placed on top or left alongside the recycling container when the recycling is left for pickup.

(2) Major Appliances and Furniture. Major appliances and furniture will not be accepted by the Village of Bloomfield with regular pickup unless arrangements are made with the contracted waste carrier company prior to pickup.

(3) Waste Oil and Tires. Only common waste oil and tires shall be collected along with all other recyclable materials. Only common engine oil will be collected, and must be in a leak-proof, lidded, non-breakable container no larger than one

gallon. Two tires will be collected per week, up to eight tires per year, and may be left alongside the recycling container for pickup.

13.13 MANAGEMENT OF RECYCLABLE MATERIALS NOT PICKED UP BY THE VILLAGE OF BLOOMFIELD RECYCLING PROGRAM

All persons, businesses and other legal entities within the Village limits of the Village of Bloomfield, State of Wisconsin, are encouraged to recycle the following materials through Walworth County's recovery programs:

(1) Pharmaceutical bottles not labeled with a recycling symbol.

(2) Computer, cell phones, electronic and television equipment.

(3) Dry cell, nickel cadmium and lithium type batteries.

(4) Household cleaners, solvents, pesticides, paint and chemicals.

13.14 PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS - SINGLE FAMILY AND TWO TO FOUR UNIT RESIDENCES

Except as otherwise directed by the appropriate Village officials, occupants of single family and two to four unit residences shall prepare recyclable materials for collections as follows:

(1) Citizen's of the Village of Bloomfield who reside in a one to four family residential unit have been or shall be provided authorized recycling containers per unit. All recyclable materials shall be prepared and collected as set forth below. Except as otherwise stated, all recyclable materials shall be commingled in said container. Such container shall be placed at the curb no later than 6:00 a.m. on the designated day for pickup in the area. Empty containers shall be removed before 8:00 p.m. on the day of collection. Recyclables that have been scattered by wind, animals, vandals or the like shall be the responsibility of the resident to retrieve properly.

(2) Food containers shall be thoroughly cleaned or rinsed and placed in recycling containers for collection.

(3) Corrugated paper or other container board shall be free from debris and broken down.

(4) Glass bottles and jars shall be cleaned and rinsed, and the item shall be placed, unbroken, in the recycling container for collection. No window glass, light bulbs, TV tubes or similar items will be collected.

(5) Newspapers, magazines, and office paper including glossy inserts, catalogs, mail circulars, phone books, paperback books, cereal boxes and envelopes shall be placed in the recycling container.

13.15 PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS - MULTI-FAMILY DWELLING UNITS

Owners or designated agents of multi-family dwelling units shall perform the following to recycle the material specified in this chapter:

- (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 semi-annually thereafter of the established recycling program, and thereafter of any changes in the recycling program.
- (3) Provide for the collection of materials separated from the solid waste and transportation of the materials to a recycling facility.
- (4) Notify tenants which materials are collected, how to prepare the materials in order to meet the processing requirements and collections methods and/or sites, location and hours of operation, and a contact person or company including a name, address and telephone number.
- (5) The requirements specified above do not apply to owners or designated agents of multi-family dwellings 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 this chapter from solid waste in as pure a form as technically feasible.

13.16 RESPONSIBILITY OF OWNERS OR DESIGNATED AGENTS OF NON-RESIDENTIAL FACILITIES AND PROPERTIES

Owners or designated agents of non-residential facilities and properties shall perform the following to recycle the materials specified in this chapter:

- (a) Provide adequate, separate containers for the recyclable materials.
- (b) Provide in writing, at least semi-annually, all users, tenants and occupants about the recycling program, and thereafter any changes that may occur in the program.
- (c) Provide for the collection of materials separated from the solid waste by the users, tenants and occupants, and the transportation of the material to the recycling facility.
- (d) Provide users, tenants and occupants which materials are collected, how to prepare the materials in order to meet the processing requirements and collections methods and/or sites, location and hours of operation, and a contact person or company including a name, address and telephone number.
- (e) The requirements specified above do not apply to the owners or designated agents of non-residential facilities and properties 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 this chapter from solid waste in as pure a form as technically feasible.

13.17 ENFORCEMENT

(1) For the purposes of ascertaining compliance with the provisions of this Chapter, any authorized Village employee may inspect recyclable materials separated for recycling, post-consumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multi-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 Village employee who requests access for purposes 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 Chapter may be issued a citation by the Village of Bloomfield. The issuance of a citation shall not preclude proceeding under any other section of the Village of Bloomfield Municipal Code, or law relating to the same or any other matter. Proceeding under any other ordinance relating to the same or any other matter shall not preclude the issuance of a citation under this paragraph.

(3) Any person who violates any part of this Chapter shall be required to pay a forfeiture of \$50.00 plus costs for the first violation, \$200.00 plus costs for a second violation, and not more than \$2,000.00 plus costs for a third or subsequent violation.