

Village of Bonduel
Shawano County
117 W. Green Bay Street
Bonduel, WI 54107

ORDINANCE NO.: 2021-03

SPONSORED BY: Municipal Operations Committee

INTRODUCED BY: Renell Bartlett

SECONDED BY: Brenda Staszak

THE VILLAGE BOARD OF THE VILLAGE OF BONDUEL, SHAWANO COUNTY, WISCONSIN, DO ORDAIN that the Municipal Code of Bonduel, Wisconsin, Chapter 16 HEALTH AND SANITATION, Article II., Recycling, Section 16-23 Required, and Article III., Collection, Section 16-50 Garbage and Recyclables are hereby repealed and recreated as follows:

Sec. 16-23. - Required.

(a) *Definitions.* Words, terms, and phrases used in this section shall have the following meanings, unless otherwise specified:

Bimetal container means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.

Container board means corrugated paper board used in the manufacture of shipping containers and related products.

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

- (1) Is designed for serving food or beverages.
- (2) Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.
- (3) Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.

HDPE means high density polyethylene, labeled by the SPI code no. 2.

LDPE means low density polyethylene, labeled by the SPI code no. 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 or stove, residential or commercial furnace, boiler, dehumidifier or water heater.

Multifamily dwelling means a property containing five or more residential units, including those which are occupied seasonally.

Newspaper means a newspaper and other materials printed on newsprint.

Nonresidential facilities and properties means commercial, retail, industrial, institutional and governmental facilities and properties. The term "nonresidential facilities and properties" does not include multifamily 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 no. 7.

Person includes any individual, corporation, partnership, association, local governmental unit as defined in Wis. Stats. § 66.0131, state agency or authority or federal agency.

PETE means polyethylene terephthalate, labeled by the SPI code no. 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.

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

PP means polypropylene, labeled by the SPI code no. 5.

PS means polystyrene, labeled by the SPI code no. 6.

PVC means polyvinyl chloride, labeled by the SPI code no. 3.

Recyclable materials includes lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspapers; 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 means the meaning specified in Wis. Stats. § 289.01(33).

Solid waste facility means the meaning specified in Wis. Stats. § 289.01(35).

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 stumps, roots or shrubs with intact root balls.

- (b) *Purpose.* The purpose of this section is to promote recycling, composting and resource recovery through the administration of an effective recycling program, as provided in Wis. Stats. §§ 287.10 to 287.13, and Wis. Admin. Code ch. NR 544.

- (c) *Statutory authority.* This section is adopted as authorized under Wis. Stats. § 287.09.
- (d) *Abrogation and greater restrictions.* It is not intended by this section 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 section imposes greater restrictions, the provisions of this section shall apply.
- (e) *Interpretation.* In their interpretation and application, the provisions of this section 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 section may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this section is required by the Wisconsin Statutes or by a standard in Wis. Admin. Code ch. NR 544 and where a provision of this section is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Wis. Admin. Code ch. NR 544 standards in effect on the date of the adoption of this section or in effect on the date of the most recent text amendment to this section.
- (f) *Administration.* The provisions of this section shall be administered by the department of municipal operations.
- (g) *Residency.* The recycling program described under this section is for the exclusive use of residential properties within the corporate limits of the village.
- (h) *Separation of recyclable materials.* Occupants of single-family and two- to four-unit residences, multifamily dwellings and nonresidential facilities and properties shall separate the following materials from postconsumer waste:
 - (1) Lead-acid batteries.
 - (2) Major appliances.
 - (3) Waste oil.
 - (4) Yard waste.
 - (5) Aluminum containers.
 - (6) Bimetal containers.
 - (7) Corrugated paper or other container board.
 - (8) Foam polystyrene packaging.
 - (9) Glass containers.
 - (10) Magazines.
 - (11) Newspaper.
 - (12) Office paper.
 - (13) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS and other resins or multiple resins.
 - (14) Steel containers.
 - (15) Waste tires.
- (i) *Care of separated recyclable materials.* To the greatest extent practicable, the recyclable materials separated in accordance with subsection (h)(5) through (14) of this section shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other nonrecyclable materials, including, but not limited to, household hazardous waste, medical waste and agricultural chemical containers. Recyclable materials shall be placed in the supplied recycling container.

- (j) *Management of lead-acid batteries, major appliances, waste oil and yard waste.* Occupants of single-family and two- to four-unit residences, multifamily dwellings and nonresidential facilities and properties shall manage lead-acid batteries, major appliances, waste oil and yard waste as follows:
- (1) Lead-acid batteries shall be brought to the recycling center and placed in a specified area and pay the appropriate fee outlined on the recycling fee schedule or lawfully disposed of by the possessor or returned to vendor.
 - (2) Major appliances shall be brought to the recycling center and placed in a specified area and pay the appropriate fee outlined on the recycling fee schedule or lawfully disposed of by the possessor.
 - (3) Waste oil shall be brought to the recycling center and placed in a specified area or lawfully disposed of by the possessor. Waste oil shall not be mixed with any other substance.
 - (4) Yard waste shall be brought to the recycling center for composting and placed in the specified area or composted by the possessor onsite. Compost materials shall contain absolutely no garbage.
- (k) *Preparation and collection of recyclable materials.* Except as otherwise directed by the department of municipal operations, occupants of single-family, two- to four-unit residences and all nonresidential shall place items specified in subsections (h)(5) through (14) in the provided recycling cart at curbside on the designated collection day and time.
- (1) Waste tires shall be returned to a vendor or properly disposed of by the owner/possessor. Waste tires shall not be accepted at the village recycling facility.
 - (2) Village residents may bring large recyclables or excess volumes of recyclables to the recycle center during normal operating hours.,
- (l) *Responsibilities of owners or designated agents of multifamily dwellings.*
- (1) Owners or designated agents of multifamily dwellings shall do all of the following to recycle the materials specified in subsections (h)(5) through (14) of this section.
 - a. Provide adequate space and location for solid waste and recycling containers.,
 - b. Notify tenants, in writing, at the time of renting or leasing the dwelling
 - c. 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.
- (m) *Responsibilities of owners or designated agents of nonresidential facilities and properties.*
- (1) Owners or designated agents of nonresidential facilities and properties shall do all of the following to recycle the materials specified in subsections (h)(5) through (15) of this section:

- a. Provide adequate space and location for separate containers for the solid waste and recyclable materials.
 - b. Notify, in writing, all users, tenants and occupants of the properties about the established recycling program.
 - c. 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 a contact person or company, including name, address and telephone number.
- (n) *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 subsections (h)(5) through (15) above which have been separated for recycling, except waste tires may be burned with energy recovery in an approved solid waste treatment facility.
- (o) *Proper disposal of garbage and recyclables.*
- (1) 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 curb or in a container adjacent to a home or nonresidential building for the purposes of collection for recycling.
 - (2) It shall be unlawful for any person to dispose of or dump garbage in any street, alley or other public place within the village or in any receptacle or private property without the owner's consent.
 - (3) No person shall place for collection any garbage at the curb not owned or occupied by such person.
 - (4) It shall be unlawful to burn or bury solid waste and recyclables by residential and nonresidential sectors and at construction sites.
 - (5) It shall be unlawful for any person to place for disposal any of the following wastes:
 - a. Hazardous and toxic wastes.
 - b. Chemicals.
 - c. Explosives.
 - d. Flammable liquids.
 - e. Paint.
 - f. Trees and stumps.
 - g. Construction debris.
 - h. Carcasses.
 - i. Medical wastes.
 - (6) It shall be unlawful to bring refuse for disposal and recyclables from outside the corporate limits into the village unless authorized by agreement with the village.
- (p) *Right to reject materials.* The authorized representative of the village or employee of the village has the right to reject or leave at the curb any recyclable material that is not prepared according to the specifications in this section. Materials may be also left if not separated from solid waste not placed in proper containers or are not designated recyclable materials for collection. The village or authorized

representative also has the right to refuse pick up of any solid waste if it contains recyclable containers and/or materials. In such cases, the village or the representative of the village shall try to notify the generator of the materials about the reasons for rejecting the items either in writing or verbally.

- (q) *Volume based rates.* The village shall have the right to determine costs for regular and special solid waste and recycling collection and user fees to cover those costs. Fees shall be assessed on a per property basis for solid waste and recyclables collection, to be paid by a fee charged to each property or through taxes. Bulk solid waste shall be brought to drop-off site as it shall not be picked up curbside.
- (r) *Ownership of recyclables and refuse.* Solid waste and recycle carts, upon proper placement at the curb, shall become the property of the village.
- (s) *Exemptions.* The village reserves the right to designate additional solid waste materials as recyclables or currently collected materials as no longer recyclables in accordance with state law and to either add or delete them from any collection services provided.
- (t) *Collection schedule and specifications.* The village shall establish the time of collection of solid waste and recyclables subject to changes as may be needed or wanted. The village also reserves the right to designate specific containers of specific weights for the collection of solid waste and/or recyclables. All containers for solid waste and/or recyclables collection shall be placed at the curblines as specified within this section no sooner than 24 hours before scheduled collection nor permitted to remain curbside longer than 24 hours after scheduled collection.
- (u) *Enforcement.*
 - (1) For the purpose of ascertaining compliance with the provisions of this section, any authorized officer, employee or representative of the village may inspect recyclable materials separated for recycling, solid waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multifamily dwellings 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 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 section may be issued a citation by any police department representative 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 of any other matter shall not preclude the issuance of a citation under this subsection.
 - (3) Any person who violates subsection (n) of this section may be required to forfeit an amount as listed in the schedule of fees and services.

Sec. 16-50. - Garbage and recyclables.

- (a) *Garbage placement and pickup.*

- (1) Solid waste shall be placed in the black carts provided by the contractor and shall weigh no more than 75 pounds.
- (2) Solid waste bins shall be placed on the curb by the designated time listed on the villages website.
- (3) The following items shall not be picked up:
 - a. Landscaping debris to include dirt, timber, rocks, stone and yard waste.
 - b. Automobile parts to include batteries and tires.
 - c. Furniture and appliances.
 - d. Household hazardous wastes.
 - e. Building/construction material to include brick and concrete.
 - f. Any item that requires special handling and disposal.
- (4) Items that extend outside the cart in height and width that could damage the collection truck will not be picked up.

(b) *Recyclables placement and pickup.*

- (1) The following recyclables shall be placed inside the blue cart provided by the contractor. These items do not have to put into bags but must be broken down as to fit into the cart.
 - a. Corrugated (not waxed) cardboard.
 - b. Mixed paper.
 - c. Plastic containers, excluding petroleum product containers.
 - d. Glass (green, brown and clear).
 - e. Aluminum and tin cans.
- (2) Recyclables shall be placed at the curb for collection by the designated time as listed on the villages website.

- (c) All containers for solid waste and/or recyclables collection shall be placed at the curb line as specified by the resident or authorized representative no sooner than 24 hours before scheduled collection nor permitted to remain curbside longer than 24 hours after scheduled collection.

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

ADOPTED: April 14, 2021
PUBLISHED: April 23, 2021

VILLAGE OF BONDUEL, WISCONSIN

Russ Gehm, Village President

ATTEST:

Michelle Maroszek, Clerk/Treasurer