

Title 8 ► Chapter 3

Recycling

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Sec. 8-3-1 General Provisions.

- (a) **Title.** The title of this Chapter is the Recycling Ordinance for the Village of Rudolph.
- (b) **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. 159.11, Wis. Stats., and Ch. NR544, Wis. Adm. Code.
- (c) **Statutory Authority.** This Chapter is adopted as authorized under Sec. 159.09(3)(b), Wis. Stats.
- (d) **Abrogation and Greater Restrictions.** 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 law. However, whenever this Chapter imposes greater restrictions, the provisions of this Chapter shall apply.
- (e) **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 Wisconsin Statutes. Where any terms or requirements of this Chapter may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this Chapter is required by Wisconsin

Statutes, or by a standard in Ch. NR544, Wis. Adm. Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Ch. NR544, Wis. Adm. Code, standards in effect on the date of the adoption of this Chapter, or in effect on the date of the most recent text amendment to this Chapter.

- (f) **Applicability.** The requirements of this Chapter apply to all persons and entities within the Village of Rudolph. This Chapter shall not affect civic or charitable organizations who conduct fund drives for recyclable materials.
- (g) **Administration.** The provisions of this Chapter shall be administered by the Village of Rudolph Village Board, and its designees.

Sec. 8-3-2 Definitions.

- (a) For the purpose of this Chapter:
 - (1) **Aluminum cans** shall include used beverage cans only.
 - (2) **Aluminum** means aluminum foil trays and aluminum foil and aluminum cans used for food and other non-hazardous materials, but excluding aerosol cans and cans that held paint-related products, pesticides, or other toxic or hazardous substances.
 - (3) **Bags** means plastic bags designated for refuse; with sufficient wall strength to maintain physical integrity when lifted by top. With a capacity not to exceed thirty (30) gallons and a loaded weight of no more than fifty (50) pounds.
 - (4) **Bi-Metal and Tin Cans** means tin coated and steel cans, bi-metal cans used for food preparation and other non-hazardous materials, but excluding aerosol cans and cans that held paint, paint-related products, pesticides, or other toxic or hazardous substances.
 - (5) **Collector** means the contractor selected by the Village to collect solid waste.
 - (6) **Co-mingled Recycling.** Co-mingled recycling consists of plastics (#1 and #2 plastics), container glass, tin and aluminum (used beverage cans only). It 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 TV tubes. It does not include motor oil bottles (even those labeled as #1 and #2).
 - (7) **Container board** means corrugated paperboard used in the manufacture of shipping containers and related products.
 - (8) **Container glass** shall include container glass only. "Glass" 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 TV tubes.
 - (9) **Corrugated cardboard** shall include corrugated cardboard only; it does not include waxed cardboard or chipboard such as cereal boxes, shoe boxes, and similar materials.
 - (10) **Foam polystyrene packaging** means packaging made primarily from foam polystyrene that satisfies one (1) of the following criteria:

- a. Is designed for serving food or beverages.
 - b. Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.
 - c. Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.
- (11) **Garbage** means and includes all waste resulting from the use, preparation, cooking or consumption of food.
 - (12) **Hazardous waste** means any substance or combination of substances, including any waste of a solid, semisolid, or gaseous form, which may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or which may pose a substantial present or potential hazard to human health or environment because of its quantity, concentration or physical, chemical or infectious characteristics. This term includes but is not limited to, substances which are toxic, corrosive, flammable, irritants, strong sensitizers or explosives as determined by the Village.
 - (13) **Lead-acid batteries** means automotive and related batteries that are comprised of lead plates and an acid electrolyte; the definition does not include nickelcadium batteries, dry cell batteries (flashlight) batteries or batteries used in calculators, watches, hearing aides or similar devices.
 - (14) **HDPE** means high density polyethylene, labeled by the SPI Code #2.
 - (15) **LDPE** means low density polyethylene, labeled by the SPI Code #4.
 - (16) **Magazines** means magazines and other materials printed on similar paper.
 - (17) **Major appliance** means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, oven, refrigerator or stove, residential and commercial furnaces, boilers, dehumidifiers and water heaters, and allowing the disposal of microwaves if the capacitor has been removed.
 - (18) **Mixed papers** shall include all grades of papers, including: white, colored, ledger, shiny, coated, carbonless or NCR papers; envelopes, including windowed, labeled, and kraft; magazines, phone books, computer printout paper, glued pads and tablets, file folders, key punch cards, post-it notes, spiral notebooks, cereal boxes, shoe boxes, etc.; can include paper clips and staples; does not include hand towels or other paper products from restrooms, or soiled napkins and paper plates; also does not include carbon paper, styrofoam cups, cellophane, or any waxed paper.
 - (19) **Multiple-family dwelling** means a property containing five (5) or more residential units, including those which are occupied seasonally.
 - (20) **Newspapers** shall include newspapers and newspaper advertisements printed on newsprint, but does not include catalogues, magazines, cardboard, or other paper products.
 - (21) **Non-recyclable material** means any material other than a recyclable material and includes garbage, rubbish and other solid waste, including but not limited to ashes,

plastic material other than the type included within recyclable materials, ceramics, broken glass of all types, window glass, styrofoam, Pyrex, light bulbs, mirrors, china, waxed paper, waxed cardboard, furniture, carpeting, used clothing and other materials not defined as recyclable materials for purposes of this Chapter.

- (22) **Non-residential facilities and properties** means commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.
- (23) **Office paper** means high grade printing and writing papers from offices in non-residential 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.
- (24) **Other resins or multiple resins** means plastic resins labeled by the SPI Code #7.
- (25) **Person** includes any individual, corporation, partnership, association, local governmental unit, as defined in Sec. 66.0131(1)(a), Wis. Stats., state agency or authority or federal agency.,
- (26) **PETE** means polyethylene terephthalate, labeled by the SPI Code #1.
- (27) **Plastic bottles** shall include only plastic bottles clearly marked with the recycling emblem, encircling the #1 (PET or PETE) or the #2 (HDPE); does not include motor oil bottles, even if they are labeled #1 or #2.
- (28) **Postconsumer waste** means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in Sec. 144.61(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.
- (29) **PP** means polypropylene, labeled by the SPI Code #5.
- (30) **PS** means polystyrene, labeled by the SPI Code #6.
- (31) **PVC** means polyvinyl chloride, labeled by the SPI Code #3.
- (32) **Recyclable material** includes lead acid batteries, major appliances, waste oil, yard waste, aluminum containers, corrugated paper and other container board, glass containers, magazines, newspapers, office paper, rigid plastic containers including those of PETE and HDPE, steel containers, waste tires and bi-metal containers.
- (33) **Recyclable plastic** generally means high density polyethylene and polyethylene terephthalate plastic containers and specifically means any plastic containers described as recyclable on the list maintained at the office of the Village Clerk, which list is incorporated herein by reference and is subject to revision and updating at any time.
- (34) **Solid waste** has the meaning specified in Sec. 144.01(15), Wis. Stats.
- (35) **Solid waste facility** has the meaning specified in Sec. 144.43(5), Wis. Stats.
- (36) **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.
- (37) **Tin cans** shall include tin coated metal cans, and steel containers.

- (38) **Waste oil** means contaminated petroleum-derived or synthetic oil, including but not limited to motor oil, vehicle lubricants or coolants.
- (39) **Waste tire** means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
- (40) **Yard waste** means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than four (4) inches in diameter or four (4) feet in length and holiday trees. This term does not include stumps, roots or shrubs with intact root balls.

Sec. 8-3-3 Separation of Recyclable Materials.

- (a) **Recyclable Materials Designated.** All recyclable materials may be placed with other garbage and refuse and other nonrecyclable materials. Recyclable plastic and glass shall be placed in the designated recycling bin and may be co-mingled. Occupants of single family and two (2) to four (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 appliances.
 - (3) Waste oil.
 - (4) Yard waste.
 - (5) Aluminum containers.
 - (6) Bi-metal 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, HDPR, PVC, LDPE, PP, PS, and other resins or multiple resins.
 - (14) Steel containers.
 - (15) Waste tires.

Sec. 8-3-4 Separation Requirements Exempted.

The separation requirements of Section 8-3-3 do not apply to the following:

- (a) Occupants of single family and two (2) to four (4) unit residences, multiple-family dwellings 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 Section 8-3-3 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 thirty percent (30%) of the heat input to the facility is derived from the solid waste burned as supplemental fuel.
- (c) A recyclable material specified in Section 8-3-3 for which a variance has been granted by the Department of Natural Resources under Sec. 159.11(2m), Wis. Stats., or NR544.14, Wis. Adm. Code.

Sec. 8-3-5 Care of Separated Recyclable Materials; Disposal of Certain Items.

- (a) **Care of Separated Materials.** To the greatest extent practicable, the recyclable materials separated in accordance with Section 8-3-3 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.
- (b) **Management of Lead Acid Batteries, Major Appliances, Waste Oil and Yard Waste.** Occupants of single-family, two (2) to four (4) units residences, multiple-family dwellings and non-residential facilities and properties shall manage lead acid batteries, major appliances, waste oil, and yard waste as follows:
 - (1) **Lead Acid Batteries.** Lead acid batteries shall be taken to a local service station or battery retailer for recycling.
 - (2) **Major Appliances.** Major appliances shall be taken to a local landfill corporation for recycling or be saved for the annual community collection day.
 - (3) **Waste Oil.** Waste oil shall be taken to a local service station for recycling.
 - (4) **Yard Waste.** Yard waste shall be deposited and composted on the owner's property.
- (c) **Preparation and Collection of Recyclable Materials.** Except as otherwise directed by the Rudolph Village Board, occupants of single-family and two (2) to four (4) unit residences shall do the following for the preparation and collection of the separated materials specified in Section 8-3-3. All co-mingled recycling may be placed together in either an eighteen (18) gallon bin or in appropriate plastic bags [no larger than thirty (30) gallons]. Do not use paper bags for storage and disposal of co-mingled recycling. Mixed paper and newspaper may be mixed together in a paper bag. All co-mingled recycling may be placed together in either an eighteen (18) gallon bin or in appropriate plastic bags [no larger than thirty (30) gallons]. Do not use paper bags for storage and disposal of co-mingled recycling. Paper and newspaper may be mixed together in a paper bag:

- (1) **Aluminum Containers.** Aluminum containers shall be co-mingled with metal containers/glass/plastics cleaned and separated and set at curbside, except as otherwise directed by the Village Board.
- (2) **Bi-Metal Containers.** Bi-metal containers shall be co-mingled with metal containers/glass/plastics cleaned and separated and set at curbside, unless otherwise directed by the Village Board.
- (3) **Corrugated Paper/Container Board.** Corrugated paper or other container board shall be flattened, bundled in packets not more than twelve (12) inches high and twenty-four (24) inches wide and thirty-six (36) inches long, and set at curbside, unless otherwise directed by the Village Board.
- (4) **Foam Polystyrene Packaging.** Foam polystyrene packaging shall be recycled as mandated by the Wisconsin Statutes.
- (5) **Glass.** Glass containers shall be co-mingled with metal containers/glass/plastics cleaned, labels removed, and placed at curbside, unless otherwise directed by the Village Board.
- (6) **Magazines.** Magazines and other materials printed on similar paper shall be bound and placed at curbside, unless otherwise directed by the Village Board.
- (7) **Newspapers.** Newspapers or other materials printed on newsprint shall be bound and placed at curbside, in a paper bag and may be placed with mixed papers, unless otherwise directed by the Village Board.
- (8) **Office Paper.** Office paper shall be bundled and placed at curbside, except as otherwise directed by the Village Board.
- (9) **Plastic Containers.** Plastic containers shall be co-mingled with glass and metal containers, and prepared and collected as follows:
 - a. Plastic containers made of PETE (#1), including soda bottles, shall be rinsed, placed in a recycling container and placed curbside, except as otherwise directed by the Village Board.
 - b. Plastic containers made of HDPE (#2), including milk jugs, shall be bound together, or placed in a recycling bin and placed at curbside, except as otherwise directed by the Village Board.
- (10) **Steel Containers.** Steel containers shall be recycled as mandated by the Wisconsin Statutes.
- (11) **Waste Tires.** The disposal of waste tires shall be arranged by the resident, to be disposed of and taken to an approved recycling center.

Sec. 8-3-6 Responsibilities of Owners or Designated Agents of Multiple-Family Dwellings.

- (a) Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in Section 8-3-3:

- (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 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.
 - (4) Notify tenants of reason 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 site, locations and hours of operation, and a contact person or company, including a name, address and telephone number.
- (b) The requirements specified in Subsection (a) do not apply to the owners or designate agents of multiple-family dwellings if the 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 Section 8-3-3 from solid waste in as pure a form as is technically feasible.

Sec. 8-3-7 Responsibilities of Owners or Designated Agents of Non-Residential facilities and Properties.

- (a) Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in Section 8-3-3:
- (1) Provide adequate, separate containers for the recyclable materials.
 - (2) Notify in writing, at least semi-annually, 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 materials to a recycling facility.
 - (4) Notify users, tenants and occupants of reasons to reduce and recycle, 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.
- (b) The requirements specified in Subsection (a) do not apply to the owners or designate agents of non-residential facilities if the 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 Section 8-3-3 from solid waste in as pure a form as is technically feasible.

Sec. 8-3-8 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 8-3-3 which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

Sec. 8-3-9 Enforcement.

- (a) For the purpose of ascertaining compliance with the provisions of this Chapter, any authorized officer, employee or representative of the Village of Rudolph 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 non-residential 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 of Rudolph who requests access for purpose 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 a law enforcement officer or other authorized Village official. 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 Subsection.
- (c) Any person who violates this Chapter may be assessed a penalty per Section 1-1-6. In addition, items left for collection in violation of the requirements of this Chapter may not be collected.

Sec. 8-3-10 Miscellaneous Recycling Regulations.

- (a) **Provision of Space for Recycling in Public Buildings.** A person in the Village of Rudolph owning or occupying a new building or a building that is remodeled or expanded by fifty percent (50%) or more in floor area shall provide a designated area for the separation, temporary storage and collection of solid waste and recyclables either within or adjacent to the building.
- (b) **Licensing of Haulers Required.** No person or corporation shall engage in the business of hauling recyclables within the Village of Rudolph without being licensed by the Wisconsin Department of Natural Resources under NR 502.06, Wis. Adm. Code, and licensed by the Village Board.
- (c) **Processing Facilities.** Any contractor operating in the Village of Rudolph shall not transport for processing any recyclables to a processing facility unless that facility has been approved, in writing, by the Village (or, unless the contractor notifies the Village which facility they are using), and the facility has self-certified with the Wisconsin Department of Natural Resources under NR 544.16, Wis. Adm. Code.
- (d) **Village Purchasing of Recycled Content, Materials, Equipment and Supplies.** Pursuant to Sec. 16.72(2)(e) and (f), Wis. Stats., the Village of Rudolph shall, to the extent

practicable, make purchasing of products made from recycled and recovered materials. Purchases shall include forty percent (40%) recycled content of all paper purchased by the Village. The Village of Rudolph shall, to the extent practicable, award contracts for equipment and supplies on the basis of recyclability and ultimate disposition of products to discourage the purchase of single-use disposable products and require purchase of multiple-use, durable products.

- (e) **Antiscavenging or Unlawful Removal of Recyclables.** It shall be unlawful for any person, unless under contract with or licensed by the Village of Rudolph, 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 purpose of collection for recycling.
- (f) **Dumping.**
 - (1) It shall be unlawful for any person to dispose of or dump garbage in any street, alley or other public place within the Village of Rudolph or in any receptacles or private property without the owner's consent unless it is placed in accordance with Section 8-3-5.
 - (2) No person shall place for collection any garbage or recyclables at the curb not owned or occupied by such person.
- (g) **Placement of Recyclables and Solid Waste for Collection.** Except as otherwise specifically directed or authorized by the Rudolph Village Board, solid waste and recycling containers shall be placed at the curb line or mail box adjacent to the premises owned or occupied by the person of the street designated in the collection schedule. Materials to be placed out for collection according to the scheduled days established and published by the Rudolph Village Board.
- (h) **Burning and Burying Solid Waste or Recyclables.** Open burning shall be permitted only of clean wood and paper products.
- (i) **Garbage From Outside of Village.** It shall be unlawful to bring refuse for disposal or recyclables from outside the corporate limits of the Village of Rudolph unless authorized by agreement with the Village.
- (j) **Right to Reject Materials.**
 - (1) The hauler or drop-off site attendant has the right to reject or leave at the curb any recyclable material that is not prepared according to the specifications of Sec. 8-3-5, or in education material provided by the contractor or Village to the service recipients.
 - (2) 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 to collect any solid waste if it contains recyclable containers and materials. In such cases, the hauler or 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 Rudolph Village Board at regular intervals.

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- (3) The Village of Rudolph, and its contract hauler(s), shall refuse the following:
- a. Hazardous waste.
 - b. Household hazardous waste.
 - c. Toxic waste.
 - d. Poisonous waste.
 - e. Liquids, including paints and solvents.
 - f. Pesticides, including contaminated, non-agricultural pesticides and containers.
 - g. Medical wastes.
 - h. Asbestos.
 - i. Sludge.
 - j. Industrial and commercial waste.
 - k. Brush/trees.
 - l. Demolition waste.
 - m. Bio-medical waste.
 - n. Dead animals.
- (k) **Reporting Requirements.** The recycling haulers and processors operating in the Village of Rudolph are required to maintain records and report in writing to the Village Clerk at least twice a year. Reports include: the amount of solid waste and recyclables collected and transported from the Village of Rudolph; the amount of solid waste and recyclables processed and/or marketed by item type from the Village of Rudolph; and final disposal location of solid waste and recyclable material. Failure to report shall be cause for the Village of Rudolph to revoke any license or sever any contract with the hauler.
- (l) **Fee Structure.** The Village of Rudolph shall establish for service recipients for the payment of collection services for solid waste and recyclables. Fees shall be assessed on a per unit or per household basis and be charged on the utility bill, or as a line item on taxes as a special charge on an annual basis.
- (m) **Ownership of Recyclables and Refuse.** Recyclable materials and refuse, upon placement at the curb, shall become the property of the hauler or the Village of Rudolph, per agreement. Recyclable materials, upon collection by any permitted collector, shall become the property of the contractor.
- (n) **Collection Schedule.** The Village of Rudolph shall establish the time of collection of solid waste and recyclables, and the Village Clerk shall publish and provide notice of the collection schedule at least once in the spring and fall of each year, and at any time when the collection schedule is changed.
- (o) **Specified Containers.**
- (1) Solid waste shall be placed for collection in bags not exceeding thirty (30) gallons, and contained in a manner to avoid litter.
 - (2) Recyclables shall be placed in the designated recycling bins, available from the Village Clerk at a small charge to the resident. If there is a greater amount of recyclables than can be contained in the designated bin, those excess materials can be

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placed in an open paper sack and placed adjacent to the recycling bin, clearly separated from the garbage.

- (3) All solid waste and recyclables shall be placed as herein required at the specified collection location no sooner than twenty-four (24) hours prior to the regularly scheduled collection time or be allowed to remain at the curb longer than twelve (12) hours thereafter.