

Chapter 26 SOLID WASTE

ARTICLE I. IN GENERAL

[Secs. 26-1—26-18. Reserved.](#)

ARTICLE II. COLLECTION AND DISPOSAL

[Sec. 26-19. Yard waste and special collections.](#)

[Secs. 26-20—26-41. Reserved.](#)

ARTICLE III. RECYCLING

[Sec. 26-42. Purpose and intent.](#)

[Sec. 26-43. Authority.](#)

[Sec. 26-44. Abrogation and greater restrictions.](#)

[Sec. 26-45. Interpretation.](#)

[Sec. 26-46. Applicability.](#)

[Sec. 26-47. Administration.](#)

[Sec. 26-48. Definitions.](#)

[Sec. 26-49. Separation of materials.](#)

[Sec. 26-50. Exemptions from separation requirements.](#)

[Sec. 26-51. Care of selected recyclable materials.](#)

[Sec. 26-52. Management of lead-acid batteries, major appliances, waste oil and yard waste.](#)

[Sec. 26-53. Preparation and collection of recyclable materials.](#)

[Sec. 26-54. Responsibilities of owners of multiple-family dwellings.](#)

[Sec. 26-55. Responsibilities of owners of nonresidential facilities and properties.](#)

[Sec. 26-56. Prohibitions on disposal of recyclable materials separated for recycling.](#)

[Sec. 26-57. Inspections; right of entry.](#)

[Sec. 26-58. Citation for violations; penalties.](#)

[Sec. 26-59. Abatement.](#)

CHAPTER 26 SOLID WASTE

ARTICLE I. - IN GENERAL

Secs. 26-1—26-18. Reserved.

ARTICLE II. - COLLECTION AND DISPOSAL

Sec. 26-19. Yard waste and special collections.

- (a) All yard waste will be collected on days specified by the village. The village collection contractor will also make special collections of such material upon request. Requests for special collections shall be made in the form of a telephone call or in writing to the village collection contractor.
- (b) Special collection fees in the amount provided in the village fee schedule shall be charged to the property owner. Such fees are special charges pursuant Wis. Stats. § 66.0627. Any fees unpaid by October 1 of each year shall be entered upon the tax roll as a special charge against the property, and all proceedings in relation to the collection, return, and sale of property for delinquent real estate taxes shall apply to the special collection fee.
- (c) Any property owner or resident of said property owner who places yard waste on the roadside on days not specified by the village and who does not make a request for special collections will receive a 48-hour notice to remove or have removed such yard waste. Upon failure to remove or have such yard waste removed, the village collection contractor or village maintenance staff will remove the yard waste and charge special collection fees.
- (d) Branches should be put by the road in small, reasonably uniform piles not exceeding four feet in height and four feet in width. Branches that exceed eight feet in length and four inches in diameter will not be collected. Individuals who have landscapers or other individuals cut down trees on their property are responsible for their own branch disposal.

(Prior Code, § 11.05)

Secs. 26-20—26-41. Reserved.

ARTICLE III. - RECYCLING

Sec. 26-42. Purpose and intent.

The purpose of this article is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in Wis. Stats. § 287.11 and Wis. Admin. Code ch. NR 544.

(Prior Code, § 11.04)

Sec. 26-43. Authority.

This article is adopted as authorized under Wis. Stats. § 287.09(3)(b) and Wis. Admin. Code ch. NR 544.

(Prior Code, § 11.04)

Sec. 26-44. 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.

(Prior Code, § 11.04)

Sec. 26-45. Interpretation.

In their interpretation and application, the provisions of this article shall be held to be the minimum requirements and shall not be deemed limitation or repeal of any other power granted by state law. 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 state law or by a standard in Wis. Admin. Code ch. NR 544, and where the article provision is unclear, the provision shall be interpreted in light of the state law and Wis. Admin. Code ch. NR 544 standards in effect on the date of the adoption of this article, or in effect on the date of the most recent text amendment to this article.

(Prior Code, § 11.04)

Sec. 26-46. Applicability.

The requirements of this article apply to all persons within the village.

(Prior Code, § 11.04)

Sec. 26-47. Administration.

The provisions of this article shall be administered by the village board of trustees.

(Prior Code, § 11.04)

Sec. 26-48. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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

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

Foam polystyrene packaging 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; or

Chapter 26 SOLID WASTE

- (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.

Multiple-family dwelling means a property containing five or more dwelling units.

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 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. The term "office paper" 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 government unit as defined in Wis. Stats. § 66.0131(1)(a), 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 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. § 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, 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.

Solid waste has the meaning specified in Wis. Stats. § 2589.01(33).

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

Solid waste treatment means any method, technique or process which is designed to change 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 four inches in diameter. The term "yard waste" does not include stumps, roots or shrubs with intact root balls.

(Prior Code, § 11.04)

Chapter 26 SOLID WASTE

Sec. 26-49. Separation of materials.

Occupants of single-family and two- to four-unit residences, multiple-family dwellings and nonresidential facilities and properties shall separate the following materials from post-consumer 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 class containers.
- (9) Glass containers.
- (10) Magazines or other materials printed on similar paper.
- (11) Newspaper or other materials printed on newsprint.
- (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.

(Prior Code, § 11.04)

Sec. 26-50. Exemptions from separation requirements.

The separation requirements of section 26-49 do not apply to the following:

- (1) Occupants of single-family and two- to four-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 26-49 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 percent of the heat input to the facility is derived from the solid waste burned as supplemental fuel.
- (3) A recyclable material specified in section 26-49(5) through (15) for which a variance has been granted by the state department of natural resources under Wis. Stats. § 287.11(2m) and Wis. Admin. Code § NR 544.14.

(Prior Code, § 11.04)

Sec. 26-51. Care of selected recyclable materials.

To the greatest extent practicable, the recyclable materials separated in accordance with section 26-49 shall be clean and kept free of contaminants such as food or product residue, oil, grease or other nonrecyclable materials, including, but not limited to, household hazardous waste, medical waste and

Chapter 26 SOLID WASTE

agricultural chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain and other inclement weather conditions.

(Prior Code, § 11.04)

Sec. 26-52. Management of lead-acid batteries, major appliances, waste oil and yard waste.

Occupants of single-family and two- to four-unit residences, multiple-family dwellings and nonresidential facilities and properties shall manage lead-acid batteries, major appliances, waste oil and yard waste as follows:

- (1) Lead batteries shall be disposed of privately by residents at suitable recycling facility.
- (2) Major appliance shall be disposed of on established bulk collection dates or privately by arrangement with village collection contractor, salvage agent or licensed vendor of choice.
- (3) Waste oil shall be disposed of privately by hauling to City of Racine depositories or the Caledonia Fire Station and then removed by licensed vendor.
- (4) Yard waste shall be placed in brown paper bags (or other biodegradable bags). Each bag must have a yard waste sticker purchased from the village office. Yard waste will be collected, per the annual schedule provided by our waste disposal vendor.

(Prior Code, § 11.04)

Sec. 26-53. Preparation and collection of recyclable materials.

Except as otherwise directed by Wis. Admin. Code ch. NR 544, occupants of single-family and two- and four-unit residences shall do the following for the preparation and collection of the separated materials specified in section 26-49(5) through (15).

- (1) Aluminum containers and bi-metal containers shall be rinsed and flattened, placed in the approved recycling bin and placed on the curb on the day designated for collection. Labels do not need to be removed.
- (2) Corrugated paper or other container board shall be free of debris, flattened, stacked, and tied, and placed upon the curb on the day designated for recycling collection.
- (3) Foam polystyrene packaging is not recyclable and shall be placed with normal refuse.
- (4) Glass containers:
 - a. Glass containers shall be rinsed, placed in the approved recycling bin and placed on the curb on the day designated for collection. Labels need be removed.
 - b. Window glass, light bulbs, ceramics mirrors, drinking glassed, Pyres, television tubes, eye glasses and broken glass are not recyclable and should be disposed of with normal refuse.
- (5) Magazines, newspapers and office paper shall be placed in the approved recycling bin and placed on the curb on the day designated for collection
- (6) Shredded paper shall be secured in a clear plastic bag and placed in the designated bin for recycling; no other material should be in the bag.
- (7) Plastic containers made of:
 - a. PETE (#1), including soft drink bottles;
 - b. HDPE (#2) including milk bottles and laundry soap bottles;

Chapter 26 SOLID WASTE

- c. PVC (#3);
- d. LPD (#4);
- e. PP (#5);
- f. PS (#6), and
- g. Plastic containers made of other resins or multiple resins;

shall be rinsed and flattened, placed in the approved recycling bin and placed on the curb on the day designated for collection.

- (8) Steel containers shall be rinsed and placed in the designated recycling bin and placed on the curb on the day designated for collection.
- (9) Waste tires shall be placed with the bulk collection on days designated for bulk pick-up, per the annual collection schedule available from the village office.

(Prior Code, § 11.04)

Sec. 26-54. Responsibilities of owners of multiple-family dwellings.

- (a) Owners, or designated agents of owners, of multiple-family dwellings shall do all of the following to recycle the materials specified in section 26-49(5) through (15):
 - (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 with a copy to village office.
 - (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 and notify village office of the arrangements.
 - (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, location and hours of operation and a contact person or company, including name, address and telephone numbers.
- (b) The requirements specified in subsection (a) of this section do not apply to the owners or designated agents of multiple-family dwellings 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 26-49(5) through (15) from solid waste in as pure a form as is technically feasible.

(Prior Code, § 11.04)

Sec. 26-55. Responsibilities of owners of nonresidential facilities and properties.

- (a) Owners, or designated agents of owners, of nonresidential facilities and properties shall do all of the following to recycle the materials specified in section 26-49(5) through (15):
 - (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.

Chapter 26 SOLID WASTE

- (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 a contact person or company, including 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 26-49(5) through (15) from solid waste in as pure a form as is technically feasible.

(Prior Code, § 11.04)

Sec. 26-56. 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 26-49(5) through (15) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

(Prior Code, § 11.04)

Sec. 26-57. Inspections; right of entry.

- (a) For the purpose of ascertaining compliance with the provisions of this article, any authorized office, employee or representative of the village or waste collection contractor, 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 dwellings and nonresidential facilities and properties and any records relating to recycling activities which shall be kept confidential when necessary to protect proprietary information.
- (b) No person may refuse access to any authorized office, 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.

(Prior Code, § 11.04)

Sec. 26-58. Citation for violations; penalties.

Any person who violates a provision of this article may be issued a citation by the village police department 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 ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this article. Penalties for violation of this article shall be as provided in section 1-12.

(Prior Code, § 11.04)

Sec. 26-59. Abatement.

Upon violation of this article and upon order of a health official or the village board, the village administrator or designee may give written notice to abate the violations without a period prescribed by such notice. If such requirement is not complied with, the village may abate such nuisance and the

Chapter 26 SOLID WASTE

administrator or designee shall charge such costs to the person given notice. If the charge is not paid, the administrator or designee may place the charge upon the tax roll as a special assessment.

(Prior Code, § 11.04)