

# CHAPTER

8

## WASTE COLLECTION AND RECYCLING

### 8.01 PURPOSE.

The Board finds participation in a mandatory source separation recycling program appropriate in this jurisdiction to conserve available, local landfill capacity. The village further finds it appropriate to participate in both county-wide and state-wide recycling programs to conserve energy, recycle valuable resources, and to protect public health, welfare and the environment. The municipality also finds participation in these programs appropriate to achieve consistency with county wide recycling policies to ensure that the village will be able to use the county owned landfill and the county material recycling facility.

### 8.02 DEFINITION. The following words are defined in this ordinance as follows:

(A) "Collector Hauler" means the contractor or entity chosen by the board to handle, transport and dispose of the community's solid waste, recyclables and non recyclables, or, person or persons contracting with waste generators for these services, and will enforce preparation standards for recyclable materials as well as ensure community compliance with this source separation recycling program.

(B) "Corrugated cardboard" means heavy duty Kraft paper packaging material with a corrugated medium between two flat paper lines, and does not include paperboard such as for cereal or laundry detergent boxes or holders for 6 packs or 12 packs of beverage cans or bottles.

(C) "Garbage" means discarded materials resulting from the handling, processing, storage and consumption of food.

(D) "Glass" means glass bottles, jars and containers and does not include window glass, drinking glasses, pyrex, lights bulbs or other non-container glass.

(E) "Good faith" means reasonable efforts to adhere to the policies, standards and rules of this mandatory source separation recycling program.

(F) "Hazardous waste" or "hazardous substance" means those wastes or substances defined thusly in ND 181 of the Wisconsin Administrative Code (including all amendments provided thereto) as provided therein pursuant to section 144.62, Wis. Stats., or other acts pursuant to authority vested in the Wisconsin Department of Natural Resources to describe and list materials thusly and also includes in the meaning "hazardous waste" or "hazardous substance" as described supra, those wastes or substances found in household waste (notwithstanding the household waste exclusion provided in s. ND 181.12(4)(a), Wisconsin Administrative Code.)

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

(H) "Major appliances" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, stove, water heater or any other item commonly referred to as a white good.

(I) "Metal cans" means tin coated steel cans, bi metal cans, and aluminum cans used for food and other non-hazardous materials, but excluding aerosol cans and cans that held paint, paint related products, pesticides or other toxic or hazardous substances.

(J) "Multifamily dwelling" means a residential dwelling place intended to be the residence of four or more independent family units.

(K) "Municipality" means a city, village or town located wholly or partly within the Boundaries of Dane County.

(L) "Newspapers" means matter printed on newsprint including daily or weekly publications and advertising materials but excludes glossy paper, magazines, catalogs or similar material.

(M) "Non recyclable material" means all items of waste not recyclable except hazardous waste or hazardous substances.

(N) "Other paper" means all paper excluding newsprint materials or materials specifically excepted in the definition of "newspapers", and "corrugated cardboard" but shall include grades of fiber materials with available markets for recycling.

(O) "Oversize and bulky waste" means large items such as furniture, mattresses, carpeting, construction or demolition materials of substantial dimensions, brush and other large items who proportions are not easily reduced.

(P) "Person" includes any individual, corporation, organization, association, local governmental unit as defined in section 66.299(1), Wis. Stats., state agency or authority or federal agency.

(Q) "Plastic container" means a blow molded plastic bottle made of high density polyethylene (HDPE) or a plastic bottle or jar made of polyethylene terephthalate (PET), but does not include HDPE containers that are not blow molded including but not limited to containers for yogurt, cottage cheese, butter, margarine, ice cream and similar products.

(R) "Preparation standards" shall mean criteria provided establishing acceptable good faith

limits for introduction of materials into the source separation recycling program involving either transport to a material recycling center or temporary storage of such materials.

(S) "Recyclable materials" means identified materials meeting preparation standards and shall include the following: newspapers; corrugated cardboard; unbroken brown, green and clear container glass; aluminum, bi metal and tin coated steel cans; blowmolded HDPE and PET plastic containers; tires; used oil; lead acid batteries; and large appliances. "Recyclable material" further means identified materials meeting preparation standards where economical markets or short term storage are available and shall include the following: other paper; polystyrene foam; PVC containers; polypropylene containers; HDPE and PET containers other than bottles; types of plastic containers labeled "other"; and, other materials determined to have economical markets available.

(T) "Refuse" means combustible and non combustible materials including, but not limited to, paper products, wood, metal, glass, clothes and products thereof in unrecoverable condition; litter and street rubbish not including yard waste; uncontaminated ashes; and, building materials such as wood, concrete, glass, plaster and other intermixed materials produced in construction or demolition of structures. "Refuse" for purposes of this ordinance shall not include "oversize or bulky waste."

(U) "Solid Waste" means garbage, refuse and all other discarded or salvageable solid materials, including solid waste materials resulting from industrial, commercial and agricultural operations and from community activities, but does not include solids or dissolved material in waste water effluent or other common water pollutants.

(V) "Solid waste storage" shall mean safe, environmentally sound short term containment of materials and for recyclables shall involve preserving materials in a condition meeting preparation standards.

(W) "Tires" for collection purposes shall mean rubber tires, from automobile and light truck tires and other tires whose size is less than 1100 x 24.5, which are removed from rims.

(X) "Used oil" means any contaminated petroleum derived or synthetic oil including but not limited to the following: engine and other mechanical lubricants, hydraulic and transmission fluid, metal working fluid; and, insulating fluid or coolant.

(Y) "Yard waste" means leaves, grass clippings, yard and garden debris, including clean woody vegetative material no greater than six (6) inches in diameter and holiday trees, but does not include tree stumps, extensive root systems or shrubs with intact root balls.

8.03. **Applicability.** This ordinance shall apply to all persons, entities and appropriate waste generating activities, within the corporate limit of the Village of Rockdale.

8.04 **Conflict and Severability.** The provisions of this ordinance shall be held to minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the

Wisconsin Statutes or pertinent Dane County Ordinances in their interpretation and application. Because this ordinance creates a comprehensive, mandatory source separation recycling program in our community, where any terms or requirements of this ordinance may be inconsistent or conflicting, the more restrictive requirements or interpretations consistent with state and county law shall control. If any section, provision or portion of this ordinance is found unconstitutional or invalid by a court, the remainder of the ordinance shall remain enforceable and shall not be affected by that ruling.

**8.05 Preparation Standards.** Acceptable recyclable materials shall be prepared in accordance with the following standards for collection purposes pursuant to this ordinance:

"Newsprint" shall be dry, free of paper not normally included in the newspaper and not sunburnt;

"Corrugated cardboard" shall be flattened, empty and free of food debris and other contaminating material;

"Glass containers" shall be empty, clean and free of metal caps and rings, other contaminants such as window glass, drinking glasses, ceramics and similar material;

"Metal cans" shall be empty and clean;

"Plastic containers" shall not be tied together, and shall be empty, clean, and have caps removed;

"Lead acid batteries" shall have all caps firmly attached and be free from leaks;

Furthermore, additional preparation standards may be provided by notice in generators of waste and collectors/haulers or by amendment to this subsection, when other materials become recyclable dependent upon available economic markets.

**8.06 Mandatory Source Separation and Collection.** The following provisions shall apply to all non-hazardous solid waste generated within the municipality:

(A) Non recyclable Material.

(1) All garbage, refuse and other non-recyclable materials shall be collected, removed and disposed of pursuant to the municipality's assignment with the designated collector/hauler or persons' private agreements with collectors/haulers unless such arrangements are unavailable or not required, in which case persons shall follow these guidelines in their own disposal of solid waste they generated.

(2) All garbage placed curbside for collection shall be well draped, wrapped and deposited in watertight container or watertight bags. No container or bag placed for collection shall exceed 30 gallons in capacity or 50 pounds in weight (unless dumpsters are available).

(3) All refuse and other non-recyclable materials placed curbside for collection shall be

placed in suitable containers of not more than 30 gallons in capacity or 50 pounds in weight (unless dumpsters are available).

(4) Any bag or container placed curbside for collection as refuse or non-recyclable material which contains any recyclable material may be refused by the collector/hauler unless the generator shows good faith for recycling. Where dumpsters are used, the collector/hauler may refuse collection from bins containing recyclable materials unless the owner or generator shows good faith for recycling.

(5) The municipality shall ensure that a schedule is provided to designate special times during the year when collection services will be available for oversize and bulky waste.

(B) Grass, leaves and Brush. Grass, leaves and brush shall not be collected with the intent of disposal at Dane County sanitary landfills. The municipality shall not take responsibility for handling yard waste. All persons who generate yard waste shall be responsible for appropriate disposal of yard waste from properties owned or occupied by the aforementioned persons. Composting of yard waste on private property is permitted where no nuisance to others occurs.

(C) Separation and Handling of Recyclable Materials.

(1) Separation of Recyclable Materials. All recyclable materials shall be separated from other solid waste. Recyclable materials placed at the curbside for collection shall be separated between themselves in a system facilitating transport and proceeding as provided herein. Recyclable materials shall meet preparation standards and persons shall make good faith efforts to ensure recyclables and recycling containers are well drained and reasonably clean.

(2) Glass, metal cans and plastic containers placed curbside shall be in a manner facilitating the collector/hauler's collection of these materials enabling ready identification of the various materials. Commingling is allowed, separation will be done by hauler.

(3) Newspaper and corrugated cardboard. Newspaper shall be securely tied in neat bundles less than 12 inches thick or placed in suitable containers facilitating handling and collection. Corrugated cardboard shall be flattened and securely tied in bundles, or placed in suitable containers facilitating handling and collection. Corrugated cardboard and newspapers shall not be intermixed, bundled together or mixed with other recyclable materials such as paper.

(D) Requirements of Multi Family Dwellings. Owners of multi-family dwelling shall provide adequate containers for handling and collection of recyclable materials enabling tenants to ensure separation of recyclable and ensuring that recyclable meet preparation standards. The following shall be acceptable means of providing containers, provided a series of containers for the complex or sub-units thereof with unique containers for each type of recyclable to be shared in common by occupant's of the multi family not including

provisions for major appliances or used oils with sufficient, separate containers to achieve good faith separation of recyclables based upon size of the multi family dwelling, and handling transportation and processing requirements for the collector/hauler. Containers shall be clearly designated and marked as to the recyclable contained therein, and containers shall be maintained in a clean, safe and watertight condition. Owners of multi family dwellings shall exercise good faith to assure that residents and occupants comply with recycling requirements of this ordinance. Owners of multi family dwellings shall notify tenants at the time of renting or leasing the dwelling and semiannually thereafter of the recycling programs provided in this paragraph.

(E) Requirements of Commercial, Retail, Industrial, Institutional and Governmental Facilities. The owners of commercial, retail, industrial, institutional and governmental facilities shall provide adequate, marked containers for separate handling and collection of recyclable materials, excluding oil and major appliances. All owners shall exercise good faith to maintain sufficient, well kept containers to meet their generator requirements for recycling purposes. All owners shall exercise good faith to meet standards for recyclables, providing suitable containers for the purpose. Owners shall regularly, periodically notify all users and occupants of the facilities of the recycling programs provided in this paragraph.

(F) Prohibited Practices in Collection and Handling of Recyclables. No person, persons or other entity generating waste within the municipality shall do any of the following:

- (1) Mix or permit intermixing of recyclable and non recyclable materials intended for collection by collector/hauler or intended to be processed at a material recycling facility unless good faith intent to recycle is shown.
- (2) Deposit or cause to be deposited any recyclable material at any authorized collection point when the point is closed or not operating.
- (3) Deposit or cause to be deposited any recyclable material in or upon any public property grounds in the municipality except at authorized buildings within appropriate packaging or placed in the appropriate container during officially authorized collection periods if any are provided.
- (4) Deposit or cause to be deposited any recyclable material in any container not specifically intended for the disposal of that type or group of recyclable material.
- (5) Deposit or cause to be deposited any non-recyclable material in any container specifically intended for the disposal or deposit of recyclable material.

8.07 Violation and Penalty. Except as otherwise provided, any person found to be in violation of any provision of this chapter or any order, rule or regulation made hereunder shall be subject to a penalty as provided in the general penalties section.

8.08 Promulgation of Regulations. The Board shall prepare regulations, standards and schedules as necessary to make effective all provisions of this ordinance. Periodically, upon a schedule adopted by the municipality, the board shall prepare notice and distribute other information to persons and entities generating waste within the village for the purpose of informing the public about the requirements dictated by this mandatory source separation recycling ordinance.

8.09 Consistency. All ordinances of the village or parts of these ordinances construed to be inconsistent with the ordinance for the purpose of achieving an effective recycling program in the municipality shall be hereby repealed as to much inconsistency only for the limited purpose of making effective all provisions in this ordinance.