

# Chapter 3

## Recycling

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### **Sec. 8-3-1 Findings and Declaration of Purpose.**

The purpose of this Chapter is to promote recycling, composting, and resource recovery through the administration of a mandatory recycling program, as provided in Sec. 159.11, Wis. Stats. , and Ch. NR 544, Wis. Adm. Code, by the Village of Muscoda in order to protect and promote the public health, safety and welfare.

**Sec. 8-3-2 Statutory Authority.**

This Chapter is adopted as authorized under Sec. 159.09(3)(b), Wis. Stats.

**Sec. 8-3-3 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.

**Sec. 8-3-4 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 a provision of this Chapter is required by Wisconsin Statutes, or by a Standard in Ch. NR 544, Wis. Adm. Code, and where the Chapter provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Ch. NR 544 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.

**Sec. 8-3-5 Applicability.**

The requirements of this Chapter apply to all persons within the boundaries of the Village of Muscoda, Grant and Iowa Counties, Wisconsin.

**Sec. 8-3-6 Administration.**

The provisions of this Chapter shall be administered by the Village Board with the assistance of the Director of Public Works, Village Clerk and the Police Department.

**Sec. 8-3-7 Effective Date.**

The provisions of this Chapter shall take effect on January 1, 1995.

**Sec. 8-3-8 Definitions.**

- (a) For the purpose of this Chapter the following words and phrases shall have the meanings ascribed to them in this Section:
- (1) **BI-Metal Container.** A container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.
  - (2) **Container Board.** Corrugated paperboard used in the manufacture of shipping containers and related products.

- (3) **Foam Polystyrene Packaging.** 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.
- (4) **HDPE.** High density polyethylene plastic containers marked by the SPI Code No. 2.
- (5) **LDPE.** Low density polyethylene plastic containers marked by the SPI Code No. 4.
- (6) **Magazines.** Magazines and other materials printed on similar paper.
- (7) **Major Appliance.** A residential or commercial air conditioner, clothes dryer, boiler, dehumidifier, water heater, clothes washer, dishwasher, freezer, oven, microwave oven (with capacitor removed), refrigerator or stove.
- (8) **Mixed or Other Plastic Resin Types.** Plastic containers marked by the SPI Code No. 7.
- (9) **Multiple Family Dwelling.** A property containing five (5) or more residential units, including those which are occupied seasonally.
- (10) **Newspapers.** Shall include newspapers and other products printed on newsprint.
- (11) **Non-Residential Facilities and Properties.** Commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.
- (12) **Office Paper.** 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.
- (13) **Other Resins or Multiple Resins.** Plastic resins labeled by the SPI Code #7.
- (14) **Person.** Includes any individual, corporation, partnership, association, local governmental unit, as defined in Sec. 66.229(1)(a), Wis. Stats. , state agency or authority, or federal agency.

- (15) **PETE.** Polyethylene terephthalate plastic containers marked by the SPI Code No. 1.
- (16) **Plastic Container.** 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.
- (17) **Postconsumer Waste.** 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.
- (18) **PP.** Polypropylene, labeled by the SPI Code #5.
- (19) **PS.** Polystyrene, labeled by the SPI Code #6.
- (20) **PVC.** Polyvinyl chloride plastic containers marked by the SPI Code No. 3.
- (21) **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, PI), ps, and other resins or multiple resins; steel containers; waste tires; and bi-metal containers.
- (22) **Solid Waste.** Has the meaning specified in Sec. 144.01(15), Wis. Stats.
- (23) **Solid Waste Facility.** Has the meaning specified in Sec. 144.43(5), Wis. Stats.
- (24) **Solid Waste Treatment.** Any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste. "Treatment" includes incineration.
- (25) **Waste Tire.** A tire that is no longer suitable for its original purpose because of wear, damage or defect.
- (26) **Yard Waste.** Leaves, grass clippings, yard and garden debris, and brush, including clean woody vegetative material no greater than six (6) inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

**Sec. 8-3-9 Separation of Recyclable Materials.**

- (a) 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 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.
  - (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.
- (b) The Village Board of the Village of Muscoda reserves the right to designate additional solid waste materials as recyclable, or currently collected materials as no longer recyclable in accordance with state law and to either add or delete them from any collection services provided by the Village or its contractors. The Village of Muscoda shall provide written notice to service recipients of this declaration.

**Sec. 8-3-10 Separation Requirements Exempted.**

The separation requirements of Section 8-3-9 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 post-consumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in Section 8-3-9 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 8-3-9 for which a variance has been granted by the Department of Natural Resources under Sections 159.07(7)(d) or 159.11(2m), Wis. Stats., or NR 544.14, Wisconsin Administrative Code.

### **Sec. 8-3-11 Care of Recyclable Materials**

To the greatest extent practicable, the recyclable materials separated in accordance with Section 8-3-9 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.

### **Sec. 8-3-12 Management of Lead Acid Batteries, Major Appliances, Waste Oil and Yard Waste.**

- (a) Occupants of single family and two (2) to four (4) unit residences shall manage lead acid batteries, major appliances, waste oil and yard waste as follows:
  - (1) Lead acid batteries shall be placed in the approved recycling bin at the curb, alley or street line on the day designated for the collection of recyclables or may be taken to a business which is qualified to accept such batteries for disposal.
  - (2) Major appliances shall be tagged through the purchase of a disposal tag from the Village's waste and recyclable collector or other properly licensed collector and placed at the curb, alley or street line on the date designated for pickup by such collector.
  - (3) Waste oil shall be placed in a sealed recyclable container, such as an empty milk jug with close-fitting cap, and placed in the approved recycling bin at the curb, alley or street line on the date designated for the collection of recyclables. Waste oil may also be taken to a business which is qualified to accept such waste oil for disposal.
  - (4) Yard waste shall be separated from recyclables and other refuse and shall be placed at the curb, alley or street line for collection from time to time for pickup at such times as shall be designated by the Village Board. Yard waste may also be taken to the Village's composting site on such dates and at such times as the Village Board shall designate.

- (b) Occupants of 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 shall be taken to a business which is qualified to accept such batteries for disposal.
  - (2) Major appliances shall be tagged through the purchase of a disposal tag from the Village's waste and recyclable collector or other property licensed collector and placed at the curb, alley or street line on the date designated for pickup by such collector.
  - (3) Waste oil shall be taken to a business which is qualified to accept such waste oil for disposal.
  - (4) Yard waste shall be separated from recyclables and other refuse and shall be placed at the curb, alley or street line for collection from time to time for pickup at such times as shall be designated by the Village Board. Yard waste may also be taken to the Village's composting site on such dates and at such times as the Village Board shall designate.

**Sec. 8-3-13 Preparation and Collection of Recyclable Materials.**

Except as otherwise directed by the Village Board or the Director of Public Works, 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 8-3-9(a)(5) to (15). No occupant of a single family or two (2) to four (4) unit residence may place more than a total of four (4) bundles and/or approved recycling bins upon the curb, alley or street line on any one collection day. No recycling bin or bundle shall weigh more than thirty-five (35) pounds:

- (a) Aluminum containers shall be rinsed free of product residue and placed in the approved recycling bin and placed at or near the curb, alley or street line on the day designated for collection.
- (b) Bi-metal containers shall be rinsed free of product residue and placed in the approved recycling bin and placed at or near the curb, alley or street line on the day designated for collection.
- (c) Corrugated paper or other container board shall be free of debris and flattened and either tied in bundles or placed in the approved recycling bin and placed at or near the curb, alley or street line on the day designated for collection.
- (d) Foam polystyrene packaging shall be placed in the approved recycling bin and placed at or near the curb, alley or street line on the day designated for collection.

- (e) Glass containers shall be rinsed free of product residue and placed in the approved recycling bin and placed at or near the curb, alley or street line on the day designated for collection.
- (f) Magazines shall be either tied in bundles or placed in the approved recycling bin and placed at or near the curb, alley or street line on the day designated for collection.
- (g) Newspaper shall be tied in bundles and either placed in the approved recycling bin or placed at or near the curb, alley or street line on the day designated for collection.
- (h) Office paper shall be free of debris and placed in the approved recycling bin at or near the curb, alley or street line on the day designated for collection.
- (i) Rigid plastic containers shall be prepared and collected as follows:
  - (1) Plastic containers made of PETE shall be placed in the approved recycling bin and placed at or near the curb, alley or street line on the day designated for collection.
  - (2) Plastic containers made of HDPE shall be rinsed free of product residue, caps, if any, shall be removed and discarded and the containers placed in the approved recycling bin and placed at or near the curb, alley or street line on the day designated for collection.
  - (3) Plastic containers made of PVC shall be rinsed free of product residue, caps, if any, shall be removed and discarded and the containers placed in the approved recycling bin and placed at or near the curb, alley or street line on the day designated for collection.
  - (4) Plastic containers made of LDPE shall be rinsed free of product residue, caps, if any, shall be removed and discarded and the containers placed in the approved recycling bin and placed at or near the curb, alley or street line on the day designated for collection.
  - (5) Plastic containers made of PP shall be rinsed free of product residue, caps, if any, shall be removed and discarded and the containers placed in the approved recycling bin and placed at or near the curb, alley or street line on the day designated for collection.
  - (6) Plastic containers made of PS shall be rinsed free of product residue, caps, if any, shall be removed and discarded and the containers placed in the approved recycling bin and placed at or near the curb, alley or street line on the day designated for collection.



- (7) Plastic containers made of other resins or multiple resins shall be rinsed free of product residue, caps, if any, shall be removed and discarded, and the containers placed in the approved recycling bin and placed at or near the curb, alley or street line on the day designated for collection.
- (j) Steel containers shall be rinsed free of product residue, flattened and placed in the approved recycling bin and placed at or near the curb, alley or street line on the day designated for collection.
- (k) Waste tires shall be tagged through the purchase of a disposal tag from the Village's waste and recyclable collector or other properly licensed collector and placed at the curb, alley or street line on the date designated for pickup by such collector.
  - (1) The provisions of this Subsection shall apply to owners and occupants of mobile home parks except that curbside collection of the materials designated in Subsections (a) through (k) will not be done. Owners of mobile home parks shall provide adequate, separate containers for recyclable materials which are approved by the Village as a designated site or sites within the mobile home park which will be collected by the Village or its contractor on a designated day.

**Sec. 8-3-14 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 8-3-9(a)(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.
  - (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 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.
- (b) The requirements specified in Subsection (a) 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 Department of Natural Resources that recovers for recycling the materials specified in Section 8-3-9(a)(5) through (15) from solid waste in as pure a form as is technically feasible.

**Sec. 8-3-15 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 8-3-9(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.
  - (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 a name, address and telephone number.
- (b) The requirements specified in Subsection (a) do not apply to the owners or designated agents of non-residential facilities and properties if the post-consumer waste generated within the facility or property is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in Section 8-3-9(a)(5) through (15) from solid waste in as pure a form as is technically feasible.

**Sec. 8-3-16 Prohibitions on Disposal of Recyclable Materials.**

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 Sections 8-3-9(a)(5) through (15) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility and microwave ovens may be disposed of in a solid waste disposal facility in this state if the capacitor has been removed and disposed of in accordance with Sec. 144.79(7), Wis. Stats., if applicable.

**Sec. 8-3-17 Enforcement**

- (a) For the purpose of ascertaining compliance with the provisions of this Chapter, any authorized officer, employee or representative of the Village of Muscodia may inspect recycling 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 who requests access for the 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 forfeiture citation by the Muscoda Police Department. 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) Penalties for violating this Chapter may be assessed as follows:
  - (1) Any person who violates Section 8-3-16 may be required to forfeit Fifty Dollars (\$50.00) for a first violation, Two Hundred Dollars (\$200.00) for a second violation, and not more than Two Thousand Dollars (\$2,000.00) for a third or subsequent violation.
  - (2) Any person who violates a provision of this Chapter except Section 8-3-16, may be required to forfeit not less than Ten Dollars (\$10.00) nor more than One Thousand Dollars (\$1,000.00) for each violation.