

CHAPTER 19

REFUSE COLLECTION AND RECYCLING

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19.01 PURPOSE

The purpose of this ordinance is to promote recycling, composting and resource recovery through the administration of an effective recycling program, as provided in §159.11, Wis. Stats., and Chapter NR 544, Wis. Administrative Code. The effective date of this Chapter shall be **January 1, 1995**.

19.02 ADMINISTRATION

The provisions of this ordinance shall be administered by the Village Administrator at the direction of the Village of Pulaski Board.

19.03 DEFINITIONS

- (a) **DEFINITIONS.** For the purposes of this Chapter, the following definitions shall apply:
- (1) **"Bi-Metal Container"** means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.

- (2) **"Bulky Waste"** means discarded articles of such size as are not regularly collected with residential waste including, but not limited to, appliances, furniture, plumbing fixtures and windows and doors.
- (3) **"Construction Waste"** means waste from building construction or demolition, alteration or repair, including, but not limited to excavated material and other materials such as brick, concrete, stone, asphalt, wood, lumber, sod and related debris.
- (3) **"Container Board"** means corrugated paperboard used in the manufacture of shipping containers and related products.
- (4) **"Department"** means the Pulaski Department of Public Works.
- (3) **"Foam Polystyrene Packaging"** means packaging made primarily from foam polystyrene that satisfies one 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.
- (6) **"Garbage"** means waste resulting from the handling, cooking, processing, serving, storage and consumption of food, including animal, fish, fowl, vegetables and other matter which is subject to decomposition, decay, putrefaction and the generation of noxious or offensive gases or odors.
- (4) **"HDPE"** means high density polyethylene, labeled by the SPI code #2.
- (5) **"LDPE"** means low density polyethylene, labeled by the SPI code #4.
- (6) **"Magazines"** means magazines and other materials printed on similar paper.
- (7) **"Major Appliance"** means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, stove, furnace, boiler, dehumidifier and water heater.
- (8) **"Multiple-Family Dwelling"** means a property containing 5 or more residential units, including those which are occupied seasonally.
- (9) **"Newspaper"** means a newspaper and other materials printed on newsprint.
- (10) **"Non-Residential Facilities and Properties"** means commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.
- (11) **"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.

- (12) **"Other Resins or Multiple Resins"** means plastic resins labeled by the SPI code #7.
- (13) **"Person"** includes any individual, corporation, partnership, association, local governmental unit, as defined in §66.299(1)(a), Wis. Stats., state agency or authority or federal agency.
- (14) **"PETE"** means polyethylene terephthalate, labeled by the SPI code #1.
- (15) **"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
- (16) **"Postconsumer Waste"** means a solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in §144.61(5), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in §144.44(7)(a)1, Wis. Stats.
- (17) **"PP"** means polypropylene, labeled by the SPI code #5.
- (18) **"PS"** means polystyrene, labeled by the SPI code #6.
- (19) **"PVC"** means polyvinyl chloride, labeled by the SPI code #3.
- (20) **"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.
- (21) **"Solid Waste"** has the meaning specified in §144.01(15), Wis. Stats.
- (22) **"Solid Waste Facility"** has the meaning specified in §144.43(5), Wis. Stats.
- (23) **"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.
- (24) **"Waste Tire"** means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
- (25) **"Yard Waste"** means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than 6 inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

19.04 SEPARATION OF RECYCLABLE MATERIALS

- (a) **SEPARATION OF RECYCLABLE MATERIALS REQUIRED.** Occupants of single family and 2 and 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, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins
 - (14) Steel containers
 - (15) Waste tires
- (b) **SEPARATION REQUIREMENT EXEMPTIONS.** The separation requirements of sub(a) do not apply to the following:
- (1) Occupants of single-family and 2 to 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 sub(a) 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% of the heat input to the facility is derived from the solid waste burned as supplemental fuel.
 - (3) A recyclable material specified in Sec. 19.03(a)(5) through (15) for which a variance has been granted by the Department of Natural Resources under §159.11(2m), Wis. Stats., or §NR 544.14, Wis. Administrative Code.
- (c) **CARE OF SEPARATED RECYCLABLE MATERIALS.** To the greatest extent practicable, the recyclable materials separated in accordance with this Chapter 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. Pending collection and removal from the property, recyclable materials shall be stored in a manner which protects

them from wind, rain and other inclement weather conditions.

19.05 MANAGEMENT OF LEAD ACID BATTERIES, MAJOR APPLIANCES, WASTE OIL AND YARD WASTE

- (a) **REQUIREMENTS.** The following shall apply to occupants of single-family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties:
- (1) The care and disposal of lead acid batteries, major appliances, waste oil and yard waste shall be in such manner as shall be specified by the Village Board in conjunction with its authority hereunder and in its operation of a municipal recycling center. Lead-acid batteries should be returned to the place where they were purchased. Waste tires should be taken where they were purchased.
 - (2) Waste oil should be taken where it was purchased or brought to the Village of Pulaski Waste Oil depository at the Village Shop, 419 East Pulaski Street.
 - (3) The management of yard waste shall be subject to such compost site rules as the Village Board shall adopt by resolution.
 - (4) These rules can be changed to meet DNR requirements by resolution of the Village Board.
 - (5) The Village will provide a collection service for residences of up to four (4) units who receive refuse collection service from the Village upon such schedule as the Village shall adopt and maintain for the following items:
 - a. residential air conditioners
 - b. clothes dryers and washers,
 - c. dishwashers,
 - d. freezers,
 - e. microwave oven (from which the capacitor has been removed)
 - f. ovens
 - g. refrigerators and stoves,
 - h. furnaces and boilers
 - i. dehumidifiers
 - j. water heaters.
 - (6) The Village Board may charge a fee by resolution for the collection and disposal of major appliances and other bulky waste.
 - (7) All property owners, except those owning residences of four or less units, shall be responsible for their own disposal of major appliances, bulky waste, recyclable materials and compostable yard waste. The disposal of major appliances shall be handled through a State approved disposal facility.

- (b) **RESERVATION OF AUTHORITY.** The Village Board reserves the right to establish policies and procedures for the care, handling and disposal of lead acid batteries, major appliances, waste oil and yard waste in accordance with State standards.

19.06 PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS

- (a) **REQUIREMENTS.** Occupants of single-family and 2 to 4 unit residences shall comply with such policies and procedures established by the Department or the Village Board for the preparation and collection of the following materials:

- (1) Aluminum containers
- (2) Bi-metal containers
- (3) Bulky Waste
- (4) Corrugated paper or other container board
- (5) Foam polystyrene packaging
- (6) Glass containers
- (7) Magazines
- (8) Newspaper
- (9) Office paper
- (10) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins
- (11) Steel containers
- (12) Waste tires
- (13) Yard Waste

- (b) **SEPARATION.** Occupants of single-family and 2 to 4 unit residences shall separate the following recyclable materials for collection in the containers provided by and through the Village:

- (1) Aluminum containers
- (2) Bi-metal containers
- (3) Corrugated paper or other container board
- (4) Foam polystyrene packaging
- (5) Glass containers
- (6) Magazines
- (7) Newspaper
- (8) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins
- (9) Steel containers

19.07 RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF MULTIPLE-FAMILY DWELLINGS

- (a) **RECYCLING REQUIREMENTS.** Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in Sec. 19.03(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) **EXEMPTIONS.** The requirements specified in sub(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 Sec. 19.03(a)(5) through (15) from solid waste in as pure a form as is technically feasible.

19.08 RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF NON-RESIDENTIAL FACILITIES AND PROPERTIES

- (a) **RECYCLING REQUIREMENTS.** Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in Sec. 19.03(a)(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) **EXEMPTIONS.** The requirement specified in sub(a) do not apply to the owners or designated agents of non-residential facilities and properties if the

postconsumer 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 Sec. 19.03(a)(5) through (15) from solid waste in as pure a form as technically feasible.

19.09 PROHIBITIONS ON DISPOSAL OF RECYCLABLE MATERIALS SEPARATED FOR RECYCLING

- (a) **PROHIBITIONS.** 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 Sec. 19.03(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.
- (b) **ENFORCEMENT.**
 - (1) For the purpose of ascertaining compliance with the provisions of this Chapter, any authorized officer, employee or representative of the Village 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 who requests access for purposes 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 Chapter may be issued a citation by the Village or its authorized agent to collect forfeitures under the provisions of this Chapter and under the provisions of §159.95, Wis. Stats. 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 paragraph.
 - (3) Penalties for violating this Chapter may be assessed as follows:
 - a. Any person who violates Sec. 19.09(a) may be required to forfeit \$50.00 for a first violation, \$200.00 for a second violation, and not more than \$2,000.00 for a third or subsequent violation.
 - b. Any person who violates a provision of this Chapter, except Sec. 19.09(a), may be required to forfeit not less than \$10.00 nor more than \$1,000.00 for each violation.
 - (4) In addition to any forfeitures under sub(3) hereof, the Village may refuse to pick up, collect or otherwise take possession of any waste or

recyclable material not properly separated in accordance with the provisions of this Chapter.

19.10 **INFECTIOUS WASTE AND SHARPS**

- (a) **PURPOSE.** The purpose of this Section is to outline those infectious wastes and "sharps" materials which are prohibited from entering the solid waste and recycling stream and to outline the disposal methods for such waste in the Village of Pulaski consistent with Ch. NR 526, Wis. Adm. Code, Wisconsin's Medical Waste regulations.
- (b) **DEFINITIONS.** For the purposes of this Section, the following definitions shall apply:
- (1) **"Home Generator of Infectious Waste"** means a person who generates infectious waste through self-administration of medication or who receives injected medication at home from other members of the household or from employees of a home care or hospice program under s. NR 500.03 (102), Wis. Adm. Code.
 - (2) **"Infectious Waste"** means solid waste that contains pathogens with sufficient virulence and in sufficient quantity that exposure of a susceptible human or animal to the solid waste could cause the human or animal to contract an infectious disease under s. 159.07(7)(c)1.c., Stats.
 - (3) **"Sharps"** means household sharps, specifically hypodermic needles, syringes with needles attached, scalpel blades and lancets as specified in s. NR 526.05(1)(a) and s. NR 500.03 (209), Wis. Adm. Code.
 - (4) **"Sharps Collection Station"** means any clinic, hospital or pharmacy which has registered with the Department of Natural Resources. The sharps collection stations will distribute one (1) gallon sharps collection containers and education materials to household sharps users. The sharps collection stations will accept full sharps collection containers for disposal.
 - (5) **"Solid Waste"** means any garbage, refuse sludge from a waste water treatment plan, water supply treatment plant or air pollution control facility and other discarded or salvageable materials, including solid, liquid, semi-liquid or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include solids or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permit under ch. 147, Stats., or source, special nuclear or by-product material as defined under s. 140.52, Stats., and s. 144.01(15), Stats.
 - (6) **"Sterilization"** means a process by which all forms of microbial life, including spores, viruses and fungi, are destroyed under s. NR 500.03

(223), Wis. Adm. Code.

- (c) **CERTAIN SHARPS DISPOSAL METHODS PROHIBITED.** In addition to the other waste disposal provisions of this Chapter, the following specific prohibitions shall also apply:
- (1) Contaminated, unused or disinfected sharps which may include hypodermic needles, syringes with needles, scalpel blades, lancets, broken glass vials, broken plastic vials and laboratory slides shall not be placed curbside for collection with normal refuse or placed with recyclables and no person may deposit sharps in the solid waste or recycling streams.
 - (2) Business and Agricultural sharps generators may not use the Brown County Household Sharps Collection Program.
- (d) **REQUIRED DISPOSAL METHODS.** The following disposal methods for infectious waste and sharps materials shall apply:
- (1) Home generators of infectious waste shall package discarded sharps properly to reduce the risk to the people who will be treating and handling those sharps and shall dispose of such waste in the manner provided in Ch. NR 526 of the Wisconsin Administrative Code or through the Brown County Household Sharps Collection Program which has established and maintained "sharps collections stations" to service household generators of sharps with a need to dispose of home generated sharps and such disposal complies with these regulations.
 - (2) Business and agricultural sharps generators shall deposit and dispose of sharps in accordance with applicable state regulations set forth in Ch. NR 526, Wis. Adm. Code.
- (e) **ENFORCEMENT.** The violation of any provision of this Section by any person, firm, corporation or agent, employee or officer, shall be subject to a forfeiture of not less than \$200.00 nor more than \$500.00 plus court costs. *(Ord. #366)*

19.11 COLLECTION OF SOLID WASTE AND RECYCLABLES

- (a) **SINGLE-FAMILY AND 2 TO 4 UNIT RESIDENCES.** The Village or the Village's designated solid waste and recycling collection agent shall be responsible for the collection of solid waste and recyclable materials as defined herein from single-family and 2 to 4 unit residences within the Village upon such collection schedule as may, from time to time, be established by the Village. The Village, through its designated solid waste and recyclable materials collection agent, shall arrange for the provision of solid waste and recyclable material collection containers for use by single-family and 2 to 4 unit residences.
- (b) **MULTI-FAMILY DWELLINGS AND NON-RESIDENTIAL FACILITIES OR PROPERTIES.** The Village shall not collect solid waste, recyclable materials or other waste products from multifamily dwellings or non-residential facilities or properties. The owners of multifamily dwellings or non-residential facilities or properties shall be responsible for the collection and disposal of all solid waste, recyclable materials and other waste generated by or from those properties in a manner that shall not create a nuisance or hazard by and through responsible licensed commercial solid waste and recyclable material collectors. *(Ord. No. 523-13)*