

ORDINANCE NO. 2015-1

SECTION 6-4-1 TITLE OF CHAPTER

This Chapter shall be known, cited and referred to as the "Mandatory Recycling Ordinance". It shall replace Ordinance No. 1994-1.

SECTION 6-4-2 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 S.287.11, Wis. Stats. and Chapter NR 544, Wis. Administrative Code.

SECTION 6-4-3 STATUTORY AUTHORITY

This ordinance is adopted as authorized under S.287.09(3)(b), Wis. Stats.

SECTION 6-4-4 ABROGATION AND GREATER RESTRICTIONS

It is not intended by this ordinance 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 ordinance imposes greater restrictions, the provisions of this ordinance shall apply.

SECTION 6-4-5 INTERPRETATION

In their interpretation and application, the provisions of this ordinance 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 ordinance may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this ordinance is required by Wis. Statutes, or by a standard in Chapter NR 544, Wis. Admin. Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Chapter NR 544 standards in effect on the date of the adoption of this ordinance, or in effect on the date of the most recent text amendment to this ordinance.

SECTION 6-4-6 SEVERABILITY

Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

SECTION 6-4-7 APPLICABILITY

The requirements of this ordinance apply to all persons within the boundaries of the Village of Saint Cloud.

SECTION 6-4-8 ADMINISTRATION

The provisions of this ordinance shall be administered by the Village Board of Saint Cloud.

SECTION 6-4-9 EFFECTIVE DATE

The provisions of this ordinance shall take effect on April 9, 2015 A.D.

SECTION 6-4-10 DEFINITIONS

For the purpose of this ordinance:

1. 'Bi-metal container' means a container for carbonated or malt beverage that is made primarily of a combination of steel and aluminum.
2. 'Container Board' means corrugated paperboard used in the manufacture of shipping containers and related products.
3. 'HDPE' means high density polyethylene plastic containers marked by the SPI code No.2.
4. 'LDPE' means low density polyethylene plastic containers marked by the SPI code No.4.
5. 'Magazines' means magazines and other materials printed on similar paper.
6. 'Major Appliance' means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator or stove.
7. 'Mixed or other plastic resin types' means plastic containers marked by the SPI code No.7.

SECTION 6-4-10 DEFINITIONS (Continued)

8. 'Multi-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. 'Person' includes any individual, corporation, partnership, association, local government unit, as defined in S.66.299(1)(a), wis. Stats., state agency or authority or federal agency.
13. 'PETE' means polyethylene terepntthalate plastic containers marked by the SPI code No.1.
14. 'Postconsumer waste' means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in S.287.01(7), wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in S.287.01(17)(a)1., wis. Stats.
15. 'PP' means polypropylene plastic containers marked by the SPI code No.5.
16. 'PS' means polystyrene plastic containers marked by the SPI code No.6.
17. 'PVC' means polyvinyl chloride plastic containers marked by the SPI code No.3.

SECTION 6-4-10 DEFINITIONS (Continued)

18. '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; newspapers; office paper; plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS, and mixed or other resin types; steel containers; waste tires; and bi-metal containers.
19. 'Solid waste' has the meaning specified in S.289.01(33), wis. Stats.
20. 'Solid waste facility' as the meaning specified in S.289.01(35), wis. Stats.
21. '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.
22. 'Waste tire' means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
23. '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.
24. '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.
25. '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.

SECTION 6-4-11 SEPERATION OF RECYCLABLE MATERIALS

Occupants of single family and 2 to 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. Newspapers or other materials printed on newsprint
12. Office paper
13. Plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and mixed or other plastic resin types
14. Steel containers
15. Waste tires

SECTION 6-4-12 SEPARATION REQUIREMENTS EXEMPTED

The separation requirements of S.6-4-11 do not apply to the following:

1. Occupants of single family and 2 to 4 unit residences, multi-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 S.6-4-11 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 S.6-4-11 for which a variance or exemption has been granted by the Department of Natural Resources under sS. 159.07(7)(d) or 159.11(2m). wis. Stats. or S.NR 544.14, wis. Administrative Code.

SECTION 6-4-13 CARE OF SEPARATED RECYCLABLE MATERIALS

To the greatest extent practicable, the recyclable materials separated in accordance with S.6-4-11 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.

SECTION 6-4-14 MANAGEMENT OF LEAD ACID BATTERIES, MAJOR APPLIANCES, WASTE OIL & YARD WASTE

Occupants of single family and 2 to 4 unit residences, multi-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 facility approved for disposal by the Wisconsin Department of Natural Resources.
2. Major appliances shall be taken to a facility approved for disposal by the Wisconsin Department of Natural Resources.
3. Waste oil shall be taken to a facility approved for disposal by the Wisconsin Department of Natural Resources.
4. Yard waste shall be taken to a facility approved for disposal by the Wisconsin Department of Natural Resources.

SECTION 6-4-15 PREPARATION & COLLECTION OF MATERIALS

Except as otherwise directed by the Village Board of Saint Cloud.

Occupants of single family and 2 to 4 unit residences shall do the following for the preparation and collection of the separated materials specified in S.6-4-11(5) through (15):

1. Aluminum containers shall be crushed and placed in the recycle bin provided by hauler.
2. Bi-metal containers shall be cleaned and crushed and placed in the recycle bin provide by hauler.
The labels do not have to be removed.

3. Corrugated paper or other container board shall tied securely in a bundle which weighs no more than seventy (70) pounds and placed on top of recycle bin.
4. Foam polystyrene is not collected.
5. Glass containers shall be cleaned and placed in the recycle bin provided by the hauler. The labels do not have to be removed.
6. Magazines or other materials printed on similar paper shall be tied securely in a bundle or bagged in at least a double (one inside the other) large brown paper shopping bag. These bags or bundles should weigh no more than seventy (70) pounds and be placed on top of the recycle bin.
7. Newspapers or other materials printed on newsprint shall be tied securely in a bundle or bagged in at least a double (one inside the other) large brown paper shopping bag. These bags or bundles should weigh no more than seventy (70) pounds and be placed on top of the recycle bin.
8. Office paper shall be tied securely in a bundle or bagged in at least a double (one inside the other) large brown paper shopping bag. These bags or bundles should weigh no more than seventy (70) pounds and be placed on top of the recycle bin.
9. Plastic containers shall be prepared and collected as follows:
 - a. Plastic containers made of PETE, shall be cleaned, covers removed, and placed in the recycle bin provided by hauler.
 - b. Plastic containers made of HDPE, shall be cleaned, covers and lids removed, then crushed and placed in the recycle bin provided by hauler.

SECTION 6-4-16 RESPONSIBILITIES OF OWNERS OF MULTI-FAMILY
DWELLINGS

Owners of multi-family dwellings shall do all of the following for recycling the materials specified in S.6-4-11(5) through (15):

- a. Provide adequate, separate containers for the recyclable materials.
- b. Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
- c. 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.
- d. Notify tenants of reasons to reduce the 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.

The requirements specified above do not apply to the owners of multi-family dwellings if the postconsumer 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 S.6-4-11(5) through (15) from solid waste in as pure a form as is technically feasible.

SECTION 6-4-17 RESPONSIBILITIES OF OWNERS OF NON-RESIDENTIAL FACILITIES AND PROPERTIES.

Owners of non-residential facilities and properties shall do all of the following for recycling the materials specified in S.6-4-11(5) through (15):

- a. Provide adequate, separate containers for the recycled materials.
- b. Notify in writing, at least semi-annually, all users, tenants, and occupants of the properties about the established recycling program.
- c. 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.
- d. 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.

The requirements specified above do not apply to the owners 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 S.6-4-11(5) through (15) from solid waste in as pure a form as is technically feasible.

SECTION 6-4-18 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 S.6-4-11(5) through (15) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

SECTION 6-4-19 ENFORCEMENT

Any authorized officer, employee, or representative of the Village of St. Cloud may inspect recyclable materials separated by recycling, postconsumer waste intended for disposal, collection sites and facilities, collection vehicles, collection areas of multi-family dwellings and non-residential facilities and properties, solid waste disposal facilities and solid waste treatment facilities, and any records relating to recycling activities, for the purpose of ascertaining compliance with the provisions of this ordinance.

No person may refuse access to any authorized officer, employee or authorized representative of the Village of St. Cloud who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.

Any person who violates a provision of this ordinance may be issued a citation by a member of the Saint Cloud Village Board or village employee 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 matter shall not preclude the issuance of a citation under this paragraph.

Penalties for violating this ordinance may be assessed as follows:

- a. Any person who violates S.6-4-18 may be required to forfeit \$50 for a first violation, \$200 for a second violation, and not more than \$2000 for a third or subsequent violation.
- b. Any person who violates a provision of this ordinance, except S.6-4-18, may be required to forfeit not less than \$10 nor more than \$1000 for each violation.

c. Plastic containers made of PVC, are not collected.

d. Plastic containers made of LDPE are not collected.

e. Plastic containers made of PP are not collected.

f. Plastic containers made of PS are not collected.

g. Plastic containers made of mixed or other
plastic resin types are not collected.

10. Steel containers shall be cleaned and crushed and
placed in the recycle bin provided by the hauler.

11. Waste tires shall be taken to a facility approved
for disposal by the Wisconsin Department of
Natural Resources.