

STATE OF WISCONSIN WAUKESHA COUNTY VILLAGE OF EAGLE

ORDINANCE # 208

An Ordinance to Create Chapter 50 SOLID WASTE of the Municipal Code

Whereas the Village of Eagle Municipal Code has a current recycling program,

And whereas the Village of Eagle does not have a Municipal Code on handling Solid Waste and Recycling,

Be it resolved that Chapter 50 SOLID WASTE be created and added to the Village of Eagle Municipal Code as follows;

(See start of Chapter 50 SOLID WASTE on next page)

Chapter 50

SOLID WASTE

| | | |
|-------|--|----|
| 50.01 | GENERAL..... | 2 |
| A. | PURPOSE..... | 2 |
| B. | DEFINITIONS. | 2 |
| 50.02 | COLLECTION AND DISPOSAL..... | 2 |
| A. | APPLICABILITY. | 2 |
| B. | STORAGE..... | 2 |
| C. | COLLECTION AND TRANSPORTATION..... | 3 |
| D. | DISPOSAL..... | 4 |
| E. | FEES..... | 4 |
| 50.03 | RECYCLING..... | 5 |
| A. | PURPOSE | 5 |
| B. | AUTHORITY | 5 |
| C. | ABROGATION AND GREATER RESTRICTIONS | 5 |
| D. | INTERPRETATION AND APPLICATION | 5 |
| E. | APPLICABILITY | 5 |
| F. | DEFINITIONS..... | 5 |
| G. | DUMPING | 7 |
| H. | NONDISPOSABLE MATERIALS | 7 |
| I. | GARBAGE FROM OUTSIDE OF MUNICIPALITY..... | 8 |
| J. | USE OF RECYCLING FACILITIES | 8 |
| K. | SEPERATION OF RECYCLABLE MATERIALS..... | 8 |
| L. | MANAGEMENT OF WASTE | 8 |
| M. | RESPONSIBILITY OF MULTI-FAMILY DWELLINGS | 9 |
| N. | RESPONSIBILITY OF NONRESIDENTIAL FACILITIES AND PROPERTIES..... | 10 |
| O. | COLLECTION..... | 10 |
| P. | UNAUTHORIZED COLLECTION..... | 10 |
| Q. | ADMINISTRATION | 11 |
| R. | PENALTY FOR VIOLATION OF CHAPTER..... | 11 |

50.01 GENERAL

- A. PURPOSE.** The Village Board finds participation in a mandatory source separation recycling program appropriate in this jurisdiction to conserve available landfill capacity and comply with relevant state law. The village further finds it appropriate to participate in recycling programs to conserve energy, recycle valuable resources, and to protect public health, welfare and the environment.
- B. DEFINITIONS.** The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
- (1) Garbage means discarded material resulting from the handling, processing, storage, preparation, serving and consumption of food.
 - (2) Refuse means combustible and noncombustible discarded material including, but not limited to, trash, rubbish, paper, wood, metal, glass, plastic, rubber, cloth, ashes, litter and street rubbish, sewage treatment residue, industrial wastes, dead animals, mine tailings, gravel pit and quarry spoils, toxic and hazardous wastes and material and debris resulting from construction or demolition.
 - (3) Salvageable material means discarded material no longer of value as intended, but which is stored or retained for salvage, sale or future reuse.
 - (4) Solid waste means as specified in W.S.A., § 144.01(15).
 - (5) Toxic and hazardous wastes means waste materials such as pesticide, acids, caustics, pathological wastes, radioactive materials, flammable or explosive materials and similar chemicals and harmful wastes which require special handling and disposal to protect and conserve the environment.

50.02 COLLECTION AND DISPOSAL

- A. APPLICABILITY.** Provisions of this article govern the storage, collection, transportation, treatment utilization, processing and disposal of solid waste by any person for the protection of the environment in the village.
- B. STORAGE.**
- (1) The owner and occupant of any nonresidential premises, business establishment or industry shall be responsible for the sanitary storage of all

solid waste accumulated at the premises, business establishment or industry.

- (2) Garbage and similar putrescible waste shall be stored in:
 - (a) Durable, rust resistant, nonabsorbent, watertight, rodent-proof and easily cleanable containers, with close fitting, fly-tight covers and having adequate handles or bails to facilitate handling; or
 - (b) Other types of containers acceptable to the village and conforming to the intent of this article. The size and allowable weight of the containers shall be limited to containers holding not more than 95 gallons, nor weighing more than 75 pounds except where dumpsters are used
 - (c) Refuse shall be stored in durable containers or as otherwise provided in this article.
 - (d) Toxic or hazardous materials or substances shall be stored in watertight, tightly covered, adequately labeled containers and in a safe location.
 - (e) All containers for the storage of solid waste shall be maintained in such a manner as to prevent the creation of a nuisance or menace to public health.
 - (f) Containers which are broken or otherwise fail to meet requirements of this section shall be replaced by the owner with acceptable containers.
 - (g) Objects too large or otherwise unsuitable for storage containers shall be stored in a nuisance free manner and consistent with the directions of the village.

C. COLLECTION AND TRANSPORTATION

- (1) The owner and occupant of any nonresidential premises, business establishment or industry shall be responsible for the satisfactory collection and transportation of all solid waste accumulated at that premises, business establishment or industry to a solid waste disposal site or facility established for, or approved by, the village for such purpose. Collection and transportation shall be arranged by said owner or occupant
- (2) Collection and transportation of solid waste for industrial properties, including junked automobiles, demolition material, mine tailings, gravel pit

and quarry spoils, toxic and hazardous waste material and debris resulting from construction or demolition and incineration residue shall be removed by the owner. Accumulations thereof shall not be permitted to be stored on the premises for a period exceeding ten days.

- (3) Vehicles or containers used for the collection and transportation of any solid waste shall be loaded and moved in such a manner that the contents will not fall, leak or spill therefrom, and shall be covered when necessary to prevent the blowing of material. Where spillage does occur, the material shall be picked up immediately by the collector or transporter and returned to the vehicle or container and the area properly cleaned.

D. DISPOSAL

- (1) No person shall dispose of any solid waste, including salvageable material, at any site, facility or property within the village limits, except at an approved site established by the village board. The director of public works shall be empowered to establish rules and regulations for the use, maintenance, operation, hours of operation, and quantity and type of material acceptable. Solid waste not acceptable within the approved disposal site shall be disposed of by the owner outside the village limits, at his own cost and expense. Any such site located within the village limits, or owned by the village, shall be limited to the use by residents of the village only.
- (2) Disposal of solid waste by burning shall not be permitted within the village limits, except in residential areas where yard waste burning may be permitted. Such burning must be done in such a manner as not to constitute a public nuisance as set forth in section 15.01(4), and further may be restricted where the fire chief determines that a fire hazard may or does exist.

E. FEES

- (1) Fee payment for all nonresidential premises, business establishments or industry are arranged directly with their waste collector/hauler.
- (2) Residential garbage/recycling fees are negotiated annually by the village board and a trash collector/hauler, with fees charged to residential home owner along with their tax bill.

- (3) At such time that the village's garbage/recycling fees are increased, then the amount charged above may be amended by resolution of the village board.

50.03 RECYCLING

A. PURPOSE - The purpose of this article is to promote recycling, composting and resource recovery through the administration of an effective recycling program, as provided in W.S.A., § 159.11, and chapter NR 544, Wis. Adm. Code.

B. AUTHORITY - This article is adopted as authorized under W.S.A., § 159.09(3)(b), and Wis. Adm. Code, NR 544.04(2) and 544.06.

C. ABROGATION AND GREATER RESTRICTIONS - It is not intended by this section 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.

D. INTERPRETATION AND APPLICATION - 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 state 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 state statute, or by a standard in chapter NR 544, Wis. Adm. Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the state statutes and the chapter NR 544 standards in effect on the date of the adoption of the ordinance from which this section derives, or in effect on the date of the most recent text amendment of this chapter.

E. APPLICABILITY - The requirements of this chapter shall apply to all persons and entities within the corporate limits of the village.

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

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

- (2) **Container board** means corrugated paper board used in the manufacture of shipping containers and related products.
- (3) **Foam polystyrene packing** 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; and
 - (c) Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.
- (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 or white goods** means a residential or commercial air conditioner, clothes washer, dishwasher, freezer, residential or commercial furnace, boiler, dehumidifier, water heater, oven, refrigerator, stove or microwave oven if the capacitor has not been removed.
- (8) **Multiple-family dwelling** means a property containing five or more residential units, including those which are occupied seasonally.
- (9) **Newspaper** means a newspaper and other materials printed on newsprint.
- (10) **Nonresidential 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 nonresidential 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) **Persons** means any individual, corporation, partnership, association, local governmental unit, as defined in W.S.A., § 66.299(1)(a), 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 solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in W.S.A., § 144.61(5), waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in W.S.A. § 144.44(7)(a)(1).
- (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** means 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; ridged 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 facility** means as specified in W.S.A., § 144.43(5).
- (22) **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. The word "treatment" includes incineration.
- (23) **Waste tire** means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
- (24) **Yard waste** means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than six inches in diameter. This term does not include stumps, roots or shrubs with intact root balls or ornamental Christmas trees.

G. DUMPING - It shall be a violation of this chapter for any person or entity to dump, leave or otherwise place any solid waste or recyclable materials on property not owned by such individual or entity except or as otherwise directed by the village or its agents.

H. NONDISPOSABLE MATERIALS - It shall be unlawful for any person to place for disposal any of the following wastes: Hazardous and toxic wastes, chemicals, explosives, flammable liquids, paint, trees and stumps, construction debris,

carcasses, medical wastes unless such wastes are personal needles which shall be contained in a sharps container to eliminate injury to collection personnel.

I. GARBAGE FROM OUTSIDE OF MUNICIPALITY - It shall be unlawful to bring refuse for disposal (and recyclables) from outside the corporate limits into the village unless authorized by agreement with the village.

J. USE OF RECYCLING FACILITIES - The recycling facilities of the village shall be solely for the use of village residents and businesses located within the corporate limits of the village.

K. SEPERATION OF RECYCLABLE MATERIALS - Occupants of residential single-family and two to four unit residences shall separate the following materials from postconsumer waste, except as expressly provided in this section.

Nonresidential properties should check with their waste hauler for recyclables.

- (1) Electronic equipment, TV's, computers, monitors, etc.
- (2) Major appliances;
- (3) Waste oil;
- (4) Yard waste;
- (5) #1 -2 Plastic bottles;
- (6) Aluminum containers;
- (7) Bi-metal containers and aerosol cans;
- (8) Glass containers;
- (9) Corrugated cardboard, paper or other container board;
- (10) Magazines and books;
- (11) Newspaper;

L. MANAGEMENT OF WASTE - Occupants of residential single-family and two to four unit residences, properties shall manage recyclables, lead acid batteries, major appliances, waste oil, yard waste and tires as follows:

- (1) All recyclable material (items 5 -11 above) can be mixed together, placed in the plastic recycling bin and placed at the curb at the time set forth in section 50.03.O.
- (2) Major appliances, large items, tires and lead acid batteries that are whole and unbroken, may be placed curbside, adjacent to the recycling bin, at the time set forth in section 50.03.O.

- (3) Waste oil may be placed curbside in securely sealed gallon containers identified as "OIL", and placed adjacent to the recycling bin at the time as set forth in section 50.03.O.
- (4) Yard waste shall be managed by the citizen through a compost program. Yard waste may taken to the Village compost site during dates and hours posted by the Village.
- (5) Electronic items such as televisions, computers, monitors, etc. may be disposed of by the resident making arrangements with a waste hauler or taking it to a Waukesha County approved electronics recycling location.
- (6) All other nonhazardous mixed trash should be bagged and placed in brown cart for weekly pickup.

M. RESPONSIBILITY OF MULTI-FAMILY DWELLINGS

- (1) Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in section 50.03.K:
 - (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 semiannually 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 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.
- (2) The requirements specified in subsection (a) of this section do not apply to the owners or designated agents of multiple-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 section 50.03.K from solid waste in as pure a form as is technically feasible.

N. RESPONSIBILITY OF NONRESIDENTIAL FACILITIES AND PROPERTIES

Owners or designated agents of nonresidential facilities and properties shall do all of the following to recycle the materials specified in section 50.03.K:

- (1) Provide adequate, separate containers for the recyclable material.
- (2) Notify, in writing, at least semiannually, 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.

O. COLLECTION –

- (1) All recyclable materials and all solid waste shall be placed at the curb or road edge for pickup not more than 24 hours before the collection date. The brown cart and plastic recyclable container shall be removed within eight hours following the pickup. Date of collection shall be determined by the clerk's office and the contractor, subject to emergency situations. Collection dates shall be uniform on a weekly basis. Collection of dumpsters shall be by agreement of the owner and contractor.
- (2) Collection dates for lead-acid batteries, waste oil and large home trash items are set for monthly or bi-monthly pickup. Contact the clerk's office for dates.
- (3) The contractor may refuse to furnish collection service to any person not complying with or refusing to comply with this section.

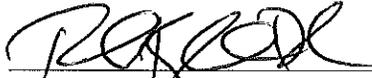
P. UNAUTHORIZED COLLECTION - All solid waste and recyclable materials placed at the curb by users of the village's refuse collection service, as provided through its authorized hauling agent for collection, become the property of the village or its authorized hauling agent from the time of placement at the curb. It shall be a violation of this section for any person unauthorized by the village to collect or cause to be collected these items.

Q. ADMINISTRATION - The provisions of this section shall be administered by the village board or its designees.

R. PENALTY FOR VIOLATION OF CHAPTER - A penalty for the violation of this chapter shall be as provided in Section 30.04

Passed and approved this 14 day of June, 2012.

VILLAGE OF EAGLE.



Richard Spuffell, Village President

Attest



Jeanne O'Brien, Village Clerk