

## CHAPTER 7

### WASTE MANAGEMENT/RECYCLING ORDINANCE

#### 7.01 WASTE MANAGEMENT ORDINANCE

(1) **TITLE/PURPOSE.** This ordinance is entitled the "Village of New Auburn Waste Management Ordinance". The purpose of this ordinance is to document and provide to the public; Village Board; persons engaged in waste collection, recycling, and solid waste enterprises; and members of the public the provisions of the waste management system for the Village of New Auburn.

(2) **ADOPTION OF ORDINANCE.** The Village Board hereby establishes by these sections and this ordinance license, registration and permit ordinances to regulate and control, by ordinance:

(A) Persons engaged in certain uses, activities, businesses and operations in the Village of New Auburn.

(B) To regulate, by these licenses, registrations and permits, the persons engaged in these uses, activities, businesses and operations at certain locations within the Village of New Auburn.

(C) To assess these persons with appropriate fees for the licenses, registrations or permits.

(D) To enforce, by revocation or penalty, the provisions of these ordinances and the provisions of the license, registration and permit.

#### (3) **GENERAL PROVISIONS**

(A) The Village of New Auburn prohibits, unless specifically exempted by this ordinance or by order of the Village Board, any person from collecting solid waste or hazardous waste in the Village of New Auburn where the waste is intended to be ultimately disposed, stored, treated or recycled at a waste facility or recycling operation in the Village or where the waste is intended to be ultimately disposed, stored, treated or recycled at a waste facility or recycling operation outside the Village unless that person has a Village of New Auburn Waste Collection Permit.

(B) The Village of New Auburn prohibits, unless specifically exempted by this ordinance or by order of the Village Board, any person from disposing, storing, treating or recycling solid waste or hazardous waste in the Village of New Auburn unless that person has the appropriate waste permit issued by the Village.

(C) The Village of New Auburn requires, unless specifically exempted by this ordinance or by order of the Village Board, any person with a Village of New Auburn Waste Management Permit, of any type, knowing of any of the below noted occurrences

shall report these occurrences to the Village Clerk within forty-eight (48) hours of the occurrence:

**(1)** Any hazardous waste entering or exiting any waste facility or recycling operation in the Village of New Auburn.

**(2)** Any fire, explosion or other emergency hazardous condition at or near any waste facility or recycling operation in the Village of New Auburn.

**(3)** Any groundwater, surface water or air pollution occurring at or near any waste facility or recycling operation in the Village of New Auburn.

**(4)** Any permanent, emergency or temporary closing of any waste facility or recycling operation in the Village of New Auburn.

**(D)** The Village of New Auburn requires, unless specifically exempted by this ordinance or by order of the Village Board, any person authorized by the appropriate permit issued by and the conditions in the permit established by the Village to collect or transport solid waste or hazardous waste in the Village to deposit with the Village Clerk an insurance policy or certificate of liability insurance covering all waste transport vehicles of the person with said policy to be issued by an insurance company licensed to do business in the State of Wisconsin and with the minimum amount of insurance coverage to be One Million Dollars (\$1,000,000.00) per occurrence.

**(E)** The Village of New Auburn prohibits any solid waste or hazardous waste discharge in any public or private land in the Village by any person, except in containers authorized by this ordinance or authorized by order of the Village Board or except in permitted or exempted waste facilities or recycling operations authorized by this ordinance or authorized by order of the Village Board. The Village of New Auburn prohibits the littering of solid waste or hazardous waste by any person on any public or private land in the Village without written approval of the Village Board.

**(F)** The Village of New Auburn prohibits any person not authorized by the Village from collecting, scavenging and/or removing any solid waste or hazardous waste from the property owned or leased by a third party or from lands owned or leased by the Village or from other public lands where the solid waste or hazardous waste has been deposited temporarily near or at the curbside, street, highway or road in the Village for the intent and purpose of collection and removal of the waste by permitted waste transporters or other persons authorized by the Village.

**(G)** The Village of New Auburn prohibits, unless specifically exempted by this ordinance or by order of the Village Board, any person to place or permit another to place any waste in the waste containers or receptacles at any waste collection location in the Village unless the waste placed in the waste container or receptacle was from the premises served by the waste container or receptacle. Moreover, the Village prohibits any person from placing any recyclable materials in the recycling containers or receptacles at any recycling collection location in the Village unless the recyclable material placed in the

recycling containers or receptacles was from the premises in the Village serviced by the recycling container or receptacle.

**(H)** The Village of New Auburn prohibits, unless specifically exempted by this ordinance or by order of the Village Board, any yard waste, trees, shrub, brush, weeds, and other vegetation from being intentionally discharged or intentionally deposited by any person upon any sidewalks, roadways, streets, alleys, highways or other public lands in the Village of New Auburn.

**(I)** The Village of New Auburn requires, unless specifically exempted by this ordinance or by order of the Village Board, that any persons owning or leasing real property in the Village shall be responsible, in a timely manner to collect and remove litter and/or recyclable materials, to properly remove in a timely manner any discharges of solid waste, hazardous waste or recyclable material from their residential, commercial, or industrial establishments in the Village. These persons shall be responsible in a timely manner to reasonably keep the property in a clean and orderly condition and to avoid causing any private or public nuisance in the Village.

**(J)** The Village of New Auburn prohibits, unless specifically exempted by this ordinance or by order of the Village Board, any person from intentionally discharging or depositing any solid waste, hazardous waste, recyclable materials or any other waste material on or along any sidewalk, roadway, street, alley or highway in the Village, in any water in the Village, on the ice of any water in the Village, or on any public property in the Village of New Auburn unless the premises is permitted for deposit or discharge of the particular waste by the Village Board. The Village of New Auburn prohibits any person from failing to remove, within thirty (30) days or otherwise abandon any automobile, boat or other vehicle in any waters in the Village of New Auburn.

**(K)** The above two (2) prohibitions against discharging waste do not apply to any person who places solid waste or recyclable materials in a waste container or receptacle as authorized by order of the Village Board and by this ordinance for solid waste collection and removal along any sidewalk, roadway, street, alley, highway, or other public or private property in the Village nor does it apply to any person who stores, disposes, treats, deposits or discharges solid waste or recyclable material in conformity with Chapters 30, 31, 144, or 147, (1993-1994) Wisconsin Statutes, or in conformity with any permit, license or other approval by the Wisconsin Department of Natural Resources or the Waste Facility Siting Board, in conformity with this ordinance or in conformity with a permit issued by the Village of New Auburn.

**(L)** The Village of New Auburn requires, unless specifically exempted by this ordinance or by order of the Village Board, that any person storing, treating, disposing, discharging or depositing any type of waste in the Village of New Auburn shall dispose, store, treat, discharge, or deposit such waste in a proper manner to not lead to or constitute a private or public nuisance in the Village. This provision shall apply regardless if the person disposing, storing, treating, discharging or depositing the waste has a permit to discharge issued by the Wisconsin Department of Natural Resources or the Village of New Auburn or otherwise is authorized to dispose, store or treat waste by the Waste

Facility Siting Board, the State Department of Natural Resources or by the Village Board.

**(M)** The Village of New Auburn shall negotiate and attempt to enter into an annual or multi-year contract with a licensed waste hauler for the purposes of providing the collection and removal of solid waste and recyclable material from residential establishments on a regular basis in the Village. A residential establishment shall include an agricultural establishment for purposes of collection and removal of residential solid waste and recyclable materials. The final negotiated contract with the licensed waste hauler shall be drafted and approved by the Village Board. The collection and removal services to be provided shall be placed for bid by the Village Board. However, no person shall be excluded by the Village of New Auburn from collecting and removing solid waste, hazardous waste or recyclable materials from residential, commercial or industrial establishments in the Village provided the person has obtained a waste collection permit from the Village Board.

**(N)** The Village of New Auburn shall receive written notice from every commercial or industrial establishment in the Village by March 1st as to the arrangements or contracts that these establishments have made for services for collection and removal of solid waste, hazardous waste, or recyclable materials. No person, by oral or written contract, shall collect and remove solid waste, hazardous waste or recyclable materials from any commercial or industrial establishment in the Village without receiving a Village of New Auburn Waste Collection Permit. All written or oral waste collection contracts shall be directly between the permitted waste hauler and the commercial or industrial establishment. The Village of New Auburn has no obligation to arrange nor obligation to pay for any costs associated with collection and removal of commercial waste or industrial waste in the Village of New Auburn.

**(O)** The Village of New Auburn requires that all waste haulers collecting and removing solid waste, recyclable material or hazardous waste in the Village, regardless of whether the waste hauler has any contract with the Village or with any other person in the Village shall apply for and obtain a permit from the Village of New Auburn in order to provide waste collection services in the Village.

**(4) SPECIAL PERMIT**

**(A) Waste Permit**

**(1) Coverage.** Every person, pursuant to Chapters 61, 144, 146, 159, 160 and 823, (1993-1994) Wisconsin Statutes and this ordinance, who, with exceptions and exemptions herein noted, collects, disposes, stores, treats, or recycles solid waste or hazardous waste in the Village of New Auburn, shall seek and obtain an appropriate waste management permit from the Village of New Auburn prior to collecting, transporting, disposing, storing, treating, or recycling any solid waste or hazardous waste in the Village of New Auburn. The permits under this ordinance shall be issued by the Village Board of the Village of New Auburn unless specifically noted to the contrary.

**(a)** The Village Board has established separate permits as

follows:

1. Waste Collection Permit - \$25.00
2. Charitable Organization Permit - \$2.00
3. (List Others)

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**(b)** The Village Board has approved all of the above noted required permits and the fees for each permit. The application for a permit shall be processed by the Village within forty-five (45) days of the receipt of a complete and proper application form.

**(c)** Waste management permits shall be issued on an annual basis, commencing on January 1st of each year unless a special monthly or weekly permit is authorized by the Village Board. The appropriate waste management permit or permits shall be issued by the Village Clerk prior to any person collecting, transporting, disposing, storing, or treating solid waste or hazardous waste or recyclables in the Village of New Auburn. No permit shall be issued by the Village Clerk of the Village of New Auburn without Village Board approval, except:

(List)

Charitable Organization Permit

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**(d)** The Village Board shall not approve any permit unless the Village Board is fully satisfied the applicant has been and will remain in reasonable compliance with the conditions of this ordinance, with the permit and with any conditions established by the Village Board in the permit.

**(2) Application/Permit.** The application and the permit shall designate the premises and areas in the Village wherein the person requests the permitted use, activity or operation. The application and the permit shall describe the permitted waste use, waste activity or waste operation. The permit or conditions to the permit may not be amended if the person desires to change the designated premises or area, nor may it be transferred from one person to another. The application shall, at a minimum, include:

- (a) The name of the applicant.
- (b) The address of the applicant.
- (c) The business and residential telephone numbers of applicant, if any.
- (d) The type of permit requested, the application fee required, if any, and the bond required, if any.
- (e) The application date.
- (f) The general dates requested for hearing and for the issuance of any permit.
- (g) The age of the applicant, if applicable.
- (h) The agent of the applicant, if any.
- (i) The designated premises or area in the Village of New Auburn for waste use, waste activity or waste operation, including legal description and current zoning, if any.
- (j) The proposed Plans of Operation for the activity or operation, including plans for construction, operation, maintenance, closure and long-term care.
- (k) The type and amount of equipment to be used in the operation or activity.
- (l) The proposed plans for public nuisance control and environmental protection.
- (m) The likely routes of travel and hours of travel in the Village of New Auburn for waste use, waste activity, or waste operation.
- (n) The past experience of the applicant in the use, activity or operation for which the permit is requested.

**(3) Condition of Permit.** As a condition of any permit issued, the permittee agrees to make quarterly reports to the Village of New Auburn or its designee showing the amount of recyclables and solid waste collected by the permittee, the source of the recyclables and solid waste, the ultimate disposal site, and/or the ultimate recycling center. Permittee shall furnish such additional statistics as may be reasonably required to enable the Village of New Auburn to apply for recycling grants and to make other reports as may be required by the State of Wisconsin, Department of Natural Resources.

**(4) Report Forms.** All reports shall be made on report forms provided by the Village of New Auburn and shall be reported on a quarterly basis unless waived or otherwise required by the Village of New Auburn.

**(5) Exemptions**

**(a)** This ordinance shall not apply to or govern animal waste transportation, animal waste disposal, animal waste storage, animal waste treatment or animal waste landspreading by any persons wherein the animal waste is a by-product from an agricultural operation in the Village of New Auburn and wherein the animal waste is transported to or disposed, stored, treated or landspread by the persons on land that the person or members of his or her family owns, occupies, or leases within the Village of New Auburn.

**(b)** This ordinance shall not apply to or govern the waste facilities operated and maintained as sanitary privies, seepage beds or septic tanks which conform to any applicable ordinances in the Village of New Auburn, shall not apply to or govern the disposal, storage or treatment of human waste products into any public domestic sewage system located in the Village nor the landspreading of human waste in the Village.

**(c)** This ordinance shall not apply to or govern facilities used for the landspreading of non-hazardous solid waste from a residential facility or agricultural operations where the owner, occupant or lessee of the land also owns, occupies or leases the land used for solid waste disposal.

**(d)** This ordinance shall not apply to or govern waste facilities receiving only sludge from a publicly owned treatment works or a privately owned domestic sewage treatment works having a permit under Chapter 147, (1993-1994) Wisconsin Statutes, provided the sludge disposal is accomplished in accordance with the requirements of the permit.

**(e)** This ordinance shall not apply to or govern waste facilities used exclusively for the disposal of waste regulated under Section 146.20 (1993-1994) Wisconsin Statutes.

**(f)** This ordinance shall not apply to or govern waste facilities used for disposal of treated liquid municipal or industrial waste water approved under Section 144.04, (1993-1994) Wisconsin Statutes, or permitted under Chapter 147, (1993-1994) Wisconsin Statutes.

**(g)** This ordinance shall not apply to or govern waste facilities used for the land spreading of whey.

**(h)** This ordinance shall not apply to or govern waste facilities used for the landspreading of vegetable waste from canned, frozen or preserved fruit and vegetable processing operations. Waste facilities operated and maintained as pit

silos that are used for storage of by-products from fruit, vegetable or grain processing operations where such by-products are to be used for animal feed are exempt from this ordinance.

(i) This ordinance shall not apply to or govern waste facilities used for the landspreading of composting leaves, grass, brush and other similar vegetable matter. Waste facilities for high volume industrial waste or wood residue where the waste is stored at the point of generation for less than seventy-two (72) hours prior to being transported for disposal or beneficial re-use and the waste facility is operated and maintained in an environmentally sound manner and in a manner so as not to make a public nuisance are exempt from this ordinance.

(j) This ordinance shall not apply to or govern waste facilities operated and maintained as demolition waste disposal facilities having a design capacity of less than fifty thousand (50,000) cubic yards. Waste facilities operated and maintained as auto junk yards or as scrap metal salvage yards are exempt from this ordinance if the only product recycled at these facilities is scrap iron, steel or non-ferrous metal.

(k) This ordinance shall not apply to or govern abandoned and closed waste facilities.

(l) (List other exemptions)

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**(6) Ordinance/Permit**

(a) The persons subject to this ordinance shall comply with Chapters 61, 66, 144, 146, 159, 160, and 823, (1993-1994) Wisconsin Statutes and this ordinance.

(b) The Village Clerk shall provide copies of this ordinance at no cost to any applicant requesting a copy under this ordinance.

(c) The applicant and the persons subject to this ordinance shall comply as follows:

1. No person shall be issued or reissued a waste management permit until the appropriate application fee has been paid to the Village Clerk and the appropriate bond, if any, has been received by the Village Clerk. The Village Board shall establish the application permit fees and bonds by November 15th.

2. No person shall be issued or reissued a waste management permit who has failed to properly and fully complete and submit to the



Village Clerk of the Village of New Auburn the application form developed and provided by the Village, including the appropriate application permit fee and bond.

**3.** No person shall be issued or reissued a waste management permit if the applicant or permittee:

**a.** Fails to specifically agree in writing to the conditions established by the Village Board in the permit or fails to comply with any written agreement or conditions in the permit.

**b.** Fails to specifically agree in writing to specific conditions established by the Village Board in the permit to require applicant to correct malfunctions or public nuisances at the waste facility or in the waste use, waste activity or waste operation in a timely manner upon notice by the Village Board or fails to comply with any written agreement or conditions in the permit.

**c.** Fails to specifically agree in writing to specific conditions established by the Village Board in the permit to have the applicant provide reasonable physical access to the waste facility in the Village for inspection purposes to the Village Board and its designees or fails to comply with any written agreement or conditions in the permit.

**d.** Fails to specifically agree in writing to specific conditions established by the Village Board in the permit to have the applicant provide in a timely manner reasonable financial records regarding the waste facility operations or the transportation operations in the Village of New Auburn or fails to comply with any written agreement or conditions in the permit.

**e.** Fails to specifically agree in writing to specific conditions established by the Village Board in the permit to have the applicant provide in a timely manner reasonable records regarding source, amount and type of waste involved with the waste facility operations or transportation operations in the Village of New Auburn or fails to comply with any written agreement or conditions in the permit.

## **7.02 RECYCLING ORDINANCE**

(1) **TITLE.** Recycling Ordinance for the Village of New Auburn.

(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 § 287, Wis. Stats., and Ch. NR 544, Wis. Adm. Code.

(3) **STATUTORY AUTHORITY.** This Ordinance is adopted as authorized under § 287.09, Wis. Stats.

(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.

(5) **INTERPRETATION.** In their interpretation and application, the sections 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 statute. Where any terms or requirements of this Ordinance may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a section of this Ordinance is required by statute or by a standard in Wis. Admin. Code ch. NR 544 and where the provision is unclear, the provision shall be interpreted in light of the statute and the Wis. Admin. Code ch. NR 544 standards in effect on the date of the adoption of the Ordinance from which this Ordinance is derived or in effect on the date of the most recent text amendment to this Ordinance.

(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.

(7) **APPLICABILITY.** The requirements of this Ordinance apply to all persons within the Village of New Auburn.

(8) **ADMINISTRATION.** The provisions of this Ordinance shall be administered by the Village of New Auburn and other authorized employees and representatives given administrative duties by the Village Board.

(9) **EFFECTIVE DATE.** The provisions of this Ordinance shall take place effect on the 24<sup>th</sup> day of August, 2007.

(10) **DEFINITIONS.** The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(A) **“Bimetal container”** means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.

(B) **“Container board”** means corrugated paperboard used in the manufacture of shipping containers and related products.

(C) **“Drop-off site”** means the site designated by the Village Board from time to time for drop-off of recyclables.

(D) **“Foam polystyrene packaging”** means packaging made primarily from foam polystyrene that satisfies one of the following criteria:

(1) Is designed for serving food or beverages.

(2) Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.

(3) Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.

(E) “**HDPE**” means high density polyethylene, labeled by the SPI Code #2.

(F) “**LDPE**” means low density polyethylene, labeled by the SPI Code #4.

(G) “**Magazines**” means magazines and other materials printed on similar paper.

(H) “**Major appliance**” means a residential or commercial air conditioner, clothes dryer, clothes washer, computer and computer components, dishwasher, freezer, oven, refrigerator or stove; residential and commercial furnaces, boilers, dehumidifiers and water heaters; and allowing the disposal of microwaves if the capacitor has been removed.

(I) “**Multiple-family dwelling**” means a property containing five or more residential units, including those which are occupied seasonally.

(J) “**Newspaper**” means a newspaper and other materials printed on newsprint.

(K) “**Nonresidential facilities and properties**” means commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple-family dwellings.

(L) “**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.

(M) “**Other resins or multiple resins**” means plastic resins labeled by the SPI Code #7.

(N) “**Person**” includes any individual, corporation, partnership, association, local governmental unit as defined in Wis. Stats. § 66.0131(1) (a), state agency or authority or federal agency.

(O) “**PETE**” means polyethylene terephthalate, labeled by the SPI Code #1.

(P) “**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.

(Q) “**Postconsumer waste**” means solid waste other than solid waste generated in the production of goods, hazardous waste as defined in Wis. Stats. § 291.01(7), waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in Wis. Stats. § 289.01(17).

(R) “PP” means polypropylene, labeled by the SPI Code #5.

(S) “PS” means polystyrene, labeled by the SPI Code #6.

(T) “PVC” means polyvinyl chloride, labeled by the SPI Code #3.

(U) “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 bimetal containers.

(V) “Solid waste” has the meaning specified in Wis. Stats. § 289.01(33).

(W) “Solid waste facility” has the meaning specified in Wis. Stats. § 289.01(35).

(X) “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.

(Y) “Waste tire” means a tire that is no longer suitable for its original purpose because of wear, damage or defect.

(Z) “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.

(11) **SEPARATION OF RECYCLABLE MATERIALS**. Occupants of single-family and two- to four-unit residences, multiple-family dwellings and nonresidential facilities and properties shall separate the following materials from postconsumer waste:

(A) Lead acid batteries.

(B) Major appliances.

(C) Waste oil.

(D) Yard waste.

(E) Aluminum containers.

(F) Bimetal containers.

(G) Corrugated paper or other container board.

(H) Foam polystyrene packaging.

(I) Glass containers.

(J) Magazines.

(K) Newspapers.

(L) Office paper.

(M) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins.

(N) Steel containers.

(O) Waste tires.

(12) **SEPARATION REQUIREMENTS EXEMPTED.** The separation requirements of Section 7.02(11) do not apply to the following:

(A) Occupants of single-family and two- to four-unit residences, multiple-family dwellings and nonresidential facilities and properties that send their post consumer waste to a processing facility licensed by the state department of natural resources that recovers the materials specified in Section 7.02(11) 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 30 percent of the heat input to the facility is derived from the solid waste burned as supplemental fuel.

(C) A recyclable material specified in Section 7.02(11) (A) through (O) for which a variance has been granted by the Department of Natural Resources under Wis. Stats. § 287.11(2m) or Wis. Admin. Code § NR 544.14.

(13) **CARE OF SEPARATED RECYCLABLE MATERIALS.** To the greatest extent practicable, the recyclable materials separated in accordance with Section 7.02(11) shall be clean and kept free of contaminants such as food or product residue, oil, grease or other nonrecyclable 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.

(14) **MANAGEMENT OF LEAD ACID BATTERIES, MAJOR APPLIANCES, WASTE OIL AND YARD WASTE.** Occupants of single-family and two- to four-unit residences, multiple-family dwellings and nonresidential facilities and properties shall manage lead acid batteries, major appliances, waste oil and yard waste as follows:

(A) Lead acid batteries shall be taken to the Village's authorized collection site or taken to a waste processing and recycling facility.

(B) Major appliances shall be taken to a waste processing and recycling facility.

(C) Waste oil shall be taken to the Village's authorized collection site or taken to a waste processing and recycling facility.

(D) Yard waste shall be placed curbside for pickup by the Village.

**(15) PREPARATION AND DELIVERY OF RECYCLABLE MATERIALS.**

Except as otherwise directed by the Village of New Auburn, occupants of single-family and two- to four-unit residences shall do the following for the preparation and delivery of the separated materials specified in Section 7.02(11)(E) through (O):

(A) Aluminum containers, steel, and bi-metal containers shall be clean and labels removed, and delivered to the Village's drop-off site or taken to a recycling facility.

(B) Corrugated paper or other container board shall be flattened, and delivered to the Village's drop-off site or taken to a recycling facility.

(C) Foam polystyrene packaging shall not be recycled now but will be when markets become available.

(D) Glass containers shall be clean and unbroken and delivered to the Village's drop-off site or taken to a recycling facility.

(E) Magazines, newspapers, office paper and junk mail shall be tied or bundled, kept dry, and delivered to the Village's drop-off site or taken to a recycling facility.

(F) Rigid plastic containers shall be prepared and collected as follows:

(1). Plastic containers made of PETE, only pop and liquor bottles, shall be clean, and delivered to the Village's drop-off site or taken to a recycling facility.

(2). Plastic containers made from HDPE, including milk bottles, shall be clean and delivered to the Village's drop-off site or taken to a recycling facility.

(3). The following shall be collected when markets become available: plastic containers made of PVC, plastic containers made of LDPE, plastic containers made with PP, plastic containers made of PS, and plastic containers made of other resins or multiple resins.

(G) Waste tires shall be disposed of by delivering them to a recycling service under contract with the Village or delivering them to a county-wide tire recycling

program and are subject to the charges currently approved by the Village under any recycling services contract or as may be charged by the County.

**(16) 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 7.02(11) (E) through (O):

**(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 semiannually thereafter about the established recycling program.

**(3)** Provide for the collection of the materials separated from the solid waste by the tenants and 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) 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 state department of natural resources that recovers for recycling the materials specified in Section 11 (E) through (O) from solid waste in as pure a form as is technically feasible.

**(17) RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF NON-RESIDENTIAL FACILITIES AND PROPERTIES.**

**(A)** Owners or designated agents of nonresidential facilities and properties shall do all of the following to recycle the materials specified in Section 7.02(11) (E) through (O):

**(1)** Provide adequate, separate containers for the recyclable materials.

**(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 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 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) of this section do not apply to the owners or designated agents of nonresidential facilities if the postconsumer waste generated within the dwelling is treated at a processing facility licensed by the state department of natural resources that recovers for recycling the materials specified in Section 11 (E) through (O) from solid waste in as pure a form as is technically feasible.

**(18) PROHIBITIONS ON DISPOSAL OF RECYCLABLE MATERIALS SEPERATED FOR RECYCLING.** 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 Section 11 (E) through (O) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

**(19) EDUCATIONAL PROGRAMS.** The Village Board shall coordinate and develop the educational programs necessary to implement this Village recycling Ordinance.

**(20) COMPLIANCE ASSURANCE PLAN.** The Village has adopted the Compliance Assurance Plan set forth at Appendix R.

**(21) LARGE OUTDOOR EVENTS.**

**(A)** Organizers and sponsors of outdoor events and owners of the real estate where outdoor events are held, with 20 or more persons attending, including but not limited to fairs, concerns, contests, sports events, shows, performances, reunions, social or business gatherings, with or without charge, on private or public property, where food or beverage is served shall, to the extent reasonably possible, provide an adequate number of clearly identified containers for recycling the materials set forth in 7.02 (11) (E) through (O).

**(B)** As soon as practicable after the event is completed, all recyclable materials shall be delivered by the organizer, sponsor, or real estate owner of his designee, to the local recycling center designated to receive same.

**(C)** To the extent reasonably possible, attendees of all such events shall deposit said materials to the provided containers; no such materials shall be placed or disposed of in a garbage or refuse container. All deposited material shall be clean and free of food particles.

**(22) PARKS, WAYSIDES, BALLFIELDS, AND RECREATION AREAS**

**(A)** All municipally owned or operated parks, waysides, ball fields and recreational areas shall, to the extent reasonably possible have clearly identified containers for recycling the materials set forth in 7.02. (11) (E) through (O). These material products shall be regularly removed and delivered to the local recycling center designated to receive same.



**(B)** No person shall deposit to such containers any other materials and shall deposit to said containers only materials that are reasonably clean and free of food particles and other debris.

**(23) ADDITIONS/EXEMPTIONS.** The Village Board 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 municipality or its contractors. The municipality shall provide written notice to its service recipients of this declaration.

**(24) COLLECTION SCHEDULE.** The Village shall establish the yard waste collection schedule and the Clerk/Treasurer shall provide written notice of the collection schedule at least once each year or at any time when the collection schedule is changed.

**(25) SPECIAL MATERIALS.** Materials such as couches and bulky items shall be specially arranged with a licensed garbage hauler.

**(26) CONSTRUCTION MATERIALS.** For construction materials from remodeling or construction, arrangements are to be made by the individual with a licensed hauler.

**(27) RIGHT TO REJECT MATERIALS.** The drop-off site attendant or hauler has the right to reject or leave at the curb any recyclable material that is not prepared according to the specifications in this Ordinance or in educational materials or instructions provided by the contractor or Village to the service recipients. Materials may also be refused if not separated from solid waste and placed in the proper container. In such cases, the hauler or attendant shall notify the generator of the materials about the reasons for rejecting the items either in writing or verbally. The hauler shall also keep a list of such occurrences and provide it to the Village within a month of the occurrence.

**(28) HAULER LICENSING.** Haulers who collect solid waste or recyclables in the Village of New Auburn for disposal, storage, treatment, processing, or marketing shall obtain and maintain all necessary municipal and state permits, license and approvals prior to collecting any materials in the Village of New Auburn.

**(29)** Reserved for Future Use

**(30)** Reserved for Future Use

**(31)** Reserved for Future Use

**(32) ENFORCEMENT.**

**(A)** For the purpose of ascertaining compliance with this Ordinance, any authorized officer, employee or representative of the Village of New Auburn 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 nonresidential 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 of New Auburn who requests access for purpose of inspection and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.

**(B)** Any person who violates this Ordinance may be issued a citation by the Village of New Auburn. 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)** Any person who violates Section 7.02 (18) may be required to forfeit \$50.00 for a first violation, \$200.00 for a second violation, and no more than \$2,000.00 for a third or subsequent violation.

**(D)** Any person who violates a provision of this Ordinance, except Section 7.02 (18), may be required to forfeit not less than \$10.00 nor more than \$1,000.00 for each violation.

**(33) 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.