

Title 8 ► Chapter 4

Recycling

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Sec. 8-4-1 General Provisions.

- (a) **Title.** The title of this Chapter is the Recycling Ordinance for the Village of Bangor.
- (b) **Purpose.** The purpose of this Chapter is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in Sec. 159.11, Wis. Stats., and Ch. NR544, Wis. Adm. Code.
- (c) **Statutory Authority.** This Chapter is adopted as authorized under Sec. 159.09(3)(b), Wis. Stats.
- (d) **Abrogation and Greater Restrictions.** It is not intended by this Chapter to repeal, abrogate, annul, impair or interfere with any existing rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, whenever this Chapter imposes greater restrictions, the provisions of this Chapter shall apply.
- (e) **Interpretation.** In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of

any other power granted by Wisconsin Statutes. Where any terms or requirements of this Chapter may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this Chapter is required by Wisconsin Statutes, or by a standard in Ch. NR544, Wis. Adm. Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Ch. NR544 standards in effect on the date of the adoption of this Chapter, or in effect on the date of the most recent text amendment to this Chapter.

- (f) **Applicability.** The requirements of this Chapter apply to all persons within the Village of Bangor.
- (g) **Administration.** The provisions of this Chapter shall be administered by the Village of Bangor Village Board, Village Administrator, Director of Public Works, and their designees.

Sec. 8-4-2 Definitions.

- (a) For the purpose of this Chapter:
 - (1) **Aluminum cans** shall include used beverage cans only.
 - (2) **Bi-metal container** means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.
 - (3) **Collector** means the contractor selected by the Village to collect recyclables.
 - (4) **Container board** means corrugated paperboard used in the manufacture of shipping containers and related products.
 - (5) **Container glass** shall include container glass only. "Glass" does not include ceramic cups, dishes, ovenware, plate glass, safety and window glass, heat resistant glass such as pyrex, lead-based glass such as crystal, or TV tubes.
 - (6) **Corrugated cardboard** shall include corrugated cardboard only; it does not include waxed cardboard or chipboard such as cereal boxes, shoe boxes, and similar materials.
 - (7) **Foam polystyrene packaging** means packaging made primarily from foam polystyrene that satisfies one (1) of the following criteria:
 - a. Is designed for serving food or beverages.
 - b. Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.
 - c. Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.
 - (8) **Garbage** means and includes all waste resulting from the use, preparation, cooking or consumption of food.
 - (9) **Hazardous waste** means any substance or combination of substances, including any waste of a solid, semisolid, or gaseous form, which may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or which may pose a substantial present or potential

hazard to human health or environment because of its quantity, concentration or physical, chemical or infectious characteristics. This term includes but is not limited to, substances which are toxic, corrosive, flammable, irritants, strong sensitizers or explosives as determined by the Village.

- (10) **HDPE** means high density polyethylene, labeled by the SPI Code #2.
- (11) **LDPE** means low density polyethylene, labeled by the SPI Code #4.
- (12) **Magazines** means magazines and other materials printed on similar paper.
- (13) **Major appliance** means a residential or commercial air conditioner, clothes dryer, clothes washer, 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.
- (14) **Mixed papers** shall include all grades of papers, including: white, colored, ledger, shiny, coated, carbonless or NCR papers; envelopes, including windowed, labeled, and kraft; magazines, phone books, computer printout paper, glued pads and tablets, file folders, key punch cards, post-it notes, spiral notebooks, cereal boxes, shoe boxes, etc.; can include paper clips and staples; does not include hand towels or other paper products from restrooms, or soiled napkins and paper plates; also does not include carbon paper, cellophane, or any waxed paper.
- (15) **Multiple-family dwelling** means a property containing five (5) or more residential units, including those which are occupied seasonally.
- (16) **Newspapers** shall include newspapers and newspaper advertisements printed on newsprint, but does not include catalogues, magazines, cardboard, or other paper products.
- (17) **Non-recyclable material** means any material other than a recyclable material and includes garbage, rubbish and other solid waste, including but not limited to ashes, plastic material other than the type included within recyclable materials, ceramics, broken glass of all types, window glass, styrofoam, Pyrex, light bulbs, mirrors, china, waxed paper, waxed cardboard, furniture, carpeting, used clothing and other materials not defined as recyclable materials for purposes of this Chapter.
- (18) **Non-residential facilities and properties** means commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.
- (19) **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.
- (20) **Other resins or multiple resins** means plastic resins labeled by the SPI Code #7.
- (21) **Person** includes any individual, corporation, partnership, association, local governmental unit, as defined in Sec. 66.0131, Wis. Stats., state agency or authority or federal agency.,

- (22) **PETE** means polyethylene terephthalate, labeled by the SPI Code #1.
- (23) **Plastic bottles** shall include only plastic bottles clearly marked with the recycling emblem, encircling the #1 (PET or PETE) or the #2 (HDPE); does not include motor oil bottles, even if they are labeled #1 or #2.
- (24) **Postconsumer waste** means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in Sec. 144.61(5), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in Sec. 144.44(7)(a)1., Wis. Stats.
- (25) **PP** means polypropylene, labeled by the SPI Code #5.
- (26) **PS** means polystyrene, labeled by the SPI Code #6.
- (27) **PVC** means polyvinyl chloride, labeled by the SPI Code #3.
- (28) **Recyclable material** includes lead acid batteries, major appliances, waste oil, yard waste, aluminum containers, corrugated paper and other container board, glass containers, magazines, newspapers, office paper, rigid plastic containers including those of PETE and HDPE, steel containers, waste tires and bi-metal containers.
- (29) **Recyclable plastic** generally means high density polyethylene and polyethylene terephthalate plastic containers and specifically means any plastic containers described as recyclable on the list maintained at the office of the Village Administrator, which list is incorporated herein by reference and is subject to revision and updating at any time.
- (30) **Solid waste** has the meaning specified in Sec. 144.01(15), Wis. Stats.
- (31) **Solid waste facility** has the meaning specified in Sec. 144.43(5), Wis. Stats.
- (32) **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.
- (33) **Tin cans** shall include tin coated metal cans, and steel containers.
- (34) **Waste tire** means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
- (35) **Yard waste** means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than six (6) inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

Sec. 8-4-3 Separation or Recyclable Materials.

Occupants of single family and two (2) to four (4) unit residences, multiple-family dwellings and non-residential facilities and properties shall separate the following materials from postconsumer waste and recycle as provided below and in Section 8-4-6(a):

- (a) **Glass.** Rinse clean, remove lids. Separate by color. Labels may stay on. No broken glass, light bulbs, pyrex glass, or window glass.

- (b) **Metal Containers.** Rinse clean, remove labels, and flatten if desired. All aluminum, steel and bi-metal containers accepted. Place in recycling bin.
- (c) **Plastic.** Rinse clean, remove caps. Labels do not need to be removed. Flatten if desired. Place in recycling bin.
- (d) **Newspapers and Magazines.** Tie in twelve (12) inch bundles tied with cord (four-way cross) and put in recycling bin. Do not let paper get wet.
- (e) **Cardboard.** Flatten and bundle corrugated cardboard; remove tape and staples. Cut down in pieces no larger than four feet by four feet by eight inches (4' x 4' x 8"). No cardboard is allowed that has come into contact with food.
- (f) **Magazines.** Catalogs and other "gloss paper" — tie in twelve (12) inch bundles with heavy cord or baler twine, four-way cross or boxed and tied.
- (g) **Plastics.** All rigid plastic containers, including those made of PETE (#1), HDPE (#2), PVC (#3), LDPE (#4), PP (#5), PS (#6), and other resins or multiple resins (#7), must be separated, cleaned and placed in the recycling bin for collection.
- (h) **Large Items.** Large items such as bundles of carpet, couches, chairs, tables, dressers, mattresses, box springs, televisions, humidifiers, and lawnmowers (gas tank *empty*, oil *drained*) are picked up *four* times each year. These "Large Item" collections are *not* intended for boxes or bags of garbage that could fit into the Village garbage bags. Large items that are not acceptable for collection will be tagged so that it will be known why they were not collected.
- (i) **Computers.** For residential customers, computers may be included during "Large Item" collection at *no charge*. For commercial customers, computers may be included during "Large Item" collection, but will be charged a fee per monitor and a separate fee for computer parts.
- (j) **Computer Paper and Office Paper.** Bundled in no more than twelve (12) inch thick bundles, separated from all other paper and placed in recycling bin.
- (k) **Yard and Garden Waste.** Yard and garden waste will be collected on Monday and Friday. It must be bagged. Grass, leaves and garden waste only. No paper, glass, or other non-yard waste may be co-mingled. [Maximum pounds per bag is sixty (60) pounds].
- (l) **Major Appliances.** Appliances will be picked up on the same date as the "Large Items". These items should be placed where garbage and recyclables are normally placed. Appliances include items such as refrigerators, freezers (do not leave food in these appliances), stoves, dishwashers, microwaves, water heaters, air conditioners, dehumidifiers, and furnaces must be recycled in a special way. Collection fees for these items will be designated by the Village Board and must be paid for, by *noon* the Friday before the pickup date, to the Village Administrator.
- (m) **Brush and Branches.** Brush and branches will be collected and chipped *twice* each month, on the *first* and *third* Tuesday.
- (n) **Tires, Batteries, Waste Oil, and Construction Materials.** Tires, batteries, waste oil and construction materials are *not* being collected by the Village at this time. Residents must contract with haulers or other dealers for the disposal of these items.

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- (o) **Empty Paint Cans.** The paint can must be empty for recycling. A very thin skin of paint may be left on the bottom and sides of the can, but no more than that. The skin of paint must be dry. Leftover paint is normally unusable later.
- (p) **Empty Aerosol Cans.** Aerosol cans must be empty. The spray nozzles should not be removed for recycling. If the aerosol can has a snap-off plastic lid, remove it for recycling. Steel lids may stay on.

Sec. 8-4-4 Separation Requirements Exempted.

The separation requirements of Section 8-4-3 do not apply to the following:

- (a) Occupants of single family and two (2) to four (4) unit residences, multiple-family dwellings and non-residential facilities and properties that send their postconsumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in Section 8-4-3 from solid waste in as pure a form as is technically feasible.
- (b) Solid waste which is burned as a supplemental fuel at a facility if less than thirty percent (30%) of the heat input to the facility is derived from the solid waste burned as supplemental fuel.
- (c) A recyclable material specified in Section 8-4-3(a) through (f) for which a variance has been granted by the Department of Natural Resources under Sec. 159.11(2m), Wis. Stats., or NR544.14, Wis. Adm. Code.

Sec. 8-4-5 Care of Separated Recyclable Materials.

To the greatest extent practicable, the recyclable materials separated in accordance with Section 8-4-3 shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other non-recyclable materials, including but not limited to household hazardous waste, medical waste, and agricultural chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions.

Sec. 8-4-6 Collection Schedule; Standards and Locations.

- (a) **Collection.**
 - (1) **General Requirements.** The Village shall annually establish a schedule for refuse and recyclable collections. The Village may vary from or modify the schedule at any time as necessary. The Village Administrator shall publish/post the collection schedule at any time when the collection schedule is modified. Collection of

waste/recyclables will be made at curbside only. No items or materials shall be placed for curbside collection sooner than twenty-four (24) hours prior to the scheduled collection time as designated by the Village. Containers shall not remain at the curb longer than twelve (12) hours after the scheduled collection.

- (2) **Collection of Recyclables.** Recyclables will be collected every Monday morning. Residents shall place the recyclables bin at the same site where they place garbage bags. Recyclables include tin, aluminum, plastic #1 and #2, glass, newsprint and cardboard. If recyclables are not acceptable for some reason, they will be tagged so that the problem can be corrected. Residents can obtain recycling bins at the Village Hall. (Residents should use a black felt marker to write their address on both sides of the bin.)
- (3) **Collection of Garbage.** Special Village of Bangor garbage bags must be used for non-recyclable garbage to be picked up. These garbage bags shall be placed in the alleys, where they exist, or at a curbside/mailbox location where no alleys exist, by 6:00 a.m. on Mondays. Recyclable materials (tin, aluminum, plastic #1 and #2, glass newsprint, and cardboard) shall not be placed into the garbage bags. These materials shall be placed in the recycling bins. Village garbage bags may be purchased at the Bangor Village Hall, Bangor Municipal Utility and Hanson's IGA.
- (b) **Scavenging.** It shall be unlawful for any person to scavenge any refuse, recyclables, or waste placed for collection by another person without the express, written permission of such other person.
- (c) **Placement.**
 - (1) It shall be unlawful for the owner or occupant of any residence, residential unit, place of business or other facility which generates garbage, recyclables, or refuse of any type to dispose of that garbage, recyclables, or refuse in a manner which does not comply with this Chapter.
 - (2) All refuse shall be disposed of in plastic bags, where applicable, which shall be furnished at a cost to be determined by the Village Board. All recyclable material shall be separated from other garbage and refuse, shall be clean and kept free of contamination, shall be grouped together and shall be placed for collection in the same manner as regular garbage collection occurs in the Village of Bangor.

Sec. 8-4-7 Recyclable Materials Property of Village.

- (a) All recyclable materials placed out for collection as provided for in this Chapter shall, upon such placement, become the property of the Village's designated collector.
- (b) Only persons authorized by the Village to collect recyclable materials shall remove them from any premises where they have been placed out for Village-authorized collection.

Sec. 8-4-8 Responsibilities of Owners or Designated Agents of Multiple-Family Dwellings.

- (a) **Requirements for Owners of Multi-Family Dwellings.** Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in Section 8-4-3:
- (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 reason 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 site, locations and hours of operation, and a contact person or company, including a name, address and telephone number.
- (b) **Post-Consumer Processing Exception.** The requirements specified in Subsection (a) do not apply to the owners or designate agents of multiple-family dwellings if the postconsumer waste generated within the dwelling is treated at a processing facility licensed by the Wisconsin Department of Natural Resources that recovers for recycling the materials specified in Section 8-4-3 from solid waste in as pure a form as is technically feasible.

Sec. 8-4-9 Responsibilities of Owners or Designated Agents of Non-Residential facilities and Properties.

- (a) **Requirements for Owners of Non-Residential Properties.** Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in Section 8-4-3:
- (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 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) **Post-Consumer Processing Exception.** The requirements specified in Subsection (a) do not apply to the owners or designate agents of non-residential facilities if the postconsumer waste generated within the facility or property is treated at a processing facility licensed by

the Wisconsin Department of Natural Resources that recovers for recycling the materials specified in Section 8-4-3 from solid waste in as pure a form as is technically feasible.

Sec. 8-4-10 Prohibitions on Disposal of Recyclable Materials Separated 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 8-4-3(a) through (k) and Section 8-4-4 which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

Sec. 8-4-11 Authority of Village.

- (a) The Village shall be responsible for the enforcement of this Chapter.
- (b) The Village shall prepare rules and standards as necessary for the implementation of this Chapter.
- (c) From time to time, as appropriate, the Village shall prepare and distribute information to the Village residents regarding recycling or the requirements of this Chapter.

Sec. 8-4-12 Materials Not to Be Placed or Collected.

No person shall place for pickup, nor shall the collector or the Village pick up, any of the following materials:

- (a) Materials that do not comply with one or more of the requirements of this Chapter or do not comply with the rules or standards established by the Village.
- (b) Any hazardous substances or toxic chemicals, unless the Village specifically authorizes such disposal and/or collection.
- (c) It shall be unlawful to place a dead animal, or parts thereof, in a container for collection; provided, however, this Section shall not apply to animal parts from food preparation for human consumption.
- (d) It shall be unlawful to place hot ashes for collection.

Sec. 8-4-13 Miscellaneous Recycling Regulations.

- (a) **Village Purchasing of Recycled Content, Materials, Equipment and Supplies.** Pursuant to Sec. 16.72(2)(e) and (f), Wis. Stats., the Village of Bangor shall, to the extent

practicable, strive to purchase products made from recycled and recovered materials. Purchases shall include twenty-five percent (25%) recycled content of paper purchased by the Village. The Village of Bangor shall, to the extent practicable, award contracts for equipment and supplies based in part on recyclability and ultimate disposition of products to discourage the purchase of single-use disposable products and require purchase of multiple-use, durable products.

- (b) **Antiscavenging or Unlawful Removal of Recyclables.** It shall be unlawful for any person, unless under contract with or licensed by the Village of Bangor, to collect or remove any recyclable material that has been deposited or placed at the curb or in a container for the purpose of collection for recyclables.
- (c) **Right to Reject Materials.**
 - (1) The hauler has the right to reject or refuse to accept any refuse or recyclable material that is not prepared according to the specifications of the Chapter, or in education material provided by the contractor or Village to the service recipients.
 - (2) Recyclable materials may also be left or rejected if not separated from regular waste, or are not designated recyclable materials for collection. The hauler also has the right to refuse to collect any solid waste if it contains recyclable containers and materials. 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 Bangor Village Board at regular intervals.

Sec. 8-4-14 Enforcement.

- (a) For the purpose of ascertaining compliance with the provisions of this Chapter, any authorized officer, employee or representative of the Village of Bangor 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 of Bangor 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 a provision of this Chapter may be issued a citation by a Village of Bangor law enforcement officer or other authorized Village official. 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 this Chapter may be assessed a penalty per Section 1-1-6.