

ORDINANCE NO. OR17-__

**AN ORDINANCE AMENDING THE MUNICIPAL CODE,
CREATING CHAPTER 79, RECYCLING,
AS IT RELATES TO THE COLLECTION AND DISPOSAL OF RECYCLABLE
MATERIALS IN THE CITY OF BRILLION, CALUMET COUNTY, WISCONSIN**

The Common Council of the City of Brillion do ordain as follows:

SECTION I: Chapter 79, Recycling, is hereby created as follows:

Chapter 79 – RECYCLING

Sec. 79-1 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 Wisconsin Statutes Sec. 287.11 and Chapter NR 544, Wis. Administrative Code. This ordinance is adopted as authorized under section 287.09(3)(b) of the Wisconsin Statutes.

Sec. 79-2 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.

Sec. 79-3 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 Wisconsin Statutes, or by a standard in Chapter NR 544, Wis. Administrative 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.

Sec. 79-4 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.

Sec. 79-5 Applicability.

The requirements of this ordinance apply to all persons within the City of Brillion.

Sec. 79-6 Administration.

The provisions of this ordinance shall be administered by the City of Brillion Public Works Director.

Sec. 79-7 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:

Bi-metal container means a container for carbonated or malt beverages that are made primarily of a combination of steel and aluminum.

Brush and Branches means clean woody vegetative material no greater than 6 inches in diameter.

Container board means corrugated paperboard used in the manufacture of shipping containers and related products.

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.

HDPE means high-density polyethylene, labeled by the SPD code #2.

LDPE means low-density polyethylene, labeled by the SPE code #4.

Magazines means magazines and other materials printed on similar paper.

Major appliance means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, furnace, boiler dehumidifier, water heater or stove.

Multiple-family dwelling means a property containing three or more residential units, including those which are occupied seasonally.

Newspaper means a newspaper and other materials printed on newsprint.

Non-residential facilities and properties means commercial, retail, industrial and governmental facilities and properties. This term does not include multiple family dwellings.

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.

Other resins or multiple resins means plastic resins labeled by the SPI Code #7.

Person includes any individual, corporation, partnership, association, local governmental unit, as defined in Wisconsin Statutes Sec. 66.0131 state agency or authority or federal agency.

PETE means polyethylene terephthalate, labeled by the SPI code #1.

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.

Post consumer waste means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in Wisconsin Statutes 289.01, waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in Wisconsin Statutes 289.01.

PP means polypropylene, labeled by the SPI code #5.

PS means polystyrene, labeled by SPI code #6.

PVC means polyvinyl chloride, labeled by the SPI code #3.

Recyclable materials includes lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspaper; office paper; rigid plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins; steel containers; waste tires; and bi-metal containers.

Solid waste has the meaning specified in WI Statute 895.517 (1) (e)

Solid waste facility has the meaning specified in WI Statute 895.517 (1)(d)

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.

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

Yard waste includes all materials originating in the yard and garden, which are capable of natural decomposition, including leaves, grass clippings, and other vegetation

Recycling Container - Containers provided by the City of Brillion for use in curbside collection of recycling.

Sec. 79-8 Separation of Recyclable Materials.

Occupants of single family and 2 unit residences, multiple-family dwellings and non-residential facilities and properties shall separate the following materials from post consumer waste:

- (a) Lead acid batteries
- (b) Major appliances
- (c) Waste oil
- (d) Yard waste
- (e) Aluminum containers
- (f) Bi-metal containers
- (g) Corrugated paper or other container board
- (h) Foam polystyrene packaging
- (i) Glass containers
- (j) Magazines
- (k) Newspaper
- (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

Sec. 79-9 Exempt Property.

The separation requirements of Sec. 79-8 do not apply to the following:

- (a) Occupants of single family and 2 unit residences, multiple-family dwellings and non-residential facilities and properties that send their post consumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in Sec. 79-8 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% of the heat input to the facility is derived from the solid waste burned as supplemental fuel.
- (c) A recyclable material specified in Sec. 79-8 (e) through (o) for which a variance has been granted by the Department of Natural Resources under s.159.11(2m), Wis. Stats., or s. NR 544.14, Wis. Administrative Code.

Sec. 79-10 Care of Combined Recyclable Materials.

To the greatest extent practicable, the recyclable materials separated in accordance with Sec. 79-8 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. 79-11 Management of Lead Acid Batteries, Major Appliances, Waste Oil, Yard Waste and Tires. Lead acid batteries, major appliances, waste oil, yard waste, and tires are banned from the landfill. Occupants of single family and 2 unit residences, multiple-family dwellings and non-residential facilities and properties shall manage lead acid batteries, major appliances, waste oil and yard waste as follows:

- (a) Lead Acid Batteries shall be disposed of properly. Disposal costs are the responsibility of the generator.
- (b) Major appliances shall be disposed of properly. Any major appliance containing Freon (refrigerators, freezers, air conditioners, etc.) must have the Freon removed by a responsible vendor. Pickup and disposal costs are the responsibility of the generator. Microwave ovens may be disposed in the landfill if the capacitor is removed.
- (c) Waste Oil shall be disposed of properly. Disposal costs are the responsibility of the generator.
- (d) Yard waste, brush and branches shall be recycled on site where generated (i.e., composting or chipping) or disposed of by using one of the following two methods:
 1. Compost Site. Generators of yard waste, brush and branches may take them to the designated areas at the City garage located at 628 W. Ryan Street. Yard waste must be emptied from all containers, and the containers, including bags, removed for the site. Nothing other than yard waste may be disposed of at the Compost Site.

2. Curbside Collection. Brush and branches may be placed on the curbside the first Monday of the month, May – October. Branches and limbs must be no longer than six (6) feet in length and no more than six (6) inches in diameter, which are placed on the curbside in small piles. Small branches should be bundled or boxed.
- (e) Tires shall be disposed of by hauling them to a responsible vendor or arranging for a pickup. Pickup and disposal costs are the responsibility of the generator.

Sec. 79-12 Preparation and Collection of Recyclable Materials.

Recyclable materials specified in Sec. 79-8 (e) through (o) shall be co-mingled for curbside collection. Recyclable materials are subject to the same curbside placement and removal provisions as provided in Chapter 78.

Sec. 79-13 Responsibilities of Owners or Designated Agents of Multiple Family Dwellings That Do Not Have Recycling Containers Provided by the City.

- (a) Owners or designated agents of multiple-family dwellings that do not have recycling containers provided by the City shall do all of the following to recycle the materials specified in Sec. 79-8 (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 semi-annually thereafter about the established recycling program.
 3. Provide for the collection of the materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.
 4. Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.
- (b) The requirements specified in (a) do not apply to the owners or designated agents of multiple-family dwellings if the post consumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in Sec. 79-8 (e) through (o) from solid waste in as pure a form as is technically feasible.

Sec. 79-14 Responsibilities of Owners or Designated Agents of Non-Residential Facilities and Properties.

- (a) Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in Sec. 79-8 (e) through (o).
1. Provide adequate, separate containers for the recyclable materials.
 2. Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.
 3. Provide for the collection of the materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility.
 4. Notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.
- (b) The requirements specified in (a) do not apply to the owners or designated agents of non-residential facilities and properties if the post-consumer waste generated within the facility or property is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in Sec. 79-8 (e) through (o) from solid waste in as pure a form as is technically feasible.

Sec. 79-15 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 recycling materials defined in this chapter Sec. 79-8 (e) through (o) which have been separated for recycling.

Sec. 79-16 Enforcement.

- (a) For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the City of Brillion may inspect recyclable materials separated for recycling, post-consumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwelling 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 City of Brillion who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.

(b) Any violation of this ordinance shall be subject to the penalties provided in Sec. 1-17.

SECTION II: This ordinance shall take effect upon passage and publication as required by law.

Ordinance Number OR17-__ introduced and its adoption moved by Alderperson _____; and seconded by Alderperson _____.

Upon a pole vote thereon, the result was as follows:

- ___ Votes Cast
- ___ Votes Yes
- ___ Votes No

The Mayor declared Ordinance Number OR17-__ adopted, approved and signed the same this ___ day of October, 2017.

Gary Deiter
Mayor

Attested:

Lori M. Gosz, CMC
City Administrator/Clerk-Treasurer