

Village Of De Soto
Ordinance No.33

An Ordinance Pertaining to Recycling

The Village Board of the Village of DeSoto does ordain as follows: Pursuant to Section 159.09(3)(b) of the Wisconsin Statutes-

SECTION 1:

(A) Purpose: The purpose of this ordinance is to promote recycling, composting, and source recovery through the administration of an effective recycling program, as provided in Sec. 287 Wis. Statutes., and Chapter NR 544, Wis. Administrative Code,

(B) 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 its previously adopted or issued pursuant to law. However, whenever this Ordinance imposes greater restrictions, the provisions of this ordinance shall apply.

(C) Interpretation: In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements and shall be not 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, Wisconsin Administrative Code and, where the ordinance provision is unclear, the provision shall be interpreted in the light of the Wisconsin Statutes and the Chapter 544 standards in effect on the date of this Ordinance, or in effect on the date of the most recent text amendment of this ordinance.

(D) Administration: The provision of this ordinance shall be administered by the Village Board.

(E) Definitions: For the purposes of this ordinance:

1. "Magazines" means magazines and other materials printed on similar paper.
2. "Major appliance" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, water heater, freezer, microwave oven, oven, computer, monitor, television, refrigerator or stove.
3. "Multiple-family dwelling" means a property containing four (4) or more residential units, including those which are occupied seasonally.
4. "Newspaper" means a newspaper and other material printed on newsprint.

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

6. "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. The term does not include industrial process waste.

7. "Person" including any individual, corporation, partnership, association, local governmental unit, as defined in 66.299(10) (a), WI Statutes, state agency or authority or federal agency.

8. "Recyclable materials" includes lead acid batteries, major appliances, waste oil, yard waste, aluminum containers, corrugated paper or other container board, glass containers, magazines, newspaper, office paper, rigid plastic containers, including those made of PETE (SPI code #1), HDPE (SPI code #2), steel containers and waste tires.

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

(F) Separation of Recyclable Materials: Occupants of single family and two (2) to Four (4) unit residences, multiple family dwellings and nonresidential facilities and properties shall separate the following materials from post consumer waste:

1. Lead acid batteries.
2. Major appliances.
3. Waste oil.
4. Aluminum containers.
5. Tin cans.
6. Corrugated paper or other container board.
7. Glass containers.
8. Magazines.
9. Newspaper.
10. Office paper.
11. Rigid plastic containers made of PETE, or HDPE.
12. Steel containers.
13. Waste tires.

(G) Care of Separated Recyclable Materials: To the greatest extent practicable, the recyclable materials separated in accordance with Section 1F shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other nonrecyclable materials, including but not limited to household hazardous waste, medical waste and agricultural chemical waste. Recyclable materials shall be stored between collection dates in a manner which protects them from wind, rain, and other inclement weather conditions.

(H) Management of Lead Acid Batteries, Major Appliances, and Waste Oil:

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:

Lead acid batteries shall be given to the recycle agent during normal collection or brought to the Village on cleanup days.

1. Major appliances shall be given to the recycle agent during normal collection or brought to the Village on cleanup days.
2. Waste oil shall be given to the recycle agent during normal collection or brought to the Village on cleanup days.

(I) Preparation and Collection of Recyclable Materials:

Except as otherwise directed by the Village Board, occupants of single family and two (2) to four (4) unit residences and multiple families shall do the following for the preparation and collection of the separated materials specified in Section 1: F.

1. Aluminum containers shall be mixed together with other recyclables and placed on the curb on the designated collection day.
2. Metal containers shall be mixed together with other recyclables and placed at the curb on the designated collection day.
3. Corrugated paper or other container board shall be bundles (no larger than eight inches high), and placed at the curb on the designated collection day.
4. Glass containers shall be mixed together with other recyclables and placed at the curb on the designated collection day.
5. Magazines shall be bundled or put in a brown grocery bag and placed at the curb on the designated collection day.
6. Newspaper shall be bundled or put in a brown grocery bag and placed at the curb on the designated collection day.
7. Office paper shall be bundled in clean plastic bag and placed at the curb on the designated collection day.
8. Rigid plastic containers shall be prepared and collected as follows:
 - a) Plastic containers made of PETE (#1) or HDPE (#2), and plastics (#3-#7) shall be mixed together with other recyclables and placed at the curb on the designated collection day.
9. Steel containers shall be mixed together with other recyclables and placed at the curb on the designated collection day.
10. Waste tires shall be disposed at designated village location on cleanup day.
11. Multiple family residences shall place in the designated containers at the designated location.

(J) Responsibilities of Owners or Designated Agent of Nonresidential Facilities and Properties:

1. Owners or designated agents of nonresidential facilities and properties shall do all the following to recycle the materials specified in (F):
 - a) Provide adequate separate containers for the recyclable materials.
 - b) Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.

c) Provide for the collection of the materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling agent or facility.

d) Notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.

(K) 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 material specified in Section 1:F which may have been separated for recycling.

(L) Enforcement:

1. For the purpose of ascertaining compliance with the provisions of this ordinance, the person designated by the Village Board or his or her designee 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 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 the Village Board or his or her designee, who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper or interfere with such an inspection.
2. Any person who violates a provision of this ordinance may be issued a citation by the Village Board to collect forfeitures. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this paragraph.
3. Penalties for violating this ordinance may be assessed as follows:
 - a) Any person who violates a provision of this ordinance may be required to forfeit not less than ten dollars (\$10.00) nor more than one thousand dollars (\$1000.00) for each violation.

SECTION 2:

This ordinance shall become effective upon passage and publication.

Amended and Approved 04/11/01 and 2-3-07.

Adopted this 3rd day of February, 2007.

Chris Mussatti

Chris Mussatti
Village President

Attest: Carrie A. Brudos

Carrie A. Brudos
Clerk/Treasurer

Date Posted: 2-12-07