

CHAPTER 3

Refuse Disposal and Recycling

(Rev. 12/94, Ord. 1994-21)

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SEC. 8-3-1 FINDINGS AND DECLARATION OF PURPOSE.

The purpose of this Chapter is to regulate the collection, dumping, and disposal of garbage, rubbish, refuse and recyclable materials by persons, entities and municipalities within the Village of Marshall, and furthermore to promote recycling, composting, and resource recovery through the administration of a mandatory recycling program, as provided in Sec. 159.11, Wis. Stats., and Ch. NR 544, Wis. Adm. Code.

SEC. 8-3-2 STATUTORY AUTHORITY.

This Chapter is adopted as authorized under Sec. 159.09(3) (b), Wis. Stats., and as set forth by the Village of Marshall.

SEC. 8-3-3 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.

SEC. 8-3-4 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 the 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. NR 544, Wis. Adm. Code, and where the Chapter provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Ch. NR 544 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.

SEC. 8-3-5 APPLICABILITY

- (a) The requirements of this Chapter apply to all persons, entities and municipalities within the Village limits of the Village of Marshall.
- (b) The Village Board mandates all residential units in the Village of Marshall shall receive weekly curbside garbage, rubbish and recyclable materials collection, by the collector the Village Board selects.
- (c) Multiple family dwellings, non-residential facilities and properties, remodeling and new construction projects and mobile home parks are responsible to contract for their own garbage, rubbish and recyclable materials collection. All entities contracting for services shall furnish to the Village Clerk-Treasurer a copy of the contract by January 1 annually. If, during the year there is a change in the contract or contractor, a copy of said contract shall be provided to the Village Clerk-Treasurer within thirty (30) Days of the effective date of the change.
- (d) Non-residential facilities and properties, mobile home arks, and multi-family dwellings may choose to be considered as residential units. Those that choose to be considered as residential units may participate under the Village contract and shall be billed at the residential unit rate in effect for garbage, rubbish and recyclable materials collection.

SEC. 8-3-6 ADMINISTRATION.

The provisions of this Chapter shall be administered by the Village Board of the Village of Marshall.

SEC. 8-3-7 EFFECTIVE DATE.

The provisions of this Chapter shall take effect on January 1, 1995.

SEC. 8-3-8 DEFINITIONS.

- (a) For the purpose of this Chapter the following words and phrases shall have the meanings ascribed to them in this Section:
- (1) **Bi-Metal Container** means a container for carbonated or malt beverages that are made primarily of a combination of steel and aluminum.
 - (2) **Brush means 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...
 - (3) **Container Board** means corrugated paperboard used in the manufacture of shipping containers and related products.
 - (4) **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 package article in a shipping container.
 - c. Consists of rigid materials shaped to hold and cushion the package article in a shipping container.
 - (5) **Dumping or Disposal** includes, but is not limited to, unloading, throwing away, discarding, emptying, abandoning, discharging, burning, or burying waste, garbage, refuse, yard waste, rubbish, into or under any property or lands, whether publicly or privately owned within the Village of Marshall.
 - (6) **HDPE** means high density polyethylene plastic containers marked by the SPI Code No. 2.
 - (7) **LDPE** means low density polyethylene plastic containers marked by the SPI Code No. 4.
 - (8) **Magazines** mean magazines and other materials printed on similar paper.
 - (9) **Major Appliance** means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, oven, microwave oven (from which the capacitor has been removed), refrigerator, stove, furnace, boiler, dehumidifier, or water heater.
 - (10) **Multiple Family Dwelling** means a property containing five (5) or more residential units, including those which are occupied seasonally.
 - (11) **Newspapers** mean a newspaper and other materials printed on newsprint.
 - (12) **Non-Residential Facilities and Properties** means commercial, retail industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.
 - (13) **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.
 - (14) **Other Resins or Multiple Resins** means plastic resins labeled by the SPI Code #7.
 - (15) **Person** includes any individual, corporation, partnership, association, local governmental unit, as defined in Sec. 66.229(1) (a), Wis. Stats., state agency or authority, or federal agency.
 - (16) **PETE** means polyethylene terephthalate plastic containers marked by the SPI Code No. 1.
 - (17) **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.
 - (18) **Post-Consumer 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.
- (19) **P-P** means polypropylene, labeled by the SPI Code No. 5.
 - (20) **PS** means polystyrene plastic containers marked by the SPI Code No. 6.
 - (21) **PVC** means polyvinyl chloride plastic containers marked by the SPI Code No. 3.
 - (22) **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, news a per, office paper, rigid plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS and other resin or multiple resins; steel containers, waste tires and bi-metal containers.
 - (23) **Solid Waste** has the meaning specified in Sec. 144.01(15), Wis. Stats.
 - (24) **Solid Waste Facility** has the meaning specified in Sec. 144.43(5), Wis. Stats.
 - (25) **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.
 - (26) **Waste Tire** means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
 - (27) **Yard Waste** means leaves, grass clippings, yard and garden debris.

SEC. 8-3-9 SEPARATION AND COLLECTION OF RECYCLABLE MATERIALS.

- (a) **Separation Required.** 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 post-consumer waste:
 - (1) Lead acid batteries.
 - (2) Major appliances.
 - (3) Waste oil.
 - (4) Yard waste and brush.
 - (5) Aluminum containers.
 - (6) Bi-metal containers.
 - (7) Steel containers.
 - (8) Glass containers.
 - (9) Newspaper.
 - (10) Corrugated paper or other container board.
 - (11) Magazines.
 - (12) Office paper.
 - (13) Foam polystyrene packaging.
 - (14) Waste tires.
 - (15) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS and other resins or multiple resins.
- (b) **Changes in Requirements.** The Village of Marshall 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 Village or its contractors. The Village of Marshall shall provide written notice to service recipients of this declaration.

SEC. 8-3-10 SEPARATION REQUIREMENTS EXEMPTED.

The separation requirements of Section 8-3-9 do not apply to the following;

- (a) Occupants of single family and two (2) to four (4) unit residences, multi-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 Section 8-3-9 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 8-3-9 for which a variance has been granted by the Department of Natural Resources under Sections 159.07(7)(d) or 159.11(2m), Wis. Stats., or NR 544.14, Wisconsin Administrative Code.

SEC. 8-3-11 CARE OF RECYCLABLE MATERIALS.

To the greatest extent practicable, the recyclable materials separated in accordance with Section 8-3-9 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. 8-3-12 MANAGEMENT OF LEAD ACID BATTERIES, MAJOR APPLIANCES, WASTE OIL, TIRES AND YARD WASTE. *(Rev. 10/08'-Ord. 2008-07)*

Occupants of single family and two (2) to four (4) 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.** Lead acid batteries shall be taken to a dealer who sells lead acid batteries.
- (b) **Major Appliances.** Major appliances shall be taken to a facility that recycles or reuses the appliances.
- (c) **Microwave Ovens.** Microwave ovens shall be taken to a facility that recycles appliances.
- (d) **Waste Oil.** Waste oil shall be taken to a Dane County garage that provides waste oil collection.
- (e) **Yard Waste.** Yard waste shall be taken to the compost bin located by the Village garage. In addition, the Village shall provide spring and fall leaf pickup. Leaf pickup in the spring shall be in May; in the fall it shall be in November. In order to qualify for pickup and removal, leaves shall be placed into clear plastic bags and placed at the curb.
- (f) **Brush.** Brush shall be set at the curb for brush removal service by the Village. (For woody vegetation that does not meet the definition of this Section, removal and cleanup shall be at the owner's expense). The Village will provide curbside brush pickup for the months of April through November. The Village shall also provide pickup of Christmas trees in January.
- (g) **Waste Tires.** Waste tires shall be taken to a tire recycling facility.

SEC. 8-3-13 PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS.

Except as otherwise directed by the Village of Marshall, occupants of single family and two- to four-unit residences shall do the following for the preparation and collection of the separated materials specified in Section 8-3-9:

- (a) **Aluminum Containers.** Aluminum containers shall be rinsed clean and liquid drained.
- (b) **Bi-Metal Containers.** Bi-metal containers shall be rinsed clean and label removed.
- (c) **Glass Containers.** Glass containers, (clear, green, brown) shall be rinsed clean with lids removed; lids shall be placed in regular garbage.
- (d) **Rigid Plastic Containers.** Rigid plastic containers shall be prepared and collected as directed by the hauler or as follows:
 - (1) Plastic containers made of PETE (#1), common forms: including soda and clear liquor bottles, shall be rinsed clean and lids removed.
 - (2) Plastic containers made of HDPE (#2), common forms: milk, detergent and water bottles, shall be rinsed clean and lids removed.
 - (3) Plastic containers made of PVC (#3), common forms: salad oil containers, clear film for packaging meat, shall be prepared as directed by the collector.
 - (4) Plastic containers made of LDPE (#4), common forms: food packaging, shrink wrap, some plastic bags, shall be prepared as directed by the collector.
 - (5) Plastic containers made of PP (#5), common forms: butter and margarine tubs, yogurt containers, screw on caps and lids, drinking straws, shall be prepared as directed by the collector.
 - (6) Plastic containers made of PS (#6), common forms: cups, egg cartons, meat packing trays, plastic silverware, shall be prepared as directed by the collector.
 - (7) Plastic containers made of other resins or multiple resins, including SPI Code #7, shall be prepared as directed by the collector.
- (e) **Corrugated Paper.** Corrugated paper or other container board shall be flattened and kept dry. Cut down in pieces no larger than three (3) foot squares.
- (f) **Magazines.** Magazines shall be bundled and kept dry.
- (g) **Newsprint.** Newsprint shall be placed in brown paper bags and kept dry.
- (h) **Office Paper.** Office paper shall be prepared as directed by the collector.
- (i) **Steel Containers.** Steel containers shall be rinsed clean and labels removed.

SEC. 5-3-14 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 Section 5-3-9:
 - (1) Provide clear recycling bags 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 Subsection (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 Section 8-3-9 from solid waste in as pure a form as is technically feasible.
- (c) Owners or designated agents of non-residential facilities and properties shall provide solid waste removal for all post consumer waste items that are non recyclable.

SEC. 8-3-15 RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF MULTIPLE-FAMILY DWELLINGS AND MOBILE HOME PARKS.

- (a) Owners or designated agents of multiple-family dwellings and mobile home parks shall do all of the following to recycle the materials specified in Section 8-3-9:
 - (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 Subsection (a) do not apply to the owners or designated agents of multiple-family dwellings or mobile home parks 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 Section 8-3-9 from solid waste in as pure a form as is technically feasible.
- (c) Owners or designated agents of multiple-family dwellings and mobile home parks shall provide solid waste removal for all items that are non-recyclable.

SEC. 8-3-16 PROHIBITIONS ON DISPOSAL OF RECYCLABLE MATERIALS.

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 8-3-9 which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

SEC. 8-4-17 PLACEMENT OF NON-RECYCLE MATERIALS FOR COLLECTION:

Garbage and refuse shall be placed at the curb for collection *in the* manner described below:

- (a) All containers with contents should not exceed in weight that which one 1 person can safely lift [fifty (50) pounds]. Containers shall not have a capacity of greater than forty (40) gallons regardless of weight or contents. All containers shall be equipped with handles and tight covers.
- (b) Plastic bags are allowed if tied securely and not so loaded as to break or spill if lifted.
- (c) Garbage (food waste) must be well drained and wrapped and placed in waterproof containers or plastic bags.
- (d) Garbage cans must be vermin proof and kept in sanitary condition.
- (e) Lumber shall be less than four (4) feet in length, tied in bundles and not exceeding seventy (70) pounds per bundle.
- (f) Carpeting shall be cut into four (4) foot lengths, rolled up, tied and kept dry.

SEC. 8-3-18 COLLECTION OF MATERIALS.

- (a) All containers shall be placed at the curb edge by 6:00 a.m. on scheduled collection day. No containers shall be placed at curb edge prior to twelve (12) hours before collection day and shall be removed within twelve (12) hours of collection.
- (b) Containers shall be placed as close to the edge of the street as possible.
- (c) Containers shall be placed away from mail boxes, to allow mail delivery.
- (d) The owner or occupant at each residence is responsible for all refuse until it is picked up by the collector.

SEC. 8-3-19 REFUSAL OF SERVICE.

The collector shall refuse to furnish collection service to any person not complying with, or refusing to comply with, this Chapter for the collection of garbage, rubbish, and the separation of recyclable materials. Incorrectly prepared materials shall be left at the curb.

SEC. 8-3-20 HAULER PROVISIONS.

- (a) **Hauler Restrictions.** Haulers may not dispose in a landfill or burn in a solid waste facility any recyclable materials generated in this municipality that have been separated for recycling. Haulers have a right to reject and leave uncollected any recyclable materials that are not separated in accordance with the specifications of this Chapter.
- (b) **Reporting.** Recycling haulers are required to collect and maintain accurate data and records, and shall report in writing to the Village Clerk-Treasurer pertinent data of the refuse and recyclables collection program, including, but not limited to:
 - (1) Total weight of refuse collected and number of refuse stops per month.
 - (2) Recycling information per month.Additionally, if the Contractor operates a volume or weight based refuse collection system, the following information shall be reported to the Village;
 - (3) Number of units of refuse collected per month as determined by count;

- (4) Number of bulk items collected per month;
- (5) Sale of stickers, tags, or bags; in the case of such systems, distribution of cans in a can subscription type system; or weights collected per unit a weight based system.

SEC. 8-3-21 COLLECTION BY UNAUTHORIZED PERSONS.

From the time of placement of recyclable materials at the collection point for collection by the Village of Marshall or its authorized agent(s) in accordance with the terms herein, recyclable materials shall be the property of the Village of Marshall or its authorized agent(s). It shall be a violation of this Chapter for any person not authorized by the Village of Marshall to collect or pick up or cause to be collected or picked up any such recyclable materials. Any and each such collection in violation hereof from any recyclable material at the curb for collection shall constitute a separate and distinct offense punishable as hereinafter provided.

SEC. 8-3-22 ENFORCEMENT.

- (a) For the purpose of ascertaining compliance with the provisions of this Chapter, any officer, employee or representative of the Village of Marshall authorized by the Village Board 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 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 officer, employee or authorized representative of the Village of Marshall 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 person who violates a provision of this Chapter shall be subject to a penalty as provide in Section 1-1-6.
- (c) Any individual, corporation, or municipality which places waste, garbage, refuse, yard waste, rubbish, heavy objects, non collectible items on the property of another or on public property anywhere within the Village of Marshall limits shall be subject to the penalty as set forth in Section 1-1-6.

SEC. 8-3-23 COMPLIANCE ASSURANCE PLAN OF NON-COMPLIANCE WITH RECYCLING REQUIREMENTS
(Rev., 9/06, Ord 2006-07)

- (a) **Enforcement by Public Works Department.** For the purpose of ascertaining compliance with the provisions of this Section any authorized officer, employee or representative of the Public Works Department may inspect recyclable materials separated for recycling, garbage intended for disposal, recycling collection sites and facilities and properties, and any vehicles, collection areas of multiple-family dwelling units, and nonresidential facilities and properties. Any records relating to recycling activities which shall be kept confidential when necessary to protect propriety information. No person may refuse access to any authorized officer, employee or authorized representative of the Public Works Department who requests access for purpose of inspection and who presents appropriate credentials. No person may obstruct, hamper, or interfere with any such

inspection. The Public Works Director or his designee may issue citations for violations of this Section.

- (b) **First Step of Non-compliance.** Recycling crew or garbage crew shall leave a card at the location of the non-compliance identifying the area of non-compliance with the Village of Marshall recycling requirements.
- (c) **Second Step of Non-compliance.** In the event an incident of non-compliance is found within six months of the date notice of non-compliance is given under paragraph (a), the recycling crew or garbage crew shall notify the Director of Public Works of the non-compliance with the recycling ordinance and the Director of Public Works shall meet, with the resident to address the problem.
- (d) **Third Step of Non-compliance.** In the event an incident of non-compliance is found within six months of the date the Director of Public Works meets with the resident, the following enforcement provisions shall apply:
 - (1) Withdrawal of services. The Public Works Director may refuse to furnish collection service to any person not complying with his Section or the rules and regulations made by the Marshall Village Board or other orders of the Public Works Director or health department for the collection or disposal of solid waste.
 - (2) Prosecution. When services for collection of solid wastes have been withdrawn by the Public Works Director, as a result of failure to comply with such rules and regulations, the person or persons from whom collection services have been withdrawn shall make alternative arrangements to dispose of solid waste; any accumulation of garbage or other solid wastes, which is offensive or a public nuisance, shall be prosecuted under any ordinance of the village regulating the same.
- (e) **Penalty.** Any person who violates the provisions of this subsection or who refuses to obey any order issued under this subsection shall be subject to a forfeiture collected by municipal citation. A citation may be issued at the first, second, third or subsequent steps of dealing with non-compliance. The issuance of the citation shall not preclude proceeding under any other ordinance or law. Proceeding under any other ordinance or law shall not preclude the issuance of a citation under this subsection. Penalties for violating this Chapter shall not be less than \$25.00 nor more than \$1,000.00 for a first offense, shall not be less than \$50.00 nor more than \$1,000.00 for a second offense, and each violation and each day a violation continues or occurs shall constitute a separate offense together with the costs of the action. Upon default or refusal to pay such forfeiture, the person may be imprisoned for not more than six months in the County Jail.