

## CHAPTER 20

### VILLAGE OF NORTH BAY RECYCLING ORDINANCE

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**20.01 TITLE.** Recycling Ordinance for Village of North Bay.

**20.02 PURPOSE.**

(1) The purpose of this ordinance is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in s. 287.11, Wis. Stats., and Chapter NR 544, Wis. Administrative Code.

(2) Negotiations With Waste Haulers. The Director of Public Works shall attempt to negotiate with waste haulers to provide indemnification and insurance against any claims arising out of the hauling and disposal of wastes from the Village of North Bay.

(3) Landfills. The Director of Public Works shall request from any hauler a list of landfills or the specific landfill used by the hauler for the disposal of wastes. The Director of Public Works shall attempt to obtain from the hauler or landfill an indemnification and insurance from the landfill indemnifying and insuring the Village against any claims at present or in the future, as a result of the disposal of village waste at said landfill.

(4) Indemnification of Public Works. The Village of North Bay hereby warrants, indemnifies and defends and agrees to defend the Director of Public Works against any claim or claims as a ranger on behalf of the municipality or its residents. All officers, trustees, elected and appointed official agents, attorneys and assignees of the Village of North Bay are hereby provided indemnification and the Village of North Bay hereby warrants, defends, and holds harmless the aforesaid parties for any acts of claims of damages or claims for environmental repair or natural resource damages, as a result of any alleged personal liability with regard to disposal of waste by the Village of North Bay.

**20.03 STATUTORY AUTHORITY.** This ordinance is adopted as authorized under sec. 59.70(2)(c) and sec. 287.09(3)(b), Wis. Stats.

**20.04 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.

**20.05 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.

**20.06 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.

**20.07 APPLICABILITY.** The requirements of this ordinance apply to all persons within the Village of North Bay.

**20.08 ADMINISTRATION.** The provisions of this ordinance shall be administered by Director of Recycling for the Village of North Bay.

**20.09 EFFECTIVE DATE.** The provisions of this ordinance shall take effect on January 1, 1995.

**20.10 DEFINITIONS.** For the purposes of this ordinance:

(1) "Bi-metal container" means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.

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

(3) "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.

(4) "HDPE" means high density polyethylene, labeled by the SPI code #2.

(5) "LDPE" means low density polyethylene, labeled by the SPI code #4.

(6) "Magazines" means magazines and other materials printed on similar paper.

(7) "Major appliance" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator or stove.

(8) "Multiple-family dwelling" means a property containing 5 or more residential units, including those which are occupied seasonally.

(9) "Newspaper" means a newspaper and other materials printed on newsprint.

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

(11) "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.

(12) "Other resins or multiple resins" means plastic resins labeled by the SPI code #7.

(13) "Person" includes any individual, corporation, partnership, association, local governmental unit, as defined in s. 66.299(1)(a), Wis. Stats., state agency or authority or federal agency.

(14) "PETE" means polyethylene terephthalate, labeled by the SPI code #1.

(15) "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.

(16) "Postconsumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in s. 144.61(5), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in s. 144.44(7)(a)1., Wis. Stats.

(17) "PP" means polypropylene, labeled by the SPI code #5.

(18) "PS" means polystyrene, labeled by the SPI code #6.

(19) "PVC" means polyvinyl chloride, labeled by the SPI code #3.

(20) "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.

(21) "Solid waste" has the meaning specified in s. 144.01(15), Wis. Stats.

(22) "Solid waste facility" has the meaning specified in s. 144.43(5), Wis. Stats.

(23) "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.

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

(25) "Yard waste" means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than 6 inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

**20.11 SEPARATION OF RECYCLABLE MATERIALS.** Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties shall separate the following materials from postconsumer waste:

- (1) Lead acid batteries
- (2) Major appliances
- (3) Waste oil
- (4) Yard waste
- (5) Aluminum containers
- (6) Bi-metal containers
- (7) Corrugated paper or other container board
- (8) Foam polystyrene packaging
- (9) Glass containers
- (10) Magazines
- (11) Newspaper
- (12) Office paper
- (13) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins
- (14) Steel containers
- (15) Waste tires

**20.12 SEPARATION REQUIREMENTS EXEMPTED.** The separation requirements of S. 20.11 do not apply to the following:

(1) Occupants of single family and 2 to 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 s. 20.11 from solid waste in as pure a form as is technically feasible. Occupants shall comply with the requirements of the processing facility or hauler as directed by the village of North Bay.

(2) 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.

(3) A recyclable material specified in s. 20.1(5) through (15) 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.

**20.13 CARE OF SEPARATED RECYCLABLE MATERIALS.** To the greatest extent practicable, the recyclable materials separated in accordance with s. 20.11 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.

**20.14 MANAGEMENT OF LEAD ACID BATTERIES, MAJOR APPLIANCES, WASTE OIL AND YARD WASTE.**

(1) Disposal. Occupants of single family and 2 to 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 shall be disposed of by each residence with a licensed and approved D.N.R. Hauler, or by an approved processing facility.

(b) Major appliances shall be disposed of by each residence with a licensed and approved D.N.R. Hauler, or an approved processing facility.

(c) Waste oil shall be disposed of by each residence with a licensed and approved D.N.R. Hauler, or an approved processing facility.

(d) Yard waste shall be disposed of by each residence with a licensed and approved D.N.R. Hauler, or an approved processing facility -- or to be managed on site.

(2) Penalty for Non-Disposal. Failure of any property owner to dispose of Items (a) through (d) will be completed by the Village of North Bay and its cost will be chargeable to the Property Owner.

Places for Disposal as of January 1, 1995:

White Goods: Major appliances such as washers, dryers, ovens, refrigerators, air conditioners, hot water heaters, can be recycled with the appliance dealer where a new purchase is made or by calling metal salvage dealers such as Johnson Metal Co. (634-4341) or Standard Scrap Metal Ltd. (637-2900).

Waste Oil: Local service stations will sometimes take waste motor oil or you can use the waste oil recycling container behind the Caledonia Fire Station on 5-Mile Road.

Waste Tires: Tire dealers will accept trade-in tires; there is a tire drop-off facility at Land Reclamation Corp., 1989 Oakes Road.

Batteries: Arrange a trade-in with the dealer where your new battery is purchased; check with service stations or auto repair centers and the metal salvage dealers listed above.

**20.15 PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS AND OTHER WASTE.** Except as otherwise directed by the Village of North Bay, occupants of residences in the Village shall do the following for the preparation and collection of the separated materials specified in s. 20.11(5) through (15):

(1) Newspapers, magazines, catalogs, junk mail and mixed paper shall be bundled or bagged.

(2) Corrugated cardboard shall be flatted to a maximum size of 3 feet by 4 feet and tied with string or twine no higher than 1 foot or placed in brown paper bags. Such cardboard shall not be combined with newspapers or magazines.

(3) All other recyclables, mixed, shall be placed in a special container marked "commingled". The recyclables are as follows:

(a) Aluminum or bi-metal cans;

(b) Kitchen foil products;

(c) Glass bottles or jars; clean, remove and discard lids. Ceramics, window glass and light bulbs are not to be included with recyclables.

(d) Plastic bottles coded for recyclability; remove and discard caps. No automotive product containers for such items as motor fuel, or food containers such as yogurt should be included in recyclable plastics.

(e) Steel/tin cans shall be rinsed clean. No paint cans, hangers, scrap metal, pots or pans are included in recyclable products.

(f) The following articles are not acceptable for recycling purposes and should be discarded in regular trash.

1. Aluminum siding and scrap auto parts;
2. Automotive product containers;
3. Ceramics of all types;
4. Drinking glasses;
5. Eye glasses;
6. Hangers;
7. Lids from bottles and jars;
8. Light bulbs;
9. Mirrors;
10. Motor oil bottles;
11. Pizza boxes;
12. Plastic bags;
13. Plastics coded with the recyclables designations, 3, 4, 5, 6  
and 7;
14. Plastic flower pots/plants;
15. Plate glass;
16. Pots and pans;
17. Pyrex® dishes;
18. Scrap metal;

19. Styrofoam packaging materials, Styrofoam egg cartons.

(4) The Village Board shall have the right to modify this ordinance from time to time to accommodate the practices of contract processing facility requirements and hauler requirements. Such accommodation can be made on an emergency basis without the formalities of an ordinance change, which changes subsequently shall be made by ordinance.

(5) No container, bundle, or single item for disposal shall exceed 50 pounds in total weight.

(6) Waste tires shall be disposed of by each resident with a licensed and approved DNR hauler or an approved processing facility.

**20.16 MULTIPLE-FAMILY DWELLINGS.** This section does not apply to the Village of North Bay.

**20.17 RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF NON-RESIDENTIAL FACILITIES AND PROPERTIES.**

(1) Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in s. 20.11(5) through (15):

(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 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.

(2) The requirements specified in (1) do not apply to the owners or designated agents of non-residential facilities and properties if the postconsumer 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 s. 20.11(5) through (15) from solid waste in as pure a form as is technically feasible.

**20.18 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 s. 20.11(5) through (15) which have been separated for recycling except waste tires may be burned with energy recovery in a solid waste treatment facility.

**20.19 ENFORCEMENT.**

(1) For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the Village of North Bay 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 North Bay 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 of North Bay 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 s. 20.18 may be required to forfeit \$50 for a first violation, \$200 for a second violation, and not more than \$2000 for a third or subsequent violation.

(b) Any person who violates a provision of this ordinance, except s. 20.18, may be required to forfeit not less than \$10 nor more than \$1000 for each violation.

**20.20 ADDITIONAL REQUIREMENTS.**

(1) Hauler licensing. No person or corporation shall engage in the business of hauling recyclables within the Village without being licensed by the DNR under section NR 502.06. Wis. Adm. Code.

(2) Processing facilities. Any contractor operating in the Village shall not transport for processing any recyclables to a processing facility unless that facility has been approved (in writing) by the Village (or unless the contractor notifies the municipality which facility they're using) and by January 1, 1995, the facility has self-certified with the WI DNR under section NR 544.16, Wis. Adm. Code.

(3) Antiscavenging or Unlawful removal of recyclables. It shall be unlawful for any person, unless under contract with or licensed by the municipality, to collect or remove any recyclable material that has been deposited or placed at the curb or in a container adjacent to a home or nonresidential building for the purposes of collection for recycling.

(4) No Dumping.

(a) It shall be unlawful for any person to dispose of or dump garbage in any street, alley or other public place within the village or in any receptacles or private property without the owner's consent unless it is placed in bags or containers in the manner and at the times specified by this ordinance.

(b) No person shall place for collection any garbage at the curb not owned or occupied by such person.

(5) No burning or burying. It shall be unlawful to burn or bury solid waste and recyclables by residential and nonresidential sectors and at construction sites. OR: Open burning shall be permitted only per Village Ordinance s. 16.05.

(6) Nondisposable materials. It shall be unlawful for any person to place for disposal any of the following wastes: Hazardous and toxic wastes, chemicals, explosives, flammable liquids, paint, trees and stumps, construction debris, carcasses, medical wastes (unless personal needles which shall be contained in cardboard to eliminate injury to collection personnel).

(7) Garbage from outside of Municipality. It shall be unlawful to bring refuse for disposal (and recyclables) from outside the corporate limits into the Village unless authorized by agreement with the municipality.

(8) Ownership of recyclables and refuse. Recyclable materials and refuse, upon placement at the curb, shall stay the property of the Residence. Recyclable materials, upon collection by any permitted collector, shall become the property of the contractor.

(9) 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.

(10) Collection Schedule. The Village shall establish the time of collection of solid waste and recyclables and the clerk shall publish and provide written notice of the collection schedule at least once in the spring and fall of each year and at any time when the collection schedule is changed.

(11) Specified containers.

a. Solid waste shall be placed for collection in Containers not to exceed 50 lbs. and contained in such a manner as to avoid litter. Containers placed out for collection must be those designated by the municipality and have the designated tag or sticker affixed.

b. All solid waste and recyclables shall be placed as herein required at the specified collection point no sooner than 24 hours prior to the regularly scheduled collection time or be allowed to remain at the curb longer than 12 hours thereafter.

(12) Placement of recyclables and solid waste for collection. Except as otherwise specifically directed or authorized by the Village Board, solid waste and recycling containers shall be placed at the curb line adjacent to the premises owned or occupied by the person, of the street designated in the published collection schedule for collection. Materials shall be placed out for collection according to the scheduled days established and published by the Village of North Bay.

## **20.21 HAULER SPECIFICATIONS**

(1) Hauler Restrictions. Haulers may not dispose in a landfill or burn in a solid waste facility any recyclable materials generated in Village that have been separated for recycling.

(2) Right to Reject Materials. The hauler or drop off site attendant has the right to reject or leave at the curb any recyclable material that is not prepared according to the specifications in this ordinance (specify sections) or in education material provided by the contractor to the service recipients. Materials may also be left if not separated from solid waste, placed in the proper container, or are not designated recyclable materials for collection. The hauler also has the right to refuse to pick up any solid waste if it contains recyclable containers and material. 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 quarterly or designated time period.

(3) Hauler Licensing. Haulers who collect solid waste or recyclables in the Village for storage, treatment, processing, marketing or disposal shall obtain and maintain all necessary municipal and state permits, licenses and approvals prior to collecting any materials in the Village of North Bay.

(4) Reporting Requirements. The recycling haulers and processors operating in the Village are required to maintain records and report in writing to the Village Clerk or other designee at least twice each year. Reports shall include: the amount of solid waste and recyclables collected and transported from the Village; the amount of solid waste and recyclables processed and or marketed by item type from the

Village; and the final disposal location of solid waste and recyclable material. Failure to report shall be cause for the municipality to revoke any license or sever any contract with the hauler/processor.

**20.22 CONSTRUCTION MATERIALS.** No construction materials from remodeling, repairs, new additions, or new homes will be part of the Village of North Bay Recycling Program. All material to be disposed of by Owner and/or Contractor through an approved hauler and/or processing facility.

RESOLUTION # 1996-1

WHEREAS, an Agreement currently exists between the Village of Wind Point and the Village of North Bay pursuant to sec. 66.30 Wis. Stats. whereby the Village of Wind Point Police Department will enforce certain state and local laws and ordinances relating to traffic and public safety at certain times within the Village of North Bay;

NOW THEREFORE, BE IT RESOLVED that as long as the Agreement exists between the Village of Wind Point and the Village of North Bay referred to above, the Village of North Bay adopts the law enforcement division of the Village of Wind Point and therefore authorizes that division to enforce the State of Wisconsin traffic codes and all the Ordinances of the Village within the municipal boundaries and borders of the village of North Bay.

Attest:

\_\_\_\_\_  
Clerk                      Date

\_\_\_\_\_  
Village of North Bay  
Dennis Mahoney, President