

## CHAPTER 19

## MANDATORY RECYCLING

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**MANDATORY RECYCLING [#354 10/1/89; #388 1/1/95]**

**19.01 TITLE.** Mandatory Recycling Code Chapter for the City of Kiel.

**19.02 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 Section 287.01, Wis. Stats., and Chapter NR 544, Wis. Adm. Code.

**19.03 STATUTORY AUTHORITY.** This chapter is adopted as authorized under Section 287.09(3)(b), Wis. Stats.

**19.04 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.

**19.05 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 Chapter 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 Chapter 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.

**19.06 SEVERABILITY.** Should any portion of this chapter be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected.

**19.07 APPLICABILITY.** The requirements of this chapter apply to all persons and organizations within the City of Kiel limits.

**19.08 ADMINISTRATION.** The provisions of this chapter shall be administered by the City of Kiel Director of Public Works.

**19.09 EFFECTIVE DATE.** Sections 19.01-19.22 of this chapter took effect on January 1, 1995.

**19.10 DEFINITIONS.** For the purpose of this ordinance:

(1) “Bi-Metal container” means a container for carbonated or malt beverages that is made primarily of steel and aluminum.

(2) “Brush and branches” means clean woody vegetative material no greater than six inches in diameter. This term does not include stumps, roots, or shrubs with intact root balls.

(3) “Container board” means corrugated paper board used in the manufacture of shipping containers and related products.

(4) “HDPE” means high density polyethylene plastic containers marked by the SPI code No. 2.

(5) “LDPE” means low density polyethylene plastic containers marked by the SPI code No. 4.

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

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

(8) “Mixed or other plastic resin types” means plastic containers marked by the SPI code No. 7.

(9) “Multiple family dwelling” means a property containing five or more residential units, including those which are occupied seasonally.

(10) “Newspaper” means a newspaper and other materials printed on newsprint.

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

(12) “Office paper” means high grade, staple free, 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.

(13) “Person” includes any individual, corporation, partnership, company, association, local government unit, as defined in Section 66.0131(1)(a), Wis. Stats., state agency or authority or federal agency.

(14) “PETE” means polyethylene terephthalate plastic containers marked by the SPI code No. 1.

(15) “Postconsumer waste” means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in Section 291.01(7), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high volume industrial waste, as defined in Section 289.01(17), Wis. Stats.

(16) “PP” means polypropylene plastic containers marked by SPI code No. 5.

(17) “PS” means polystyrene plastic containers marked by SPI code No. 6.

(18) “PVC” means polyvinyl chloride plastic containers marked by the SPI code No. 3.

(19) “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; newspapers; office paper; plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS, and mixed or other plastic resin types; steel containers; waste tires; and bi-metal containers.

(20) “Solid waste” has the meaning specified in Section 289.01(33), Wis. Stats.

(21) “Solid waste facility” has the meaning specified in Section 289.01(35), Wis. Stats.

(22) “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.

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

(24) “Yard waste” means leaves, grass clippings, and yard and garden debris.

**19.11 SEPARATION OF RECYCLABLE MATERIALS.** Occupants of single family and two-to-four-unit residences, multiple family dwellings, non-residential facilities, places of business, industry or commerce, farms, and governmental facilities 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 or other materials printed on similar paper.
- (11) Newspapers or other materials printed on newsprint.
- (12) Office paper.
- (13) Plastic containers made of PETE (#1), HDPE (#2), PVC (#3), LDPE (#4), PP (#5), PS (#6), and mixed or other plastic resin types (#7).
- (14) Steel containers.
- (15) Waste tires.

**19.12 SEPARATION REQUIREMENTS EXEMPTED.** The separation requirements of Section 19.11 do not apply to the following:

- (1) Occupants of single family and two-to-four-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 material specified in Section 19.11 from solid waste in as pure a form as technically possible.
- (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 Section 19.11 for which a variance or exemption has been granted by the Department of Natural Resources under

Sections 287.07(7)(d) or 287.11(2m), Wis. Stats., or Section NR 544.14, Wis. Adm. Code.

**19.13 CARE OF SEPARATED RECYCLABLE MATERIALS.** To the greatest extent practicable, the recyclable materials separated in accordance with Section 19.11 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.

**19.14 MANAGEMENT OF LEAD ACID BATTERIES, MAJOR APPLIANCES, WASTE TIRES, WASTE OIL AND YARD WASTE.** Occupants of single family and two-to-four -unit residences, multiple-family dwellings and non-residential facilities and properties shall manage lead acid batteries, major appliances, waste tires, waste oil, and yard waste as follows:

(1) Lead acid batteries shall be disposed of by the owner by contacting an accepting vendor and then delivering the item as directed.

(2) Major appliances shall be disposed of by the owner by contacting an accepting vendor.

(3) Waste tires shall be disposed of by the owner by contacting an accepting vendor.

(4) Waste oil shall be disposed of by the owner at a site designated by the City of Kiel.

(5) Yard waste shall be disposed of by the owner at a site designated by the City of Kiel.

**19.15 PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS.** Except as otherwise directed by the City Council or its representatives, occupants of single family and two-to-four-unit residences shall do the following for the preparation and collection of separated materials specified in Section 19.11 (5) - (14):

(1) Steel/tin cans: Rinse out can, remove both ends and flatten.

(2) Aluminum: Rinse out thoroughly. Examples include TV dinner trays, foil wrap, pot pie pans, aluminum cans, and siding.

(3) Clear and colored glass: Rinse the jar or bottle thoroughly and remove and discard the cover. Acceptable examples include catsup, barbecue sauce,

salad dressing, pickle, jam, jelly, peanut butter, beer, liquor and wine bottles. Not acceptable materials include plate glass, ceramics, clay items, and light bulbs.

(4) Plastic containers: Rinse out thoroughly and remove caps and rings. Examples are milk jugs, liquid detergent bottles; all plastics identified as numbers 1 through 7 shall be recycled except as defined in Section 19.21.

(5) Magazines or other materials printed on similar paper shall be bundled separately.

(6) Newspapers or other materials printed on newsprint shall be bundled separately.

(7) Office paper shall be bundled separately.

(8) These items (1) - (7) are to be placed in the appropriate containers and placed out for collection on specified dates. The owner of the property which is placing these items out for collection shall not place them out for collection sooner than 72 hours before the City's designated pick-up date and shall remove them within 72 hours of the designated pick-up date. Failure to follow this rule shall be an ordinance violation subject to forfeiture under Ordinance 25.04 of this Code.

(9) The City of Kiel reserves the right to change the method of preparing and collecting the materials in this section and shall provide a written notice to its residents, businesses and organizations of such changes.

**19.16 RESPONSIBILITY OF OWNERS OR DESIGNATED AGENTS OF MULTIPLE-FAMILY DWELLINGS.** (1) Owners or designated agents of multiple-family dwellings shall do the following for recycling the materials as specified in Section 19.11 (5) - (14):

(a) Provide adequate, separate containers for the recyclable materials.

(b) Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.

(c) Provide for the collection of materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.

(d) Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet

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 multiple-family dwellings if the postconsumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for the recycling of the materials as specified in Section 19.11 (5) through (14) from solid waste in as pure a form as technically feasible.

**19.17 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 Section 19.11 (5) through (14):

(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 Section 19.11 (5) through (14) from solid waste in as pure a form as is technically feasible.

**19.18 RESPONSIBILITIES OF PERSONS USING A RECYCLING PROGRAM OTHER THAN THAT WHICH THE CITY OF KIEL PROVIDES.** Any person using a recycling program other than that of the City of Kiel, and whose facility or property is within the City limits, is required to submit the annual tonnage of materials recycled and also of materials disposed of as solid waste. This is to have supporting documentation, and will be submitted on or by December 31



each year to the City of Kiel.

**19.19 PROHIBITIONS ON DISPOSAL OF RECYCLABLE MATERIAL, HAULER LICENSING, RESTRICTIONS, AND PROCESSING FACILITIES.** (1) No person or corporation shall engage in the business of hauling recyclables within the City of Kiel City limits without being licensed by the Department of Natural Resources under Section NR 502.06, Wis. Adm. Code.

(2) Haulers who collect solid waste or recyclables in the City of Kiel for storage, treatment, processing, marketing, or disposal shall obtain and maintain all necessary municipal and state permits, licenses, and approval prior to collecting any materials in the City of Kiel.

(3) No person or hauler may dispose in a landfill or burn in a solid waste facility any recyclable materials as specified in Section 19.11 (5) through (14), generated in the City of Kiel that have been separated for recycling.

(4) Any hauling contractor operating in the City of Kiel shall not transport for processing any recyclables to a processing facility unless that facility has been approved by the City of Kiel, or unless the contractor notifies the City of Kiel which facility they are using and the facility has self-certified with the Department of Natural Resources under Section NR 544.16, Wis. Adm. Code.

**19.20 OWNERSHIP OF RECYCLABLE MATERIALS.** Recyclable materials, upon placement at the curb or collection site, shall become the property of the hauler. Recyclable materials, upon collection by any permitted collector, shall become the property of the contractor.

**19.21 EXEMPTIONS, VARIANCES, AND TEMPORARY SUSPENSIONS.** The City of Kiel 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 City of Kiel or its contractors. The City of Kiel shall provide written notice to its service recipients of this declaration.

**19.22 ENFORCEMENT.** (1) Any authorized city representative of the City of Kiel may inspect recyclable materials separated for recycling, postconsumer waste intended for disposal, collection sites and facilities, collection areas of multiple family dwellings and non-residential facilities and properties, solid waste disposal facilities and solid waste treatment facilities, and any records relating to recycling or solid waste disposal activities, for the purpose of ascertaining compliance with the provisions of this chapter. No person may refuse access to any authorized City representative of the City of Kiel who requests access for the 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 chapter may be issued a citation by the City of Kiel 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 law or ordinance relating to the same or any other matter shall not preclude the issuance of a citation under this paragraph.

(3) Penalties for violating the provisions of this chapter shall be as set forth in Section 25.04 of the City of Kiel Municipal Code.