

Village of Arpin Wood County, Wisconsin

Ordinance #46

AN ORDINANCE CREATING A RECYCLING CODE WITHIN THE VILLAGE OF ARPIN

The Village Board of the Village of Arpin, Wood County, Wisconsin, does ordain the following:

SECTION 1 – AUTHORITY: This Ordinance is adopted as authorized under §287.09(3)(b) Wisconsin Statutes.

SECTION 2 – 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 §287.11, Wisconsin Statutes, and chapter NR 544, Wisconsin Administrative Code.

SECTION 3 – 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.

SECTION 4 – 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, Wisconsin 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.

SECTION 5 – 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.

SECTION 6 – APPLICABILITY: The requirements of this ordinance apply to all persons within the Village of Arpin.

SECTION 7 – ADMINISTRATION: The provisions of this ordinance shall be administered by the Village of Arpin.

SECTION 8 – DEFINITIONS: For purpose of this ordinance:

Bi-metal Container: a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.

Container Board: corrugated paperboard used in the manufacture of shipping containers and related products.

Foam Polystyrene Packaging: packaging made primarily from foam polystyrene that satisfies one of the following criteria: is designed for serving food or beverages; consists of loose particles intended to fill space and cushion the packaged article in a shipping container; consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.

Glass Container: a glass bottle, jar or other packaging container used to contain a product that is the subject of a retail sale and does not include ceramic cups, dishes, oven ware, plate glass, safety and window glass, heat-resistant glass such as Pyrex, lead based glass such as crystal, or TV tubes.

HDPE: high density polyethylene, labeled by the resin code # 2.

LDPE: low density polyethylene, labeled by the resin code # 4.

Magazines: magazines and other materials printed on similar paper.

Major Appliance: 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: a structure containing 5 or more residential units, including units that are occupied seasonally.

Newspaper: a newspaper and other materials printed on newsprint.

Non-Residential Facilities and Properties: commercial, retail, industrial, institutional and government facilities and properties. Non-residential facilities and properties include any location at which goods or services are provided or manufactured, including locations under construction, demolition, or remodeling, or used for special events such as fairs, festivals, sport venues, conferences, and exhibits. This term does not include multiple family dwellings.

Office Paper: a variety of high-grade printing and writing papers. This term does not include industrial process waste, newspaper or packaging.

Other Resins or Multiple Resins: plastic resins labeled by the resin code # 7.

Person: includes any individual, corporation, limited liability company, partnership, association, local government unit, as defined in §66.0131(1)(a), state agency or authority or federal agency.

PETE or PET: polyethylene terephthalate, labeled by the resin 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.

Postconsumer Waste: solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in §291.01(7) Wisconsin Statutes, waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in §289.01(17).

PP: polypropylene, labeled by the resin code # 5.

PS: polystyrene, labeled by the resin code # 6.

PVC: polyvinyl chloride, labeled by the resin code # 3.

Recyclable Materials: 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: as specified in §289.01(33), means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, and other discarded or salvageable materials, including solid, liquid, semisolid, or contained gaseous materials resulting from industrial, commercial, mining, and agricultural operations, and from community activities.

Solid Waste Facility: as specified in §289.01(35), means a facility for solid waste treatment, solid waste storage or solid waste disposal, and includes commercial, industrial, municipal, state and federal establishments or operations such as, without limitation because of enumeration, sanitary landfills, dumps, land disposal sites, incinerators, transfer stations, storage facilities, collection and transportation services and processing, treatment and recovery facilities.

Solid Waste Treatment: 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: a tire no longer suitable for its original purpose because of wear, damage or defect.

Yard Waste: 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.

SECTION 9 – SEPERATION 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. Waste Tires
6. Aluminum containers
7. Bi-metal containers
8. Corrugated paper or other container board
9. Foam polystyrene packaging
10. Glass containers
11. Magazines
12. Newspaper
13. Office paper
14. Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS & other resins or multiple resins
15. Steel containers

The Village of Arpin 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 Arpin shall provide written notice to serviced recipients of this declaration.

SECTION 10 – SEPERATION REQUIREMENTS EXEMPTED: The separation requirements of Section 9 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 Section 9 from solid waste in as pure a form as is technically feasible.
2. Solid waste which is burned as a supplement fuel at a facility if less than 30% of the heat input to the facility is derived from the solid waste burned as supplement fuel.
3. A recyclable material specified in Section 9 (5) through (15) for which a variance has been granted by the Department of Natural Resources under §287.11(2m), Wisconsin Statutes., or § NR 544.14, Wisconsin Administrative Code.

SECTION 11 – CARE OF SEPARATED RECYCLABLE MATERIALS: To the greatest extent practicable, the recyclable materials separated in accordance with Section 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.

SECTION 12 – MANAGEMENT OF LEAD ACID BATTERIES, MAJOR APPLIANCES, WASTE OIL, YARD WASTE AND WASTE TIRES: 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, yard waste and waste tires as follows:

1. **Major Appliances** shall be recycled at a retail business that sells appliances and accepts used appliance for the purpose of recycling, or at a solid waste facility that accepts appliances for the purpose of recycling (Cranberry Creek Landfill). Any fee imposed for the recycling of used appliance shall be the responsibility of the generator.
2. **Lead Acid Batteries** shall be recycled at a retail business that sells lead acid batteries and accepts used batteries for the purpose of recycling, or at a solid waste facility (Cranberry Creek Landfill). Any fee imposed for the recycling of used batteries shall be the responsibility of the generator.
3. **Waste Oil** shall be recycled at a retail business that sells oil or automotive products and accepts used oil for the purpose of recycling, or at an oil refinery (Rock Oil). Any fee imposed for the recycling of used oil shall be the responsibility of the generator.
4. **Yard Waste** shall either be home composted using an effective backyard compost system, or transported to the Village Compost Site. No yard waste shall be disposed of as general waste.
5. **Waste Tires** shall be recycled at a retail business that sells tires or automotive products and accepts waste tires for the purpose of recycling (Liberty Tire). Any fee charged for the recycling of used tires shall be the responsibility of the generator.

SECTION 13 – PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS: Except as otherwise directed by the Village of Arpin Board, occupants of single family and 2-to-4-unit residences shall do the following for the preparation and collection of materials specified in Section 9 (6) through (15).

1. All Recyclables shall be commingled in the 95 Gallon Recycling Cart provided by the Village of Arpin and placed curbside by 5:00 a.m. on the scheduled collection day.
 - a. **Aluminum, Glass, Tin or Steel:** Cans or containers shall be empty and rinsed, with caps and neck rings removed. Leave cans and bottles in their original form to increase their recycling potential. No aluminum foil or pie pans, window glass, plates, drinking glasses, Pyrex or light bulbs accepted.
 - b. **PET Plastic #1, Color HDPE Plastic #2, or Natural HDPE Plastic #2:** Empty and rinse containers completely. No plastic bags, plastic wrap or plastic film, motor oil containers or rigid plastic items.
 - c. **Mixed Paper and Flattened Cardboard:** Newspapers, magazines and mixed office papers should be placed in a paper bag and then placed in the recycle cart. Cereal boxes, shoe boxes and corrugated cardboard should be flattened and then placed into the recycle cart. No gift wrap, wrapping paper, waxed cardboard or greasy pizza boxes accepted. Shredded paper should be bagged and placed in the trash cart.
2. The hauler has the right to reject or leave at the curb any recyclable material that is not prepared according to the specifications of this ordinance, or in education materials provided by the contractor or the Village of Arpin to the service recipients. Material may also be rejected 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 materials. In such cases, the hauler shall notify in writing the generator of the materials about the reasons for rejecting the items.

SECTION 14 – RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF MULTIPLE-FAMILY DWELLINGS:

1. Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in Section 9 (6) through (15):
 - a. Provide adequate, separate containers for the recycling program established in compliance with the ordinance. The number of recycling containers shall equal or be greater than the number of trash containers and at least one of the following shall be met:
 - i. The minimum total volume of recycling container space is equal to 20 gallons per week per dwelling unit.
 - ii. The ratio of trash container volume to recycling container volume is at most 2:1.
 - iii. An alternative method that does not result in the overflow of a recycling container during the time period between collection of materials and delivery to a recycling facility.
 - 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 the materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.
 - d. Notify tenants which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, and locations of drop-off collection sites to recycle materials not collected on-site.
2. The requirements specified in Section 14(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 recycling the materials specified in Section 9 (6) through (15) from solid waste in as pure a form as is technically feasible.

SECTION 15 – 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 9 (6) through (15):
 - a. Provide adequate, separate containers for the recycling program established under this section. The total volume of recycling containers shall be sufficient to avoid overflow during the time period between collection of materials and delivery to a recycling facility.
 - 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 which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, and locations of drop-off collection sites to recycle materials not collected on-site.
- 2. The requirements specified in Section 15(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 9 (6) through (15) from solid waste in as pure a form as is technically feasible.

SECTION 16 – PROHIBITIONS ON DISPOSAL OF RECYCLABLE MATERIALS

SEPERATED 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 Section 9 (6) through (15) that have been separated for recycling.

SECTION 17 – UNLAWFUL REMOVAL OF RECYCLABLES: It shall be unlawful for any person, unless under contract with or licensed by the Village of Arpin, to collect or remove any recyclable material that has been deposited or placed at the curb for the purposes of collection for recycling.

SECTION 18 – UNLAWFUL BURNING: It shall be unlawful to burn or bury solid waste and recyclables by persons on residential and non-residential properties. Open burning shall be permitted only of clean wood and paper.

SECTION 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 Arpin 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 Arpin 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 this ordinance may be issued a citation by the Village of Arpin for the purpose of collecting forfeitures. Issuing a citation does not prevent the Village from pursuing enforcement under any other applicable ordinance or law. Likewise, pursuing action under another ordinance or law does not prevent the Village from issuing a citation under this section.

SECTION 20 – PENALTIES: Penalties for violating this ordinance may be assessed as follows:

1. Any person who violates Section 16 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.
2. Any person who violates a provision of this ordinance, except Section 16, may be required to forfeit not less than \$10 or more than \$1000 for each violation.

SECTION 21 – EFFECTIVE DATE: This ordinance shall take effect and be in force after passage and publication as provided by law.

Adopted this 10th, day of September 2025

John Esser, Village President

Attest:

Jill Richardson, Clerk / Treasurer

Date