

ORDINANCE NO. 13-17

AN ORDINANCE TO REPEAL SECTIONS 11.08, 11.081 AND 11.082 AND TO RECREATE THEM AS SECTION 11.08 OF THE GERMANTOWN MUNICIPAL CODE RELATING TO THE REGULATION AND COLLECTION OF GARBAGE AND RECYCLABLES

---

WHEREAS, the Village Board previously adopted Sections 11.08, 11.081 and 11.082 of the Municipal Code which adopts certain regulations related to the collection of garbage and recyclable items within the Village; and

WHEREAS, the Village Board, upon the recommendation of Village's Director of Public Works seeks to update and clarify these regulations; and

WHEREAS, the regulation and collection of garbage and recyclable items is in the best interests of the health safety and welfare of the Community;

NOW, THEREFORE, the Village Board of the Village of Germantown, Wisconsin, do ordain as follows:

SECTION I

Sections 11.08, 11.081 and 11.082 of the Germantown Village Code are hereby repealed and recreated as section 11.08 follows:

**11.08 - GARBAGE AND RECYCLABLE ITEMS.**

(1) DEFINITIONS.

- (a) Bi-Metal Container. A container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.
- (b) Container Board. Corrugated paperboard used in the manufacture of shipping containers and related products.
- (c) Foam Polystyrene Packaging. Packaging made primarily from foam polystyrene that satisfies one of the following criteria:
  - 1. Is designed for serving food or beverages; or
  - 2. Consists of loose particles intended to fill space and cushion the packaged article in a shipping container; or
  - 3. Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.
- (d) HDPE. High density polyethylene, labeled by the SPI code #2.
- (e) LDPE. Low density polyethylene, labeled by the SPI code #4.
- (f) Magazines. Magazines and other materials printed on similar paper.
- (g) Major Appliance. A residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave

oven, oven, refrigerator, furnace, boiler, dehumidifier, water heater, water softeners or stove.

- (h) Multiple-Family Dwelling. A property containing 5 or more residential units, including those which are occupied seasonally.
- (i) Newspaper. A newspaper and other materials printed on newsprint.
- (j) Nonresidential Facilities and Properties. Commercial, retail, industrial, institutional (includes churches(parsonage) & schools) and governmental facilities and properties. This includes 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, but not limited to, fairs, festivals, sports venues, conferences, and exhibits.
- (k) Office Paper. 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. This term does not include industrial process waste.
- (l) Other Resins or Multiple Resins. Plastic resins labeled by the SPI code #7.
- (m) Person. Includes any individual, corporation, partnership, association, local governmental unit, as defined in Wis. Stat. § 287.01(5m), State agency or authority or Federal agency.
- (n) PETE. Polyethylene terephthalate, labeled by the SPI code #1.
- (o) Plastic Container. 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.
- (p) Post-Consumer Waste. Solid waste other than solid waste generated in the production of goods, hazardous waste as defined in Wis. Stat. § 291.01(7), waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in Wis. Stat. §289.01(17).
- (q) PP. Polypropylene, labeled by the SPI code #5.
- (r) PS. Polystyrene, labeled by the SPI code #6.
- (s) PVC. Polyvinyl chloride, labeled by the SPI code #3.
- (t) 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.
- (u) Solid Waste. The meaning specified in Wis. Stat § 289.01(33).
- (v) Solid Waste Facility. The meaning specified in Wis. Stat. § 289.01(35).
- (w) 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.

- (x) Waste Tire. A tire that is no longer suitable for its original purpose because of wear, damage or defect. (This includes all tires)
- (y) 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.

(2) IN GENERAL.

- (a) SERVICE PROVIDED. Garbage, refuse and recyclable collection service shall be under the rules and schedules determined by the Director of Public Works.
- (b) USERS SERVED. Garbage and recycling collection service shall be provided by the Village, only to single-family and two-family and to multi-family dwellings containing four or fewer dwelling units. Except for users enumerated in subsection (c) below.
- (c) USERS EXCLUDED. Garbage and recycling collection service shall not be provided by the Village to the following users:
  - 1. Nonresidential Facilities and Properties.
  - 2. Multifamily residential developments. For purposes of this section, multifamily residential development means a discrete, unified building project, in which one or more residential buildings are constructed. Collection services for garbage and recycling will be determined by a Developers Agreement or PDD/PUD agreement.
  - 3. Multiple-Family dwellings
- (d) COLLECTION TIME AND DAYS. Garbage and recyclables shall be placed in approved containers and placed at the curb or roadside not more than 12 hours prior to pickup or by 7:00 a.m. on the scheduled collection day. After collection, containers shall be removed from the curb or roadside within 12 hours. Containers must be stored next to or inside the dwelling. No pickup shall be made on legal holidays, but shall be made the following work day.
- (e) CONTAINER REGULATIONS.
  - 1. All garbage shall be placed in approved trash carts supplied by the Village contracted collection company. The carts are owned and maintained by the collection company. All weekly trash must fit into the trash cart to be collected, trash placed on the ground will not be collected.
  - 2. All recyclables shall be placed in the approved recyclable cart (green with yellow lid) which is furnished, owned and maintained by the Village contracted collection company. All co-mingled recyclables must be placed into the recyclables cart for collection; recyclables placed on the ground will not be collected.

(f) ITEMS NOT TO BE PICKED UP.

1. Small or large amounts of stone, concrete, earth or sod.
2. Construction debris.
3. Auto parts, e.g., engine blocks, heads, fenders and mufflers, or other machinery parts.
4. Tree trunks or stumps, trimmings, or branches.
5. Garbage or recycling strewn by animals or vandals prior to collection.
6. Lawn clippings or garden waste.
7. Household appliances.
8. Leaves.
9. Tires.
10. Hazardous or toxic waste material.
11. Batteries of any type.
12. Paint including, but not limited to, liquid latex solvent and oil based paint. (Dried latex paint is acceptable)
13. Single use propane cylinders
14. Computer equipment, TV's, Monitors and Printers

(3) RECYCLING REGULATIONS

- (a) PURPOSE. The purpose of this section is to promote recycling, composting and resource recovery through the administration of an effective recycling program, as provided in Wis. Stat. § 287.11 and Wis. Adm. Code § NR 544.
- (b) STATUTORY AUTHORITY. This section is adopted as authorized under Wis. Stat. § 287.09(3)(b).
- (c) ABROGATION AND GREATER RESTRICTIONS. It is not intended by this section to repeal, abrogate, impair or interfere with any existing rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, whenever this section imposes greater restrictions, the provisions of this section shall apply.
- (d) INTERPRETATION. In their interpretation and application, the provisions of this section 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 section may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this section is required by the Wisconsin Statutes or by a standard in Wis. Adm. Code § NR 544 and where a provision of this section is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and Wis. Adm. Code NR § 544 standards in effect on the date of the adoption of this section or in effect on the date of the most recent text amendment to this section.

- (e) SEVERABILITY. Should any portion of this section be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this section shall not be affected.
- (f) APPLICABILITY. The requirements of this section apply to all persons within the Village.
- (g) ADMINISTRATION. The provisions of this section shall be administered by the Director of Public Works.
- (h) EFFECTIVE DATE. The provisions of this subsection (3) were first effective on July 1, 2008
- (i) SEPARATION OF RECYCLABLE MATERIALS. Occupants of single-family and 2-unit, 3-unit and 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. Yard waste.
  - 5. Aluminum containers.
  - 6. Bi-metal containers.
  - 7. Corrugated paper or other container board.
  - 8. Clean 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.
- (j) SEPARATION REQUIREMENTS EXEMPTED. The separation requirements of subsection (i) above do not apply to the following:
  - 1. Occupants of single-family and 2-unit, 3-unit, and 4-unit residences, multiple-family dwellings, condominiums and nonresidential 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 subsection (i) above from solid waste in as pure a form as is technically feasible.
  - 2. Solid waste which is burned as a supplemental fuel at a facility of less than 30% of the heat input to the facility is derived from the solid waste burned as a supplemental fuel, in accordance with Wis. Stat. § 287.07(7)(bg).
  - 3. Foam polystyrene packaging and rigid plastic containers made of PVC (#3), LDPE (#4), PP (#5), PS (#6), and other multiple resins (#7). These items have been granted a

separation variance by the Department of Natural Resources under Wis. Stat. § 287.07(7)(h).

- (k) CARE OF SEPARATED RECYCLABLE MATERIALS. To the greatest extent practicable, the recyclable materials separated in accordance with subsection (i) above 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 which may reasonably be anticipated to reduce the marketability of the recyclable materials.
- (l) MANAGEMENT OF LEAD ACID BATTERIES, MAJOR APPLIANCES, WASTE OIL AND YARD WASTE. Occupants of single-family and 2-unit, 3-unit and 4-unit residences shall manage lead acid batteries, major appliances, waste oil and yard waste as follows:
  - 1. Lead acid batteries shall be taken to an approved drop-off site such as Batteries Plus, Wal-Mart, Fleet Farm, Industrial Recyclers, or other authorized collection centers.
  - 2. Major appliances, whether or not containing refrigerant, to be disposed of by the owner/user, shall be taken to Waste Management's Orchard Ridge Landfill or to Refrigerant Recovery, Inc. Non-refrigerant appliances may also be taken to Industrial Recyclers.
  - 3. Waste oil shall be taken to the Villages West Main Street Recycling Center.
  - 4. Yard waste shall be taken to the Villages West Main Street Recycling Center.
- (m) COLLECTION OF RECYCLABLE MATERIALS. Except as otherwise directed by the Director of Public Works, occupants of single-family and 2 family residences and 3-unit, 4-unit multi-family units shall place the separated materials specified in subsection (i)5 through (i)15 above into the cart supplied for recyclables, except that Waste tires shall be taken directly to Waste Management's Orchard Ridge Landfill or other tire distributors accepting used tires.
- (n) RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF MULTIPLE-FAMILY DWELLINGS & CONDOMINIMUMS HAVING 5 OR GREATER CONTIGUOUS UNITS:
  - 1. Owners or designated agents of multiple-family dwellings and condominiums (5 plus contiguous units) shall do all of the following to recycle the materials specified in subsection (i)5 through (i)15 above:

- 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 the 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 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 paragraph 1 above do not apply to the owners or designated agents of multiple-family dwellings & condominiums units having 5 or greater contiguous units if:
- a. 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 subsection (i) from solid waste in as pure a form as is technically feasible.
  - b. Less than 30% of the heat input to a facility is derived from the solid waste which is burned as a supplemental fuel at that facility in accordance with Wis. Stat. § 287.07(7)(bg).
  - c. Items that have been granted a separation variance by the Department of Natural Resources under Wis. Stat. § 287.07(7)(h). Currently the items which need not be separated from solid waste are foam polystyrene packaging and rigid plastic containers made of PVC (#3), LDPE (#4), PP (#5), PS (#6), and other resins or multiple resins (#7).
- (o) RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF NONRESIDENTIAL FACILITIES AND PROPERTIES.
1. Owners or designated agents of nonresidential facilities and properties shall do all of the following to recycle the materials specified in subsection (i)5 through (i)15 above:
    - 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.
  - e. The owner or occupant of a new building or a building that is remodeled or expanded by 50% or more in floor area shall provide a designated area for separation, temporary storage, and collection of solid waste and recyclables either within or adjacent to the building.
2. The requirements specified in paragraph 1 above do not apply to the owners or designated agents of nonresidential facilities and properties if:
- a. 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 subsection (i) above from solid waste in as pure a form as is technically feasible.
  - b. Less than 30% of the heat input to a facility is derived from the solid waste which is burned as a supplemental fuel at that facility in accordance with Wis. Stat. § 287.07(7)(bg).
  - c. Items that have been granted a separation variance by the Department of Natural Resources under Wis. Stat. § 287.07(7)(h). Currently the items which need not be separated from solid waste are foam polystyrene packaging and rigid plastic containers made of PVC (#3), LDPE (#4), PP (#5), PS (#6), and other resins or multiple resins (#7).
- (p) 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 subsection (i) above which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.
- (q) ENFORCEMENT.
- 1. For the purpose of ascertaining compliance with the provisions of this section, any authorized officer, employee or representative of the Village of Germantown 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 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 any authorized officer, employee or authorized representative of the Village of Germantown 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 section may be issued a citation by a Village police officer 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.
  3. Any person who shall be adjudicated to have violated any of the provisions of this section shall be subject to a penalty as provided in section 25.04 of this Code.
- (4) SCAVENGING OF RECYCLABLES PROHIBITED. All recyclable materials placed for pickup, as provided in section (3)(i) of this chapter, shall be deemed for purposes of this ordinance, the property of the Village and no person shall disturb or remove such materials.

State law references—Recycling generally, Wis. Stats. ch. 287; local recycling ordinances, Wis. Stats. § 287.09(3)(b).

#### SECTION II:

The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

#### SECTION III:

All ordinances or parts of ordinances contravening the terms of this ordinance are hereby to that extent repealed.

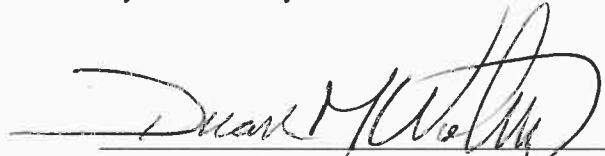
#### SECTION IV:

This ordinance shall take effect and be in full force on March 1, 2018 following its passage and publication.

Introduced by Trustee: Zabel

Adopted: August 7, 2017

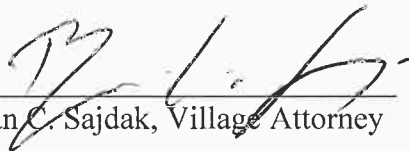
Vote: Ayes: 9    Nays: 0    Absent: 0

  
\_\_\_\_\_  
Dean M. Wolter, Village President

ATTEST:

  
\_\_\_\_\_  
Kathleen M. Strebe, Deputy Clerk

Approved as to form:

  
\_\_\_\_\_  
Brian C. Sajdak, Village Attorney

Published: August 24, 2017