

**Chapter 8.36
Recycling**

Sections:

- 8.36.010 Title.**
- 8.36.020 Purpose.**
- 8.36.030 Statuary Authority.**
- 8.36.040 Abrogation and greater restrictions.**
- 8.36.050 Interpretation.**
- 8.35.060 Severability**
- 8.36.070 Applicability.**
- 8.36.080 Administration.**
- 8.36.090 Definitions.**
- 8.36.100 Separation of recyclable materials.**
- 8.36.110 Separation requirements exempted.**
- 8.36.120 Care of separated recyclable materials.**
- 8.36.130 Management of lead acid batteries, major appliances, waste oil, and yard waste.**
- 8.36.140 Preparation and collection of recyclable materials.**
- 8.36.150 Responsibilities of owners of designated agents of multiple-family dwellings.**
- 8.36.160 Responsibilities of owners of designated agents of nonresidential facilities and properties.**
- 8.36.170 Prohibitions on disposal of recyclable materials separated for recycling.**
- 8.36.180 Service Contracts.**
- 8.36.190 Charges.**
- 8.36.200 Enforcements and penalties.**

8.36.010 Title.

This chapter is the recycling ordinance for the Village of Oakfield. (Ord. dated 2/11/26)

8.36.020 Purpose.

The purpose of this chapter is to promote recycling compositing and resource

recovery through the administration of an effective recycling program, as provided in Section 287.11, Wisconsin Statutes, and Chapter NR 544, Wisconsin Administrative Code. (Ord. dated 2/11/26)

8.36.030 Statutory authority.

The ordinance codified in this chapter is adopted as authorized under Section 287.09(3)(b), Wisconsin Statutes and pursuant to its village powers under Section 60.10 of the Wisconsin Statutes to plan, develop, implement and operate an effective recycling program within the village. (Ord. dated 2/11/26)

8.36.040 Abrogation and greater restriction.

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. (Ord. dated 2/11/26)

8.36.050 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 of interpretation shall apply. Where a provision of this chapter is required by Wisconsin Statutes, or by a standard in Chapter NR 544, Wisconsin Administrative 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 the ordinance codified in this chapter, or in effect on the date of the most recent text amendment to this

chapter. (Ord. dated 2/11/26)

8.36.060 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. (Ord. dated 2/11/26)

8.36.070 Applicability.

The requirements of this chapter apply to all persons within the village of Oakfield. (Ord. dated 2/11/26)

8.36.080 Administration.

The provisions of this chapter shall be administered by the village board of the village of Oakfield. (Ord. dated 2/11/26)

8.36.090 Definitions.

For the purpose of this chapter:

“Bimetal container” means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.

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

“Foam Polystyrene packaging” means packaging made primarily from foam polystyrene that satisfies on of the following criteria:

1. Is designed for serving food or beverages;
2. Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.
3. Consists of rigid material shaped to hold and cushion the packaged article in a shipping container.

“Glass container” means 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” means high density polyethylene labeled by the resin code #2.

“LDPE” means low density polyethylene, labeled by the resin code #4.

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

“Major appliances” means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, stove, furnace, boiler, water heater and dehumidifier.

“Multiple-family dwelling” means a structure containing five or more residential units, including those which are occupied seasonally.

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

“Nonresidential facilities and properties” means commercial, retail, industrial, institutional and government facilities and properties. Non-residential facilities and properties 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 fairs, festivals, sport venues, conferences, and exhibits. This term does not include multiple family dwellings.

“Office paper” means 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” means plastic resins labeled by the resin code #7.

“Person” means and includes any individual, corporation, limited liability company, partnership, as-sociation, local governmental unit, as defined in Section 66.0131(1)(a), Wisconsin Statues, state agency or authority or federal agency.

“PETE” means 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 retail sale.

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

“PP” means polypropylene, labeled by the resin code #5.

“PS” means polystyrene, labeled by the resin code #6.

“PVC” means polyvinyl chloride, labeled by the resin code #3.

“Recyclable materials” means and include 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 bimetal containers.

“Solid waste” has the meaning specified in Section 289.01(33), Wisconsin Statutes.

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

“Solid waste treatment” means any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid wastes.

“Treatment” includes incineration.

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

“Yard waste” means leaves, grass

clippings, yard and garden debris and brush, including clean woody vegetative material no greater than six inches in diameter. This term does not include stumps, roots or shrubs with intact root balls. (Ord. dated 2/11/26)

8.36.100 Separation of recyclable materials.

Occupants of single-family and two to four unit residences, multiple-family dwellings and non-residential facilities and properties shall separate the following material from post-consumer waste:

- A. Lead acid batteries;
- B. Major appliances;
- C. Waste Oil;
- D. Yard waste;
- E. Aluminum containers;
- F. Bimetal containers;
- G. Corrugated paper or other container board;
- H. Foam polystyrene packaging;
- I. Glass containers;
- J. Magazines;
- K. Newspaper;
- L. Office paper;
- M. Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins;
- N. Steel containers;
- O. Waste tires. (Ord. dated 2/11/26)

8.36.110 Separation requirements exempted.

The separation requirements of Section 8.36.100 do not apply to the following:

A. Occupants of single-family and two to four unit residences, multiple-family dwellings 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 Section 8.32.100 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 of the heat input to the facility is derived from the solid waste burned as supplemental fuel;

C. A recyclable material specified in Section 8.36.100, E through O for which a variance has been granted by the Department of Natural Resources under Section 287.11 (2m), Wisconsin Statutes, or Section NR 544.14, Wisconsin Administrative Code. (Ord. dated 2/11/26)

8.36.120 Care of separated recyclable materials.

To the greatest extent practicable, the recyclable materials separated in accordance with Section 8.36.100 shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other non-recyclable material, 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 (Ord. dated 2/11/26)

8.36.130 Management of lead acid batteries, major appliances, waste oil and yard waste.

Occupants of single-family and two-to four unit residences, multiple-family dwellings and nonresidential facilities and properties shall manage lead acid batteries, major appliances, waste oil, and yard waste as follows:

A. Lead acid batteries shall be taken to an area retailer or other location that recycles vehicle batteries.

B. Major appliances shall be taken to any approved retailer, scrap yard or other location which accepts the items for recycling.

C. Used oil shall be taken to an area

retailer or other location which accepts used oil for recycling.

D. Yard waste shall be kept out of the trash. Yard waste may be composted or delivered to the village garage during open daylight hours and in designated area. Tree trimmings should be limited to four (4) foot lengths and two (2) inches in diameter. Whole trees or shrubs cannot be brought to the village garage even if they are cut down to the lengths specified above. Yard waste may not be burned (see Chapter 8.32.010). Curbside pickup is only available for leaf collection in the fall, normally from mid-October through November.

8.36.140 Preparation and collection of recyclable materials.

Except as otherwise directed by the Village board, 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 8.36.100 E through O:

A. Aluminum containers shall be rinsed, placed in the approved recycling bin and put on the terrace on the day and time designated for collection.

B. Bimetal containers shall be rinsed, placed in the approved recycling bin and put on the terrace on the day and time designated for collection.

C. Corrugated paper or other container board shall be free of debris, dry, flattened, and placed in the approved recycling bin and put on the terrace on the day and time designated for collection.

D. Foam polystyrene packaging shall be cleaned, separated for recycling and placed in the approved recycling bin and put on the terrace on the day and time designated for collection.

E. Glass containers shall be rinsed, caps removed and discarded, containers placed in the approved recycling bin and put on the terrace on the day and time designated

for collection.

F. Magazines shall be free of debris, dry and placed in the approved recycling bin and put on the terrace on the day and time designated for collection.

G. Newspaper shall be free of debris dry, placed in the approved recycling bin and put on the terrace on the day and time designated for collection.

H. Office paper shall be free of debris, paper clips, staples, binder rings, and placed in the approved recycling bin and put on the terrace on the day and time designated for collection.

I. Rigid plastic containers shall be prepared and collected as follows:

1. Plastic containers made of PETE, including soda bottles, shall be rinsed, flattened, caps discarded. Place in approved recycling bin and put on the terrace on the day and time designated for collection.

2. Plastic containers made of HDE, including milk jugs and detergent bottles, shall be rinsed, flattened, caps discarded. Place in approved recycling bin on the terrace on the day and time designated for collection.

3. Plastic containers made of PVC, including salad oil containers, shall be cleaned, separated for recycling and placed in approved recycling bin and put on the terrace on the day and time designated for collection.

4. Plastic containers made of LDPE, including shrink wrap, bags, shall be cleaned, separated for recycling and placed in approved recycling bin and put on the terrace on the day and time designated for collection.

5. Plastic containers made of PP, including yogurt and margarine tubs, shall be cleaned, separated for recycling and placed in approved recycling bin and put on the terrace on the day and time designated for collection.

6. Plastic containers made of PS, including package foam and food containers, shall be cleaned, separated for recycling and placed in approved recycling bin and put on the terrace on the day and time designated for

collection.

7. Plastic containers made of other resins or multiple resins, including salad containers, shall be cleaned, separated for recycling and placed in approved recycling bin and put on the terrace on the day and time designated for collection.

J. Steel containers shall be rinsed, flattened, placed in approved recycling bin and put on the terrace on the day and time designated for collection.

K. Waste tires shall be taken to a tire dealer for recycling. (Ord. dated 2/11/26)

8.36.150 Responsibilities of owners or designated agents of multiple-family dwellings.

A. Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in section 8.36.100, E through O:

1. 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.

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 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.

B. The requirements specified in subsection A of this section do not apply to the owners or designated agents of non-multiple-family dwellings 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 8.36.100, E through O from solid waste in as pure a form as is technically feasible. (Ord. dated 2/11/26)

8.36.160 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 8.36.100, E through O:

1. 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.

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 material 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 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.

B. The requirements specified in subsection A of this section 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 8.36.100, E through O from solid waste in as pure a form as is technically feasible. (Ord. dated 2/11/26)

8.36.170 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 Section 8.36.100, E through O which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility. (Ord. dated. 2/11/26)

8.36.180 Service contracts.

The village shall negotiate and enter into an annual or multiyear contract with a licensed waste hauler for the purpose of providing the collection and removal of recyclable material. (Ord. dated 2/11/26)

8.36.190 Charges.

The cost of collection and removal services in the village for recyclable material shall be paid by the village from the proceeds in part from a grant received from the state of Wisconsin, Department of Natural Resources and the balance from a special assessment charge per each residential unit placed on the tax roll pursuant to 66.0627, Wis. Stats. The village requires that all residential establishments shall be charged by the village for collection and removal services regardless

of whether the establishment uses the collection and removal services provided for or arranged for by the village. (Ord. dated 5/11/94 § 1.20) An extra recycling container may be obtained for a fee by contacting the contracted waste hauler for the Village. The fee will be paid independently by the property owner according to the terms of the Village's contract with the hauler. (Ord. dated 2/11/26)

8.36.190 Enforcement and penalties.

A. For the purpose of ascertaining compliance with the provisions of this chapter, any authorized officer, employee, or representative of the Village of Oakfield 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 Oakfield who requests access for purpose 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 may be issued a citation by a Village of Oakfield employee designated to collect forfeitures. The issuance of 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.

C. Penalties for violating this chapter may be assessed as follows:

1. Any person who violates Section 8.36.170 may be required to forfeit fifty dollars (\$50.00) for a first violation, two hundred dollars (\$200.00) for a second violation, and not more than two thousand dollars (\$2,000) for a third or subsequent violation, including reasonable attorneys' fees if any occur and in default of payment of such forfeitures and costs shall be imprisoned in the county jail until payments of such forfeiture and cost of prosecution.

2. Any person who violates a provision of this chapter, except Section 8.36.170 may be required to forfeit not less than ten dollars (\$10.00) nor more than one thousand dollars (\$1,000) for each violation. (Ord. dated 2/11/26)