

ORDINANCE NO. 2022-06

**ORDINANCE TO AMEND CHAPTER 78 OF THE MUNICIPAL CODE
SOLID WASTE**

THE VILLAGE BOARD OF THE VILLAGE OF KEWASKUM, WASHINGTON COUNTY, WISCONSIN, DO
ORDAIN AS FOLLOWS:

Section 1. That Chapter 78 of the Municipal Code of the Village of Kewaskum, relating to Solid Waste, shall be amended and created as follows:

ARTICLE II. - COLLECTION, DISPOSAL AND RECYCLING [2]

DIVISION 1. - GENERALLY

Sec. 78-35. - Title; collection service.

(a) *Title.* This article shall be known as the solid waste and recycling management ordinance.

(b) *Garbage and refuse collection service.* Residential garbage and recycling collection service will be provided by the village personnel or private firms under contract with the village provided that solid waste guidelines are met as spelled out in this article.

Sec. 78-36. - Administration, enforcement of article.

For the purpose of Article II. – Collection, Disposal and Recycling, the title and duties of the public works director are interchangeable with the lead working foreman. It shall be the responsibility of the director of public works to administer and enforce this article. Items not specifically covered in this article shall be handled by the director of public works based on common municipal practices. If the director of public works' decision is not acceptable to the property owner, the public works committee shall review complaints as requested and make a determination.

Sec. 78-37. - Declaration of policy.

Whereas the village is serving as its own responsible unit, pursuant to ch. 159, Wis. Stats., and NR 544, "The Recycling Laws," which require timely compliance with various requirements relating to landfill and incineration, it is declared to be the purpose and intent of this article to enhance and improve the environment and promote the health, safety and welfare of the village by establishing minimum standards for the storage, collection, transport, processing, separation, recovery and disposal of solid waste and recycling materials in compliance with state law.

Sec. 78-38. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Agricultural establishment means an establishment engaged in the rearing and slaughtering of animals and the processing of animal products or orchard and field crops.

Ashes means the residue from the burning of wood, coal, coke or other combustible material.

Bulky waste means items whose large size precludes or complicates their handling by normal collection, processing or disposal methods.

Collector/vendor means the person specifically authorized by the village board to collect garbage, rubbish and recyclable materials and dispose of the same.

Commercial establishment means any hotel, motel, apartment house, rooming house or tourist court which contains three or more service units and any other building, business or establishment of any nature or kind whatsoever other than a residential unit. Apartment house shall mean any residential building containing four or more full living units, including condominiums and elderly housing.

Curb means the back edge or curb and gutter along a paved street or where one would be if the street was fully improved and had a curb and gutter.

Demolition waste means that portion of solid wastes consisting of waste from the repair, remodeling or reconstruction of buildings, such as lumber, roofing and sheathing scraps, rubble, broken concrete, asphalt and plaster, conduit, pipe, wire, insulation and any other materials resulting from the demolition of buildings and repair, remodeling or reconstruction of buildings, such as lumber, routine and sheathing scraps, rubble, broken concrete, asphalt and plaster, conduit, pipe, wire, insulation and any other materials resulting from the demolition of buildings and improvements.

Director means the director of public works of the village.

Disposal means the orderly process of discarding useless or unwanted material.

DNR means the state department of natural resources.

Dump means a land site where solid waste is disposed of in a manner that does not protect the environment.

Dwelling unit means a place of habitation occupied by a normal single-family unit or combination of persons who may be considered as equivalent to a single-family unit for the purposes of this article.

Garbage means every refuse accumulation of animal, fruit or vegetable matter that attends the preparation, use, cooking and dealing in or storage of edibles and any other matter of any nature whatsoever, which is subject to decay, putrefaction and the generation of noxious or offensive gases or odors, or which, during or after decay, may serve as breeding or feeding material for flies or other germ-carrying insects.

Garbage can mean a plastic or galvanized metal container of the type commonly sold as a garbage can

of a capacity not less than 20 gallons and not to exceed 30 gallons, having two handles upon the sides thereof or bail by which it may be lifted and a tightfitting metal or plastic top with a handle and so constructed as to permit the free discharge of its contents. No garbage can shall weigh more than 60 pounds when filled.

Garden trash. Refer to "yard waste."

Hazardous waste means any substance or combination of substances, including any waste of a solid, semisolid, liquid or gaseous form, that may cause or significantly contribute to any increase in mortality or increase in serious irreversible or incapacitating reversible illness or which may pose a substantial present or potential hazard to human health or the environment because of its quality, concentration or physical, chemical or infectious characteristics. This term includes but is not limited to substances which are toxic, corrosive, flammable, irritants, strong sensitizers or explosives as determined by the DNR.

Industrial waste means liquid or other wastes resulting from any process or industry, manufacture, trade or business in the development of any natural resource.

Landfill means a land site where solid waste is disposed of in a manner to provide protection for the environment, in accordance with state regulations.

Litter means solid waste scattered about in a careless manner, usually rubbish.

Mobile container means a metal 14 gauge steel garbage and waste container with the following minimum specifications: 77 3/8 inches long, 30 inches wide and 46 inches high at the back edge and shall be mounted on four rubber wheels with roller bearings and/or metal slides. Such mobile containers shall be capable of fitting the village's/contractor's garbage truck, hydraulic attachments for unloading. Such container shall be flyproof, ratproof and leakproof and shall be fitted with a metal or plastic top. The minimum size for a mobile container shall be 1.5 cubic yards and the maximum shall be 2.0 cubic yards.

Noncombustible refuse means refuse materials that are unburnable at ordinary incinerator temperatures (800 degrees to 1,800 degrees F.), such as metals, mineral matter, large quantities of glass or crockery, metal furniture, auto bodies or parts, and other similar material or refuse not usual to housekeeping or to the operation of stores and offices.

Nonrecyclable material means all Pyrex glass, window glass, light bulbs, mirrors, broken glass and china, all styrofoam and melamine type plastics, all waxed paper, waxed corrugated cardboard, envelopes with gummed labels, and envelopes with plastic windows and all other paper, garbage and rubbish, and similar materials not defined as recyclable materials.

Nonresidential solid waste means solid waste from agricultural, commercial, industrial and institutional activities or a building or group of buildings consisting of four or more dwelling units.

Person means an individual, firm, partnership, corporation, association, executor, administrator, trustee or other legal entity, whether singular or plural, masculine or feminine, as the context may require.

Plastic or polyethylene disposal bags means a container other than a garbage can, which is used for garbage disposal. Such bag shall meet the same criteria as a garbage can and shall withstand a drop of five feet onto smooth concrete when filled to a total weight of 30 pounds with a material having a weight density of 15 pounds per cubic foot. The bags shall be securely closed with a twist tie or equivalent.

Blue recyclable plastic or polyethylene bag means a blue bag used for the disposal of recyclable materials and is available in either 17.5-gallon or 35-gallon sized bags.

Private collection services means collection of services provided by a person licensed to do same by the DNR.

Recyclable plastic bin means a minimum of 18-gallon plastic bin with the recycling logo for the sole purpose of placing recyclable waste out for curbside disposal.

Recyclable waste means:

- (1) Aluminum containers made entirely of aluminum.
- (2) Glass: clear, brown, green rinsed empty with covers and bands removed.
- (3) Tin: steel containers rinsed empty.
- (4) Plastic bottles: P.E.T.E.-1, H.D.P.E.-2 rinsed clean with caps and rings removed.
- (5) Newspaper: tied in bundles.
- (6) Corrugated cardboard: tied in three-foot by three-foot bundles.
- (7) Batteries: car, truck, motorcycle and snowmobile.
- (8) Appliances (white goods): stoves, refrigerators, washers, dryers, residential and commercial furnaces, boilers, dehumidifiers, water heaters and etc.
- (9) Magazines: tied in bundles.

Refuse includes all waste material, including garbage, rubbish and industrial waste and shall, by way of enumeration but not by way of limitation, include grass, leaves, sticks, tree branches, vines and logs, stumps, stones, cement, boards, furniture or household appliances, and garden debris.

Residential solid waste means all solid waste that normally originates in a residential environment from residential units.

Residential unit means an individual household capable of independent habitation by a family unit. A single-family dwelling shall be considered to be one residential unit; a multifamily dwelling shall be considered to be multiple residential units, the number of residential units to equal the number of family units to be housed therein. Residential units shall not include boardinghouses, hotels, motels or resorts.

Rubbish means all matter produced from residential or community life, subject to decomposition, not defined as sewage and excluding hazardous waste. Included is furniture, plastic and metal objects that

are not food containers or recyclable, carpeting fixtures, and plumbing items.

Scavenging means the uncontrolled removal of materials at any point in solid waste management.

Solid waste means discarded materials resulting from the handling, processing, storage and consumption of food.

Storage means the interim containment of solid waste in an approved manner after generation and prior to collection and ultimate disposal.

Storage area means areas where persons place containers during noncollection days as well as areas where containers are set out for collection day.

Tax-exempt property means that property exempt from paying local property tax, such as schools, churches and charitable organizations.

White goods means stoves, refrigerators, washers, dryers, residential and commercial furnaces, boilers, dehumidifiers, water heaters, freezers, microwave ovens, ovens, air conditioners and similar materials as provided under the definition of "major appliances" in § 159.01(3), Wis. Stats., by 1993 Wis. Act 245, effective April 23, 1994.

Yard waste means grass trimmings, grass rakings, leaves, garden debris, vines, shrubbery cuttings less than 18 inches long, and fruits and vegetables.

Sec. 78-39. - Penalty.

Except as otherwise provided, any person who shall violate any provision of this article, or any order, rule regulation made under this article, shall be subject to a forfeiture as provided in section 1-11 of this Code and §§ 159.95 and 159.97, Wis. Stats.

Sec. 78-40. - Refuse from outside the village.

It is unlawful for any person to place, deposit or cause to be deposited for collection, any waste, recyclable or refuse not generated within the village.

Sec. 78-41. - Placing dangerous materials in waste containers prohibited.

No person shall place or cause to be placed in a garbage can or refuse container for collection any acid, explosive material, flammable liquids, or any dangerous or highly corrosive material of any kind.

Sec. 78-42. - Prima facie evidence of accumulation of waste.

The fact that any residential unit or any commercial establishment located in the village is occupied shall be prima facie evidence that garbage or other refuse is being produced or accumulated upon such premises. This would indicate that proper steps should be taken to dispose of such garbage or refuse or the occupant shall be in violation of this section.

Sec. 78-43. - Prohibited activities and noncollectable materials.

- (a) *Dead animals.* It shall be unlawful to place any dead animal, or parts thereof, in a container for collection; however, this subsection shall not apply to animal parts from food preparation for human consumption.
- (b) *Undrained food waste.* It shall be unlawful to place any garbage or other food wastes in a container for collection unless it is first drained and wrapped.
- (c) *Ashes.* It shall be unlawful to place hot ashes for collection. Ashes are to be cold and completely extinguished. Ashes that have been stored in metal containers and wet down may be left for collection in an approved container.
- (d) *Improper placement.* It shall be unlawful to place or allow to be placed any solid waste upon the roads, streets, public or private property within the village contrary to the provisions of this article.
- (e) *Compliance with article.* It shall be unlawful to store, collect, transport, transfer, recover, incinerate or dispose of any solid waste within the boundaries of the village contrary to the provisions of this article.
- (f) *Improper transportation.* It shall be unlawful to transport any solid waste in any vehicle that permits the contents to blow, sift, leak or fall from the vehicle. If spillage does occur, the collection crew shall immediately return spilled materials to the collection vehicle and shall properly clean or have cleaned the area. All vehicles used for the transportation of solid waste shall be durable, easily cleanable and leakproof, if necessary, considering the type of waste and its moisture content. Collection vehicles shall be cleaned frequently to prevent nuisances and insect breeding and shall be maintained in good repair.
- (g) *Interference with authorized collector.* No person other than an authorized collector shall collect or interfere with any garbage after it shall have been put into a garbage receptacle and deposited in the proper place for the collector; nor shall any unauthorized person molest, hinder, delay or in any manner interfere with an authorized garbage collector in the discharge of his duties.
- (h) *Scavenging.* It shall be unlawful for any person to scavenge any solid waste placed for collection.
- (i) *Private dumps.* It shall be unlawful for any person to use or operate a dump.
- (j) *Burning of waste.* It shall be unlawful for any person to burn solid waste in any manner, except as provided elsewhere in this Code.
- (k) *Noncollectible materials.* It shall be unlawful for any person to place for collection any of the following waste unless placed in compliance with division 4 of this article or special arrangements have been made pursuant to section 78-95(3) and (4):
 - (1) Hazardous waste.
 - (2) Toxic waste.
 - (3) Chemicals.
 - (4) Explosives or ammunition.
 - (5) Drain or waste oil or flammable liquids.
 - (6) Large quantities of paint.
 - (7) Tires.
 - (8) White goods.
 - (9) Yard waste.

- (l) *Animal or human waste.* It shall be unlawful for any person to place waste for collection, except animal waste or kitty litter waste may be disposed of in plastic bags for collection.
- (m) *Hospital or medical waste.* It shall be unlawful for any person to place for collection any pathogenic hospital wastes.
- (n) *Building waste.* All waste resulting from remodeling, construction or removal of a building, roadway or sidewalk shall be disposed of by the owner, builder or contractor
- (o) *Waste motor oil recycling.* No person shall dispose of any waste motor oil by placing it with refuse for regular collection by the village/contractor, by pouring it on the ground, into the storm sewer, ditches or waterways, or into gutters or village streets. Any person wishing to dispose of waste motor oil shall utilize the designated village recycling waste oil disposal station or at any other legal waste oil site. It shall be unlawful to dispose of waste oil containing foreign matter.
- (p) *Unlawful disposal.* It will be unlawful to dump or dispose of garbage on private or public property, public parks or along public roadways.

Sec. 78-44. - Prohibited storage, accumulation and deposit of refuse.

- (a) *Public places.* No person shall store any refuse in any street, alleyway or other public place at any time, except as provided in this section, or upon any private property other than property owned and occupied by such person.
- (b) *Bodies of water.* No person shall throw or deposit any refuse in any storm sewer, stream, river or other body of water.
- (c) *Unauthorized accumulation.* Any accumulation of refuse on any premises is declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of refuse within ten days after due notice, served by certified mail with return receipt requested, shall be deemed a violation of this section.

Sec. 78-45. - Plan for storage required before issuance of certain building permits.

- (a) Before building permits may be issued for construction of shopping centers, multifamily dwellings of three or more dwelling units and supermarkets, a plan for storage of garbage/waste and recyclables must be approved by the director of public works as to location, accessibility and adequacy.
- (b) Multifamily dwellings consisting of five or more dwelling units shall be responsible for providing and paying for the disposal of their own refuse through a private contractor. The owner of any commercial multiple dwelling shall furnish, or require the tenant of the dwelling to furnish, proper solid waste and recycling bags and/or a dumpster where applicable.

Cross reference— Buildings and building regulations, ch. 14.

Secs. 78-46—78-65. - Reserved.

DIVISION 2. - PERMITS, FEES AND CHARGES

Sec. 78-66. - Owner's or occupant's permit.

In all cases in which garbage or waste is removed and disposed of by persons other than employees of

the public works department, the owner or occupant of the premises from which such removal is made shall secure a written permit for such removal from the director of public works. The application for such permit shall show the name and address of the person or persons by whom such removal is to be made, the nature of the vehicle or vehicles in which it is to be transported, and the location at which and the manner in which the ultimate disposition of the garbage and waste is to be accomplished.

Sec. 78-67. - Hauler's permit.

No person shall remove garbage or waste from any premises in the village or transport garbage or waste through the streets, alleys or public ways of the village or dump, incinerate or in any other manner dispose of garbage or waste originating within the limits of the village or contract for or permit himself to be employed or engaged for any such removal, transportation or disposal without first having secured a permit for such services as provided by section 78-66.

Sec. 78-68. - Permit to operate business.

- (a) No person shall engage in the business of garbage or waste disposal and collection without having first made application upon a form provided by the public works department and obtained a permit from such department to carry on such a business. The director of public works shall determine the adequacy of the equipment to be used, financial responsibility and business character and reputation of the applicant, method and location of collection and disposal, need for such private service, and other pertinent information pertaining to the applicant, and may deny a permit if not satisfied with the adequacy of and need for such proposed operation and the financial responsibility and moral character of the applicant. Permits shall be issued for one year and may be canceled at any time by the village board on recommendation of the director of public works for inadequacy of service, inadequate precautions in collection or disposal, unsanitary conditions of the disposal equipment, littering of the streets, alleys or roads or interfering or hindering village garbage and waste collection. The village reserves the right to refuse to renew permits at the expiration date and to provide such collection service with village equipment and employees. Such application shall be submitted to and approved by the director as a prerequisite to the issuance of an occupational license to engage in the business of private waste collection and disposal.
- (b) Upon the cancellation of a garbage and waste collection permit, the person so engaged in such service shall immediately dispose of any accumulation of garbage and waste accumulated prior to the cancellation of the permit, and shall within 24 hours of the cancellation remove any and all garbage cans and mobile containers owned or leased by such person conducting the garbage and waste service.
- (c) License fees shall be as stated within the refuse/recycling disposal and collection policy as adopted and published by the village board, for a one-year permit from January 1 to December 31, or any portion of the year.

Sec. 78-69. - Collection from tax-exempt property.

(a) How determined. Collection of garbage and refuse from tax-exempt property will not be provided by the Village of Kewaskum. All tax-exempt properties must contract on their own for garbage and refuse services.

Sec. 78-70. - Special collection fees; extra charges.

Special collections outside the regular hours of operation of the public works department or a contractor not covered by this division may be performed for such fee and under such conditions as may be specified by the director of public works and/or contractor. Interference with waste collection or unreasonable delay in waste collection may be subject to an extra charge.

Secs. 78-71—78-90. - Reserved.

DIVISION 3. - COLLECTION AND DISPOSAL REGULATIONS

Sec. 78-91. - Number, condition of containers.

- (a) *Generally.* Each commercial establishment located in the village shall have a maximum number of three garbage cans or a maximum of one mobile container to accommodate all garbage and waste to be removed at the cost to the building or commercial business owner, and each residential unit in the village shall have a minimum of one garbage can or a maximum of three garbage cans for such purpose. Collection service may be discontinued where containers have been condemned as unfit for garbage receptacles until proper containers are provided and the owners or users thereof may be subject to the provisions of subsection (c) of this section. Garbage cans and mobile containers shall be kept tightly covered at all times and shall be capable of being closed so that water, flies and other insects cannot enter and shall be easily accessible to the refuse collectors on the property from which the refuse originated.
- (b) *Refuse storage area.* Storage areas shall be kept in a nuisance- and odor-free condition.
- (c) *Litter shall not be allowed to accumulate.* Collection crews will not be responsible for cleaning up loose materials from any containers that have become ruptured or broken due to wet conditions, animals, vandalism or other cause. The occupant and/or owner shall be responsible for cleaning up this litter.
- (d) *Litter not collected shall not be allowed to accumulate.* Violation will result in the occupant's and/or owner's being notified to clean up the area, with continued violation resulting in the owner's being prosecuted under the provisions of this division and the general penalty provisions in section 1- 11.
- (e) *Illegal containers.* Containers not approved consist of metal barrels and drums, wooden or cardboard barrels, wheelbarrows and other such containers (oversized without handles) not approved by this article. These containers will not be emptied regardless of contents or weight. The collector shall not be obligated to pick up any garbage, recyclable, rubbish or trash in nonapproved containers.

Sec. 78-92. - Deposit of garbage and refuse for collection.

- (a) Separation of refuse. Garbage and refuse shall be placed in standard garbage cans or bags.
- (b) Preparation of refuse. All garbage and refuse shall be drained of liquid before being deposited in the container for collection. All garbage shall be wrapped in paper before being placed in garbage cans or bags.

Sec. 78-93. - Location of garbage cans/containers.

- (a) Where an alley exists and is normally used for the collection of garbage, garbage cans or mobile containers shall be placed on the owner's property as near to such alley as practical. If no alley exists or is not practical by reason of the existence of physical obstacles to placing the garbage can or mobile container on the edge of the alley, such garbage can or mobile container shall be placed at a point to be designated by the director of public works.

- (b) If a property owner erects a fence, wall or hedge bordering on any alley, the property owner shall provide an offset in the fence, wall or hedge of not less than four feet by ten feet for the placement of garbage cans or mobile containers. (c) Multifamily/condos, even though under normal conditions will be contracting for and paying for the collection of their disposal of garbage/refuse and recyclables, are responsible for the fencing (privacy screen) around their garbage cans or mobile containers.

Sec. 78-94. - Placing of materials for collection.

No garbage can or trash container shall be kept upon or adjacent to any street, sidewalk, parkway, front yard, side yard or other place within the view of persons using the village streets and sidewalks; except that:

- (1) Placing for collection. Not earlier than noon on the day preceding that upon which garbage and refuse collection are customarily made from such premises, such garbage cans and trash containers shall be placed within six feet of the street or just inside the curb for the purpose of permitting the collection of garbage and refuse from such containers, and such garbage cans and trash containers shall be removed from such place on the same day collection is made.
- (2) Erection of bins for accumulation. The owner or occupant of any premises may, while the owner of a multifamily/condo will, erect or construct and maintain upon any portion of their own premises, on a parkway or public walk, a permanent bin, pit or other structure in which garbage cans or trash containers may be kept; however, such bin, pit or other structure shall be maintained in a clean, sanitary and sightly condition. Commercial trash bins for large boxes or similar trash and other accumulation of a nature other than garbage shall have four sides, screened roof and access door and be constructed on the owner's property, accessible for direct loading into a private hauler's vehicles. All boxes shall be flattened before depositing in a container.
- (3) Restriction of tire collection. No businessman, resident or nonresident shall place for disposal any tires. The department of public works and contractor are instructed to leave all tires placed for collection day.
- (4) Items not picked up. The following items will not be picked up by the village or contractor in connection with its regular weekly garbage collection, but will be accepted for disposition by the contractor at the West Bend transfer station or possibly picked up if called in arrangements and payment for pickup is made. Certain conditions for the following preparations are made by the owner or resident generating such items of waste:
 - a. Miscellaneous metal. Sort by content, if possible. Remove all nonmetal attached
 - b. Major appliances. Place in the designated area for arranged pickup
 - c. Waste oil. Transport waste oil to the deposit station, free from any foreign substance.
 - d. Tires. Refer to subsection of this section. (Make arrangements with a tire retailer or West Bend transfer station for disposal.)
 - e. Grass clippings and leaves. Place in the designated area at the village garage, free from

foreign debris.

f. Nonrecyclable materials (furniture, carpeting, etc.). Check with contractor or West Bend transfer station for disposal.

g. Batteries. Place adjacent to recycling bin at the curb for pickup.

Sec. 78-95. - Dumping or burying waste.

No person shall dump or bury any waste on public or private property unless written permission has been obtained from the respective property owner or owners and such disposal has been authorized by the director of public works. The provisions of this section do not apply to dumping on private property with the owner's permission of sand, dirt, broken bricks, block, broken pavement or other material suitable for use as fill matter to raise the elevation of the land.

Sec. 78-96. - Method of transporting waste.

No person shall haul, convey or cause to be hauled or conveyed any waste, including discarded building material or discarded furniture, upon or along public streets, roads or alleys except when material transported is adequately secured in such a manner as to prevent the material from falling or being blown from the transporting vehicles. It shall be a violation of this section to haul any garbage or rubbish within any area of the village in which waste collection service is maintained by the village or its contractors.

Sec. 78-97. - Location of garden trash and rubbish.

(a) No person shall place garden trash and rubbish on public or private property except as provided for in section 78-95(4). (b) Whenever in the discretion of the director of public works it is necessary in the interest of the public health or safety to correct an unsightly condition as a result of the unusual accumulation of trash, and it is necessary to collect the same more often than once every seven days, the appropriate contracting of services and payment of charges shall be made.

Secs. 78-98—78-120. - Reserved.

DIVISION 4. - RECYCLING AND RECYCLABLES

[3]

Footnotes:

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State Law reference— Effective recycling programs generally, § 159.11, Wis. Stats.

Sec. 78-121. - Recyclable materials enumerated.

(a) The following recyclable materials are to be saved and placed for curbside recycling service in the stated condition:

1. Plastic milk, soda and detergent bottles as well as other bottles marked #1 P.E.T.E. and #2 H.D.P.E., also those #2 H.D.P.E. wide-mouth containers such as ice cream pails (remove metal

handles), butter and other type storage containers. These containers are to be rinsed clean, lids removed and discarded, bottles/containers crushed, and metal handles removed. The village shall require the separation and collection of plastic containers labeled #3, #4, #5, #6, and #7 and foam polystyrene packaging.

2. Aluminum cans only. Rinsing and flattening is optional.
3. Tin and steel cans that were food cans. These cans are to be rinsed and have labels removed, and flattening is optional.
4. Glass bottles and jars clear, brown and green. These bottles are to have their lids and rings removed and be rinsed clean.

Note: Items (1)—(4) shall be commingled and placed in the recycling bin for disposal.

5. Newspapers. Newspapers are to be tied with string or twine in both directions in bundles no larger than eight inches in height.
 - (a) Shredded office paper is acceptable and may be placed adjacent to the recycling bin in a plastic bag.
 - (b) Office paper is acceptable and may be tied in bundles in the same manner as newspapers.
6. Magazines. Magazines are to be tied with string or twine in both directions in bundles no larger than eight inches in height.
7. Corrugated cardboard. Boxes are to be flattened and cut into three-foot by three-foot pieces and tied into bundles with string or twine.
8. Lead acid batteries.

Note: Recyclables listed in subsections (5)—(8) are all to be placed curbside adjacent to the recyclable materials that have been placed in the bin.

9. Waste oil. Waste oil is to be transported to the deposit station, free from any foreign substance.

Sec. 78-122. - Separation of recyclable materials required.

(a) The village, being the responsible unit of government regarding recycling and those persons in the responsible unit, pursuant to DNR rule - Wis. Act 355, NR 542 and 544, ch. 159, Wis. Stats., and this chapter, that are one of the following:

- (1) The owners or occupants of single-family residences, including seasonal residences;
- (2) Persons that are owners or occupants of properties in the responsible unit containing two or more dwelling units;
- (3) Persons that are owners or occupants of nonresident facilities and properties; shall separate for recycling all recyclable materials prior to the placement in the responsible unit by these persons of

recyclable materials for collection as provided in this division.

shall separate for recycling all recyclable materials prior to the placement in the responsible unit by these persons of recyclable materials for collection as provided in this division

(b) Recyclable items are prohibited from being commingled in regular garbage cans or bags and/or mobile containers (solid waste dumpsters), and must be handled separately and in compliance with this article.

Sec. 78-123. - Bins for single-family residences and multifamily residences of four or fewer units.

Each single-family and residential dwelling unit of four or fewer units or less will receive one village recycling bin free of charge. Any replacement bin will be provided by the village at a cost to the resident.

Sec. 78-124. - Recycling for multifamily dwellings of five or more units.

The multifamily dwellings of five or more units shall provide for mandatory recycling.

Sec. 78-125. - Notification of tenants and occupants of recycling program.

- (a) Owners or designated agents of multifamily dwellings are required to notify tenants in writing at the time of renting or leasing the dwelling, and at least semiannually thereafter, about the recycling program.
- (b) Owners or designated agents of businesses and other nonresidential facilities are required to notify in writing, at least semiannually, all users, tenants and occupants of the properties about the recycling program.

Sec. 78-126. - Preparation of collection of recyclables.

All recyclable containers are to be rinsed clean and all caps, covers and rings removed. Items in section 78-147(a)(1—4) shall be placed in a designated recycling bin with a maximum capacity of 18 gallons or a blue plastic recyclable bag with a maximum capacity of 30 gallons. Bins to be acquired through the village and bags shall be purchased by the homeowner and will be available at retail outlets in the village. Items in section 78-147(a)(5—8) shall be placed alongside the recycling bin or bags at the curb.

- (1) For white goods (appliances), property owners shall call the contractor ahead to schedule pickup, and payment of a user's fee.
- (2) For bulky items, property owners shall call the contractor ahead to schedule pickup, and payment of a user's fee.
- (3) For yard waste, the property owners shall process the material themselves or provision will be made for a drop-off at the department of public works garage.

Sec. 78-127. - Collection and disposal.

(a) Collection and processing of recyclables will be provided to all residential properties of four units and less where weekly garbage volume is less than one mobile container per week. All other users must contract through the village when applicable or contract privately for required recycling of recyclable materials.

(b) All other commercial and industrial users shall dispose of recyclables, batteries, major appliances and waste oil by private contract or agreement with waste haulers in compliance with Wis. Act 355 when applicable.

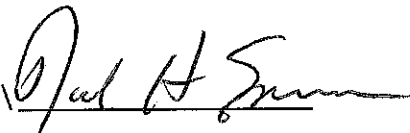
(c) Any waste hauler or landfill operator providing service to the village shall comply with Wis. Act 355 when applicable, or be subject to statutory and municipal penalties for any violations.

Secs. 78-128—78-180. - Reserved.

Section 2. Severability. The several sections of this Ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the Ordinance. The remainder of the Ordinance shall remain in full force and effect. Any other Ordinances whose terms are in conflict with the provisions of this Ordinance are hereby repealed as to those terms that conflict.

Section 3. This Ordinance shall take effect on July 1, 2022 after passage and publication as provided by law.

Passed and adopted by the Village Board of the Village of Kewaskum, Washington County, Wisconsin, this 1st day of July 2022.

Is/ 
David Spenner
Village President

ATTEST
Is/ 
Tammy Butz
Village Clerk