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## CHAPTER 30 ENVIRONMENTAL ORDINANCE

### 30.01 PURPOSE OF CHAPTER

The Village of Deerfield recognizes the increasing significance of a wide array of environmental issues affecting the public health and safety of this and future generations of Village residents. This chapter is dedicated to coordinating and addressing the Village's needs with respect to environmental issues including, but not limited to, solid waste management, waste reduction, recycling, composting, incineration and hazardous waste disposal.

### 30.02 GENERAL PROVISIONS

(1) **Applicability.** The requirements of this ordinance apply to all persons, entities and waste generating activities in the Village of Deerfield.

(2) **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.

(3) **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 the Wisconsin Administrative Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Wisconsin Administrative Code 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.

(4) **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.

(5) **Administration.** The provisions of this ordinance shall be administered by the Village Clerk and the Director of Public Works, as directed by the Environmental Committee and Village Board.

(6) **Effective Date.** The provisions of this ordinance shall take effect following adoption and publication, as provided by law.

### 30.03 CONFLICT AND SEVERABILITY

Deleted.

### 30.05 DEFINITIONS

For the purpose of this ordinance:

(1) **Bi-metal container** means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.

(2) **Container board** means corrugated paperboard used in the manufacture of shipping containers and related products. It does include paperboard such as that used in cereal or laundry detergent boxes or boxes used to hold 12 packs of beverage cans.

(3) **Collector** or **Hauler** means the person(s) specifically authorized by the Village of Deerfield to collect recyclable materials, post consumer waste, major appliances, solid waste, yard waste and other materials in the Village of Deerfield.

(4) **Foam polystyrene packaging** means packaging made primarily from foam polystyrene that satisfies one of the following criteria:

(a) Is designed for serving food or beverages.  
(b) Consists of loose parcels intended to fill space and cushion the packaged article in a shipping container.

(c) Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.

(5) **Glass** means clear, green and brown glass bottles, jars and containers. It does not include window glass, drinking glasses, pyrex, light bulbs or other non-container glass.

(6) **HDPE** means high density polyethylene, labeled by the SPI code #2.

(7) **Hazardous waste or hazardous substances** means those wastes or substances so defined in NR 181 of Wisconsin Administrative Code, as may be amended, and as provided therein pursuant to section 144.62, Wis. Stats., or other acts pursuant to authority vested in the Wisconsin Department of Natural Resources. "Hazardous waste" or "hazardous substances" also includes those household wastes excluded by NR 181.12(4)(a) of the Wisconsin Administrative Code.

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- (8) **LDPE** means low density polyethylene, labeled by the SPI code #4.
- (9) **Lead-acid batteries** means automotive and related batteries that are comprised of lead plates with an acid electrolyte, and does not include nickel-cadmium batteries, dry cell flashlight batteries or batteries used in calculators, watches, hearing aids or similar devices.
- (10) **Magazines** means magazines and other materials printed on similar paper.
- (11) **Major appliance** means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator or stove.
- (12) **Multiple-family dwelling** means a property containing 5 or more residential units.
- (13) **Newspaper** means a newspaper and other materials printed on newsprint.
- (14) **Non-residential facilities and properties** means commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.
- (15) **Office paper** means high grade printing and writing papers from offices in non-residential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. This term does not include industrial process waste.
- (16) **Other resins or multiple resins** means plastic resins labeled by the SPI code #7.
- (17) **Person** includes any individual, corporation, partnership, association, local governmental unit, as defined in s. 66.299(1)(a), Wis. Stats., state agency or authority or federal agency.
- (18) **PETE** means polyethylene terephthalate, labeled by the SPI code #1.
- (19) **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.
- (20) **Postconsumer waste** means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in s. 144.61(5), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in s. 144.44(7)(a)1., Wis. Stats.
- (21) **PP** means polypropylene, labeled by the SPI code #5.

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- (22) **PS** means polystyrene, labeled by the SPI code #6.
- (23) **PVC** means polyvinyl chloride, labeled by the SPI code #3.
- (24) **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.
- (25) **Recycling bin** means the bin designated and provided by the Village for collection of recyclable materials. The bin is the property of the Village.
- (26) **Sharp medical waste** means any type of product capable of puncturing or lacerating the skin that is designed or used to treat, diagnose, or prevent a disease or medical condition, including, but not limited to, scalpels and hypodermic needles.
- (27) **Sharps container** means a container specifically manufactured for the disposal of sharp medical waste.
- (28) **Solid waste** has the meaning specified in s. 144.01(15), Wis. Stats.
- (29) **Solid waste facility** has the meaning specified in s. 144.43(5), Wis. Stats.
- (30) **Solid waste treatment** means any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste. Treatment includes incineration.
- (31) **Waste lamps and bulbs** means fluorescent lamps, sodium-vapor lamps, high- and low-pressure mercury vapor lamps, high intensity discharge (HID) lamps and incandescent light bulbs.
- (32) **Waste oil** means used or otherwise unsuitable motor oil.
- (33) **Waste tire** means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
- (34) **Yard waste** means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material. Woody vegetative material that is three (3) inches in diameter must not exceed eight (8) feet in length or fifty (50) pounds in weight. Woody vegetative material that is three (3) to six (6) inches in diameter must not exceed four (4) feet in length or fifty (50) pounds in weight. Yard waste does not include stumps, roots or shrubs with intact root balls or woody vegetative materials that exceeds the size limits described herein.

**30.10 TRANSFER SITE AND ADDITIONAL SITES**

(1) Purpose of Transfer Site and Additional Sites

The primary purpose of the transfer site is to act as a temporary repository for certain types of solid waste. In addition, the transfer site and adjacent areas provide the location for the composting site, the burning site, the waste oil disposal site and the wood chip site. The transfer site and the additional site shall be maintained as a convenience to Village residents as long as such sites remain economically feasible.

(2) Restrictions on Use of Transfer Sites

(a) Who may use the transfer site.

The transfer site shall be maintained exclusively for the personal use of Village residents/property owners and the municipal use of the Village itself. The transfer site shall not be used for private business purposes. This means that commercial contractors who need to dispose of solid waste, and/or remodeling, construction and demolition debris created at projects at a residence or business within the Village shall not be permitted to use the transfer site. Similarly, commercial remodeling, construction or demolition dumping shall not be permitted at the transfer site. If a commercial contractor is also a Village resident/property owner, he or she may use the transfer site for solid waste created as a result of a personal (non-business) project he or she completes on his or her personal residence or place of business, but shall not be permitted to use the transfer site for solid waste disposal related to his or her non-personal and/or business projects.

(b) What may be disposed of at the transfer site.

Non-construction/building materials such as carpets, furniture, non-recyclable materials, ashes, dry-wall and other non-putrescible materials may be disposed of at the transfer site. Remodeling, construction and demolition debris may be disposed of at the transfer site if created by a Village resident/property owner on a personal use project.

(c) What may not be disposed of at the transfer site.

No lead-acid batteries or toxic chemicals shall be accepted. No remodeling, construction and/or demolition debris shall be accepted unless created by a Village resident/property owner on a personal use project. No other recyclable material, yard waste, garbage, hazardous waste or medical waste shall be accepted.

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(3) Permit Requirements for Use of Transfer Site

Village residents/property owners may dispose or permitted materials at any such time that the transfer site is open. The hours for the transfer site shall be determined by resolution of the Village Board.

Permits are not generally required. However, permits shall be required for Village residents/property owners who may properly use the transfer site for disposal or remodeling, construction and demolition debris. In such cases, a dump permit must be obtained from the Village Clerk prior to such use. The fee for dump permits shall be determined by resolution of the Village Board.

Fees for use of the transfer site shall be established by resolution of the Village Board.

(4) Additional Services/Sites Provided at or by the Transfer Site

**(a) Burning site.**

The burning site shall remain available to Village residents/property owners. Wooden pallets shall not be accepted. Village residents/property owners shall make alternate private arrangements with the collector or other service provider for disposal of wooden pallets.

**(b) Composting site.**

Village residents/property owners may dispose of yard waste by taking same to the composting site during regular transfer site hours. Village residents/property owners shall be responsible for removing yard waste from bags or other containers and for disposing of such containers.

**(c) Wood chips.**

Wood chips for personal use are available to Village residents/property owners free of charge. Wood chips may be picked up during regular transfer site hours. Village residents/property owners shall provide containers for wood chips obtained.

(5) Penalty provisions

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Any person who violates this section shall upon conviction forfeit not less than \$50 nor more than \$750.00, together with the actual costs of proper disposal and clean-up, if any, as well as any penalty or other assessments of the costs of prosecution. Each day or incident shall be deemed a separate violation for the purpose of determining the amount of forfeiture. In addition to or in lieu of the penalty provided herein, the court may order the violator (a) to remove, properly dispose of and clean up any solid waste, yard waste, debris or other item placed in violation of this section, (b) to pay for the costs incurred by the Village to remove, properly dispose of and clean up any solid waste, yard waste, debris or other item placed in violation of this section, and/or (c) any combination of the above.

### **30.20 DISPOSAL OF REMODELING, CONSTRUCTION OR DEMOLITION DEBRIS**

(1) Village residents/property owners who meet the requirements established by ' 30.10 of the Village Code shall be permitted to dispose of remodeling, construction or demolition debris at the transfer site in accordance with ' 30.10 of the Village Code.

(2) Village residents/property owners who do not meet the requirements established by ' 30.10 of the Village Code and non-residents/commercial contractors shall remove remodeling, construction or demolition debris from the Village and/or shall maintain a dumpster at the construction site at his or her sole expense.

(3) No occupancy permit or final approval of a building permit shall be issued by the building inspector until the site is free of such debris.

(4) Remodeling, construction or demolition debris left on the curb that is in excess of two 30 gallon containers or 100 lbs. per collection shall result in an additional solid waste collection charge in an amount not less than the cost to the Village of removing, transporting and disposing of same.

(5) Penalty provisions

Any person who violates any prohibition of this section shall upon conviction forfeit not less than \$50 nor more than \$500 together with the actual costs of disposal, if any, the penalty assessment and cost of prosecution. Each day or incident shall be deemed a separate violation. In addition to or in lieu of the penalty provided herein, the court may order the violator to clean up, remove and pay the cost of clean up or removal of any solid waste, yard waste and/or remodeling, construction or demolition debris placed in violation of this section.

### **30.30 LAND FILL**

(1) Restriction on Use of Land Fill

(a) Who may use the land fill.

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The land fill shall be maintained exclusively for the personal use of Village residents/property owners and the municipal use of the Village itself. The land fill is not intended to be used for commercial contractors or private business purposes. However, if a commercial contractor (i) generates material that may be disposed of at the land fill and (ii) generates such material on a Village project or on a project done for Village residents/property owners on a project within the Village limits, then the commercial contractor may qualify for a land fill permit.

(b) What may be disposed of at the land fill site.

The following items may be disposed at the land fill site:

Asphalt (in pieces no greater than one cubic foot)  
Concrete (in pieces no greater than one cubic foot)  
Plaster without wood  
Slate (in pieces no greater than one cubic foot)  
Sod  
Soil and  
Stones

(c) When items may be disposed of at the land fill site:

Eligible users of the land fill may dispose of permitted materials at any such time the land fill site is open. The hours for the land fill site shall be determined by resolution of the Village board.

### (2) Permit Requirements for Use of the Land Fill

Permits are generally required for use of the land fill. Permits may be obtained at the Village Hall during regular office hours. Permit fees shall be determined by resolution of the Village board.

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(3) Summary Chart Regarding Use of Land Fill

	Use of Land Fill Possible	Permit Required	Fee Required
Personal use by Village Residents/Property Owners	Yes	Yes	Yes
Commercial use by contractors hired by Village for municipal projects	Yes	No	No
Commercial use by contractors hired by Village residents/property owners for projects within Village limits	Yes	Yes	Yes

**30.40 MANDATORY RECYCLING REQUIREMENTS, AND COLLECTION OF RECYCLABLE AND NON-RECYCLABLE MATERIALS**

(1) General Provisions.

(a) Purpose. The purpose of this section of Chapter 30 of the Village Ordinances is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in s. 159.11, Wis. Stats., and Chapter NR 544, Wis. Administrative Code.

(b) Statutory Authority. This ordinance is adopted as authorized under s. 159.09(3)(b), Wis. Stats., and shall be interpreted in light of the standards set forth in Wis. Adm. Code Chapter NR 544.

(2) Commencement Dates for Mandatory Recycling; Effective Dates for Amendments.

(a) Commencing April 1, 1989, the owners and occupants of each residential unit or duplex shall abide by the provisions of this Section 30.40.

(b) Commencing November 1, 1990, all occupants of each multi-family dwelling shall abide by the provisions of this Section 30.40.

(c) Commencing January 1, 1991, all commercial, retail, industrial, institutional and governmental facilities shall abide by the provisions of this Section 30.40.

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(d) Amendments to this Section 30.40 shall take effect following adoption and publication, as provided by law.

**(3) Separation of Recyclable Materials.**

(a) Occupants of single family residences, duplexes, 2-4 unit residences, multiple-family dwellings and non-residential facilities and properties shall separate the following materials from postconsumer waste:

- (i) Lead acid batteries
- (ii) Major appliances
- (iii) Waste oil
- (iv) Yard waste
- (v) Aluminum containers
- (vi) Bi-metal containers
- (vii) Corrugated paper or other container board
- (viii) Foam polystyrene packaging
- (ix) Glass containers
- (x) Magazines
- (xi) Newspapers
- (xii) Office paper
- (xiii) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins
- (xiv) Steele containers
- (xv) Waste tries

(b) In addition to the separation requirements in Section 30.40(3)(a), occupants of non-residential facilities and properties shall separate the following materials from postconsumer waste:

- (i) Waste lamps and bulbs

**(4) Exemptions to Separation Requirements.** The separation requirements of Section 30.40(3) do not apply to the following:

(a) Occupants of single family residences, duplexes, 2-4 united 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 30.40(3) from solid waste in as pure a form as is technically feasible.

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(b) Solid waste which is burned as a supplemental fuel at a facility if less than 30% of the heat input to the facility is derived from the solid waste burned as supplemental fuel.

(c) A recyclable material specified in Section 30.40(3) for which a variance has been granted by the Department of Natural Resources under s. 159.11(2m), Wis. Stats. or s. NR 544.14, Wis. Administrative Code.

(5) **Care of Separated Recyclable Materials.** To the greatest extent practicable, the recyclable materials separated in accordance with Section 30.40(3) 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.

(6) **Management of Lead Acid Batteries, Major Appliances, Waste Oil and Yard Waste.** Occupants of single family residences, duplexes, 2-4 unit residences, multiple-family dwellings and non-residential facilities and properties shall manage and place for collection or dispose of lead acid batteries, major appliances, waste oil, and yard waste as follows:

(a) **Lead acid batteries** shall have all caps firmly attached and be free from leaks. Lead acid batteries shall be placed next to the recycling bin for curbside collection.

(b) **Major appliances** shall have either the door removed or securely fastened and tied. Removal of the door is preferable. Major appliances shall be placed on the parkway at the time scheduled for collection with the collector/hauler.

All persons disposing of major appliances shall contact the collector/hauler directly to arrange for collection. Major appliances shall be disposed of by the collector/hauler in accordance with Wis. Stats. ' 144.422, as may be amended from time to time and which governs recovery of ozone-depleting refrigerants and salvaging, transporting and disposal of same.

(c) *For non-residential facilities and properties only, waste lamps and bulbs* shall be placed in the cardboard sleeve or box in which replacement tubes or bulbs arrived. Non-residential facilities and properties disposing of waste lamps and bulbs shall contact the collector/hauler directly to arrange for collection. The collector/hauler may assess an additional charge directly to the disposer.

(d) **Waste oil** shall be free of contaminants and shall be stored in tightly sealed, non-leaking containers made of plastic and not exceeding one gallon in volume. Waste oil shall be placed next to the recycling bin for curbside collection.

(e) **Yard waste** shall be placed behind the curb line and not in the street for curbside collection. All woody vegetative materials and cuttings must be neatly stacked and placed behind the curblines, not in the roadway, with the larger end facing the curb, roadway, or driveway. Woody vegetative materials and cuttings shall not obstruct the sidewalk or roadway. All woody vegetative materials must meet the size and weight standards set forth in the definitions section of this Ordinance.

In addition to seasonal curbside collection, yard waste may also be disposed of at the transfer site as provided in Section 30.10.

Notwithstanding the above, yard waste that is the result of cuttings done by private contractors or for new construction purposes shall be disposed of by the contractor or individual and shall not be collected by the Village. This includes all tree, brush, and shrubbery cuttings resulting from work performed by private tree care or gardening/landscaping contractors or from the cleaning of wooded lots or preparation of lots for construction by any contractors or individuals.

(7) **Responsibilities of Owners and Occupants of Single Family and 2-4 Unit Residences; Preparation and Collection of Recyclable Materials.** Except as otherwise directed by resolution of the Village Board, occupants of single family residences, duplexes and 2-4 unit residences shall do all of the following for the preparation and collection of the separated materials specified in Section 30.40(3), except those otherwise provided for in Section 30.40(6):

(a) **Obtain and Use Recycling Bins.** The above designated recyclable materials shall be separated from other materials, prepared as required by this ordinance and placed in recycling bins as required by this ordinance. Recycling bins shall be approved and designated by the Village Board, and shall be obtained as indicated herein.

The first recycling bin shall be provided to the property owner(s) of each location in the Village free of charge. Thereafter, recycling bins shall be provided to the same or subsequent property owner(s) for a reasonable charge. Recycling bins shall remain the property of the Village.

The requirement for recycling bins shall apply equally to property owner(s) who rent their property to a tenant or tenants. That is, only the first recycling bin requested and/or provided to such property owner(s) at a particular location shall be provided free of charge. Property owner(s) are responsible for providing tenant(s) with recycling bins.

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The charge for additional recycling bins shall be established by resolution of the Village Board. The charge shall be assessed and collected at the time that the recycling bin is provided.

(b) Prepare and/or Deposit Designated Recyclable Materials in or beside Recycling Bin as follows: (See also section headed "Care of Separated Recyclable Materials".)

- (i) Aluminum containers shall be placed in recycling bin.
- (ii) Bi-metal containers shall be placed in recycling bin.
- (iii) Corrugated paper or other container board shall be flattened and tied in bundles less than 8" in height. It shall be placed in or beside recycling bin.
- (iv) Beginning January 1, 1996, foam polystyrene packaging shall be flattened and tied in bundles less than 8" in height. It shall be placed in or beside recycling bin.
- (v) Glass containers shall be rinsed free of product residue, shall have lids, caps and rings removed and shall be placed in recycling bin.
- (vi) Magazines shall be tied in bundles less than 8" in height. They shall be placed in or beside recycling bin.
- (vii) Newspapers shall be tied in bundles less than 8" in height. They shall be placed in or beside recycling bin.
- (viii) Office paper shall be tied in bundles less than 8" in height. It shall be placed in or beside recycling bin.
- (ix) Rigid plastic containers shall be prepared and collected as follows:
  - (A) Rigid plastic containers made of PETE and HDPE, including milk jugs and detergent bottles, shall be rinsed free of product residue, shall have lids, caps and rings removed and shall be placed in recycling bin.
  - (B) Beginning January 1, 1996, rigid plastic containers made of PVC, LDPE, PP, PS and other containers made of other resins or multiple resins shall be rinsed free of product residue, shall have lids, caps and rings removed and shall be placed in the designated receptacle of an established drop-off site during the days and hours of operation.
- (x) Steel containers shall be rinsed free of product residue, shall have lids, caps and rings removed and shall be placed in recycling bin.
- (xi) Waste tires shall be removed from rims and placed beside recycling bin. Waste tires must be four feet in diameter or less to be collected curbside.

(c) All recyclable materials designated for curbside collection shall be placed for collection as indicated above and shall be on the parkway in front of the property which generated the recyclable materials.

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(d) The Village and the collector/hauler may refuse to pick up any and all recyclable materials not prepared and placed for collection in accordance with the provisions of this ordinance.

**(8) Responsibilities of Owners or Designated Agents of Multiple-Family Dwellings.**

(a) Owners or designed agents of multiple-family dwellings shall do all of the following to recycle the materials specified in Section 30.40(3), except those otherwise provided for in Section 30.40(6):

(i) Provide adequate, separate containers for the recyclable materials. The following shall be considered adequate: either (i) providing a recycling bin for each dwelling unit or (ii) providing separate containers or dumpsters that permit separation of recyclable and non-recyclable materials and that are acceptable to the Village and the collector or hauler.

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

(iii) 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.

(iv) 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.

(b) The requirements specified in (a) 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 30.40(3) (except those otherwise provided for in Section 30.40(6)) from solid waste in as pure a form as is technically feasible.

(c) Owners shall remain jointly responsible for tenants' compliance with this ordinance, proper disposal of any materials that are not normally removed by the collector or hauler and for any additional charges or costs incurred by the Village for disposal of materials at the owner's property.

**(9) 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 30.40(3), except those otherwise provided for in Section 30.40(6):

- (i) Provide adequate, separate containers for the recyclable materials.
- (ii) Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.
- (iii) 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.
- (iv) 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.

(b) The requirements specified in (a) 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 30.40(3) (except those otherwise provided for in Section 30.40(6)) from solid waste in as pure a form as is technically feasible.

**(10) Responsibilities for Preparation and Collection of Non-Recyclable Materials.**

(a) With the sole exception of furniture and other large items properly disposed of at the curbside, all non-recyclable materials placed for collection shall be well drained, wrapped and deposited in containers or bags. This includes building materials which shall be deposited in containers or bags. No container or bag placed for collection shall exceed 30 gallons in capacity or 50 lbs. in weight.

(b) All non-recyclable materials shall be placed for collection on the parkway in front of the property which generated the non-recyclable materials.

(c) The property owner(s) shall be responsible for disposal of sharp medical waste and other medical waste in accordance with federal and state law. (See, for example, Wis. Stats. ' ' 159.07 (1991-92) and Wis. Stats. ' ' 144.43-144.47 (1991-92), as may be amended, and Wis. Admin. Code NR 500 et. seq., as may be amended.) Disposal of sharp medical waste shall be in a proper Sharps Container, as required by federal and state law. No containers of sharp medical waste or loose medical waste shall be mixed with other waste. The generator and collector or

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hauler of sharp medical waste and other medical waste shall be solely responsible for the proper disposal of such waste in accordance with appropriate law.

(d) The Village and the collector/hauler may refuse to pick up any and all non-recyclable materials not prepared and placed for collection in accordance with the provisions of this ordinance.

**(11) Collection Schedule.**

(a) The Village Board and the Village's collector or hauler shall establish the day of curbside collection of non-recyclable and recyclable materials, and the Village Clerk shall publish the collection schedule in the spring and fall of each year and at any other time that the collection schedule is changed.

(b) All persons wishing to dispose of non-recyclable and recyclable materials shall place the same at the required curbside collection point(s) not sooner than 24 hours prior to the regularly scheduled collection time, and no person shall permit said waste or containers thereof to accumulate or remain at the collection point(s) longer than 12 hours after the regularly scheduled collection time.

**(12) Items Not To Be Placed For Regular Curbside Collection.** No person shall dump, deposit or place at the curbside adjacent to any street for collection by the Village or for any other purpose any of the following:

(a) Large amounts of stone, concrete, rubber, earth or sod.

(b) Containers over 30 gallons or over 50 lbs.

(c) Garbage or refuse in such manner as will permit strewing by animals or vandals prior to collection.

(d) Any and all items not specified as eligible for curbside collection under this ordinance.

**(13) Prohibited Practices.** Without limiting the practices prohibited by other sections of this Ordinance, the following practices are expressly prohibited:

(a) **General Prohibitions.** No person, persons or other entity generating waste within the Village shall do any of the following:

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(i) Mix or permit intermixing of recyclables and non-recyclable materials intended for collection by a collector/hauler or intended to be processed at a recycling facility.

(ii) Deposit or cause to be deposited any recyclable material in or upon any public street, public waters, or public grounds in the Village, except at authorized locations.

(iii) Deposit or cause to be deposited any recyclable material in any container not specifically intended for the collection of that type or group of recyclable materials.

(iv) Deposit or cause to be deposited any non-recyclable material in any container specifically intended for collection or deposit of recyclable material.

**(b) 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 30.40(3) (except those otherwise provided for in Section 30.40(6)) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

**(c) Anti-Scavenging Provisions.** Persons shall not pilfer recyclables or disturb recyclables once those materials are placed for collection. All recyclable materials placed for collection pursuant to this section 30.40 shall thereupon become the property of the Village of Deerfield or the Village's authorized agent. Only persons authorized by the Village shall collect or handle recyclable materials once those materials have been placed appropriately for collection. Any and each collection by unauthorized persons in violation of this provision shall constitute a separate and distinct offense punishable as provided hereinafter.

**(14) Enforcement.**

(a) For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the Village of Deerfield or the collector/hauler may inspect recyclable materials separated for recycling, 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 representatives of the Village of Deerfield or the collector/hauler who requests access for purposes 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 ordinance may be issued a citation by the Village of Deerfield 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.

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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.

(i) Any person who violates the section of this ordinance headed "Prohibitions on Disposal of Recyclable Materials Separated for Recycling" may be required to forfeit up to \$50 for a first violation, up to \$200 for a second violation, and no more than \$2000 for a third or subsequent violation.

(ii) Any person who violates a provision of this ordinance, other than the "Prohibition on Disposal of Recyclable Materials Separated for Recycling," may be required to forfeit not less than \$10 nor more than \$1000 for each violation.

### **30.50 CHARGES AND BILLING FOR REGULAR COLLECTION OF NON-RECYCLABLE MATERIALS**

(1) Statutory Authority. These ordinance provisions are adopted pursuant to Wis. Stats. ' ' 66.60(15) and 66.60(16), as may be amended from time to time.

(2) To Whom Account Shall Be Billed; Regular Billing Cycle; Delinquencies. Accounts for collection of non-recycling materials and recyclable materials for rental two (2) units or less shall be in the name of the resident (who may also be the owner). Accounts for collection of non-recyclable materials and recyclable materials for three (3) units or more shall be in the name of the owner of the property served, as said owner is listed in the tax rolls.

Charges for regular curbside collection of non-recyclable materials, garbage and refuse (see Vill. Ord. ' 30.40 for requirements for such regular curbside collection) shall be billed monthly. The amount billed shall be due and payable in full within twenty (20) days of issuance of the monthly statement. Charges shall be deemed delinquent if not paid in full within said twenty (20) day period.

(3) Charges Accruing on Delinquencies. Delinquent charges shall accrue interest at the rate of twelve percent (12%) per annum, computed from the date of assessment of the charge. Charges associated with NSF checks (see Vill. Ord. ' 22.05(2)), penalties permitted by law (see Vill. Ord. 21 30.50(5)), and costs of collection, including reasonable attorney fees, shall all accrue against and, for the purposes of this ordinance, shall become part of the delinquent charge (hereinafter, "Delinquent Charge(s)") due.

(4) Delinquent Charges May Become Liens Against Real Estate. Delinquent Charges shall be a lien on the property served and arrearages shall be placed on the next succeeding tax roll for collection in the manner provided for in Wis. Stats. ' ' 66.60(15) and 66.60 (16), as may be amended from time to time.

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(5) Notification of Delinquency. Account holders are automatically notified of delinquencies through the regular monthly statements. Prior to placing the Delinquent Charges on the tax roll, final written notification of delinquency shall also be forwarded to both the account holder and owner of the property, at the address listed on the tax rolls. Final written notice shall also indicate that a penalty of up to ten percent (10%) shall be included in the Delinquent Charges.

Final notice shall be deemed given on the date of mailing by the Village Clerk or his/her designee. The owner's and/or the resident's failure to receive final notice shall not invalidate any lien created against the property served. However, if, in the sole discretion of the Village Board, the circumstances warrant it, proof of failure to receive the final notice may result in up to a fifteen (15) day extension of the owner's and/or right to appeal.

(6) Appeal. The owner and/or shall have fifteen (15) days from the date of final notification of delinquency within with to notify the Village Clerk in writing of his or her intention to appeal the Delinquent Charges. In the event an appeal is timely and properly requested, a hearing shall be scheduled before the Village Board or a duly appointed committee thereof. The decision as to whether the hearing shall be before the Village Board or its committee shall be made by a majority of the Village Board members present and able to vote. The customer or owner requesting the hearing shall be given no less than ten (10) days notice of the hearing date and place. The customer or owner requesting the hearing shall be given an opportunity to present written or oral evidence in support of his/her appeal to the Village Board or its designated committee. The Village Board or its designated committee shall advise the appealing customer or owner of its decision within ten (10) days of the hearing. The decision of the Village Board or its designated committee shall be final.

**30.60 REGULATION OF HAZARDOUS MATERIALS**

(1) Purpose

The purpose of this ordinance is:

- (a) To insure safe and effective hazardous materials and hazardous waste materials; and
- (b) To establish a program of regulation over the storage, transportation, treatment and disposal of hazardous material and waste in the village.

(2) Findings

The village finds that:

- (a) Increasing production and consumption rates, continuing technological development and energy requirements have led to the generation and use of greater quantities of hazardous materials and associated hazardous waste;
- (b) The problems of disposing of hazardous waste are increasing;
- (c) Even though the village is not heavily industrialized, there is a significant daily hazardous waste disposal problem; and
- (d) The public health and safety and the environment are threatened where hazardous materials and wastes are not managed in an environmentally sound manner.

(3) Definitions

The following definitions shall apply through this section of the Environmental Ordinance.

(a) **Disposal:** The discharge, deposit, injection, dumping, spilling, leaking or placing of any hazardous material or waste into or on any land or water so that this hazardous waste or any constituent thereof may enter the environment, be emitted into the air, or discharge into any waters, including ground waters.

(b) **Hazardous Materials.** Any element, compound, or combination thereof, which is flammable, corrosive, etc., and which, because of handling, storage, processing, or packaging, may have detrimental effects on operating and emergency personnel, the public, equipment, and/or the environment.

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(c) **Hazardous Waste:** Any wastes or combination of wastes of a liquid, gaseous or semi-solid form which because of its quantities, concentration or physical, chemical or infectious characteristics, may cause or contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of, or otherwise managed. Such wastes include, but are not limited to those which are toxic, carcinogenic, flammable, irritants, strong sensitizes or which generate pressure through decomposition, heat or other means, as well as containers and receptacles previously used in the transportation, storage, use or application or substances described as hazardous waste.

More specifically, **hazardous waste** or **hazardous substances** means those wastes or substances so defined in NR 181 of Wisconsin Administrative Code, as may be amended, and as provided therein pursuant to section 144.62, Wis. Stats., or other acts pursuant to authority vested in the Wisconsin Department of Natural Resources. "Hazardous waste" or "hazardous substances" also includes those household wastes excluded by NR 181.12(4)(a) of the Wisconsin Administrative Code.

Wherever the first paragraph of this definition of Hazardous Waste conflicts with the second paragraph the second paragraph controls.

(d) **Fire Chief:** The fire chief of the Deerfield Joint Fire Department or his/her designated officer.

(e) **Generation:** The act or process of producing hazardous waste.

(f) **Person:** Any individual, partnership, corporation (including a government corporation), trust, association, firm, joint stock company, organization, commission, the village or federal government or any other entity.

(g) **Storage:** Containment in such manner as not to constitute disposal.

(h) **Transport:** The movement from the point of production, generation or use to any intermediate site, and finally to the point of ultimate storage or disposal.

(i) **Treatment.** Any method, technique or process, including neutralization, designed to change the physical, chemical or biological character or composition of hazardous waste so as to neutralize or render it nonhazardous, safer for transport, amenable for recovery or storage, or reduced in volume.

(j) **Treatment Facility:** A location for treatment, including an incinerator or a facility where generation has occurred.

(4) Prohibited Discharge

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No person shall discharge or cause to discharge, leak, leach or spill upon any public street, alley or public property, or onto the ground, surface waters, sub-surface waters, aquifers, or on any private property except those areas specifically licensed for waste disposal or landfill activities, within the village.

### (5) Containment, Cleanup and Restoration

Any person in violation of this section must, upon direction of the Fire Chief, begin immediate actions to contain, cleanup and remove to an approved repository the offending material(s) and restore the site to its original condition. Should any person fail to engage or complete the requirements of this section, the Fire Chief may order the required actions to be taken by public or private resources, with all the costs incurred by the village to be reimbursed by the person violating this section.

### (6) Access

Access to any site, public or private, where a prohibited discharge is indicated or suspected shall be provided to the Fire Chief and the Chief of Police, and their designees, for the purpose of evaluating the treat to the public and monitoring containment, cleanup and restoration.

### (7) Public Protections

Should any prohibited discharge occur that reasonably causes a threat to life, safety or health of the public, the Fire Chief, senior fire officer on the scene or Chief of Police may order an evacuation of the area or take other appropriate protective steps for a period of time as deemed necessary for the safety of the public.

### (8) Civil Liability

Any person, firm, or corporation in violation of this section shall be liable to the village for any expenses incurred by the village or fire department for loss or damage sustained by the village by reason of such violation and to any individual whose person or property was damaged by such violation.

### (9) Enforcement and Penalties

The Fire Chief and the Chief of Police shall have the authority to issue citations or complaints under this section.

Any person who violates any prohibition of this section shall, upon conviction, forfeit not less than \$150.00 for the first violation and \$400.00 for the second violation. Such forfeitures shall be in addition to the civil liability described above.

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(10) Effective Date

This ordinance shall take effect and be in force from and after its passage and publication as provided by law but in no event later than May 31, 1992.