

ORDINANCE NO ~~03-26~~ 08-26

ORDINANCE AMENDING §231 ARTICLE II OF THE CODE OF THE VILLAGE OF BELGIUM, OZAUKEE COUNTY, WISCONSIN

BE IT ORDAINED, by the Village Board of the Village of Belgium, Ozaukee County, Wisconsin, that §231 Article II of the Code of the Village of Belgium are hereby amended to read as follows:

**(The text modified with an underline shall be added).
(The text modified with a strikethrough shall be deleted).**

**ARTICLE II
Mandatory Recycling**

§ 231-8. Purpose.

The purpose of this article is to promote recycling, composting and resource recovery through the administration of an effective recycling program, as provided in § 287.11, Wis. Stats., and Ch. NR 544, Wis. Adm. Code.

§ 231-9. Statutory authority.

This article is adopted as authorized under § 287.09(3)(b), Wis. Stats.

§ 231-10. Abrogation and greater restrictions.

It is not intended by this article 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 article imposes greater restrictions, the provisions of this article shall apply.

§ 231-11. Interpretation.

In their interpretation and application, the provisions of this article 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 article may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this article is required by Wisconsin Statutes, or by a standard in Ch. NR 544, Wis. Adm. Code, and where the article provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Ch. NR 544 standards in effect on the date of the adoption of this article or in effect on the date of the most recent text amendment to this article.

§ 231-12. Applicability.

The requirements of this article apply to all persons within the Village of Belgium.

§ 231-13. Administration.

The provisions of this article shall be administered by the Village Clerk.

§ 231-14. Effective date.

The provisions of this article shall take effect ~~January 1, 1995~~ April 14, 2026.

§ 231-15. Definitions.

As used in this article, the following terms shall have the meanings indicated:

~~APPROVED RECYCLING CONTAINER~~ — ~~A blue, transparent, disposable plastic bag specifically approved by the Village Board for containment of recyclable materials prior to collection.~~

BIMETAL CONTAINER — A container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.

CONTAINER BOARD — Corrugated paperboard used in the manufacture of shipping containers and related products.

FOAM POLYSTYRENE PACKAGING — Packaging made primarily from foam polystyrene that satisfies one of the following criteria:

- A. Is designed for serving food or beverages.
- B. Consists of loose particles 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.

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

HDPE — High-density polyethylene, labeled by the SPI **Resin** Code No. 2

LDPE — Low-density polyethylene, labeled by the SPI **Resin** Code No. 4.

MAGAZINES — Magazines and other materials printed on similar paper.

MAJOR APPLIANCE — A residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator or stove.

MULTIPLE-FAMILY DWELLING — A property containing five or more residential units, including those which are occupied seasonally.

NEWSPAPER — A newspaper and other materials printed on newsprint.

NONRESIDENTIAL FACILITIES AND PROPERTIES — Commercial, retail, industrial, institutional and governmental facilities and properties. ~~Nonresidential 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 — High-grade printing and writing papers ~~from offices in nonresidential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high grade.~~ This term does not include industrial process waste, newspaper

or packaging.

OTHER RESINS or MULTIPLE RESINS — Plastic resin labeled by the SPI Resin Code No. 7.

PERSON — Includes any individual, corporation, limited liability company, partnership, association, local governmental unit, as defined in § 66.0131(1)(a), Wis. Stats., state agency or authority or federal agency.

PETE — Polyethylene terephthalate, labeled by the SPI Resin Code No. 1.

PLASTIC CONTAINER — An individual, separate, rigid plastic bottle, can, jar or carton, except for a blister pack, that is originally used to contain a product that is the subject of a retail sale.

POSTCONSUMER WASTE — Solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in § 291.01(7), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in § 289.01(17), Wis. Stats.

PP — Polypropylene, labeled by the SPI Resin Code No. 5.

PS — Polystyrene, labeled by the SPI Resin Code No. 6.

PVC — Polyvinyl chloride, labeled by the SPI Resin Code No. 3.

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 bimetal containers.

SINGLE-STREAM COLLECTION — A system for commingled collection of recyclable fibers, containers or other recyclable materials in which these materials are separated from solid waste at the point of collection and are transported to a processing facility to be sorted into marketable commodities.

SOLID WASTE — Has the meaning specified in § 289.01(33), Wis. Stats.

SOLID WASTE FACILITY — Has the meaning specified in § 289.01(35), Wis. Stats.

SOLID WASTE TREATMENT — Any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste. "Treatment" includes incineration.

WASTE TIRE — A tire that is no longer suitable for its original purpose because of wear, damage or defect.

YARD WASTE — Leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than six inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

§ 231-16. Separation of recyclable materials.

Occupants of single-family and two- to four-unit residences, multiple-family dwellings and nonresidential facilities and properties shall separate the following materials from postconsumer 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 Magazines.
- J. Magazines Glass containers.
- 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.

§ 231-17. Exemptions.

The separation requirements of § 231-16 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 postconsumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in § 231-16 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 30% of the heat input to the facility is derived from the solid waste burned as supplemental fuel.
- C. A recyclable material specified in § 231-16E through O for which a variance has been granted by the Department of Natural Resources under § 287.11(2m), Wis. Stats., or § NR 544.14, Wis. Adm. Code.

§ 231-18. Care of separated recyclable materials.

To the greatest extent practicable, the recyclable materials separated in accordance with § 231-16 shall be clean and kept free of contaminants, such as food or product residue, oil or grease, or other nonrecyclable 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.

§ 231-19. Lead acid batteries, major appliances, waste oil, waste tires, yard waste, and other household waste.

- A. Occupants of single-family and two-to-four-unit residences and multifamily dwellings shall manage lead acid batteries, major appliances, waste oil, waste tires, yard waste, and other

nonhazardous household waste as follows:

- (1) Lead acid batteries shall be left with the retail business that sold the replacement battery.
 - (2) ~~The occupant shall contract with the Village's recycling contractor for the pickup of major appliances.~~ The occupant shall dispose of major appliances at his/her expense. Major appliances, except those that are specifically indicated as not accepted by the Village on posted signs, may be delivered to the area designated for such appliances at the Village recycling yard (that area adjoining the Village Municipal Garage at 620 Park Street surrounded by a chain-link fence and accessible through an electronic gate).
 - (3) Waste oil shall be taken to a service station, repair garage or new car dealer that accepts waste oil or to the waste receptacle located at the Village recycling yard.
 - (4) Waste tires shall be left with the retail business that sold the replacement tires.
 - (5) The occupant shall dispose of yard waste at his/her expense. Yard waste shall ~~shall~~ may be placed in the dumpster designated for yard waste at the Village recycling yard. Leaves and branches ~~should~~ may be placed at the occupant's curb for collection during regular curbside collection during as designated on the Village of Belgium website ~~for Monday morning pickup by the Village Department of Public Works during the months of April through November.~~
 - (6) Other nonhazardous household waste may be deposited in the dumpster designated for such waste at the Village recycling yard.
- B. Occupants of nonresidential facilities and properties shall manage lead acid batteries, major appliances, waste oil, waste tires, and yard waste as follows:
- (1) Lead acid batteries shall be left with the retail business that sold the replacement battery.
 - (2) ~~The occupant shall contract with the Village's recycling contractor for the pickup of major appliances.~~ The occupant shall dispose of major appliances at his/her expense.
 - (3) Waste oil shall be taken to a service station, repair garage or new car dealer that accepts waste oil.
 - (4) Waste tires shall be left with the retail business that sold the replacement tires.
 - (5) The occupant shall dispose of yard waste at his/her expense. Leaves and branches may be placed at the curb for collection during regular curbside collection during as designated on the Village of Belgium website ~~for Monday morning pickup by the Village Department of Public Works during the months of April though November.~~
- C. All materials brought to the Village recycling yard as permitted in Subsection A hereof, whether recyclable materials or other materials accepted by/at the Village as specifically indicated on posted signs, shall be placed in the dumpster, receptacle or area assigned or designated for those materials. No person shall place or cause to be placed any unauthorized materials in the Village recycling yard.
- D. Any Village resident, before entering the Village recycling yard to deposit any material permitted for disposal at the recycling yard pursuant to Subsection A hereof, shall first obtain an access card from the Village Clerk and pay the annual access card fee as set by resolution of the Village Board. Only waste material generated at the address registered with the Village for the access card may be deposited at the Village recycling yard. No person other than a

Village employee or official or employee of the Village's garbage disposal contractor may enter the Village recycling yard without an access card.

§ 231-20. Collection of recyclable materials.

Placement for collection. Except as otherwise directed by the Village Board, occupants of single-family and two-to-four-unit residences shall place the recyclable materials specified in § 231-16E through N in the approved recyclables container provided by the Village's garbage disposal contractor. The recyclable materials shall be commingled pursuant to the Village's single-stream collection program.

- A. Vehicles must be parked so as not to hinder locating or collecting the recyclables placed at the curb.
- B. The Village will not be liable for damage to any property where sanitation crews collect recyclable materials from other than the curb.
- C. No recyclables containers other than those of the Village shall be placed, kept, stored or located within the right-of-way of a street or alley; provided, however, that the Village Board may authorize the location of such containers within the public right-of-way at specified places and times when such location is necessary for the expeditious collection and disposal of recyclable materials.
- D. All recycling containers shall be placed in collection locations as designated above by 7:00 a.m. on the day of collection but not before 5:00 p.m. on the day prior to collection.

§ 231-21. Multiple-family dwellings.

- A. Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in § 231-16E through O:
 - (1) Provide adequate, separate containers for the ~~recyclable materials~~ 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.
 - a) The minimum total volume of recycling container space is equal to 20 gallons per week per dwelling unit.
 - b) The ratio of trash container volume to recycling container volume is at most 2:1.
 - c) 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 semiannually 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 ~~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 of drop-off collection sites to recycle materials not

~~collected on site, and hours of operation, and a contact person or company, including a name, address and telephone number.~~

~~(5) Provide a written certification every year to the Village Clerk that all recycling requirements have been met.~~

B. The requirements specified in Subsection 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 § 231-16E through O from solid waste in as pure a form as is technically feasible.

§ 231-22. Nonresidential facilities and properties.

A. Owners or designated agents of nonresidential facilities and properties shall do all of the following to recycle the materials specified in § 231-16E through O:

(1) Provide adequate, separate containers for the recycling program established under this article. 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. ~~recyclable materials.~~

(2) Notify in writing, at least semiannually, all users, tenants and occupants of the properties about the established recycling program.

(3) 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.

(4) 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 of drop-off collection sites to recycle materials not collected on site, and hours of operation, and a contact person or company, including name, address and telephone number.

~~(5) Provide a written certification every year to the Village Clerk that all recycling requirements have been met.~~

B. The requirements specified in Subsection A do not apply to the owners or designated agents of nonresidential 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 § 231-16E through O from solid waste in as pure a form as is technically feasible.

§ 231-23. Disposal of 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 § 231-16E through O which have been separated for recycling, except that waste tires may be burned with energy recovery in a solid waste treatment facility.

§ 231-23.1. Theft of recyclable materials.

All recyclable materials placed at the curb for pickup or placed in or near containers on Village

property designated for collection of such materials shall become the property of the Village and its recycling contractor. No unauthorized person shall remove or take any such recyclable materials.

§ 231-24. Inspections.

For the purpose of ascertaining compliance with the provisions of this article, any authorized officer, employee or representative of the Village of Belgium 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 nonresidential facilities and properties, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to any authorized officer, employee or authorized representative of the Village of Belgium who requests access for purposes of inspection and who presents appropriate credentials. No person may obstruct, hamper or interfere with such an inspection.

§ 231-25. Violations and penalties.

- A. Any person who violates a provision of this article may be issued a citation by the Village of Belgium Marshal 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. 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 subsection.
- B. Penalties for violating this article may be assessed as follows:
 - (1) Any person who violates § 231-23 may be required to forfeit \$50 for a first violation, \$200 for a second violation and not more than \$2,000 for a third or subsequent violation.
 - (2) Any person who violates a provision of this article except § 231-23 may be required to forfeit \$100 for a first violation, \$200 for a second violation, and not more than \$2,000 for a third or subsequent violation.
- C. If any person responsible for placing or causing to be placed any unauthorized materials in the Village recycling yard fails to pick up and remove such materials after being notified to do so by the Village, the Village shall arrange to have such materials removed by Village employees or a private contractor. The entire Village expense incurred for investigating the incident and removal of the unauthorized materials shall be charged to the person responsible for placing or causing to be placed the unauthorized materials. If such sum is not promptly paid by the responsible person, steps shall be taken, with the advice of the Village Attorney, to collect the same. This charge shall be in addition to any forfeiture or other penalty for violation of this article.
- D. As an alternative to or in addition to any other penalties provided for in this section, if a person violates § 231-19C the Village Marshal shall issue a verbal warning to such person. If that person again violates § 231-19C after receiving a verbal warning, the Village shall revoke that person's recycling yard access card for the remainder of the calendar year. If that person violates § 231-19C a third time, the Village shall not thereafter issue a recycling yard access card to that person.

This Ordinance shall be effective upon passage and posting

Adopted this 11th day of May 2026



Roseann Geib, Village President

ATTEST:



Theresa Bartley, Village Clerk