

**TOWN OF CEDARBURG  
ORDINANCE NO. 2014-16**

**An Ordinance to Amend Chapters 273 Regulating Recyclable Materials in the Town of Cedarburg Code of Ordinances, Ozaukee County, Wisconsin.**

**WHEREAS,** The Town of Cedarburg is a body corporate and politic;

**WHEREAS,** the Town Board exercises village powers by Ch. 61, Wis. Stats.;

**WHEREAS,** sec. 66.0405, Stats. authorizes the Town to remove and collect rubbish and recycling from such classes of places in the Town as the Town Board directs; and

**WHEREAS,** sec. 66.0405, Stats. further provides that districts may be created and rubbish and recycling removal provided for certain districts only, and different regulations may be applied to each removal district or class of property; and

**WHEREAS,** sec. 287.09(3)(b), Stats. and Ch. NR 544, Wis. Adm. Code authorize municipalities to adopt an ordinance promoting and enforcing recycling, composting and resource recovery through the administration of an effective recycling program under sec. 287.11, Stats.; and

**WHEREAS,** the Town Board, after due deliberation, has determined that it will promote the public health, safety and general welfare of the community to provide curbside collection of recycling materials for residential properties and to classify and regulate such buildings and properties for the collection and removal of recyclable materials by the Town or through contracts with the Town,

**NOW, THEREFORE,** the Town Board of the Town of Cedarburg, do ordain as follows:

**Section 273-10 is amended to read as follows:**

**§ 273-10. Recycling; use of composting structure.**

- A. Recyclable materials. It is unlawful for any person, firm or corporation to place, deposit or cause to be deposited for collection any materials defined as recyclable in Article III, Recycling, of this chapter. Refuse found to contain these materials will not be collected. Carts found to be in violation of this subsection along with all other carts at the commercial or residential dwelling unit will not be dumped.  
[Amended 12-1-2010 by Ord. No. 2010-17]
- B. Composting site. A composting structure is located at the Town materials yard. The Town shall not pick up grass clippings, leaves or other vegetation. Those who wish to dispose of their grass clippings, leaves, weeds and garden vegetation should deposit them in the Town composting structure.

[Added 2-3-2010 by Ord. No. 2010-2; amended 12-1-2010 by Ord. No. 2010-17]

**Section 273-11 is amended to read as follows:**

**§ 273-11. Use of Town materials yard.**

A. What may be deposited. Any resident of the Town of Cedarburg may bring to the Town materials yard (that area adjoining the Town Hall and Town Garage and surrounded by a chain-link fence) any metal, used oil, tires, grass clippings, leaves, weeds and garden vegetation which are generated from the resident's property in the Town of Cedarburg, but not brush, branches, sticks or stumps, and place these waste materials in the area assigned for the respective materials. No other materials may be deposited in the Town materials yard. No metal deposited in the yard and no Town construction and maintenance materials, including topsoil, may be removed from the Town yard. Tires require payment of a drop-off fee prior to being deposited in the Town materials yard.

[Amended 12-1-2010 by Ord. No. 2010-17]

B. Unlawful use.

- (1) It shall be unlawful for anyone who is not a Town resident to deposit waste material in the Town materials yard;
- (2) It shall be unlawful for anyone to deposit any waste material, except those permitted by Town ordinance and/or signs and which shall only be waste materials generated in the Town of Cedarburg; and

C. Fees for the pickup and disposal of metal items,. Residents shall be charged a fee for the pickup and disposal of scrap metal items according to the fee schedule approved by the Town Board.

**Section 273-18 is amended to read as follows:**

**§ 273-18. Applicability.**

[Amended 5-6-2009 by Ord. No. 2009-10]

The requirements of this article apply to all persons within the Town of Cedarburg.

**Section 273-20 is amended to delete and add as follows:**

**RESIDENTIAL UNIT-** An individual household capable of independent habitation by a family unit. A single-family dwelling shall be considered to be one residential unit; a multi-family 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, motels, resorts or bed-and-breakfasts

**TOWN -** As used herein, refers specifically to the Town of Cedarburg, Ozaukee County, Wisconsin, or its Town Board, its designee, or assignee.

**Section 273-23 is amended to read as follows:**

**§ 273-23. Care of separated recyclable materials.** To the greatest extent practicable, the recyclable materials separated in accordance with § 273-21, whether brought to Town of Cedarburg Recycling Center or recycled curbside by an individual or hauler, 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. Prior to curbside collection, recyclable materials shall be stored in a manner which protects them from wind, rain and other inclement weather conditions, so as to maintain their marketability and value.

Section 273-24 is amended to read as follows:

**§ 273-24. Lead acid batteries, major appliances, waste oil and yard waste.**

[Amended 10-4-2006 by Ord. No. 2006-11]

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

A. Lead acid batteries may be delivered to the Town Yard.

B. Couches, furniture and other non-metal bulky items may be picked up by the Town by special pickup as described in § 273-6A(6).

[Amended 12-1-2010 by Ord. No. 2010-17]

C. Major appliances and other metal items may be picked up by the Town for special pickup fee as set forth in § 273-6A(6). Subject to Town Recycling Rules, nonhazardous metal items may be dropped off at the Town of Cedarburg drop-off area. .[1] [Amended 12-1-2010 by Ord. No. 2010-17] [1]:Editor's Note: The fee schedule is on file in the Town offices.

D. Waste oil may be delivered to the Town of Cedarburg drop-off area and placed in the site specifically designated therefor.

E. Yard waste shall be delivered to the Town of Cedarburg drop-off area and placed in the site specifically designated therefor.

Section 273-25 is amended to read as follows:

**§ 273-25. Preparation and collection of recyclable materials.**

[Amended 10-4-2006 by Ord. No. 2006-11; 12-1-2010 by Ord. No. 2010-17]

A. Preparation and Collection. Of the recyclable materials required to be separated under § 273-21A through P, the following recyclable materials shall be collected for residential units at the curbside adjacent to the residence owned or occupied by the person, of the street designated in the published collection schedule for collection, by the Town or by an authorized licensed hauler.

1. Aluminum containers: rinse thoroughly and dry.

2. Bimetal containers: rinse thoroughly and dry.

3. Corrugated paper or other container board shall be free of debris.

4. Glass containers: wash and rinse.

5. Phone books.

6. Magazines.

7. Newspaper.

8. Office paper.

9. Rigid plastic containers:

(a) Plastic containers made of PETE shall be rinsed free of product residue and caps shall be removed and discarded, including milk jugs and detergent bottles.

(b) Plastic containers made of HDPE shall be free of product residue.

(c) Plastic containers made of PVC shall be free of product residue.

(d) Plastic containers made of LDPE shall be free of product residue.

(e) Plastic containers made of PP shall be free of product residue.

(f) Plastic containers made of PS shall be free of product residue.

(g) Plastic containers made of other resins or multiple resins shall be free of product residue.

10. Steel containers shall be rinsed free of product residue.

B. Other uncollectable recyclables. Subject to Town recycling rules, waste tires may be delivered to the designated Town of Cedarburg drop-off area for a per-tire disposal fee as set forth in the Town Fee Schedule. Subject to Town recycling rules, consumer electronics may be recycled during Town recycling events at the designated drop-off area.

C. Recycling collection fee. As authorized by Wis. Stats. Sec. 66.0405, there is hereby created a residential collection district for a specified classification of residential properties defined as a 'residential unit' in §273-20.

(1) Residential units shall be assessed a special charge as authorized by Wis. Stats., 66.0627, and Town Code §10-12, which shall be referred to as a residential recycling collection fee.

(a) The amount of the special charge for the residential recycling collection fee shall be \$42.00 or any updated amount approved by the Town Board as listed in the Town's Fee Schedule. Such residential recycling collection fee shall be made payable by insertion of the special charge on the tax roll for all residential properties.

(b) If a parcel of real property contains multiple residential units such parcel shall be imposed a special charge for each residential unit on such parcel.

(c) The special charge for the residential recycling collection fee shall be included as a special charge on the tax bills sent out in December and shall be due and payable in full at the time set for payment on the first installment of the real estate property tax. The special charge for residential recycling collection shall not be payable in installments. If the special charge is not paid within the period fixed by this ordinance, then such special charge shall be deemed delinquent and shall be extended upon the current tax roll as delinquent tax against the property and all proceedings in relation to the collection return and sale of property for delinquent real estate taxes shall apply to such special charge, except as otherwise provided by Wisconsin Statute.

(2) Whenever a residential property or a residential unit is established and that residential property and/or unit had not been included in the special charge imposed on the real estate tax bill for such parcel, the Town Clerk shall charge by sending an invoice of the expense of recycling collection to said property.

(a) The said invoice shall be due and payable within 60 days of date of invoice. The invoice shall not be payable in installments. If the invoice is not paid within the period fixed by this ordinance, then such special charge shall be deemed delinquent and shall be extended upon the current tax roll as delinquent tax against the property and all proceedings in relation to the collection return and sale of property for delinquent real estate taxes shall apply to such special charge, except as otherwise provided by Wisconsin Statute.

Section 273-30 is amended to read as follows:

**§ 273-30. Ownership of recyclable materials and refuse.**

[Amended 10-4-2006 by Ord. No. 2006-11; 12-1-2010 by Ord. No. 2010-17]

Upon placement of a cart for curbside collection or at a designated drop-off area, any permitted recyclable and/or refuse contents become the property of the Town of Cedarburg. Recyclable materials, upon collection by any permitted collector, become the property of the contractor for the Town. The Scavenging and removal of recyclables in the Town Yard shall not be permitted.

Section 273-32 is amended to read as follows:

**§ 273-32. Collection of recyclables; schedule.**

[Amended 10-4-2006 by Ord. No. 2006-11]

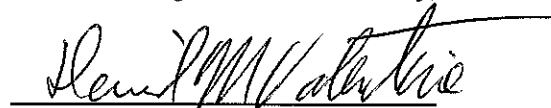
Recycling containers shall be placed out for collection according to the scheduled days established and published by the Town in the Town's recycling rules. The Town of Cedarburg shall establish hours of operation of the Town Yard drop-off area and shall publish and provide written notice of such hours at least once in the spring and fall of each year and at any time when hours of operation are changed.

**(The above text modified with a strikethrough shall be deleted).**

**(The above text modified with an underline shall be added).**

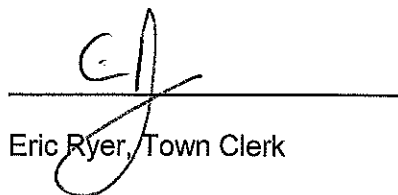
This ordinance shall be in full force and effect upon its passage and posting as provided by law.

**PASSED AND ADOPTED** by the Town Board of the Town of Cedarburg, Ozaukee County, Wisconsin, this 3<sup>rd</sup> day of December, 2014.



David M. Valentine

Town Chairman



Eric Ryer, Town Clerk