

**VILLAGE OF WALDO
SHEBOYGAN COUNTY, WISCONSIN
ORDINANCE NO. 2026-03**

AN ORDINANCE TO REPEAL AND RECREATE ARTICLE III (RECYCLING) OF CHAPTER 146 – SOLID WASTE, OF THE CODE OF THE VILLAGE OF WALDO

WHEREAS, the Village of Waldo is a Responsible Unit under § 287.11, Wisconsin Statutes; and

WHEREAS, Chapter NR 544, Wisconsin Administrative Code, requires Responsible Units to maintain an effective recycling program including specific ordinance language; and

WHEREAS, the Wisconsin Department of Natural Resources issued a revised recycling ordinance template in August 2025 containing required provisions; and

WHEREAS, Responsible Units have been directed to adopt updated recycling ordinances by April 30, 2026; and

WHEREAS, the Village Board finds it necessary to repeal and recreate Article III of Chapter 146 to ensure compliance with current state law and maintain eligibility for recycling grant funding;

NOW, THEREFORE, the Village Board of the Village of Waldo, Sheboygan County, Wisconsin, does hereby ordain as follows:

Article III of Chapter 146 of the Code of the Village of Waldo is hereby repealed and recreated in its entirety to read as follows:

Chapter 146 – Solid Waste

ARTICLE III – Recycling

§ 146-14 Title.

This Article shall be known as the “Recycling Ordinance for the Village of Waldo.”

§ 146-15 Purpose.

The purpose of this ordinance 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.

§ 146-16 Statutory Authority.

This ordinance is adopted as authorized under § 287.09(3)(b), Wis. Stats., and the Village’s general police powers.

§ 146-17 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.

§ 146-18 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 Ch. NR 544, Wis. Adm. Code, and where the ordinance 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 adoption or most recent amendment.

§ 146-19 Severability.

Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder shall not be affected.

§ 146-20 Applicability.

The requirements of this ordinance apply to all persons within the Village of Waldo.

§ 146-21 Administration.

The provisions of this ordinance shall be administered by the Village of Waldo Village Board or its designated representative.

§ 146-22 Effective Date.

The provisions of this ordinance shall take effect upon passage and publication as required by law.

§ 146-23 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.
3. **“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 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.

4. **“Glass container”** means a glass bottle, jar or other packaging container used to contain a product that is the subject of a retail sale and does not include ceramic cups, dishes, oven ware, plate glass, safety and window glass, heat-resistant glass such as Pyrex, lead based glass such as crystal, or TV tubes.
5. **“HDPE”** means high density polyethylene, labeled by the resin code #2.
6. **“LDPE”** means low density polyethylene, labeled by the resin code #4.
7. **“Magazines”** means magazines and other materials printed on similar paper.
8. **“Major appliance”** means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, furnace, boiler, dehumidifier, water heater, or stove.
9. **“Multiple-family dwelling”** means a structure containing five or more residential units, including units that are occupied seasonally.
10. **“Newspaper”** means a newspaper and other materials printed on newsprint.
11. **“Non-residential facilities and properties”** means commercial, retail, industrial, institutional and government facilities and properties and includes any location at which goods or services are provided or manufactured, including locations under construction, demolition, remodeling, or used for special events. This term does not include multiple-family dwellings.
12. **“Office paper”** means a variety of high-grade printing and writing papers and does not include industrial process waste, newspaper, or packaging.
13. **“Other resins or multiple resins”** mean plastic resins labeled by the resin code #7.
14. **“Person”** includes any individual, corporation, limited liability company, partnership, association, local government unit as defined in s. 66.0131(1)(a), Wis. Stats., state agency or authority or federal agency.
15. **“PETE”** or **“PET”** means polyethylene terephthalate, labeled by the resin code #1.
16. **“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.
17. **“Postconsumer waste”** means solid waste other than solid waste generated in the production of goods, hazardous waste as defined in s. 291.01(7), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste as defined in s. 289.01(17), Wis. Stats.
18. **“PP”** means polypropylene, labeled by the resin code #5.
19. **“PS”** means polystyrene, labeled by the resin code #6.
20. **“PVC”** means polyvinyl chloride, labeled by the resin code #3.
21. **“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.

22. **“Solid waste”** has the meaning specified in s. 289.01(33), Wis. Stats.
23. **“Solid waste facility”** has the meaning specified in s. 289.01(35), Wis. Stats.
24. **“Solid waste treatment”** means any method, technique or process designed to change the physical, chemical, or biological character or composition of solid waste. Treatment includes incineration.
25. **“Waste tire”** means a tire no longer suitable for its original purpose because of wear, damage, or defect.
26. **“Yard waste”** means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than six inches in diameter. This term does not include stumps, roots, or shrubs with intact root balls.

§ 146-24 *Separation of Recyclable Materials.

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

1. Lead acid batteries
2. Major appliances
3. Waste oil
4. Yard waste
5. Aluminum containers
6. Bi-metal containers
7. Corrugated paper or other container board
8. Foam polystyrene packaging
9. Glass containers
10. Magazines
11. Newspaper
12. Office paper
13. Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins
14. Steel containers
15. Waste tires

§ 146-25 *Separation Requirements Exempted.

The separation requirements of § 146-24 do not apply to the following:

1. Occupants of single family and 2-to-4-unit 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 § 146-24 from solid waste in as pure a form as is technically feasible.

2. Solid waste which is burned as a supplement fuel at a facility if less than 30% of the heat input to the facility is derived from the solid waste burned as supplement fuel.
3. A recyclable material specified in § 146-24(5) through (15) for which a variance has been granted by the Department of Natural Resources under § 287.11(2m), Wis. Stats., or s. NR 544.14, Wis. Adm. Code.

§ 146-26 Care of Separated Recyclable Materials.

To the greatest extent practicable, the recyclable materials separated in accordance with § 146-24 shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other non-recyclable materials. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions.

§ 146-27 Management of Lead Acid Batteries, Major Appliances, Waste Oil and Yard Waste.

Occupants shall manage these materials by delivering them to a recycling facility designated by the Village or to another approved recycling or collection facility, or by composting yard waste on the site, where produced, as allowed by law.

§ 146-28 Preparation and Collection of Recyclable Materials.

Except as otherwise directed by the Village Board, recyclable materials shall be rinsed clean and prepared in accordance with the requirements of the Village recycling program. Corrugated paper shall be flattened. Materials shall be placed for collection by the Village's authorized collector or delivered to a Village-designated recycling facility.

§ 146-29 *Responsibilities of Owners or Designated Agents of Multiple-Family Dwellings.

1. Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in § 146-24(5) through (15):
 - a. Provide adequate, separate containers for the recycling program established in compliance with this ordinance. The number of recycling containers shall equal or be greater than the number of trash containers and at least one of the following shall be met:
 - i. The minimum total volume of recycling container space is equal to 20 gallons per week per dwelling unit.
 - ii. The ratio of trash container volume to recycling container volume is at most 2:1.
 - iii. An alternative method that does not result in the overflow of a recycling container during the time period between collection of materials and delivery to a recycling facility.
 - b. Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
 - c. 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.
 - d. Notify tenants which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, and locations of drop-off collection sites to recycle materials not collected on-site.

2. The requirements specified in Subsection (1) 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 § 146-24(5) through (15) from solid waste in as pure a form as is technically feasible.

§ 146-30 *Responsibilities of Owners or Designated Agents of Non-Residential Facilities and Properties.

1. Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in § 146-24(5) through (15):
 - a. Provide adequate, separate containers for the recycling program established under this section. The total volume of recycling containers shall be sufficient to avoid overflow during the time period between collection of materials and delivery to a recycling facility.
 - b. Notify in writing, at least semi-annually, all users, tenants, and occupants of the properties about the established recycling program.
 - c. 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.
 - d. Notify users, tenants, and occupants which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, and locations of drop-off collection sites to recycle materials not collected on-site.
2. The requirements specified in Subsection (1) 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 § 146-24(5) through (15) from solid waste in as pure a form as is technically feasible.

§ 146-31 *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 § 146-24(5) through (15) that have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

§ 146-32 Ownership and Unlawful Removal of Recyclables.

Once recyclable materials are placed for collection, such materials shall become the property of the Village of Waldo or its authorized collector. No unauthorized person may remove or disturb recyclable materials placed for collection.

§ 146-33 Materials Generated Outside the Village.

No person shall deposit recyclable materials or solid waste generated outside the Village of Waldo into the Village recycling program or any Village-designated recycling facility without authorization.

§ 146-34 Right to Reject Improperly Prepared Materials.

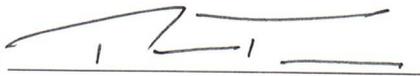
The Village or its authorized collector may refuse to collect recyclable materials that are not properly separated or prepared in accordance with this Article.

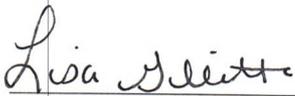
§ 146-35 *Enforcement and Penalties.

1. For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee, or representative of the Village of Waldo may inspect recyclable materials separated for recycling, postconsumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and non-residential facilities and properties, and any records relating to recycling activities. No person may refuse access to any authorized officer, employee or representative who presents appropriate credentials, nor obstruct or interfere with such inspection.
2. Any person who violates a provision of this ordinance may be issued a citation by authorized Village officials or law enforcement to collect forfeitures.
3. Penalties:
 - a. Any person who violates § 146-31 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.
 - b. Any person who violates a provision of this ordinance, except § 146-31, may be required to forfeit not less than \$10 nor more than \$1,000 for each violation.

Each day a violation continues constitutes a separate offense.

Passed and adopted by the Village Board of the Village of Waldo, Sheboygan County, Wisconsin, this 9th day of March, 2026.

By: 
Travis Thomas – Village President

Attest: 
Lisa Gillette – Village Clerk/Treasurer