

ORDINANCE NO. 2026-1**AN ORDINANCE TO UPDATE CHAPTER 20 OF THE VILLAGE OF NORTH BAY CODE CONCERNING RECYCLING, TO COMPLY WITH CURRENT APPLICABLE LAWS**

WHEREAS, the State of Wisconsin Department of Natural Resources has established new standards that apply to recycling programs in the State of Wisconsin; and

WHEREAS, in conjunction with establishing the new standards, the DNR has created a new template Recycling Ordinance; and

WHEREAS, the Village of North Bay finds it is in the best interests of the health, safety and welfare of the Village of North Bay that the Village Code be updated to comply with the current standards expected by the Wisconsin DNR concerning recycling programs;

NOW, THEREFORE, the Village Board of the Village of North Bay, Racine County, Wisconsin, DO ORDAIN as follows:

SECTION 1: Chapter 20 of the Village of North Bay Village Code entitled "Village of North Bay Recycling Ordinance", Section 20.03 entitled "Statutory Authority", is hereby repealed and recreated as follows:

This ordinance is adopted as authorized under sec. 287.09(3)(b), Wis. Stats.

SECTION 2: Chapter 20 of the Village of North Bay Village Code entitled "Village of North Bay Recycling Ordinance", Section 20.10 entitled "Definitions", subsection (4) is hereby repealed and recreated as follows:

"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.

SECTION 3: Chapter 20 of the Village of North Bay Village Code entitled "Village of North Bay Recycling Ordinance", Section 20.10 entitled "Definitions", subsection (5) is hereby repealed and recreated as follows:

"HDPE" means high density polyethylene, labeled by the SPI code #2.

SECTION 4: Chapter 20 of the Village of North Bay Village Code entitled "Village of North Bay Recycling Ordinance", Section 20.10 entitled "Definitions", subsection (6) is hereby repealed and recreated as follows:

"LDPE" means low density polyethylene, labeled by the SPI code #4.

SECTION 5: Chapter 20 of the Village of North Bay Village Code entitled "Village of North Bay Recycling Ordinance", Section 20.10 entitled "Definitions", subsection (7) is hereby repealed and recreated as follows:

“Magazines” means magazines and other materials printed on similar paper.

SECTION 6: Chapter 20 of the Village of North Bay Village Code entitled “Village of North Bay Recycling Ordinance”, Section 20.10 entitled “Definitions”, subsection (8) is hereby repealed and recreated as follows:

“Major appliance” means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator or stove.

SECTION 7: Chapter 20 of the Village of North Bay Village Code entitled “Village of North Bay Recycling Ordinance”, Section 20.10 entitled “Definitions”, subsection (9) is hereby repealed and recreated as follows:

“Multiple-family dwelling” means a structure containing 5 or more residential units, including those which are occupied seasonally.

SECTION 8: Chapter 20 of the Village of North Bay Village Code entitled “Village of North Bay Recycling Ordinance”, Section 20.10 entitled “Definitions”, subsection (10) is hereby repealed and recreated as follows:

“Newspaper” means a newspaper and other materials printed on newsprint.

SECTION 9: Chapter 20 of the Village of North Bay Village Code entitled “Village of North Bay Recycling Ordinance”, Section 20.10 entitled “Definitions”, subsection (11) is hereby repealed and recreated as follows:

“Non-residential facilities and properties” means commercial, retail, industrial, institutional and governmental facilities and properties. Non-residential facilities and properties includes any location at which goods and services are provided or manufactured, including locations under construction, demolition or remodeling, or used for special events such as fairs, festivals, sports venues, conferences and exhibits. This term does not include multiple family dwellings.

SECTION 10: Chapter 20 of the Village of North Bay Village Code entitled “Village of North Bay Recycling Ordinance”, Section 20.10 entitled “Definitions”, subsection (12) is hereby repealed and recreated as follows:

“Office paper” means a variety of high grade printing and writing papers This term does not include industrial process waste.

SECTION 11: Chapter 20 of the Village of North Bay Village Code entitled “Village of North Bay Recycling Ordinance”, Section 20.10 entitled “Definitions”, subsection (13) is hereby repealed and recreated as follows:

“Other resins or multiple resins” mean plastic resins labeled by the resin code # 7.

SECTION 12: Chapter 20 of the Village of North Bay Village Code entitled “Village of North Bay Recycling Ordinance”, Section 20.10 entitled “Definitions”, subsection (14) is hereby repealed and recreated as follows:

“Person” includes any individual, corporation, partnership, association, local governmental unit, as defined in sec. 66.0131(1)(a), Wis. Stats., state agency or authority or federal agency.

SECTION 13: Chapter 20 of the Village of North Bay Village Code entitled “Village of North Bay Recycling Ordinance”, Section 20.10 entitled “Definitions”, subsection (15) is hereby repealed and recreated as follows:

“PETE” or “PET” means polyethylene terephthalate, labeled by the SPI code #1.

SECTION 14: Chapter 20 of the Village of North Bay Village Code entitled “Village of North Bay Recycling Ordinance”, Section 20.10 entitled “Definitions”, subsection (16) is hereby repealed and recreated as follows:

“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.

SECTION 15: Chapter 20 of the Village of North Bay Village Code entitled “Village of North Bay Recycling Ordinance”, Section 20.10 entitled “Definitions”, subsection (17) is hereby repealed and recreated as follows:

“Postconsumer waste” means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in sec. 291.07(7), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in sec. 289.01(17), Wis. Stats.

SECTION 16: Chapter 20 of the Village of North Bay Village Code entitled “Village of North Bay Recycling Ordinance”, Section 20.10 entitled “Definitions”, subsection (18) is hereby repealed and recreated as follows:

“PP” means polypropylene, labeled by the SPI code #5.

SECTION 17: Chapter 20 of the Village of North Bay Village Code entitled “Village of North Bay Recycling Ordinance”, Section 20.10 entitled “Definitions”, subsection (19) is hereby repealed and recreated as follows:

“PS” means polystyrene, labeled by the SPI code #6.

SECTION 18: Chapter 20 of the Village of North Bay Village Code entitled “Village of North Bay Recycling Ordinance”, Section 20.10 entitled “Definitions”, subsection (20) is hereby repealed and recreated as follows:

“PVC” means polyvinyl chloride, labeled by the SPI code #3.

SECTION 19: Chapter 20 of the Village of North Bay Village Code entitled “Village of North Bay Recycling Ordinance”, Section 20.10 entitled “Definitions”, subsection (21) is hereby repealed and recreated as follows:

“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.

SECTION 20: Chapter 20 of the Village of North Bay Village Code entitled “Village of North Bay Recycling Ordinance”, Section 20.10 entitled “Definitions”, subsection (22) is hereby repealed and recreated as follows:

“Solid waste” has the meaning specified in sec. 289.01(33), Wis. Stats.

SECTION 21: Chapter 20 of the Village of North Bay Village Code entitled “Village of North Bay Recycling Ordinance”, Section 20.10 entitled “Definitions”, subsection (23) is hereby repealed and recreated as follows:

“Solid waste facility” has the meaning specified in sec. 289.01(35), Wis. Stats.

SECTION 22: Chapter 21 of the Village of North Bay Village Code entitled “Village of North Bay Recycling Ordinance”, Section 20.10 entitled “Definitions”, subsection (24) is hereby repealed and recreated as follows:

“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.

SECTION 23: Chapter 22 of the Village of North Bay Village Code entitled “Village of North Bay Recycling Ordinance”, Section 20.10 entitled “Definitions”, subsection (25) is hereby repealed and recreated as follows:

“Waste tire” means a tire that is no longer suitable for its original purpose because of wear, damage or defect.

SECTION 24: Chapter 23 of the Village of North Bay Village Code entitled “Village of North Bay Recycling Ordinance”, Section 20.10 entitled “Definitions”, subsection (26) is hereby repealed and recreated as follows:

“Yard waste” means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than 6 inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

SECTION 25: Chapter 23 of the Village of North Bay Village Code entitled “Village of North Bay Recycling Ordinance”, Section 20.16 entitled “Multiple-Family Dwellings,” is hereby repealed and recreated as follows:

- 1) Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in s. 1.11(5) through (15):
 - a) Provide adequate, separate containers for the 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:
 - 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 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 s. 1.11(5) through (15) from solid waste in as pure a form as is technically feasible.

SECTION 26: Chapter 23 of the Village of North Bay Village Code entitled “Village of North Bay Recycling Ordinance”, Section 20.17 entitled “Responsibilities of Owners or Designated Agents of Non-Residential Facilities and Properties,” subsection 1(a) is hereby repealed and recreated as follows:

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.

SECTION 27: Chapter 23 of the Village of North Bay Village Code entitled “Village of North Bay Recycling Ordinance”, Section 20.17 entitled “Responsibilities of Owners or Designated Agents of Non-Residential Facilities and Properties,” subsection 1(d) is hereby repealed and recreated as follows:

Notify users, tenants and occupants 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.

SECTION 28: SEVERABILITY. The several sections of this Ordinance are declared to be severable. If any section or portion thereof shall be declared by a decision of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision and shall not affect the validity of any other provisions, sections or portions thereof of the Ordinance. The remainder of the Ordinance shall remain in full force and effect. Any other Ordinances whose terms are in conflict with the provisions of this Ordinance are hereby repealed as to those terms that conflict.

SECTION 29: CONTINUATION OF EXISTING PROVISIONS. The provisions of this ordinance, to the extent that they are substantively the same as those of the ordinances in force immediately prior to the enactment of this ordinance, are intended as a continuation of such ordinances and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinances. In addition, the adoption of this ordinance shall not affect any action, prosecution or proceeding brought for the enforcement of any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this

ordinance for the time that such provision was in effect, and the repeal of any such provisions is stayed pending the final resolution of such actions, including appeals.

SECTION 30. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage and publication.

Passed and adopted this 13th day of April, 2026.

VILLAGE OF NORTH BAY

By: Roger Mellem
Roger Mellem, Village President

Attest:

Dori Panthofer
Dori Panthofer, Village Clerk

Published and posted this 14th day of April, 2026.