

# CHAPTER 19

## RECYCLING

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## **19.01 GENERAL PROVISIONS**

- (1) **TITLE.** The title of this chapter shall be known as the Recycling Ordinance for the Town of River Falls.
- (2) **PURPOSE.** The purpose of this chapter is to promote recycling, composting and resource recovery through the administration of an effective recycling program as provided in Wis. Stat. §287.11 and Wis. Adm. Code. Ch. NR 544,
- (3) **STATUTORY AUTHORITY.** This chapter is adopted as authorized under Wis. Stat. §287.09(3)(b).
- (4) **ABROGATION AND GREATER RESTRICTIONS.** It is not intended by this chapter 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 chapter imposes greater restrictions, the provisions of this chapter shall apply.
- (5) **INTERPRETATION.** In their interpretation and application, the provisions of this chapter 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 chapter may be inconsistent or conflicting, the more restrictive requirements or interpretations shall apply. Where a provision of this chapter is required by State statutes, or by a standard in Wis. Adm. Code Ch. NR 544 and where the chapter provision is unclear, the provision shall be interpreted in light of the statutes and the Ch. NR 544 standards in effect on the date of the adoption of this chapter, or in effect on the date of the most recent text amendment to this chapter.
- (6) **APPLICABILITY.** The requirements of this chapter apply to all persons and property owners within the Town and all users of the Town recycling facility.
- (7) **ADMINISTRATION.** This chapter shall be administered by the Town Board.

## **19.02 DEFINITIONS. For the purpose of this chapter:**

- (1) **BI-METAL CONTAINER.** A container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.
- (2) **CONTAINER BOARD.** Corrugated paperboard used in the manufacture of shipping containers and related products.
- (3) **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.
- (4) **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, ovenware, plate glass, safety and window glass, heat resistant glass such as Pyrex, lead based glass such as crystal, or TV tubes.
- (5) **HDPE.** High density polyethylene plastic containers marked by SPI Symbol #2.
- (6) **LDPE.** Low density polyethylene plastic containers marked by SPI Symbol #4.
- (7) **MAGAZINES.** Magazines and other materials printed on similar paper.
- (8) **MAJOR APPLIANCE.** A residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, stove, dehumidifier, water heater, furnace, or boiler.
- (9) **MULTIPLE-FAMILY DWELLING.** A property containing 5 or more residential units, including those which are occupied seasonally.
- (10) **NEWSPAPER.** A newspaper, and other similar materials printed on newsprint.
- (11) **NONRESIDENTIAL FACILITIES AND PROPERTIES.** Commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple-family dwellings.
- (12) **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.
- (13) **OTHER RESINS OR MULTIPLE RESINS.** Plastics resins labeled by the SPI Symbol #7
- (14) **PERSON.** Any individual, corporation, partnership, association, local governmental unit as defined in Wis. Stat. §66.0131(1)(a), state agency or authority or federal agency.
- (15) **PETE OR PET.** Polyethylene terephthalate plastic containers marked by SPI Symbol #1.

- (16) **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.
- (17) **POSTCONSUMER WASTE.** Solid waste other than solid waste generated in production of goods, hazardous waste, as defined in Wis. Stat. §291.01(7), waste from construction and demolition of structures, scrap automobiles, or high-volume waste as defined in Wis. Stat. §289.01(17).
- (18) **PP.** Polypropylene plastic, labeled by the SPI Symbol #5.
- (19) **PS.** Polystyrene plastic, labeled by the SPI Symbol #6.
- (20) **PVC.** Polyvinyl chloride, labeled by the SPI Symbol #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 Wis. Stat. §289.01(33).
- (23) **SOLID WASTE FACILITY.** Has the meaning specified in Wis. Stat. §289.01(35).
- (24) **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.
- (25) **SPI SYMBOL.** The Resin Identification Coding System symbol placed on plastic items to identify the resin type that the items were made from, and developed by the Society of Plastics Industry.
- (26) **WASTE TIRE.** A tire that is no longer suitable for its original purpose because of wear, damage or defect.
- (27) **YARD WASTE.** Leaves, grass clippings, yard and garden debris, and brush including clean, woody vegetative materials no greater than 6-inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

### **19.03 OPERATIONAL REQUIREMENTS AND STANDARDS**

- (1) **HAULER LICENSING.** Haulers who collect solid waste or recyclables in the Town of River Falls for storage, treatment, processing, marketing or disposal shall obtain a license from the Town prior to collecting such materials within the Town. The Town Board shall establish the licensing fee from time to time by resolution.

In addition to the license issued by the Town, the hauler must obtain all other necessary local, State or Federal permits, licenses or approvals.

- (2) **REPORTING REQUIREMENTS.** The recycling haulers and processors operating in the Town are required to maintain records and report in writing to the Town Treasurer at least once a year at a time determined by the Town Board. Reports shall include the amount of solid waste and recyclables collected and transported from the Town, the amount of solid waste and recyclables processed and/or marketed by item type and final disposal location of solid waste and recyclable material. Failure to report shall be cause for municipality to revoke any license or sever any contract with the hauler/processor.
- (3) **LICENSED HAULERS.** Licensed haulers shall implement a volume based user fee system for collection and disposal of all solid waste generated at residential, multi-family dwellings and nonresidential facilities. Volume based fees shall apply where the waste collected per individual household exceeds one (1) 45 gallon container per week. For weekly service, which does not equal or exceed this amount, at the option of the hauler, a flat fee or a volume based fee, for service, may be charged. The license holder shall submit written documentation to the Town Treasurer that shows the house or street number of each facility or dwelling using the volume based fees, at least once a year at a time determined by the Town Board.
- (4) **PROCESSING FACILITIES.** Any controller operating in the Town shall not transport for processing any recyclables to a processing facility unless that facility has been approved in writing to the Town that said facility has self-certified with DNR under Wis. Adm. Code §NR 544.
- (5) **MUNICIPALITY.**
  - (a) Any nonresidential facility and properties owning or occupying a new building or a building that is remodeled or expanded by 50% or more in floor area shall provide a designated area for separation, temporary storage and collection of solid waste and recyclables either within or adjacent to the building.
  - (b) The Town shall, to the extent practicable make purchasing decisions to the purchasing of products made from recyclable and recovered materials.
  - (c) The Town shall to the extent practicable, award contracts for equipment and supplies on basis of recyclability and ultimate disposition of products to discourage the use of single-use disposable products and require purchase of multiple-use, durable products.
- (6) **PROPER DISPOSAL OF SOLID WASTE AND RECYCLABLES.**
  - (a) It shall be unlawful for any person, unless under contract with or licensed by the Town, to collect or remove any recyclable material that has been deposited

or placed at the curb or in a container adjacent to a home or nonresidential building for the purposes of collection for recycling.

**19.04 SEPARATION OF RECYCLABLE MATERIAL.** Occupants of single family and 2- to 4-unit multiple-family dwellings and nonresidential facilities and properties shall separate the following materials from post-consumer 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) Glass containers
- (9) Magazines
- (10) Newspaper
- (11) Office paper
- (12) Rigid plastic containers made of PETE , HDPE, PVC, LDPE, PP, PS, and ~~mixed or~~ other resins or multiple resins
- (13) Steel containers
- (14) Waste tires
- (15) Scrap iron
- (16) Electronics

**19.05 SEPARATION REQUIREMENTS EXEMPTED.** The separation requirements of Section 19.04 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 Section 19.04 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 Section 19.04(5) through (15) for which a variance has been granted by the Department of Natural Resources under Wis. Stat. §287.11(2m) or Wis. Administrative Code §NR 544.14.

**19.06 CARE OF SEPARATED RECYCLABLE MATERIALS.** To the greatest extent practicable the recyclable materials separated in this chapter 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 wastes, medical wastes, and agricultural chemical waste. Recyclable materials shall be stored in a manner which protects them from wind, rain and other inclement weather conditions. Management of lead acid batteries, major appliances, waste oil, yard waste and waste tires shall be as follows:

- (1) Lead batteries shall be dropped off at the Town recycling facility during operating hours, or other recycling facility approved by the Town Board, and/or any retail business that sells batteries.
- (2) Major appliances shall be dropped off at the town recycling facility during operating hours, or other designated recycling facility or retail business that sells appliances.
- (3) Waste oil shall be dropped off at the town recycling facility during operating hours, or at an approved recycling facility, or at any retail business that sells oil.
- (4) Yard waste is not accepted at the Town recycling facility.
- (5) Waste tires may be dropped off at the town recycling facility during operating hours, or at a retail business that sells tires.
- (6) Concrete and pavement are not accepted at the Town recycling center.

**19.07 PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS.**

All of the following shall be prepared and placed in approved recycling bins and/or placed upon the curb on the day designated for collection or they shall be placed in designated receptacles at the Town or River Falls Recycling Center during the days and hours of operation. Those occupants of single family and 2 to 4 unit residences using the Town of River Falls Recycling Center shall prepare and separate materials as follows:

- (1) Aluminum containers shall be cleaned.
- (2) Bi-metal containers shall be clean.
- (3) Corrugated paper or other container board shall be clean.

- (4) Glass containers shall be rinsed, clean, caps and rings removed. Window glass, ceramics, china, light bulbs, glass cookware and similar glass shall not be included among recyclable materials.
- (5) Magazines shall be placed in a cardboard box or in a paper bag.
- (6) Newspapers shall be placed in a cardboard box or in a paper bag.
- (7) Office paper shall be placed in a cardboard box or paper bag.
- (8) Rigid plastic containers:
  - (a) Plastic containers made of PETE (SPI #1) shall be rinsed with tops and pumps removed.
  - (b) Plastic containers made of HDPE (SPI #2) shall be rinsed with tops and pumps removed.
  - (c) Plastic containers made of PVC (SPI #3), LDPE (SPI #4), PP (SPI #5), PS (SPI #6) shall be rinsed with tops and pumps removed.
  - (d) Plastic containers made of other resins or multiple resins (SPI #7) shall be rinsed with tops and pumps removed.
- (9) Steel containers shall be rinsed clean.
- (10) Scrap iron shall have all nonrecyclable material removed and the iron reduced to appropriate size and shape to facilitate pick up and reprocessing.

**19.08 OWNER/AGENT RESPONSIBILITY.**

- (1) Owners or designated agents of multiple-family dwellings and nonresidential facilities and property shall do all of the following to recycle the materials specified in Section 19.04.
  - (a) Provide adequate, separate containers for the recyclable materials.
  - (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 materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.
  - (d) 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 for recycling of materials, including name, address and telephone number.

- (2) The requirements in Section 19.07(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 DNR, that recovers recycling materials specified in this chapter from solid waste in as pure a form as technically feasible.

#### **19.09 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 Sections 19.04(5) through (16):
  - (a) Provide adequate, separate containers for the recyclable materials.
  - (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 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.
- (2) The requirements specified in Section 19.09(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 Section 19.04(5) through (16) from solid waste in as pure a form as is technically feasible.

**19.10 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 19.04(5) through (15) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

**19.11 UNAUTHORIZED REMOVAL OF RECYCLABLE MATERIALS AND REFUSE FROM TOWN FACILITY.** It shall be unlawful for any person without written approval of the Town Board to remove any recyclable material or refuse which has been placed at the Town Recycling Facility in their proper container or designated area. The Town Recycling Facility is located at W7750 Hwy 65.

**19.13 PENALTY.** The penalty for violating this chapter shall be as authorized under Section 25.04(4).