

CHAPTER 5
RECYCLING REGULATIONS

Section 5.01 PURPOSE AND STATUTORY AUTHORITY

Section 5.02 DEFINITIONS

Section 5.03 SEPARATION REQUIREMENT AND EXEMPTIONS

Section 5.04 MANAGEMENT OF BATTERIES, MAJOR APPLIANCES, WASTE OIL AND
YARD REFUSE

Section 5.05 PREPARATION AND COLLECTION OF SOLID WASTE AND RECYCLABLES

Section 5.06 PROHIBITIONS ON DISPOSAL OF RECYCLABLE MATERIALS SEPARATED
FOR RECYCLING

Section 5.07 RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF NON-
RESIDENTIAL FACILITIES AND PROPERTIES

Section 5.08 PROPER DISPOSAL OF REFUSE AND RECYCLABLES

Section 5.09 ENFORCEMENT AND PENALTIES

RECYCLING REGULATIONS

CHAPTER 5

SECTION 5.01. PURPOSE AND STATUTORY AUTHORITY.

(1) Purpose. The purpose of this ordinance is to promote recycling, composting, and resource recovery through the administration of an effective program as provided in Sec. 159-11, Wis. Stats., and Chapter N 544, Wis. Administrative Code.

(2) Statutory Authority. This ordinance is adopted as authorized under Sec. 159.09 (3)(b), Wis. Stats., and Sec. 61.35, Wis. Stats.

SECTION 5.02. Definitions. For the purposes 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) "Collector" means the person or persons specifically authorized by the Village Board to collect garbage, rubbish, yard refuse, recyclable materials and dispose of same.

(3) "Container board" means corrugated paperboard used in the manufacture of shipping containers and related products.

(4) "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.

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

(6) "LDPE" means low density polyethylene, labeled by SPI 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) "Newspaper" means a newspaper and other materials printed on newsprint.

(10) "Non-residential facilities and properties" means all facilities and properties other than residential dwellings.

(11) "Office paper" means high grade printing and writing papers from offices in non-residential 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.

(12) "Other resins or multiple resins" means plastic resins labeled by the SPI code #7.

(13) "Person" includes any individual, corporation, partnership, association, local governmental unit, as defined in Sec. 66.299(1)(a), Wis. Stats., state agency or authority or federal agency.

(14) "PETE" means polyethylene terephthalate, labeled by the SPI code #1.

(15) "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.

(16) "Postconsumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in Sec. 144.61 (5), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in Sec. 144.44(7)(a)l., Wis. Stats.

(17) "PP" means polypropylene, labeled by the SPI code #5.

(18) "PS" means polystyrene, labeled by the SPI code #6.

(19) "PVC" means polyvinyl chloride, labeled by the SPI code #3.

(20) "Recycling Container" means the container designated by the Village or the Collector for the purpose of placing recyclable materials for collection.

(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 Sec. 144.01(15), Wis. Stats.

(23) "Solid waste facility" has the meaning specified in Sec. 144.43(5), Wis. Stats.

(24) "Solid waste treatment" means any method, technique or process which is designed to change the physical, chemical or biological character or composition or solid waste. "Treatment" includes incineration.

(25) "Village" means Village of River Hills.

(26) "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.

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

SECTION 5.03. SEPARATION REQUIREMENTS AND EXEMPTIONS.

[a] Separation of Recyclable Materials. Occupants of residences, 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 refuse
- (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

[b] Care of Separated Recyclable Materials. To the greatest extent practicable, the recyclable materials separated in accordance with Paragraph [a] above shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other non-recyclable materials including but not limited to household hazardous waste, medical waste, and agricultural chemical containers.

[c] Separation Requirements Exempted. The separation requirements of Paragraph [a] above do not apply to the following:

(1) Occupants of single-family residences, 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 Paragraph [a] above from solid waste in as pure a form as is technically feasible.

(2) 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.

(3) A recyclable material specified in Paragraph [a] (5) through (15) above for which a variance has been granted by the Department of Natural Resources under Sec. 159.11(2m), Wis. Stats., or Sec. NR544.14, Wis. Administrative Code.

SECTION 5.04. MANAGEMENT OF BATTERIES, MAJOR APPLIANCES, WASTE OIL AND YARD REFUSE. Occupants of residences, and non-residential facilities and properties shall manage lead acid batteries, major appliances, waste oil, and yard waste as follows:

(1) Lead acid batteries shall be taken to a retail business for exchange at the time of purchase of a replacement battery.

(2) Major appliances shall be disposed of by a firm that collects and disposes of such items for salvage.

(3) Waste oil shall be deposited into the waste oil receptacles located at the Village DPW Yard.

(4) Yard refuse is governed by the Yard Refuse Ordinance, Sec. 2.075 of the General Ordinances of the Village of River Hills.

SECTION 5.05. PREPARATION AND COLLECTION OF SOLID WASTE AND RECYCLABLES. Except as otherwise directed by the Village Board, occupants of residences shall do the following for the preparation and collection of the separated materials specified in Sec. S.03(a)(5) through (15):

- (1) Aluminum, bi-metal, and metal containers shall be rinsed of product residue and placed in the recycling container for collection.
- (2) Corrugated paper or other container board shall be flattened and cut into two (2) by three (3) foot sections, bundled in eight (8) to ten (10) inch bundles and placed beside the recycling container for collection. Waxed cardboard may not be recycled.
- (3) Foam polystyrene packaging shall be placed in the recycling container for collection.
- (4) Glass containers (unbroken) shall be rinsed of product residue, have caps and rings removed, and the glass containers shall be placed in the recycling container for collection.
- (5) Magazines shall be placed in the recycling container for collection.
- (6) Newspapers shall be bundled in eight (8) to ten (10) inch bundles, tied with string or put inside brown grocery bags and placed beside the recycling container for collection.
- (7) Office paper shall be placed in the recycling container for collection.
- (8) Plastic containers made of PETE (#1), HDPE (#2), PVC (#3), LDPE (#4), PP (#5), PS (#6), and other resin types (#7) shall be rinsed of product residue and any caps removed and the containers shall be placed in the recycling container for collection.
- (9) Waste tires may be taken to a retail tire vendor for disposal at the time of replacement, or contract with the collector for a special pick up.

SECTION 5.06. 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 disposal facility or burn in a solid waste treatment facility any of the materials specified in Sec. 5.03(a)(5) through (15) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

SECTION 5.07. RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF NONRESIDENTIAL 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 Sec. 5.03(a)(5) through (15):

- [a] Provide adequate, separate containers for the recyclable materials.
- [b] Notify in writing, at least semi-annually, all users 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 and occupants and the delivery of the materials to a recycling facility.

[d] Notify users 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 of sites, locations and hours of operation, and a contact person or company, including a name, and a contact person or company, including a name, address and telephone number.

(2) The requirements specified in (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 Sec. 5.03(a)(5) through (15) from solid waste in as pure a form as is technically feasible.

SECTION 5.08. PROPER DISPOSAL OF REFUSE AND RECYCLABLES.

(1) No Person shall place for collection refuse or recyclables at any location not owned or occupied by such person, without the consent of the owner or occupant.

(2) It shall be unlawful to burn or bury solid waste, rubbish and recyclables.

(3) It shall be unlawful for any person to place for disposal any of the following wastes: hazardous and toxic waste, chemicals, explosives, flammable liquids, oil-based paint, construction debris, carcasses, and medical waste.

(4) It shall be unlawful to bring into the Village for disposal refuse or recyclables from outside the Village unless authorized by agreement with the Village.

(5) The Village, or the collector, has the right to reject or leave at any location any recyclable material that is not prepared according to the specifications in this ordinance or as set forth in instructions provided by the Village or the collector.

(6) Recyclable materials become the property of the Village upon collection by the Village or the collector.

SECTION 5.09. ENFORCEMENT AND PENALTY.

(1) For the purpose of determining compliance with this ordinance, any authorized officer, employee or representative of the Village may inspect the following: recyclable materials separated for recycling; post-consumer waste intended for disposal; rubbish; recycling collection sites; any facilities, collection vehicles and collection areas of multiple-dwellings and nonresidential facilities and properties; and any records relating to recycling activities, which shall be kept confidential when necessary to protect propriety information.

(2) Any person, firm, or corporation found guilty of violating any of the provisions of this ordinance, shall be subject to a forfeiture of not less than twenty-five (25) dollars nor more than five-hundred (500) dollars together with the costs of prosecution; and in default of payment thereof shall be imprisoned in the County Jail or House of Correction of Milwaukee County until said forfeiture and costs, together with subsequent costs are paid, but in any event not to exceed thirty (30) days. Each day that the violation is permitted or continues to exist shall constitute a separate offense.