

**TOWN OF RED CEDAR RESPONSIBLE UNIT RECYCLING ORDINANCE
ORDINANCE NO.: 2020-4**

It is hereby ordained by the Town Board of the Town of Red Cedar, Dunn County Wisconsin, as follows:

Section 1 – Purpose and Intent

The purpose of this ordinance is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in s. 287.11, Wis. Stats., and Chapter NR 544, Wis. Administrative Code.

Section 2 – Statutory Authority

The Town Board has the specific authority under ss. 287.09(3)(b), Wis. Stats., and general authority under its village powers under s. 60.22, Wis. Stats., to adopt this ordinance.

Section 3 – Adoption of Ordinance

This ordinance, adopted by a majority vote of the town board with a quorum present and voting and proper notice having been given, provides for the regulation, control, and enforcement of recycling.

Section 4 – Definitions – Without limitation, the following definitions apply herein

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 SPI code # 2.
6. "LDPE" means low density polyethylene, labeled by the 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. "Multiple-family dwelling" means a property containing 5 or more residential units, including those which are occupied seasonally.
10. "Newspaper" means a newspaper and other materials printed on newsprint.
11. "Non-residential facilities and properties" mean commercial, retail, industrial, institutional and government facilities and properties. This term does not include multiple family dwellings.
12. "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.
13. "Other resins or multiple resins" mean plastic resins labeled by the SPI code # 7.
14. "Person" includes any individual, corporation, 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 SPI 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 SPI code # 5.
19. "PS" means polystyrene, labeled by the SPI code # 6.
20. "PVC" means polyvinyl chloride, labeled by the SPI 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 which is designed to change the physical, chemical or biological character or composition of solid waste. "Treatment" includes incineration.
25. "Waste tire" means a tire that is 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 6 inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

Section – 5 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. Glass containers
9. Magazines
10. Newspaper
11. Office paper
12. Rigid plastic containers made of PETE, PET or HDPE (Code #1 or #2)
13. Steel containers
14. Waste tires

Section 6 – Rules and Procedures for Curbside Pick-up of Solid Waste and Recyclable Materials

The Town of Red Cedar authorizes its designated hauler to implement a recyclable schedule for curbside pick-up for solid waste and recyclable materials, subject to the following:

1. Collection Schedule. The Town of Red Cedar's designated hauler shall establish a regular schedule for collection for solid waste and recyclable materials. The schedule shall be delivered to each of the hauler's customers and the Town of Red Cedar.
2. Containers. The Town of Red Cedar's designated hauler shall prescribe specifications for containers and placement of the containers. The hauler may provide containers or require the owner to secure the same according to the hauler designation.
3. Hauler's Charges. The Town of Red Cedar's designated hauler shall file with the Town of Red Cedar, a schedule of solid waste and recyclable collection charges to be in effect for the calendar year.

Section 7 – Anti-Scavenging and/or Unlawful Removal of Recyclables

1. No person shall take possession of any solid waste and/or recyclable materials without the express consent of the Town of Red Cedar.

2. No person shall take possession of any solid waste and/or recyclable materials without the expressed consent of the property owner.

Section 8 – Hauler Provisions

1. Hauler Restrictions. The Town of Red Cedar’s designated hauler may not dispose in a landfill or burn in a solid waste facility any recyclable materials generated in this municipality that have been separated for recycling.
2. Right to Reject Material. The Town of Red Cedar’s designated hauler has the right to reject and leave uncollected any recyclable materials that are not separated in accordance with the specifications of this ordinance.
3. Reporting. The Town of Red Cedar’s designated recycling hauler is required to maintain records and report in writing to the Town of Red Cedar at such times as designated by the town but not less than quarterly. The report shall include the amount of solid waste and recyclables collected and transported from the municipality, the amount of solid waste and recyclables processed and/or marketed by item type, and the final disposition location of solid waste and recyclable materials. Failure to make such records shall be a cause for the municipality to revoke the license or sever any contract with the hauler.
4. Volume Based Rates. The Town of Red Cedar’s designated hauler shall provide volume-based rate schedule for garbage service to be assessed on a per container basis with the base level of service not to exceed one 95-gallon container per week. The schedule and any revisions thereof shall be filed with the Town of Red Cedar prior to implementation or revision of said schedule.

Section 9 – Hauler Licensing

No person or business shall engage in the business of hauling recyclables within the Town of Red Cedar without being licensed by the Department of Natural Resources under Section NR502.06 of the Wisconsin Administrative Code.

Section 10 – Separation Requirements Exempted

The separation requirements of Section 5 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 5 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 5 (5) through (14) for which a variance has been granted by the Department of Natural Resources under s. 287.11(2m), Wis. Stats., or s. NR 544.14, Wis. Administrative Code.

Section 11 – Care of Separated Recyclable Materials

To the greatest extent practicable, the recyclable materials separated in accordance with Section 5 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. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions.

Section 12 – Management of Lead Acid Batteries, Major Appliances, Waste Oil and Yard Waste

Occupants of single family and 2 to 4-unit residences, multiple-family dwellings 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 the responsibility of residents to properly dispose of, they may be recycled by contacting the Town’s designated hauler for pick up, or taken to a retailer that sells these types of batteries or taken to a salvage yard; these options may include a fee.
2. Major appliances shall be the responsibility of residents to properly dispose of, they may be recycled by contacting the Town’s designated hauler for pick up or taken to a salvage yard; these options may include a fee.
3. Waste oil shall be the responsibility of residents to properly dispose of, they may be recycled by contacting the Town’s designated hauler for pick up, or taken to a retailer or service provider which accepts waste oil for recycling; these options may include a fee.

4. Yard waste shall be the responsibility of residents to properly dispose of, they may be taken to the Town of Red Cedar Leaf and Brush site by appointment only. The site is located at the former land fill site on 610th Street.

Section 13 – Preparation and Collection of Recyclable Materials

Except as otherwise directed by the Town of Red Cedar, occupants of single family and 2 to 4-unit residences shall do the following for the preparation and collection of the separated materials specified in Section 5(5) through (14):

1. Aluminum containers shall be clean, rinsed, and flattened if possible, to save space and placed in the proper recycling receptacle provided by the Town's designated hauler.
2. Bi-metal containers shall be clean, rinsed, and flattened if possible, to save space and placed in the proper recycling receptacle provided by the Town's designated hauler.
3. Corrugated paper or other container board shall be flattened if possible, to save space and placed in the proper recycling receptacle provided by the Town's designated hauler.
4. Glass containers shall be clean and rinsed and placed in the proper recycling receptacle provided by the Town's designated hauler.
5. Magazines shall be placed in the proper recycling receptacle provided by the Town's designated hauler.
6. Newspaper shall be placed in the proper recycling receptacle provided by the Town's designated hauler.
7. Office paper shall be placed in the proper recycling receptacle provided by the Town's designated hauler.
8. The listed rigid plastic containers shall be prepared and collected and placed in the proper recycling receptacle provided by the Town's designated hauler as follows:
 - a. Plastic containers made of PETE, including SPI Code # 1.
 - b. Plastic containers made of HDPE, including SPI Code # 2.
9. Steel containers shall be recycled by contacting the Town's designated hauler for pick up or taken to a salvage yard; these options may include a fee.
10. Waste tires shall be the responsibility of residents to properly dispose of, they may be recycled by contacting the Town's designated hauler for pick up or taken to a salvage yard; these options may include a fee.

Section 14 – Responsibilities of Owners or Designated Agents of Multiple-Family Dwellings

1. Owners or designated agents of multiple-family dwellings shall do all the following to recycle the materials specified in Section 5(5) through (14):
 - 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 the 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, including a name, address and telephone number.
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 Section 5(5) through (14) from solid waste in as pure a form as is technically feasible.

Section 15 – 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 the following to recycle the materials specified in Section 5(5) through (14):
 - 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 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 5 (5) through (14) from solid waste in as pure a form as is technically feasible.

Section 16 – 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 5 (5) through (14) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

Section 17 – Prohibition of Dumping

It shall be unlawful for any person to deposit, throw, dispose of, place, or dump garbage, dead animals, combustible refuse, recyclables, or other deleterious matters in any alley, street, road, lane, ditch, or other public place within the Town. It shall be unlawful for any person to deposit, throw, dispose of, place, or dump garbage, dead animals, combustible refuse, recyclables, or other deleterious matters on private property.

Section 18 – Recyclables or Solid Waste from Outside the Town

It shall be unlawful to bring recyclables or solid waste from outside the Town of Red Cedar limits into the Town limits for disposal unless specifically authorized by a written agreement with the Town.

Section 19 – 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.

Section 20 – 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 Chapter NR 544, Wis. Administrative Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Chapter NR 544 standards in effect on the date of the adoption of this ordinance, or in effect on the date of the most recent text amendment to this ordinance.

Section 21 – Applicability

The requirements of this ordinance apply to all persons within the Town of Red Cedar.

Section 22 – Administration

The provisions of this ordinance shall be administered by the Town of Red Cedar.

Section 23 – Enforcement

1. For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the Town of Red Cedar 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, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to any authorized officer, employee or authorized representative of the Town of Red Cedar who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.
2. Any person who violates a provision of this ordinance may be issued a citation by the Town of Red Cedar to collect forfeitures. The issuance of a citation shall not preclude proceeding under any other ordinance or law

relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this paragraph.

- 3. Penalties for violating this ordinance may be assessed as follows:
 - a. Any person who violates Section 16 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 Section 16, may be required to forfeit not less than \$10 or more than \$1,000 for each violation.

Section 24 – Severability

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

Section 25 – Effective Date. The provisions of this ordinance shall take effect on January 1, 2021.

The foregoing Town of Red Cedar Responsible Unit Recycling Ordinance was enacted by a majority vote of the Town Board of the Town of Red Cedar on the 14th day of September 2020.

Robert G. Cook
Town Board Chairperson

[Signature]
Supervisor 1

[Signature]
Supervisor 2

Douglas Miller
Supervisor 3

Donald Hayden
Supervisor 4

9/21/2020 - Posted
9/26/2020 - Published (summary)

Attest:

[Signature]
Cheryl Miller, Clerk

Historical Information

- 8/17/2020 – cleaned up and incorporated the changes recommended by the DNR.
- 8/31/2020 – removed Section 23 – Current Citation Fees and renumbered the final sections (fees are included in the renumbered Section 23 – Enforcement)