

Code # 09-02 Recycling & Sanitation Code

A code creating a Recycling & Sanitation Code of the Town of Richfield

THE TOWN BOARD OF THE TOWN OF RICHFIELD, DO ORDAIN AS FOLLOWS:

1.01 GARBAGE AND REFUSE DISPOSAL. (1) FINDINGS AND DECLARATION OF PURPOSE. The Town Board of the Town of Richfield hereby finds and determines that: there is an increasing necessity to conserve natural resources in landfill space and to promote recycling as mandated by state law. It is the purpose of this code to promote recycling, composting, and resource recovery through the administration of a mandatory recycling program, as provided in s.287.11, Wisconsin statutes, and chapter NR 544, Wisconsin Administrative Code, by the Town of Richfield in to protect and promote the public health, safety, and welfare.

(2) **SUPERVISION.** The collection of garbage, recyclable materials and refuse as defined herein shall be under the supervision of the Town Board which shall make such regulations as are necessary regarding the time and method of collection of garbage and recyclable materials.

(3) **SATUTORY AUTHORITY.** This code is adopted as authorized under s.287.11 (3) (b), Wisconsin Statutes.

(4) **ABROGATION AND GREATER RESTRICTIONS.** It is not intended by this code to repeal, abrogate, annul, impair, or interfere with any existing rules, regulations, codes or permits previously adopted or issued pursuant to law. However, whenever this code imposes greater restrictions, the provisions of this code shall apply.

(5) **INTERPRETATION.** In their interpretation and application, the provisions of this code 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 code may be inconsistent or conflicting, the more restrictive requirements of interpretation shall apply. Where a provision of this code is required by Wisconsin statutes, or by a standard in chapter NR 544, Wisconsin Administrative Code, and where the code 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 code, or in effect on the date of the most recent text amendment to this code.

(6) **SEVERABILITY.** Should any portion of this code be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this code shall not be affected.

(7) **APPLICABILITY.** The requirements of this code apply to all occupants of single family and two-to-four-unit residences, multiple family dwellings, businesses, and properties within the corporate boundaries of the Town of Richfield.

(8) **ADMINISTRATION.** The provisions of this code shall be administered by the Town Board of the Town of Richfield.

(9) **EFFECTIVE DATE.** The provisions of this code shall take effect on October 15th, 2023.

(10) **BILLING:** Yearly Costs for Trash and Recycling Services will be added to the Real Estate Property Tax bill as Refuse and Garbage Collection.

(11) **PRICING:** All pricing is negotiated through the Northwest Recycling Board and the Northwest Sanitation Commission on behalf of the Township.

(12) **DEFINITIONS.** The purpose of this code the following words and phrases shall have the meanings described to them in this section:

(a) "Aluminum Cans" shall include used beverage cans only.

(b) "Container Glass" means a glass bottle, jar or other packaging container used to contain a product that is the subject of a retail sale. Glass 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.

- (c) “Bi-Metal Container” means a container for carbonated or malt beverages, that is made primarily of a combination of steel and aluminum.
- (d) “Container Board” shall include corrugated cardboard, cereal boxes, shoe boxes and similar materials. Does not include waxed cardboard or similar materials
- (e) “HDPE” means high density polyethylene plastic containers marked by the SPI code no. 2.
- (f) “LDPE” means low density polyethylene plastic containers marked by the SPI Code no. 4.
- (g) “Magazines” means magazines and other materials printed on similar paper.
- (h) “Major Appliance” means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, oven, water heater, microwave oven, refrigerator or stove.
- (i) “Mixed Papers” shall include all grades of papers: including white, colored, ledger, shiny, coated, carbonless, or NCR papers; envelopes, including windowed, labeled, and kraft; magazines, catalogs, phone books, computer print out paper, glued pads and tablets, file folders, key punch cards, spiral notebooks, cereal boxes, shoe boxes, etc. Can include paper clips and staples. Does not include hand towels or other paper products from restrooms, or soiled napkins and paper plates. Also does not include carbon paper, cellophane, or any waxed paper.
- (j) “Multiple Family Dwelling” means a property containing five (5) or more residential units, including those which are occupied seasonally.
- (k) “Newspapers” shall include newspapers and other materials printed on newsprint.
- (l) “Non-Residential Facilities and Properties” means commercial, retail, industrial, institutional, and governmental facilities and properties. This term does not include multiple family dwellings.
- (m) “Office Paper” means high grade printing and writing papers from offices in non-residential facilities and properties.
- (n) “Person” includes any individual, corporation, partnership, association, local governmental unit, as defined in s.66.013(1) (a), Wisconsin statutes, state agency or authority, or federal agency.
- (o) “Pete” means polyethylene terephthalate plastic containers marked by the SPI code # 1.
- (p) “Plastic Containers” 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 subject of a retail sale. Does not include motor oil bottles, even if they are labeled #1 or #2.
- (q) “PP” means polypropylene, labeled by the SPI code #5.
- (r) “PS” means polystyrene plastic containers marked by the SPI code # 6.
- (s) “PVC” means polyvinyl chloride plastic containers marked by the SPI code # 3.
- (t) “Post-consumer Waste” means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in s.291.01 (7) (a) 1., Wisconsin Statutes. Waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in s.289.0117)., Wisconsin Statutes.
- (u) “Recyclable Materials” includes lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; corrugated cardboard or other container board; foam polystyrene packaging; glass containers; mixed papers; newspapers; 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.
- (v) “Solid Waste” means any garbage, refuse or other discarded or salvageable materials including materials resulting from industrial, commercial, agricultural, and from community activities. But does not include solids or dissolved materials in domestic sewage, or solid or dissolved materials in irrigation return flows, or industrial discharges which are point sources subject to permits, or special nuclear or radioactive by product material. See s. 289.01(33), Wis. Stats.
- (w) “Solid Waste Facility” means a facility for solid waste treatment, solid waste storage, or solid waste disposal, and includes commercial, industrial, municipal, state, and federal establishments

or operations such as, without limitation because of enumeration, sanitary landfills, dumps, land disposal sites, incinerators, transfer stations, storage facilities, collection and transportation services and processing treatment and recovery facilities. This term includes the land where the facility is located. This term does not include a facility for the processing of scrap iron, steel or non-ferrous metal. This term does not include a facility which uses large machines to sort, grade, compact or bale clean waste-paper fibers or plastics, not mixed with other solid waste, for sale or use for recycling purposes. This term does not include an auto junk yard or scrap metal salvage yard. See s. 289.01(35), Wis. Stats.

- (x) "Tin Cans" includes tin coated metal cans, and steel containers.
- (y) "Waste Tire" means a tire that is no longer suitable for its original purpose because of wear, damage, or defect.
- (z) "Yard Waste" 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.

1.02 TRASH and RECYCLING CARTS Occupants of single family, two-to-four-unit residences and owners of multiple family dwellings and non-residential facilities and properties within the Town of Richfield are required to use the 95 Gallon Trash and Recycling carts provided by the contracted hauler. Carts shall only consist of those provided by the contracted waste hauler and no other commercially available containers of similar size. Carts shall remain the property of the contracted waste hauler. All carts shall be maintained by the user in good, clean, and sanitary condition.

(2) **LOCATION OF CONTAINERS.** The trash and recycling cart(s) shall be set out on the regular collection days at an easily accessible place on the premises at ground level as directed by the Town Board. The containers shall be easily accessible during winter months. Such containers for any roadside collection shall be set out by 5AM the day of collection and shall be removed no later than 24 hours after collection.

(3) **HOUSE TREATMENT OF NON-COMBUSTIBLE MATTER.** No hot cinders or ashes or any smoldering embers shall be set out or placed in a refuse container. Regulation containers in accordance with subsection (b) should be provided, and containers should be protected to prevent the admission of snow and water. Frozen contents which are difficult to remove without possible damage to the containers will not be collected. All refuse must be in containers and no refuse placed on the ground will be shoveled from by the collection crews. Non-combustible refuse shall not be placed in the same containers with garbage.

1.03 SEPARATION OF RECYCLABLE MATERIALS. (1) Occupants of single family and two-to four-unit residences, multiple family dwellings, businesses, and properties shall separate the following materials from post-consumer waste:

- (a) Aluminum containers
- (b) Glass containers
- (c) Corrugated paper or other container board
- (d) Office paper
- (e) Newspapers
- (f) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins.
- (g) Tin cans / Bi-metal containers /Steel Containers
- (h) Waste tires
- (i) Major appliances
- (j) Waste oil
- (k) Lead acid batteries
- (l) Yard waste
- (m) Foam Polystyrene packaging
- (n) Magazines

(2) The Town Board of the Town of Richfield reserves the right to designate additional solid waste materials as recyclable, or currently collected materials as no longer recyclable in accordance with state law and to either add or delete them from any collection's services provided by the Town or its contracted waste haulers. The Town shall provide written notice to service recipients of this declaration.

(3) **SEPARATION OF RECYCLING MATERIALS EFFECTIVE JANUARY 1, 1994**

Effective January 1, 1994, occupants of single family and two-to-four-unit residences, multiple family dwellings, businesses, and properties shall separate the following materials from post-consumer waste unless a variance has been issued by the Wisconsin Department of Natural Resources:

- (a) Foam polystyrene packaging.
- (b) Plastic containers made of PETE #1 and HDPE #2.
- (c) Plastic containers or bottles made of PVC #3, LDPE #4, PP #5, PS #6., and mixed or other plastic resin types #7.

(4) **CARE OF RECYCLABLE MATERIALS.** To the greatest extent practicable, the recyclable materials separated in accordance with s.1.11 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 restored in a manner which protects them from wind, rain, and other inclement weather conditions.

1.04 PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS. Except as otherwise directed by the Town Board of the Town of Richfield, occupants of single family and two-to-four-unit residences shall do the following for the preparation and collection of the separated materials specified in s.1.11(a) Through (g):

- (1) All recyclable materials shall be commingled in the 95-gallon recycling cart provided by the contracted waste hauler and placed curbside on the scheduled collection day monthly.
 - (a) Aluminum cans shall be empty and shall include used beverage cans only.
 - (b) Container glass shall be cleaned. Labels can remain on glass. Glass should not be broken. Glass 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.
 - (c) All cardboard shall be clean.
 - (d) Mixed paper includes all grades of papers: including white, colored, ledger, shiny, coated, carbonless or NCR papers, envelopes, including windowed, labeled, and kraft, magazines, phone books, computer print out paper, glued pads and tablets, file folders, keypunch cards, post-it notes, spiral notebooks, cereal boxes, shoe boxes, etc. Can include paper clips and staples. Does not include hand towels or other paper products from restrooms, or soiled napkins, and paper plates. Also does not include carbon paper, cellophane, or any waxed paper.
 - (e) Includes newspaper and newspaper advertisements only.
 - (f) Plastic bottles #1 and #2 shall be clearly marked with the recycling emblem, encircling the #1 (PET or PETE) or the #2 (HDPE). Does not include motor oil bottles. Even if they are labeled #1 or #2. Caps must be removed. Labels can remain on plastic. Clean and flatten all bottles.
 - (g) Tin cans shall be clean. Cut out ends are recyclable. Includes tin coated metal cans and steel containers.

(2) The contracted waste hauler has the right to reject or leave at the curb any recyclable material or solid waste that is not prepared according to the specifications of this code s.1.11(a) through (g), or in education materials provided by the contractor or the Town of Richfield to the service recipients. Materials may also be rejected if not separated from solid waste, placed in the proper container, or are not designated recyclable materials or solid waste for collection. The contracted waste hauler also has the right to refuse to pick up any solid waste if it contains recyclable containers and materials. In such cases, the contracted waste hauler shall notify generator of materials in writing by means of a tag the reasons for rejecting the items.

1.05 MANAGEMENT OF LEAD ACID BATTERIES, MAJOR APPLIANCES, WASTE OIL AND YARD WASTE. Occupants of single family and two-to-four-unit residences, multiple-family dwellings, businesses, and properties shall manage lead acid batteries, major appliances, waste oil, and yard waste, and waste tires as follows:

- (1) Major appliances shall be recycled at a retail business that sells appliances and accepts used appliances for the purpose of recycling, at a scrap metal dealer, or at a solid waste facility that accepts appliances for the purpose of recycling. Any fee imposed for the recycling of used appliances shall be the responsibility of the generator.
- (2) Lead acid batteries shall be recycled at a retail business that sells lead acid batteries and accepts used batteries for the purpose of recycling, or at a solid waste facility. Any fee imposed for the recycling of used batteries shall be the responsibility of the generator.
- (3) Waste oil shall be recycled at a retail business that sells oil or automotive products and accepts oil for the purpose of recycling, at an oil refinery, or at a solid waste facility. Any fee imposed for the recycling of used oil shall be the responsibility of the generator.
- (4) Yard waste shall be home composted using an effective backyard compost system.
- (5) Waste tires shall be recycled at a retail business that sells tires of automotive products, or at a designated facility on the yearly collection day. Any fee charged for the recycling of used tires shall be the responsibility of the generator.

1.06 RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF MULTIPLE FAMILY DWELLINGS, BUSINESSES, AND PROPERTIES.

- (1) Owners or designated agents of multiple family dwellings, businesses, and properties shall do all the following to recycle the materials specified in s.1.11(a) through (g), and s.1.11:
 - (a) Contract with a local waste hauler that provides adequate, separate containers for the materials.
 - (b) Notify in writing, at least semi-annually, all users, tenants, and occupants of the properties of the recycling program.
 - (c) Provide for the collection of the materials separated from the solid waste by the user, tenants, and occupants and the delivery of 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 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.
 - (e) Businesses and properties shall set up waste and recycling services with licensed waste contractors.

1.07 PROHIBITIONS ON DISPOSAL OF RECYCLABLE MATERIALS. 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 s.1.11(1) (a) through (i) or s.1.11.

- (1) **UNLAWFUL BURNING:** It shall be unlawful for persons to burn or bury solid waste and recyclable materials on residential and non-residential properties. Burning shall be permitted only of clean wood.

1.08 LAWFUL REMOVAL OF RECYCLABLE MATERIALS (ANTI-SCAVENGING). It shall be unlawful for any person, unless under contract with or licensed by the Town of Richfield, to collect or remove any recyclable material that has been deposited or placed on the roadside for the purposes of collection for recycling.

1.09 COMMERCIAL HAULERS. (1) No person shall engage in, exercise, or carry on a trade or business of picking up and hauling garbage and recyclable materials in the Town of Richfield without first obtaining a license therefore as provided herein. It shall be unlawful for any person, unless licensed

by or under contract with the Town of Richfield, to collect, or remove any recyclable material that has been deposited or placed at the curb for the purpose of collection for recycling.

2) **VEHICLE REGULATIONS. (a) CONSTRUCTION.** All trucks or other vehicles, whether used by garbage collectors or by persons hauling their own garbage, shall be of substantial construction and the body shall be watertight or shall be a type commonly known as “packers”. No vehicle shall be loaded so that the contents shall fall or blow from the vehicle. In the case of combustible refuse, the vehicles shall be equipped with a covering, or the combustible refuse covered with a tarpaulin or similar covering in such a manner as to prevent the combustible refuse from falling or blowing from the vehicle.

(a) **PARKING RESTRICTIONS.** No person shall park or cause to be parked any such vehicle as described in par. (a) and used by such garbage collectors in any single-family residential district, two family residential district, multiple family residential district, mobile home residential district of the Town of Richfield for more than one hour.

3) **CONTRACTOR RESTRICTIONS.** All contracted waste haulers engaged in the hauling of garbage or recyclable materials within the Town of Richfield may not dispose in a landfill or burn in a solid waste facility any recyclable materials generated in the Town of Richfield. This includes any recyclable material separated from solid waste and or solid waste that contains recyclable material. Contractors shall maintain recyclable materials in a marketable condition.

4) **QUARTERLY REPORTING.** All contracted waste haulers engaged in the hauling of garbage or recyclable materials within the Town of Richfield shall provide to the Town Clerk a quarterly report for solid waste tonnage and recyclable tonnage collected in the Town of Richfield from all sources.

1.10 HAZARDOUS MATERIAL INCIDENT RESPONSE REIMBURSEMENT.

(1) **PROHIBITED DISCHARGES.** No person, firm or corporation shall discharge or cause to be discharged, leaked, leached, or spilled upon any public or private road, street, alley, public or private property, or unto the ground, surface waters, subsurface waters, or aquifers, or within the Town, except those areas specifically licensed for waste disposal or landfill activities and to receive such materials, any explosive, flammable or combustible solid liquid or gas, any radioactive material at or above Nuclear Regulatory Restriction levels, etiologic agents, or any solid, liquid or gas creating a hazard potential hazard, or public nuisance or any solid, liquid or gas having a deleterious effect on the environment.

(2) **CONTAINMENT, CLEANUP AND RESTORATION.** Any person, firm, or corporation in violation of the above section shall, upon direction of any Emergency Government officer, begin immediate actions to contain, clean up and remove to an approved repository the offending material (s) and restore the site to its original condition, with the offending person, firm or corporation being responsible for all expenses incurred. Should any person, firm or corporation fail to engage the necessary personnel and equipment to comply or to complete the requirements of this section, the office of Emergency Government may order the required actions to be taken by public or private resources and allow the recovery of all costs incurred by the town as action imposed by (3).

(3) **EMERGENCY SERVICES RESPONSE.** Includes, but is not limited to: Fire Service, Emergency Medical Service, Law Enforcement. A person, firm or corporation who possesses or controls a hazardous substance which is discharged or who causes the discharge of a hazardous substance shall be responsible for reimbursement to the responding agencies for actual and necessary expenses incurred in carrying out their duties under this ordinance. Actual and necessary expenses may include but not to be limited to: replacement of equipment damaged by the hazardous material, cleaning, decontamination and maintenance of the equipment specific to the incident, costs incurred in the procurement and use of specialized equipment specific to the incident, specific laboratory expenses incurred in the recognition and identification of hazardous substances in the evaluation of response, decontamination, cleanup and medical surveillance, and incurred costs in

future medical surveillance of response personnel as required by the responding agency's medical advisor.

- (4) **SITE ACCESS.** Access to any site, public or private, where a prohibited discharge is indicated or suspected will be provided to Emergency Government officers and staff and to police and fire department personnel for the purpose of evaluating the threat to the public and monitoring containment, cleanup and restoration activities.
- (5) **PUBLIC PROTECTION.** Should any prohibited discharge occur that threatens the life, safety or health of the public at, near or around the site of a prohibited discharge, and that the situation is so critical that immediate steps must be taken to protect life and limb, the coordinator of Emergency Government, his assistant, or the senior police or fire official on the scene of the emergency may order an evacuation of the area or take other appropriate steps for a period of time until the Town Board can take appropriate action.
- (6) **ENFORCEMENT.** The Coordinator of Emergency Government and his/her deputies, as well as police officers, shall have authority to issue citations or complaints under this section.
- (7) **CIVIL LIABILITY.** Any person, firm, or corporation in violation of this section shall be liable to the Town for any expenses incurred by the Town or damage sustained by the Town by reason of such violations.

1.11 (1) ADDITIONAL REGULATIONS. A reasonable charge may be made for any collection service given by the Town of Richfield under this section whether such charge is based upon the time, method, or manner of such collection or upon the kind of garbage or refuse when such collection service consists of special services. The Town Board shall determine what collection service shall be a special service and shall also set the fee to be charged in each case. Such regulations shall be published in the same manner as codes and shall have equal effect.

- (2) **BUILDING WASTE.** All waste resulting from remodeling, construction or removal of a building, roadway or sidewalk shall be disposed of by the owner, builder, or contractor.
- (3) **NON-RESIDENT DISPOSAL.** No person shall bring waste for disposal into the Town of Richfield or to its dumping ground unless said person is authorized to do so by the Town Board. All contracts for disposal of such waste produced outside the Town shall be entered into by the Town Board.
- (4) **NON-COLLECTIBLE MATERIALS.** Animal offal, pet droppings, and manure shall not be collected by the Town collection service, and the owner of such animals shall dispose of such wastes in a sanitary manner. Any exception to this section must meet with the approval of the Board of Health
- (5) **STORAGE OF WASTE MATERIAL. (a) OWNERSHIP.** All combustible and noncombustible matter collected by the contractor shall be the property of the contractor. Transfer of ownership is completed upon disposition into the trucks by the collection personnel. Every owner, tenant or person occupying any building is responsible for proper storage of all waste material.
 - (b) **STORING OF REFUSE.** Any accumulation of refuse, garbage or building waste on any premises in the Town is a nuisance and prohibited. The owner of the premises upon which the accumulation takes place shall be responsible for removal of the said waste.
 - (c) **DUMPING SOLID WASTE AND YARD WASTE.** No person shall rake, deposit, throw, place or leave any solid waste or yard waste upon any highway, street, court, lane, alley, or other public way, park, vacant lot, yard, body of water, or any other place except in an appropriate solid waste or recycling container herein required for those purposes.

1.12 ENFORCEMENT AND PENALTY. (1) Any authorized officer, employee or representative of the Town of Richfield, including the contracted waste hauler may inspect recyclable materials separated for recycling, post-consumer waste intended for disposal, collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and non-residential facilities and properties, solid waste disposal facilities and solid waste treatment facilities, and any records relating to recycling activities, for the purpose of ascertaining compliance with the provisions 1.01 through 1.11 of this code. No person may refuse access to any authorized officer, employee or authorized representative of the

Town of Richfield or licensed contracted waste hauler 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 1.01 through 1.11 of this code may be issued a citation by the Town to collect forfeitures. The issuance of a citation shall not preclude proceeding under any other code or law relating to the same or any other matter. Proceeding under any other code of law relating to the same or any other matter shall not preclude the issuance of a citation under this paragraph.

(3) Penalties for violating any section of 1.01 through 1.11 of this code may be assessed as follows:

(a) See Ordinance #09-03 Recycling & Sanitation Code Penalties.

Revised and adopted this 15th day of October, 2023.

Posted October 26, 2023 Town of Richfield, Wood County.

For a signed copy, please contact the Town of Richfield Clerk.