

## **Chapter 15**

### **RECYCLING**

**[HISTORY: Adopted by the Town Board of the Town of Linn 11-13-1995 (Ch. 15 of the 1995 Code). Amendments noted where applicable.]**

#### **GENERAL REFERENCES**

Garbage and refuse pickup — See Ch. 16.

#### **§ 15-1. 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 § 287.11, Wis. Stats., and Ch. NR 544, Wis. Adm. Code.

#### **§ 15-2. Statutory authority.**

This chapter is adopted as authorized under § 287.09, Wis. Stats., and Ch. NR 544, Wis. Adm. Code.

#### **§ 15-3. 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.

#### **§ 15-4. 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 interpretation shall apply. Where a provision of this chapter is required by Wisconsin Statutes, or by a standard in Ch. NR 544, Wis. Adm. Code, and where the provision of this chapter is unclear, the provision shall be interpreted in light of the Wisconsin 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.

#### **§ 15-5. Applicability.**

The requirements of this chapter apply to all persons within the Town of Linn.

#### **§ 15-6. Administration.**

The provisions of this chapter shall be administered by the Town Board of the Town of Linn or any designated commission or committee duly appointed by the Town Board.

**§ 15-7. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**BIMETAL CONTAINER** — A container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.

**CONTAINER BOARD** — Corrugated paperboard used in the manufacture of shipping containers and related products.

**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.

**HDPE** — High-density polyethylene, labeled by the SPI Code No. 2.

**LDPE** — Low-density polyethylene, labeled by the SPI Code No. 4.

**MAGAZINES** — Magazines and other materials printed on similar paper.

**MAJOR APPLIANCE** — A residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, capacitorless microwave oven, oven, refrigerator, stove, residential or commercial furnace, boiler, dehumidifier and water heater.

**MULTIPLE-FAMILY DWELLING** — A property containing five or more residential units, including those which are occupied seasonally.

**NEWSPAPER** — A newspaper and other materials printed on newsprint.

**NONRESIDENTIAL FACILITIES AND PROPERTIES** — Commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple-family dwellings.

**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.

**OTHER RESINS or MULTIPLE RESINS** — Plastic resins labeled by the SPI Code No. 7.

**PERSON** — Includes any individual, corporation, partnership, association, local government unit, as defined in § 66.0131(1)(a), Wis. Stats., state agency or authority or federal agency.

PETE — Polyethylene terephthalate, labeled by the SPI Code No. 1.

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.

POSTCONSUMER WASTE — Solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in § 291.01(7), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in § 289.01(17), Wis. Stats.

PP — Polypropylene, labeled by the SPI Code No. 5.

PS — Polystyrene, labeled by the SPI Code No. 6.

PVC — Polyvinyl chloride, labeled by the SPI Code No. 3.

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 bimetal containers.

SOLID WASTE — Has the meaning specified in § 289.01(33), Wis. Stats.

SOLID WASTE FACILITY — Has the meaning specified in § 289.01(35), Wis. Stats.

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.

WASTE TIRE — A tire that is no longer suitable for its original purpose because of wear, damage or defect.

YARD WASTE — Leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than six inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

#### **§ 15-8. Separation of recyclable materials.**

Occupants of single-family and two- to four-unit residences, multiple-family dwellings and nonresidential facilities and properties shall separate the following materials from postconsumer waste:

- A. Lead acid batteries.
- B. Major appliances.
- C. Waste oil.
- D. Yard waste.
- E. Aluminum containers.

- F. Bimetal containers.
- G. Corrugated paper or other container board.
- H. Foam polystyrene packaging.
- I. Glass containers.
- J. Magazines.
- K. Newspaper.
- L. Office paper.
- M. Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins.
- N. Steel containers.
- O. Waste tires.

**§ 15-9. Separation requirements exempted.**

The separation requirements of § 15-8 do not apply to the following:

- A. Occupants of single-family and two- to four-unit residences, multiple-family dwellings 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 § 15-8 from solid waste in as pure a form as is technically feasible.
- B. 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.
- C. A recyclable material specified in § 15-8E through O for which a variance has been granted by the Department of Natural Resources under § 287.11(2m), Wis. Stats., or § NR 544.14, Wis. Adm. Code.

**§ 15-10. Care of separated recyclable materials.**

To the greatest extent practicable, the recyclable materials separated in accordance with § 15-8 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 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.

**§ 15-11. Lead acid batteries, major appliances, waste oil and yard waste.**

Occupants of single family and two to four unit residences, multiple-family dwellings and nonresidential facilities and properties shall manage lead acid batteries, major appliances, waste oil, and yard waste as follows:

- A. Lead acid batteries shall be deposited by the person responsible therefor pursuant to procedures established by the Town Board.
- B. Major appliances shall be deposited by the person responsible therefor pursuant to procedures established by the Town Board.
- C. Waste oil shall be deposited by the person responsible therefor pursuant to procedures established by the Town Board.
- D. Yard waste shall be deposited by the person responsible therefor pursuant to procedures established by the Town Board.

**§ 15-12. Preparation and collection of recyclable materials.**

Except as otherwise directed by the Town Board, 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 § 15-8E through O:

- A. Aluminum containers shall be placed in such containers as are designated and provided by the Town Board.
- B. Bimetal containers shall be rinsed free of produce residue and placed in such containers as are designated by the Town Board.
- C. Corrugated paper or other container board shall be free of debris, flattened, stacked and tied and placed at such locations as are designated by the Town Board.
- D. Foam polystyrene packaging shall be placed in such containers as are designated and provided by the Town Board.
- E. Glass containers shall be rinsed free of product residue and placed in such containers as are designated by the Town Board.
- F. Magazines shall be stacked, tied and placed at such locations as are designated by the Town Board.
- G. Newspaper shall be stacked, tied and placed at such locations as are designated by the Town Board.
- H. Office paper shall be stacked, tied and placed at such locations as are designated by the Town Board.
- I. Plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS and other resins or multiple resins shall be rinsed free of product residue and placed in such containers as are designated by the Town Board.<sup>1</sup>
- J. Steel containers shall be deposited by the person responsible therefor pursuant to procedures established by the Town Board.
- K. Waste tires shall be deposited by the person responsible therefor pursuant to

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1. Editor's Note: Amended at time of adoption of Code (see Code Adoption Ordinance).

procedures established by the Town Board.

**§ 15-13. Multiple-family dwellings.**

- A. Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in § 15-8E through O:
- (1) Provide adequate, separate containers for the recyclable materials.
  - (2) Notify tenants in writing at the time of renting or leasing the dwelling and at least semiannually thereafter about the established recycling program.
  - (3) 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.
  - (4) 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.
- B. The requirements specified in Subsection A 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 § 15-8E through O from solid waste in as pure a form as is technically feasible.

**§ 15-14. Nonresidential facilities and properties.**

- A. Owners or designated agents of nonresidential facilities and properties shall do all of the following to recycle the materials specified in § 15-8E through O:
- (1) Provide adequate, separate containers for the recyclable materials.
  - (2) Notify in writing, at least semiannually, all users, tenants and occupants of the properties about the established recycling program.
  - (3) 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.
  - (4) 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.
- B. The requirements specified in Subsection A do not apply to the owners or designated agents of nonresidential 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 § 15-8E through O from solid waste in as pure a form as is technically feasible.

**§ 15-15. 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 § 15-8E through O which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

**§ 15-16. Hauler licensing.**

No person or corporation shall engage in the business of hauling recyclables within the Town without being licensed by the Department of Natural Resources under § NR 502.06, Wis. Adm. Code.

**§ 15-17. Processing facilities.**

Any contractor operating in the Town shall not transport for processing any recyclables to a processing facility unless that facility has been approved, in writing, by the Town (or unless the contractor notifies the Town which facility it is using) and, by January 1, 1995, the facility has self-certified with the Wisconsin Department of Natural Resources under § NR 544.16, Wis. Adm. Code.

**§ 15-18. Unlawful removal of recyclables.**

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.

**§ 15-19. Dumping.**

- A. It shall be unlawful for any person to dispose of or dump garbage in any street, alley or other public place within the Town or in any receptacles or private property without the owner's consent unless it is placed in bags or containers in the manner and at the times specified by this chapter.
- B. No person shall place for collection any garbage at the curb not owned or occupied by such person.

**§ 15-20. Burning or burying.**

It shall be unlawful to burn or bury solid waste and recyclables by residential and nonresidential sectors and at construction sites.

**§ 15-21. Nondisposable materials.**

It shall be unlawful for any person to place for disposal any of the following wastes:

hazardous and toxic wastes, chemicals, explosives, flammable liquids, paint, trees and stumps, construction debris, carcasses, and medical wastes (unless personal needles which shall be contained in cardboard to eliminate injury to collection personnel).

**§ 15-22. Garbage from outside of Town.**

It shall be unlawful to bring refuse for disposal (and recyclables) from outside the corporate limits into the Town unless authorized by agreement with the Town.

**§ 15-23. Hauler restrictions.**

- A. Haulers may not dispose in a landfill or burn in a solid waste facility any recyclable materials generated in the Town that have been separated for recycling.
- B. Haulers shall not compact glass with paper during collection and transport of recyclables to a processing facility or market and shall maintain materials in marketable condition.

**§ 15-24. Right to reject materials.**

The hauler has the right to reject or leave at the curb any recyclable material that is not prepared according to the specifications in this chapter. Materials may also be left if not separated from solid waste, placed in the proper container, or not designated recyclable materials for collection. The hauler also has the right to refuse to pick up any solid waste if it contains recyclable containers and material. In such cases, the hauler or attendant shall notify the generator of the materials about the reasons for rejecting the items, in writing. The hauler shall also keep a list of such occurrences and provide it to the Town quarterly.

**§ 15-25. Reporting requirements.**

The recycling haulers and processors operating in the Town are required to maintain records and report in writing to the Town Clerk/Treasurer at least twice of each year. 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 from the Town; and the final disposal location of solid waste and recyclable material. Failure to report shall be cause for the Town to revoke any license or sever any contract with the hauler/processor.

**§ 15-26. Ownership of recyclables and refuse.**

Recyclable materials and refuse, upon placement at the curb, shall become the property of the Town. Recyclable materials, upon collection by any permitted collector, shall become the property of the contractor.

**§ 15-27. Exemptions.**

The Town Board 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 services provided by the Town or its contractors. The Town shall provide written notice to its service recipients of this declaration.

**§ 15-28. Collection schedule.**

The Town shall establish the time of collection of solid waste and recyclables and the Clerk/Treasurer shall publish and provide written notice of the collection schedule at least once in the spring and fall of each year and at any time when the collection schedule is changed.

**§ 15-29. Specified containers.**

Solid waste shall be placed for collection in containers designated by the Town Board.

**§ 15-30. Fees.**

The Town Board shall establish fees for service recipients for the payment of collection services for solid waste and recyclables.

**§ 15-31. Placement of recyclables and solid waste for collection.**

Except as otherwise specifically directed or authorized by the Town, solid waste and recycling containers shall be placed at the curblin or mailbox, adjacent to the premises owned or occupied by the person, of the street designated in the published collection schedule for collection. Materials shall be placed out for collection according to the scheduled days established and published by the Town.

**§ 15-32. Special materials.**

Residents shall contact the Town or hauler when they have couches and bulky items and arrangements for collection will be made.

**§ 15-33. Enforcement; violations and penalties.**

- A. For the purpose of ascertaining compliance with the provisions of this chapter, any authorized officer, employee or representative of the Town Board of the Town of Linn 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 nonresidential 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 Linn who requests access for purposes of inspection and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.
- B. Any person who violates a provision of this chapter may be issued a citation by the Town of Linn Police Department 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 subsection.

- C. Any person who violates a provision of this chapter shall be subject to a penalty as provided in Chapter 1, § 1-4 of this Code.<sup>2</sup>

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**2. Editor's Note: Amended at time of adoption of Code (see Code Adoption Ordinance).**