

## ARTICLE II. - RECYCLING <sup>[27]</sup>

<sup>(27)</sup> **State Law reference**— Solid Waste Reduction, Recovery and Recycling Act, Wis. Stats. § 287.07.

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### **Sec. 40-21. - Purpose.**

The purpose of this article is to promote recycling, composting, and resource recovery through the administration of an effective recycling program as provided in Wis. Stats. § 287.11 and Wis. Admin. Code ch. NR 544.

(Code 1987, § 14.02; Ord. No. 94-56, 7-19-1994; Ord. No. 05-50, 11-8-2005; Res. No. 10-03, 2-23-2010)

### **Sec. 40-22. - Statutory authority.**

This article is adopted as authorized under Wis. Stats. § 287.09(3)(b).

(Code 1987, § 14.03; Ord. No. 94-56, 7-19-1994; Ord. No. 05-50, 11-8-2005; Res. No. 10-03, 2-23-2010)

### **Sec. 40-23. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Bi-metal container* means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.

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*Container board* means corrugated paperboard used in the manufacture of shipping containers and related products.

*Foam polystyrene packaging* means packaging made primarily from foam polystyrene that satisfies one of the following criteria:

- (1) Is designed for serving food or beverages.
- (2) Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.
- (3) Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.

*HDPE* means high-density polyethylene, labeled by the SPI code No. 2.

*LDPE* means low density polyethylene, labeled by the SPI code No. 4.

*Magazines* means magazines or other materials printed on similar paper.

*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.

*Multiple-family dwelling* means a property containing five or more residential units, including those that are occupied seasonally.

*Newspaper* means a newspaper and other materials printed on newsprint.

*Nonresidential facilities and properties* means commercial, retail, industrial, institutional and governmental facilities and properties. The term "nonresidential facilities and properties" does not include multiple-family dwellings.

*Office paper.*

- (1) The term "office paper" means 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.
- (2) The term "office paper" does not include industrial process waste.

*Other resin or multiple resins* means plastic resins labeled by the SPI code No. 7.

*Person* means and includes any individual, corporation, limited liability company, partnership, association, local governmental unit, as defined in Wis. Stats. § 66.0131(1)(a), state agency or authority or federal agency.

*PETE* means polyethylene terephthalate, labeled by the SPI code No. 1.

*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.

*Post consumer waste* means solid waste other than solid waste generated in the production of goods,

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hazardous waste, as defined in Wis. Stats. § 291.01(7), waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in Wis. Stats. § 289.01(17).

*PP* means polypropylene, labeled by the SPI code No. 5.

*PS* means polystyrene, labeled by the SPI code No. 6.

*PVC* means 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 containerboard, foam polystyrene packaging, glass containers, magazines, newspaper, office paper, rigid plastic containers, included those made of PETE, HDPE, PVC, HDPE, PP, PS, and other resins or multiple resins, steel containers, waste tires, and bi-metal containers.

*Solid waste* has the meaning specified in Wis. Stats. § 289.01(33).

*Solid waste facility* has the meaning specified in Wis. Stats. § 289.01(35).

*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. The term "treatment" includes incineration.

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

*Yard waste.*

(1) The term "yard waste" means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than six inches in diameter.

(2) The term "yard waste" does not include stumps, roots or shrubs with intact root balls.

(Code 1987, § 14.10; Ord. No. 94-56, 7-19-1994; Ord. No. 05-50, 11-8-2005; Res. No. 10-03, 2-23-2010)

**Sec. 40-24. - Enforcement.**

(a) For the purpose of ascertaining compliance with the provisions of this article, any authorized officer, employee or representative of county may inspect recyclable materials separated for recycling post consumer waste intended for disposal, recycling collection sites and facilities, collection vehicle, collection areas of multiple-family dwellings and nonresidential facilities and properties, and any records related 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 county who requests access to any authorized officer, employee or representative of the county who requests access for the purpose 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 article may be issued a citation by the county recycling coordinator, district department of natural resources warden or designee, or designee of the county sheriff's 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) Penalties for violating this article shall be as provided in the county fine and forfeiture schedule.

(Code 1987, § 14.22; Res. No. 10-03, 2-23-2010)

**Sec. 40-25. - Administration.**

The provisions of this article shall be administered by the county recycling coordinator and/or a representative of each participating municipality.

(Code 1987, § 14.08; Ord. No. 94-56, 7-19-1994; Ord. No. 05-50, 11-8-2005; Res. No. 10-03, 2-23-2010)

**Sec. 40-26. - Abrogation and greater restrictions.**

It is not intended by this article 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 article imposes greater restrictions, the provision of this article shall apply.

(Code 1987, § 14.04; Ord. No. 94-56, 7-19-1994; Ord. No. 05-50, 11-8-2005; Res. No. 10-03, 2-23-2010)

**Sec. 40-27. - Interpretation.**

In their interpretation and application, the provisions of this article shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by state law. Where any terms or requirements of this article may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this article is required by state law, or by a standard in Wis. Admin. Code ch. NR 544 and where the article provision is unclear, the provision shall be interpreted in light of the state law and Wis. Admin. Code ch. NR 544 standards in effect on the date of the adoption of the ordinance from which this article is derived or in effect on the date of the most recent text amendment to this article.

(Code 1987, § 14.05; Ord. No. 94-56, 7-19-1994; Ord. No. 05-50, 11-8-2005; Res. No. 10-03, 2-23-2010)

**Sec. 40-28. - Applicability.**

(a) The following standards apply when the county is designated as the responsible unit.

(1) This article shall be in effect and be enforced in those county municipalities in which the local unit of government has, pursuant to Wis. Stats. § 287.09(1)(b), designated the county as the "responsible unit."

(2) No unit of government having designated the county as the "responsible unit" shall be required to adopt or enforce a recycling ordinance prescribed in Wis. Admin. Code § NR 544.06.

(3) This article shall not apply or be enforced in those municipalities which have designated the county as the "responsible unit" but have adopted and enforce their own ordinance meeting the standards of Wis. Admin. Code ch. NR 544.06.

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(b) Municipalities retaining responsible unit status. This article shall not apply or be enforced in those local municipalities of the county which retain their own "responsible unit" designation and authority.

(Code 1987, § 14.07; Ord. No. 94-56, 7-19-1994; Ord. No. 05-50, 11-8-2005; Res. No. 10-03, 2-23-2010)

**Sec. 40-29. - Separation of recyclable materials.**

All persons 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) Foam polystyrene packaging.
- (9) Glass containers (bottles and jars).
- (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.

(Code 1987, § 14.11; Ord. No. 94-56, 7-19-1994; Ord. No. 05-50, 11-8-2005; Res. No. 10-03, 2-23-2010)

**Sec. 40-30. - Separation requirements exempted.**

The separation requirements of section 40-29 do not apply to the following:

- (1) Occupants of single-family and two- to four-unit residences, multiple-family dwellings and nonresidential facilities and properties that send their post consumer waste to a processing facility licensed by the state department of natural resources that recovers the materials specified in section 40-29 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 percent of the

heat input to the facility is derived from the solid waste burned as supplemental fuel.

(3) A recyclable material specified in section 40-29(5) through (15) for which a variance has been granted by the department of natural resources under Wis. Stats. § 287.11(2m) or Wis. Admin. Code ch. 544.14.

(Code 1987, § 14.12; Ord. No. 94-56, 7-19-1994; Ord. No. 05-50, 11-8-2005; Res. No. 10-03, 2-23-2010)

**Sec. 40-31. - Care of separated recyclable material.**

To the greatest extent practicable, the recyclable materials separated in accordance with section 40-29 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 that protects them from wind, rain, and other inclement weather conditions.

(Code 1987, § 14.13; Ord. No. 94-56, 7-19-1994; Ord. No. 05-50, 11-8-2005; Res. No. 10-03, 2-23-2010)

**Sec. 40-32. - 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 and nonresidential facilities and properties shall manage lead acid batteries, major appliances, waste oil, and yard waste as follows:

- (1) Lead acid batteries shall be disposed at a proper collection facility or on a "cleanup" day in a local municipality.
- (2) Major appliances shall be disposed at a proper collection facility or on a "cleanup" day in a local municipality.
- (3) Waste oil shall be placed in a closed container and disposed at a proper collection facility, such as local service stations or on a "cleanup" day in a local municipality or by other approved collection method by a local municipality.
- (4) Yard waste shall not be disposed in any solid waste facility. Composting of yard waste generated in yards and gardens is encouraged whether on personal property or at the licensed facility operated by a local municipality, or it may be disposed on "cleanup" day in a local municipality.

(Code 1987, § 14.14; Ord. No. 94-56, 7-19-1994; Ord. No. 94.56, 3-21-1995; Ord. No. 05-50, 11-8-2005; Res. No. 10-03, 2-23-2010)

**Sec. 40-33. - Preparation and collection of recyclable material.**

The county recycling coordinator shall publish and make available for public distribution, regulations drafted by the county recycling committee governing the preparation and collection of separated materials. All such materials shall be clean and in marketable condition when collected. All persons shall comply with these regulations. Failure to comply shall be a violation of this article.

(Code 1987, § 14.15; Ord. No. 94-56, 7-19-1994; Ord. No. 05-50, 11-8-2005; Res. No. 10-03,

2-23-2010)

**Sec. 40-34. - Scavenging.**

It shall be unlawful for any person, corporation, or other form of business entity, unless under contract with the county, to collect or remove any recyclable material that has been deposited in a recycling dropoff container or placed at the curb. Recyclable materials, upon placement at the curb or deposited in a dropoff container, shall become the property of the county.

(Code 1987, § 14.16; Ord. No. 94-56, 7-19-1994; Ord. No. 05-50, 11-8-2005; Res. No. 10-03, 2-23-2010)

**Sec. 40-35. - Responsibility of owners or designated agents of multiple-family dwellings.**

(a) Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in section 40-29(5) through (15):

- (1) Provide adequate, separate container for the recyclable materials.
- (2) Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about established recycling programs.
- (3) Provide for the collection of 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) of this section do not apply to the owner or designated agents of multiple-family dwellings if the post consumer waste generated within the dwelling is treated at a processing facility licensed by the department of natural resource that recovers for recycling the materials specified in section 40-29(5) through (15) from solid waste in as pure a form as is technically feasible.

(Code 1987, § 14.17; Ord. No. 94-56, 7-19-1994; Ord. No. 05-50, 11-8-2005; Res. No. 10-03, 2-23-2010)

**Sec. 40-36. - Responsibilities of owners or designated agents of 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 section 40-29(5) through (15):

- (1) Provide adequate, separate container for the recyclable materials.
- (2) Notify in writing at least semi-annually all users, tenants, and occupants of the properties about established recycling programs.
- (3) Provide for the collection of materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility.

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(4) Notify users, tenants, and occupants 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) of this section do not apply to the owner or designated agents of nonresidential facilities if the post consumer 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 40-29(5) through (15) from solid waste in as pure a form as is technically feasible.

(Code 1987, § 14.18; Ord. No. 94-56, 7-19-1994; Ord. No. 05-50, 11-8-2005; Res. No. 10-03, 2-23-2010)

**Sec. 40-37. - Prohibition on disposal of recyclable materials separated for recycling.**

No person may dispose in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in section 40-29(5) through (15) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

(Code 1987, § 14.19; Ord. No. 94-56, 7-19-1994; Ord. No. 05-50, 11-8-2005; Res. No. 10-03, 2-23-2010)

**Sec. 40-38. - Licensing of haulers.**

(a) Recyclable materials in the solid waste stream which are generated within the county and which are collected by a licensed solid waste collector, except for those originating in a municipality not subject to the county's responsible unit resolution, shall be transported only to an authorized dropoff site or to the county's designated recycling facility.

(b) Each licensed solid waste collector desiring to do business in a municipality subject to this article shall first obtain a permit from the county recycling department.

(c) Each solid waste collector shall comply with the following requirements:

(1) Each permit shall be valid for one year from date.

(2) Permit shall be nontransferable.

(3) The required fee shall be paid in advance.

(4) Continuous compliance during the permit period by the permit holder, his employees, agents with all applicable local and state rules, regulations, resolutions, ordinances and laws, including those of the county recycling department, pertaining to collection and transportation of recyclable material.

(5) Maintenance of current valid licenses from DNR to engage in said service.

(6) Delivery of all recyclable material collected to an approved dropoff site and/or to the designated recycling facility.

(7) Each truck or vehicle of a given solid waster collector used in recyclable collection shall be

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identified and included under the operator's permit.

(8) Recyclable materials separated by persons subject to this article shall not be commingled with or disposed of as other postconsumer waste or solid waste by a collector, its employees or agents.

(9) Permit holders shall collect as recyclable material each type of solid waste so designated by the county under this article from customers with which they have contracts on their respective routes.

(10) Such other and further requirements imposed under this article.

(d) The failure or refusal of any solid waste collector to comply with any provision of this article shall constitute cause for revocation of the operating permit by the county.

(e) A permit fee shall be established by the county recycling department in an amount to cover all costs associated herewith.

(f) Permit holders shall daily or on such other frequency as may be approved by the county recycling department prepare weigh tickets or tonnage reports for all recyclable materials collected. A report shall be submitted to the department at least monthly. Weights of municipal solid waste collected on a route within the responsible unit shall also be provided monthly.

(g) Upon a written complaint filed with the county by a resident or taxpayer of the county or by the recycling coordinator of the county alleging that a permit holder has violated one or more of the permit requirements, the county shall cause a copy of the complaint to be delivered to the permit holder who shall be given a period of not less than one week in which to either cure the alleged defect in performance or to request a hearing before the county recycling committee. At such hearing to avoid imposition of a penalty, the permit holder must present to the committee satisfactory evidence of its compliance with all permit conditions subject to the complaint. The failure or refusal of a permit holder to so comply may result in one or more of the following actions being taken by the committee:

- (1) Establishment of specific permit conditions to be complied with by the permit holder;
- (2) Imposition of a penalty;
- (3) Revocation or temporary restriction of the permit.

(Code 1987, § 14.20; Ord. No. 05-50, 11-8-2005; Res. No. 10-03, 2-23-2010)