

# WAUPACA COUNTY CODE OF ORDINANCES

## Chapter 20

### Waupaca County Municipal Solid Waste: Reduction, Recovery & Recycling Ordinance

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## **20.01 TITLE**

This ordinance shall be cited as “Chapter 20 – Waupaca County Municipal Solid Waste: Reduction, Recovery & Recycling Ordinance” and hereinafter referred to as the “ordinance”.

## **20.02 STATUTORY AUTHORITY**

- A. This ordinance is enacted pursuant to Wisconsin Statutes Ch. 287, 289 and 59 and Wisconsin Administrative Codes NR 544 and NR 429.
- B. The versions of the Wisconsin Statutes and the Administrative Codes cited in §20.02 (A) which are in effect at the time of adoption of this ordinance, together with any subsequent amendments thereto or re-creations of said statutes and code provisions, constitute authority for this ordinance.

## **20.03 PURPOSE**

- A. To promote reduction, reuse, recycling, composting, and resource recovery through the administration of an effective recycling program as provided in Wisconsin Statute §287.11 and Wisconsin Administrative Code NR 544, and to in part fulfill Waupaca County’s obligation under the County/Municipal Recycling Agreement.
- B. To promote and protect public health, environment, safety, and general welfare.
- C. To ensure proper municipal solid waste management to protect the environment and the health of the residents of Waupaca County.

## **20.04 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 restriction, the provisions of this ordinance shall apply.

## **20.05 INTERPRETATION**

- A. 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.
- B. Where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Wisconsin Administrative Code NR 544 standards in effect at the time of interpretation.

**20.06 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.

**20.07 APPLICABILITY**

A. Waupaca County Designated as Responsible Unit

1. This ordinance shall be in effect and be enforced in those Waupaca County municipalities in which the local unit of government has, pursuant to Wisconsin Statute §287.09(1) and the County/Municipal Recycling Agreement, designated Waupaca County as the responsible unit. Application shall include but not be limited to:
  - a. All persons within the responsible unit.
  - b. All land within the responsible unit.
  - c. All haulers or persons conducting business within the responsible unit.
  - d. All persons who own, lease, or occupy residential, multi-family and non-residential properties within the responsible unit.
  - e. All persons holding special events or managing public places within the responsible unit.
  - f. Any activity that generates municipal solid waste within the responsible unit.
2. The following municipalities, by resolution, have designated Waupaca County as the responsible unit:

- |                        |                      |
|------------------------|----------------------|
| City of Clintonville   | Town of Fremont      |
| City of Manawa         | Town of Harrison     |
| City of Marion         | Town of Helvetia     |
| City of Waupaca        | Town of Iola         |
| Village of Big Falls   | Town of Larrabee     |
| Village of Embarrass   | Town of Lebanon      |
| Village of Fremont     | Town of Lind         |
| Village of Iola        | Town of Little Wolf  |
| Village of Odgensburg  | Town of Matteson     |
| Village of Scandinavia | Town of Royaltan     |
| Town of Bear Creek     | Town of St. Lawrence |
| Town of Caledonia      | Town of Scandinavia  |
| Town of Dayton         | Town of Union        |
| Town of Dupont         | Town of Waupaca      |

Town of Farmington

Town of Weyauwega  
Town of Wyoming

3. No unit of government having designated Waupaca County as the responsible unit shall be required to adopt or enforce a recycling ordinance prescribed in Wisconsin Administrative Code NR 544.06.

**B. Municipalities Retaining Responsible Unit Status**

1. This ordinance shall not apply or be enforced in those municipalities of Waupaca County that retain their own responsible unit designation and authority or have designated another governmental unit as their responsible unit.
2. This ordinance shall apply to those municipalities retaining responsible unit status which contract with Waupaca County for the use of the Waupaca County Processing & Transfer Facility or any other portion of the County's recycling program.

**20.08 ADMINISTRATION**

The provisions of this ordinance shall be administered by the Waupaca County Solid Waste Department as directed by the Waupaca County Solid Waste Management Board.

**20.09 EFFECTIVE DATE**

The provisions of this ordinance shall take effect on July 1, 1994, and as revised/adopted March 19, 2002, and as revised/adopted/published March 19, 2013.

**20.10 DEFINITIONS**

**A. Purpose**

For the purpose of administering and enforcing this ordinance, the terms or words used herein shall be interpreted as follows:

1. Words used in the present tense include the future, in the singular include the plural, and in the plural include the singular.
2. The word "shall" is mandatory, not permissive.
3. All definitions that refer to Wisconsin Statutes shall incorporate any revisions or amendments to statutory language.
4. All definitions other than those referenced below shall be as the normal definition found in a standard dictionary.

## B. Definitions

1. Aluminum Containers: Empty aluminum food and beverage cans and bottles.
2. Bi-metal Containers: See 'Steel and Tin Containers'.
3. Boxboard (or non-corrugated containerboard): Paperboard used in the manufacture of boxes and related products, such as dry food boxes, shoe boxes, tissue boxes, cereal boxes, laundry detergent boxes, and other like containers.
4. Cardboard (or corrugated containerboard): Heavy duty kraft paper packaging material consisting of a corrugated medium between two (2) related products.
5. Clean Wood: Natural wood that has not been painted, varnished, or coated with a similar material, has not been pressure treated with preservatives, and does not contain resins or glues as in plywood or other composite wood products.
6. Confidential Papers: Papers of a personal nature such as hospital and doctor statements, credit card applications and monthly statements detailing purchases, telephone bills, outdated vehicle registrations, legal correspondence, bank statements with account numbers, outdated insurance policies, investment statements, retirement information, and any other papers that an individual would not want out of their control.
7. Construction and Demolition Materials: Waste resulting from the construction or demolition of buildings, roads, and other man-made structures, including but not limited to materials such as concrete, brick, bituminous, shingles, treated and untreated wood, masonry, glass, rock, and plastic building parts.
8. County: The County of Waupaca, a State of Wisconsin quasi-municipal corporation, or any department or representative that is authorized by this ordinance to represent the County in the administration or enforcement of this ordinance.
9. Curbside Collection: A system for collecting and transporting municipal solid waste and/or recyclable materials for processing and marketing by a hauler.
10. Electronic Devices: Those devices identified in Wisconsin Statute §287.07(5) that are prohibited from land disposal and incineration and includes items defined in Wisconsin Statute §287.17(1) such as computers, laptops, printers, copiers, scanners, fax machines, televisions, computer monitors, keyboards, mice, central processing units (CPUs), other computer peripherals, video cassette recorders (VCRs), digital video devices (DVDs) compact disc (CD) players, other video players, cell phones, and phones with video display.

11. Glass Containers: Empty glass bottles and jars having contained a food or beverage. This term does not include window glass, drinking glasses, Pyrex or similar heat-resistant glassware, light bulbs, mirrors, ceramics, or other non-container glass.
12. Hauler: Any person, partnership, corporation, or other public or private entity that provides for the collection and transportation of solid waste and/or recyclables.
13. Junk Mail: Unsolicited, unwanted mail usually in the form of advertisements or requests for monetary contributions.
14. Landfill: A licensed land-disposal facility for solid waste.
15. Lead-Acid Battery: An automotive or related battery that is comprised of lead plates with an acid electrolyte.
16. Litter: Any municipal solid waste deposited or discharged on any property, roadway, right-of-way, waterway, or in the municipal solid waste containers belonging to others except in containers appropriately labeled for public use.
17. Magazines: Periodicals made from paper which has a shiny appearance and other materials printed on similar paper. This term does not include phonebooks or periodicals printed on newsprint paper.
18. Major Appliances: All air conditioners, clothes dryers, clothes washers, dehumidifiers, dishwashers, freezers, microwave ovens, conventional ovens, ranges, refrigerators, stoves, furnaces, boilers, hot water heaters, and other similar devices.
19. Material Recovery Facility: A facility that processes recyclable materials for reuse or recycling as part of a responsible unit's program. For the purposes of this ordinance, Material Recovery Facility shall also be known as a Recycling Facility or a Processing Facility.
20. Member Municipality: A city, village, or town in the county responsible unit subject to Wisconsin Statute §287.09(1)(c).
21. Mixed Paper: A mixture of newspaper, magazines, office paper, junk mail and boxboard.
22. Multi-Family: A property containing five (5) or more residential units, including those that are occupied seasonally.
23. Municipally- and/or County-Provided Collection Program: A collection program for recyclables that has been implemented by a member municipality or the county through direct service or coordinated through contract with a second party.

24. Municipal Solid Waste: Residential, multi-family and non-residential trash, garbage, refuse, and recyclable materials. This term does include construction and demolition material, but does not include domestic wastewater sludge, animal waste, or any process waste that is the direct or indirect result of the manufacturing of a product.
25. Newspaper: A publication printed on newsprint.
26. Non-Residential: A property that is not residential or multi-family. This term includes, but is not limited to, commercial, retail, industrial, institutional and governmental properties.
27. Office Paper: High-grade printing, copying, and writing papers, as well as, envelopes and mail. This term does not include industrial process waste.
28. Person: Any human being; municipality or other governmental or political subdivision or other public agency; public or private corporation, business, partnership, firm, association or other organization; receiver, trustee, assignee, agent or other legal representative of any of the foregoing; or other legal entity.
29. Plastic Container: A 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, and includes the following Society of Plastic Industry (SPI) codes:
  - a. Plastic #1: Polyethylene terephthalate (PETE)
  - b. Plastic #2: High density polyethylene (HDPE)
  - c. Plastic #3: Polyvinyl chloride (PVC)
  - d. Plastic #4: Low density polyethylene (LDPE)
  - e. Plastic #5: Polypropylene (PP)
  - f. Plastic #6: Polystyrene (PS)
  - g. Plastic #7: Other or multiple plastic resins
30. Privately-owned Recyclables Collection Center: A for-profit or non-profit business venture which accepts one or more recyclable material(s) from residential, multi-family, and non-residential sectors of the community.
31. Processing Facility: see 'Material Recovery Facility'.
32. Public Place: Facilities or properties open for public use or occupation, whether permanently or temporarily, and whether owned or occupied by governmental entities or private persons.
33. Recyclable Materials: All materials currently banned from landfills or incineration under Wisconsin Statutes, including aluminum containers, boxboard, cardboard, glass containers, magazines, newspaper, office paper, plastic

containers #1 and #2, steel and tin containers, electronic devices, lead-acid batteries, major appliances, used motor oil, used oil filters, used oil absorbent materials, waste tires, and yard waste. For the purposes of this ordinance, junk mail is included as a recyclable material in the Waupaca County Responsible Unit area.

34. Recycling Facility: See 'Material Recovery Facility'.
35. Residential: A property containing single family or 2-4 dwelling units, including those that are occupied seasonally.
36. Responsible Unit: The County and all municipalities in the County that have not retained responsible unit status under Wisconsin Statutes §287.09(1), as well as those municipalities that have retained responsible unit status for themselves but have contracted with the County to fulfill their duties as a responsible unit.
37. Scavenging: The uncontrolled and unauthorized removal of materials at any point in municipal solid waste management.
38. Solid Waste: Refers to any garbage or refuse generated by any person, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility, and any other discarded or salvageable materials, including solid, liquid, semisolid, or contained gaseous materials resulting from industrial, commercial, mining and agricultural operations, and from community activities. This term 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 under Wisconsin Statute Ch. 283, or source material, as defined in Wisconsin Statute §254.31(10), special nuclear material, as defined in Wisconsin Statute §254.31(11), or by-product material, as defined in Wisconsin Statute §254.31(1).
39. Solid Waste Disposal Facility: A licensed facility which is the final resting place for solid waste, including landfills and incineration facilities that produce ash from the process of incinerating municipal solid waste.
40. Special Events: Entertainment, educational, musical, school-related, family, religious, and cultural events involving the assembly of people.
41. Steel and Tin Containers: Empty bi-metal, tin, or steel food, beverage, aerosol, and other general purpose cans.
42. Trash: Any person's putrescible or non-putrescible waste or discarded material. This term is synonymous with 'garbage' and includes food waste.
43. Untreated /Unpainted Wood: See 'Clean Wood'.



44. Used Motor Oil: Any oil refined from crude oil or synthetic oil that becomes contaminated during use, including but not limited to engine oil, gear oil, lubricating oil, hydraulic oil, cutting oil, tempering and quenching oils and transmission fluid.
45. Used Oil Absorbent Materials: Materials that have been used to absorb used motor oil.
46. Used Oil Filters: A filter that has been used for automotive engine oil, as defined in Wisconsin Statute §287.15(1)(a) and (e).
47. Waste Tire: A tire that is no longer suitable for its original purpose because of wear, damage or defect as defined in Wisconsin Statute §289.55(1)(c).
48. Yard Waste: Leaves, grass clippings, yard and garden debris, including clean woody vegetative material no greater than six (6) inches in diameter. This term does not include stumps, root systems or shrubs with intact root balls.

## **20.11 MANDATORY SEPARATION & CARE OF RECYCLABLES MATERIALS**

- A. Occupants of residential, multi-family, and non-residential properties shall separate the following materials from municipal solid waste for recycling and/or beneficial reuse:
  1. Aluminum containers
  2. Boxboard (non-corrugated containerboard)
  3. Cardboard (corrugated containerboard)
  4. Glass containers
  5. Junk mail
  6. Magazines
  7. Newspaper
  8. Office paper
  9. Plastic containers #1 and #2
  10. Steel and tin containers (includes bi-metal)
  11. Lead-acid batteries
  12. Major appliances
  13. Waste tires
  14. Yard waste
  15. Electronics devices
  16. Used motor oil
  17. Used oil absorbent materials
  18. Used oil filters
- B. Recyclable materials shall be clean and kept free of contaminants such as food or product residue, oil, solvents or grease, or other non-recyclable material, including but not limited to 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, insects, rodents, and animals.

- C. All persons transporting recyclable materials and/or solid waste within Waupaca County for the purpose of delivery to a collection, processing, or disposal facility are required to:
  - 1. Ensure that all loads are secured and covered to prevent littering.
  - 2. Comply with all applicable local, county, state, and federal laws and regulations.

## **20.12 EXEMPTIONS**

- A. The separation requirements of §20.11 do not apply to any recyclable material specified in §20.11 for which a variance or exemption has been granted by the Department of Natural Resources under Wisconsin Statute §289.11(2)(m), or Wisconsin Administrative Code NR 544.14.
- B. The Solid Waste Management 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 municipally- and/or county-provided collection program. The County shall provide written notice of this declaration to all applicable parties.

## **20.13 MANAGEMENT OF RECYCLABLE MATERIALS §20.11(A)(11)-(18).**

- A. The Waupaca County Solid Waste Department shall designate and publish Guidelines for the management of recyclable materials specified in §20.11(A)(11)-(18).
- B. Any collection program or private operation that accepts these materials for recycling, beneficial reuse or proper treatment and disposal shall meet all applicable local, state, and federal regulations.
- C. Occupants of residential properties shall be responsible to properly manage these recyclable materials as per the Guidelines set forth. The Guidelines shall be in accordance with all state laws governing recycling and proper disposal of these materials.
- D. No person shall place lead-acid batteries or used motor oil at the curb or roadside for collection. These materials must be transported by the generator to a facility licensed to accept these materials.

**20.14 MANAGEMENT OF RECYCLABLE MATERIALS: REQUIREMENTS FOR RESIDENTIAL PROPERTIES**

Occupants of residential properties that are served under a municipal and/or county-provided collection program for recyclables shall follow the recycling guidelines published by the Waupaca County Solid Waste Department.

**20.15 MANAGEMENT OF RECYCLABLE MATERIALS: REQUIREMENTS FOR MULTI-FAMILY AND NON-RESIDENTIAL PROPERTIES**

- A. The owners of all multi-family and non-residential properties or their designated agent(s) shall do all the following:
1. Notify tenants of their responsibility as set forth in §20.13(A) for the management of recyclable materials specified in §20.11(A)(11)-(18).
  2. Provide an adequate number of containers for the recyclable materials specified in §20.11(A)(1)-(10).
  3. Ensure that the users know where the recyclables are to be placed.
  4. Notify in writing at the time of renting or leasing the property and at least semi-annually thereafter, all users, tenants, employees, and occupants of the properties about the recycling program that has been established. The information shall include at a minimum:
    - a. Reasons to reduce and recycle municipal solid waste.
    - b. A list of recyclable materials that shall be separated from municipal solid waste.
    - c. How recyclable materials are to be prepared for collection.
    - d. Location of collection containers.
    - e. Contact information for any questions, including name, address, and phone number.
  5. Provide for the collection and delivery of recyclable materials specified in §20.11(A)(1)-(10) to a self-certified material recovery facility as defined in Wisconsin Administrative Code NR544.16 and Wisconsin Statute §287.27(1) either directly or through a hauler.
  6. Comply with all other applicable provisions of this ordinance.

7. In the event an owner or designated agent assigns recycling responsibility to a tenant/lessee, the owner or designated agent shall provide the Waupaca County Solid Waste Department documentation stating the name, address and phone number of such tenant/lessee.
- B. The owners of new or extensively remodeled multi-family and non-residential properties or their designated agents shall do all of the following:
1. Comply with §20.15 in its entirety.
  2. Comply with ILHR 52.24, Administrative Rule, which states that new buildings or buildings that are remodeled or expanded by 50% or more in floor area shall provide a designated area for the separation, temporary storage and collection of recyclables either within or adjacent to the building.

#### **20.16 MANAGEMENT OF RECYCLABLE MATERIALS: REQUIREMENTS FOR SPECIAL EVENTS AT PUBLIC PLACES**

All special events at public places and all organizers and sponsors of and owners of the property where said events are held shall provide an adequate number of containers for recyclable materials generated at the event, ensure that the users know where the recyclables are to be placed, and provide for collection and delivery of recyclable materials to a self-certified material recovery facility either directly or through a hauler.

#### **20.17 PROHIBITED ACTIVITIES**

A. Scavenging.

It shall be unlawful for any person, unless under contract with and/or licensed by the County or Municipality or under agreement with an individual generator, to collect or remove any recyclable material which has been placed appropriately for collection.

B. Improper 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 §20.11(1)-(18) which have been separated for recycling, except waste tires which may be burned with energy recovery in a licensed solid waste treatment facility.

C. Burning.

1. No person shall burn garbage, trash, recyclable materials, or any other solid waste material, except for confidential papers, yard waste and clean wood that has not been painted, stained, sealed or treated and are in compliance with §20.17(C)(2) below.

2. Restrictions on the burning of confidential papers, yard waste, and clean wood.
  - a. Unless prohibited by local regulation, small amounts of residential-generated confidential papers, yard waste, and clean wood may be burned provided the following standards are met:
    - i. Materials must be burned on the same residential property it is generated from.
    - ii. Person wishing to burn must properly notify and receive approval, including any necessary permits, from the local governing municipality and/or fire department.
    - iii. Burning of said confidential papers, yard waste and clean wood must be conducted in a safe manner and comply with all applicable State, County and local laws, ordinances, regulations and other restrictions.
  - b. The burning of confidential papers and yard waste generated from multi-family and non-residential properties is prohibited.
  - c. The burning of clean wood generated from multi-family and non-residential properties is prohibited unless a DNR license is obtained for a 'wood-burning facility' as defined in Wisconsin Administrative Code NR 502.11.
3. Exemptions. In compliance with Wisconsin Administrative Code NR 429.04, the following activities are allowed, provided burning is conducted in a safe manner and comply with all applicable State, County and local laws, ordinances, regulations and other restrictions:
  - a. Burning of trees, limbs, stumps, brush or weeds as a result of agricultural or silvicultural activities, if the burning is conducted on the property where the waste is generated.
  - b. Burning of trees, limbs, stumps, brush or weeds as a result of clearing or maintenance of highway, railroad or utility rights-of-way and other land clearing operations, if the burning is conducted on the property where the waste is generated.
  - c. Fires set for practice and instruction of fire fighters, or testing of fire-fighting equipment.
  - d. Outdoor fires for cooking, ceremonies, or recreation.

## **20.18 OWNERSHIP OF RECYCLABLE MATERIALS**

Recyclable materials specified in §20.11(1)-(18) generated by occupants of residential properties and deposited at County drop-off centers or collected through other municipal

and/or county-provided collection programs shall become the property of Waupaca County as per the County/Municipal Recycling Agreement.

## **20.19 PRIVATELY-OWNED RECYCLABLES COLLECTION CENTER REQUIREMENTS**

- A. Privately-owned recyclables collection centers located within Waupaca County shall obtain and maintain all necessary municipal, county and state permits, licenses and approvals prior to accepting any recyclable materials generated in Waupaca County.
- B. Privately-owned recyclables collection centers accepting recyclables from residential properties located within the Waupaca County 'responsible unit' area shall maintain records of the recyclable materials collected and report the tonnages in writing to the Waupaca County Solid Waste Department annually by February 15 of the following year.

## **20.20 HAULER REQUIREMENTS**

### **A. Operational Standards**

- 1. All haulers operating in Waupaca County shall comply with the requirements of this ordinance.
- 2. All haulers shall obtain and maintain all applicable municipal, county and state permits, licenses and approvals prior to operating as a hauler within the responsible unit.

### **B. Collection and Management**

- 1. Haulers shall not co-collect (place together in the same compartment) solid waste and recyclable materials, and shall ensure that no separated recyclables are contaminated with trash during transport as required under Wisconsin Administrative Code NR544.05(1)(a) and applicable County and local permits and licenses.
- 2. Haulers may not engage in the collection, transportation, processing or disposal of solid waste within the County unless the recyclable materials in accordance with this ordinance have been segregated. It is the responsibility of the hauler to inform the Waupaca County Solid Waste Department of residential, multi-family, and non-residential properties that are not segregating recyclable materials from solid waste.
- 3. Haulers providing collection services for recyclable materials as specified in §20.11(1)-(10) these materials to a self-certified material recovery facility as defined in Wisconsin Administrative Code NR 544.16 and Wisconsin Statute §287.27(1).

4. Haulers are prohibited from curbside collection of lead-acid batteries and used motor oil.
5. Haulers providing collection services for recyclable materials as specified in §20.11(12)-(15)(17)(18) shall comply with all applicable local, county, state, and federal rules and regulations regarding transportation, with delivery to facilities that are properly permitted and/or licensed to accept and process these materials.
6. Haulers shall notify any residential, multi-family, or non-residential customer that has:
  - a. Trash contaminated with any recyclable material, or
  - b. Recyclable materials contaminated with trash or other non-recyclable material.

The notice shall describe the contaminated materials that were found and how to prepare recyclable materials for collection.

7. Solid waste and recyclables while in transport shall be covered and secured to prevent littering.
8. All non-residential haulers transporting solid waste and/or recyclables to the Waupaca County Processing and Transfer Facility shall utilize the designated route as specified by the Waupaca County Solid Waste Management Board.
9. Haulers may not dispose in a landfill or burn in a solid waste facility any recyclable materials generated in Waupaca County that have been separated for recycling, except waste tires may be burned with energy recovery in a licensed solid waste treatment facility, as specified in Wisconsin Statute §287.07(1)-(4).

#### C. Reporting

1. Haulers providing recycling and solid waste collection services to residential, multi-family, and non-residential properties in the Waupaca County Responsible Unit area shall submit an annual report to the Waupaca County Solid Waste Department by February 15 of the following year detailing the following:
  - a. Number of residential customers served Jan 1 – Dec 31.
  - b. Municipal solid waste tonnage collected from residential properties Jan 1 – Dec 31.
  - c. Recyclable material tonnages, itemized by material type as identified in §20.11(A), collected from residential properties Jan 1 – Dec 31.

- d. Name and address of each multi-family and non-residential property that subscribes/contracts only for municipal solid waste collection, and not for recyclable material collection.

#### D. Notification to Customers

1. Upon the initial provision of municipal solid waste collection services to new customers and annually thereafter, the hauler shall notify its customers of their need to comply with the provisions set forth in this ordinance. At a minimum, the notice shall include:
  - a. Reasons to reduce and recycle municipal solid wastes.
  - b. A list of recyclable materials, as identified in §20.11(A), that shall be separated from municipal solid waste;
  - c. How recyclable materials are to be prepared to meet processing requirements.
  - d. Location and hours of operation of drop-off locations for recyclable materials not collected on-site.
  - e. Contact person, including name, address, and phone number.
2. For a multi-family or non-residential account, a notice may be sent to the account representative, provided that the notice shall inform the account's representative of their obligation to notify all individual customers or users of the recycling services that are available.
3. On or before February 15 of each year, the hauler shall deliver to the Waupaca County Solid Waste Department a copy of the notification sent to each customer type, i.e., residential, multi-family, and non-residential during the previous year.

### **20.21 PROCESSING FACILITY REQUIREMENTS**

- A. Processing facilities located within Waupaca County shall obtain and maintain all necessary municipal, county and state permits, licenses and approvals prior to accepting any recyclable materials in Waupaca County. Processing facilities must be self-certified with the Wisconsin Department of Natural Resources under Wisconsin Administrative Code NR 544.19 prior to accepting recyclable materials for processing. Proof of self-certification shall be submitted annually to the Waupaca County Solid Waste Department.
- B. Processing facilities operating within Waupaca County accepting recyclables from residential properties located within the Waupaca County "responsible unit" area shall maintain records of the recyclable materials processed and report the tonnages in



writing to the Waupaca County Solid Waste Department annually by February 15 of the following year.

## **20.22 FEES**

The Solid Waste Management Board reserves the right to establish a fee schedule if it is determined to defer costs of recycling, composting and resource recovery systems.

## **20.23 ENFORCEMENT**

### **A. Inspection for Compliance**

1. To determine whether a person subject to the provisions of this ordinance is in compliance therewith, any authorized officer or representative of the Waupaca County Solid Waste Management Board or law enforcement officer within Waupaca County, subject to the provisions in §20.23(A)(2-4) reserves the right to inspect the following:
  - a. Municipal solid waste.
  - b. Municipal solid waste collection sites and facilities.
  - c. Municipal solid waste collection facilities of multi-family and non-residential properties.
  - d. Any open space or yard area adjoining residential, multi-family, and non-residential structures.
2. Before engaging in any such inspection, the county's representative shall seek permission from the owner/occupant or authorized agent thereof for access to inspect.
3. The county's representative shall present to the owner/occupant or their authorized agent appropriate credentials.
4. If an occupant/owner or their authorized agent declines access to the county's representative, an application for a special inspection warrant under Wisconsin Statute §66.0119 may be made.
5. If violations are identified, enforcement procedures shall commence.
6. Haulers operating within the responsible unit area shall allow duly authorized representatives of the county to inspect containers containing municipal solid waste or recyclables for purposes of ascertaining compliance with this ordinance at any time prior to the deposit of the contents of those containers into their vehicles for transportation to an appropriate disposal, recycling or reuse facility.

## B. Enforcement Procedures

1. Any authorized officer or representative of the Waupaca County Solid Waste Management Board or law enforcement officer within Waupaca County may institute any appropriate action or proceeding against violators of this ordinance as provided by law or this ordinance, including issuing citations. 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.
2. The following procedures shall generally be used, in the order listed, to address violations of this ordinance:
  - a. Issue a written notice of violation that specifies the nature of the violation and the corrective action to be taken.
  - b. Issue a citation, pursuant to Wisconsin Statute §66.0113 or consult with legal counsel regarding potential civil litigation in conjunction with citation enforcement or in lieu thereof for forfeitures, monetary damages or injunctive relief.
3. The Waupaca County Department of Environmental Resource Management Director is not mandated to follow the order of possible action if, in his/her discretion, a situation requires different action.

## C. Penalties

1. Any person violating the provisions of this ordinance or any regulation promulgated hereunder shall be required to forfeit up to \$200 for a first violation and up to \$500 for the second violation and any subsequent violations, plus court costs, and/or be subject to injunctive relief.
2. Each day a violation exists is a separate violation.
3. The remedies provided herein shall not be exclusive of other remedies.
4. Extraordinary fees, which may also include the cost of obtaining professional work or opinions, including, but not limited to, engineers, hydro-geologists or public health professionals, shall be charged to the person adjudicated for violation of this ordinance.
5. As a substitute for and in addition to forfeiture or injunction, the County may commence civil actions for damages to recoup any and all costs of cleanup, together with the enforcement costs and fees (including attorney fees) incurred in the removal of the municipal solid waste or litter in accordance with this ordinance.

#### D. Bond Schedule

This Ordinance adopts the Bond Schedule in Ordinance 25 of the Waupaca County Code of Ordinances.

#### E. Appeals of Administrative Decisions

1. All administrative decisions shall be in writing.
2. Any person aggrieved by a written administrative decision made by the County Department of Environmental Resource Management Director or his/her authorized representative(s), may appeal the decision in writing to the County Solid Waste Management Board.

#### F. Procedure for Appeal

1. Appeals must be submitted in writing within 30 days of the date of the written administrative decision, and shall subsequently be filed with the Chairperson of the County Solid Waste Management Board.
2. The County Solid Waste Department shall prepare notices and shall schedule the appeal with the Solid Waste Management Board within 30 days of receipt of the appeal.
3. The grievant and the County Department of Environmental Resource Management Director may submit documentation prior to any meeting/hearing on the appeal a minimum of 10 days prior to the appeal meeting/hearing date.
4. A written decision shall be sent to the grievant within 30 days of any meeting/hearing of the Solid Waste Management Board on the appeal.