

CHAPTER 19

JACKSON COUNTY RESPONSIBLE UNIT RECYCLING ORDINANCE

INTRODUCTION

19.01	Title
19.02	Purpose
19.03	Statutory Authority
19.04	Abrogation and Greater Restrictions
19.05	Interpretation
19.06	Severability
19.07	Applicability
19.08	Administration
19.09	Effective Date
19.10	Definitions
19.11	Recyclable Materials
19.12	Separation Requirements Exempted
19.13	Care of Separated Materials
19.14	Management of Lead Acid Batteries, Appliances, Oil and Yard Waste
19.15	Preparation and Collection of Recyclable Materials
19.16	Responsibilities of Owners or Agents of Multiple-Family Dwellings
19.17	Responsibilities of Owners or Agents of Non-Residential Facilities and Properties
19.18	Title of Recyclable Materials
19.19	Delegation of Authority to Zoning and Land Information Committee to Set Fees
19.20	County Authority to Inspect and Refuse Solid Waste and Recyclable Material
19.21	Prohibitions and Violations
19.22	Enforcement and Penalties

19.01 TITLE. The title of this Ordinance shall be the JACKSON COUNTY SOLID WASTE AND RECYCLING ORDINANCE.

19.02 PURPOSE. The purpose of this Ordinance is to provide regulation for the implementation of recycling in the responsible unit areas. Administration of an effective refuse collection and recycling program as provided in s.287.11 WI Stats, and Chapter NR 544, Wis. Adm. Code will promote recycling, composting and resource recovery.

19.03 STATUTORY AUTHORITY. This ordinance is adopted as authorized under s.287.03(3)(b), and 59.02, Wisconsin Statutes, and Wisconsin Administrative Code, Section NR544.

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

19.05 INTERPRETATION. In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any terms or requirements of this Ordinance may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this Ordinance is required by Wisconsin Statutes, or by a Standard in Chapter NR544, Wisconsin Administration Code, and where the Ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Chapter NR544 Standards in effect on the date of the adoption of this Ordinance, or in effect on the date of the most recent text amendment to this Ordinance.

19.06 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.

19.07 APPLICABILITY.

(1) Jackson County Designated as Responsible Unit.

(a) This ordinance shall be in effect and enforced in those Jackson County municipalities in which the local unit of government has, pursuant to s.287.09(1)(b)(c)(d), Wis. Stats. designated Jackson County as the responsible unit

(b) No unit of government having designated Jackson County as the "responsible unit" shall be required to adopt or enforce a Recycling Ordinance prescribed in NR544.06, Wis. Administrative Code.

(c) This Ordinance shall not apply or be enforced in those municipalities which have designated Jackson County as the "responsible unit", but have adopted and enforce their own ordinances meeting the standards of NR544.06, Wis. Adm. Code.

(2) Municipalities Retaining Responsible Unit Status. This Ordinance shall not apply to or be enforced in those municipalities of Jackson County which retain their own "responsible unit" designation and authority.

19.08 ADMINISTRATION. The provisions of this Ordinance shall be administered by the County Zoning and Land Information Committee and its designated agents.

19.09 EFFECTIVE DATE. The provisions of this Ordinance shall take effect on January 1, 1995.

19.10 DEFINITIONS. For the purpose of this Ordinance, the following definitions shall apply.

(1) "Aluminum Container" means all aluminum beverage cans.

(2) "Bi-metal Container" means a container for carbonated or malt beverages that is primarily made of a combination of steel and aluminum.

(3) "Brush Site" means a site designated by the Zoning and Land Information Committee where citizens may drop off brush, shrubs, branches and other tree waste meeting criteria established by the committee.

(4) "Collection Site" means any site designated by the County as the location to which generators and haulers shall transport solid waste and recyclables for disposal or collection purposes.

(5) "Container Board" means corrugated paper board used in the manufacture of shipping containers and related products.

(6) Demolition and Construction Waste. Waste materials resulting from construction, demolition, or razing of buildings, roads, and other structures, and are limited to the following materials: concrete, bricks, mortar, bituminous concrete, wood, glass, masonry, plaster, gypsumboard, polystyrene beadboard, styrofoam, urethane foam, fiberglass insulation, siding, flashing, shingles, and roofing materials, particle board, wafer board, plywood, wiring and electrical materials, pvc and plumbing materials, nails, screws, and other construction hardware.

(7) "Disposal" shall mean the burial, burning, destruction or orderly transformation or placement of solid waste.

(8) "Foam polystyrene packaging" means packaging made primarily from foam polystyrene that satisfies one of the following criteria:

(a) is designed for serving food or beverage

(b) consists of loose particles 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

(9) "Glass" means unbroken, clear, brown or green glass containers in which food or beverages are sold. Drinking glasses, crystal, and window glass are not included.

(10) "Hauler" means persons licensed by a unit of government to collect and transport garbage and refuse, or recyclable materials under Local Ordinance or Administrative Code, Section 502.

(11) "HDPE" means high density polyethylene, labeled by the Society of Plastic Industry, Code #2.

(12) "Household Waste" means any material, including garbage, trash, and sanitary wastes in septic tanks, derived from households, including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day use recreation areas.

(13) "LDPE" means low density polyethylene, labeled by the Society of Plastics Industry as Code #2.

(14) "Magazines" means glossy periodicals and other materials printed on similar paper.

(15) "Major Appliances" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, stove, or water heaters and dehumidifiers.

(16) "Multifamily Residence" means a real property improvement containing five or more household units in one or more contiguous structures of single ownership and management and includes recreation vehicle park and mobile home parks.

(17) "Newspaper" means a newspaper and other materials printed on newspaper.

(18) "Nonresidential Facilities and Properties" means commercial, retail, industrial, institutional, and government facilities and properties. This term does not include multi-family dwellings.

(19) "Office paper" means high grade printing and writing papers from offices in nonresidential facilities and properties. Printed white ledger and computer printouts are examples of office paper generally accepted as high grade. This term does not include industrial process waste.

(20) "Other Resins" or "Multiple Resins" means plastic resins labeled by the Society of Plastics Industry Code #7.

(21) "Owner" means any individual, corporation, partnership, association, or local government unit, as defined in Section 66.0301, Wis. Stats. state agency or authority or federal agency.

(22) "Person" has the same meaning as (21) above.

(23) "PETE" means polyethylene, terephthalate, labeled by the Society of Plastics Industry Code #1.

- (24) "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.
- (25) "Postconsumer Waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in s.289.6(5), Wis. Stats. waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in s.289.44 (7)(a) 1, Wis. Stats.
- (26) "PP" means polypropylene, labeled by the Society of Plastics Industry Code #5.
- (27) "PS" means polystyrene, labeled by the Society of Plastics Industry Code #6.
- (28) "PVC" means polyvinyl chloride labeled by the Society of Plastics Industry Code #3.
- (29) "Recyclable Materials" includes lead acid batteries, major appliances, waste oil, yard waste, aluminum containers, glass containers, newspaper, steel containers, bi-metal containers, corrugated paper or other container board, magazines, office paper, rigid plastic containers, made of PETE (#1) and HDPE (#2), waste tires and other items that may be designated by the Zoning and Land Information Committee.
- (30) "Refuse" means household solid waste, excluding recyclable materials.
- (31) "Residence and Residential" means a real property improvement containing one through four residential household units.
- (32) "Solid Waste" has the meaning specified in s. 289.01 (15), Wis. Stats.
- (33) "Solid Waste Facility" has the meaning specified in s. 289.43 (5), Wis. Stats.
- (34) "Solid Waste Treatment" means any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste. Treatment includes incineration.

(35) "Steel Containers" means a steel food or beverage container, commonly referred to as a 'tin can'.

(36) "Yard Waste" means leaves, grass clippings, yard and garden debris and brush, including clean wood, vegetative material no greater than 6" in diameter. This term does not include stumps, roots, or shrubs with intact root balls.

(37) "Yard Waste Site" means a site designated by the Solid Waste Committee for the dropping off of yard waste.

19.11 RECYCLABLE MATERIALS. Occupants of single family and two to four unit residences, multifamily dwellings and nonresidential facilities and properties shall utilize single stream recycling for all materials considered recyclable. These include items 5-14. The items listed as (1), (2), (3), (4), and (15) shall be handled as directed in 19.14 or by contacting the County Zoning Department or local municipality for proper disposal.

- (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 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

19.12 SEPARATION REQUIREMENTS EXEMPTED. The separation requirements of 19.11 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 postconsumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in 19.11 from solid waste in as pure a form as is technically possible.

(2) 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 solid waste burned as supplemental fuel.

(3) A recyclable material specified in 19.11 (5) through (14) for which a variance has been granted by the Department of Natural Resources under s.287.11 (2m), Wis. Stats., or sNR5444.14, Wis. Adm. Code.

19.13 CARE OF SEPARATED MATERIALS. To the greatest extent practicable, the recyclable materials shall be clean and kept free of contaminants such as food or product residue, oil or grease, household hazardous waste, medical waste or other nonrecyclable materials and shall be cared for in such manner as to protect the materials greatest potential marketability.

19.14 MANAGEMENT OF LEAD ACID BATTERIES, APPLIANCES, 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 taken to any area retail business which sells automotive batteries or to any local business which is licensed to accept lead acid batteries.

(2) Major appliances shall be taken to any area appliance retailer or appliance recycling facility which accepts with or without fee, such appliances for repair, reuse, resale or recycling or shall be, for a fee, brought to the county's collection site during the Annual White Goods Clean-up Day.

(3) Waste oil shall be taken to any area automotive repair business which accepts used oil for recycling, or shall be placed in any of the waste oil collection containers in the county.

19.15 PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS. Except as otherwise directed by the County Zoning and Land Information Committee, occupants of single family and two to four unit residences and all other persons using the County Solid Waste Management system for disposal of recyclable materials shall utilize single stream recycling for all materials considered recyclable and prior to delivery of those materials into the county system, do the following:

- (1) Aluminum cans shall be rinsed clean of product residue, well drained and brought to a county collection site during the days and hours of operation.
- (2) Bi-metal containers shall be rinsed clean of product residue, well drained and brought to a county collection site during the days and hours of operation.
- (3) Corrugated paper and other container board shall be free of debris, flattened and placed in the designated container at a county collection site during the days and hours of operation.
- (4) Foam polystyrene packaging shall be free of debris, and brought to a county collection site during the days and hours of operation.
- (5) Clear, brown and green glass bottles and jars shall be rinsed clean of product residue, well drained and brought to a county collection site during the days and hours of operation.
- (6) Magazines shall be free and clear of debris. They then can be brought to a county collection site during the days and hours of operation.
- (7) Newspaper shall be free of debris and brought to a county collection site during days and hours of operation.

(8) Office paper, including junk mail and school papers, white, brown and manila envelopes shall be free of debris, metal clips, wire bindings, and other non paper items and brought to a county collection site during the days and hours of operation.

(9) Rigid plastic containers clearly marked with SPI letter and number codes including PETE, HDPE, PVC, LDPE, PP, PS, or any other shall be free of debris, rinsed clean of product residues, well drained, and brought to a county collection site during the days and hours of operation.

(10) Steel food and beverage containers shall be rinsed clean of product residue, well drained and placed in the designated containers at a county collection site during the days and hours of operation. All other steel containers, caps, lids and scrap metal intended for recycling shall be empty, dry, free of debris and placed in the designated container at a county collection site during the days and hours of operation.

(11) Waste Tires shall be returned to any area business which sells tires and which accepts waste tires with or without a fee or shall be taken, for a fee, to a scheduled County Waste Tire Collection Day.

19.16 RESPONSIBILITIES OF OWNERS OR AGENTS OF MULTIPLE FAMILY DWELLINGS.

(1) Owners or designated agents of multi-family dwellings shall do all the following to recycle the materials designated in 19.11 (5) through (14):

(a) Provide adequate, separate containers for the recyclable materials.

(b) Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter, about the established recycling program.

(c) Provide for the collection of the materials separately from the solid waste by the tenants and the delivery of the materials to a County Collection Site.

(d) Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods, site location, hours of operation and contact person.

(2) The requirements specified in sub (1) do not apply to the owners or designated agents of multi-family dwellings if the postconsumer waste generated within the dwelling is treated at a processing facility licensed by the DNR that receives for recycling the materials specified in 19.11 (5) through (14) from solid waste in as pure a form as is technically feasible.

19.17 RESPONSIBILITIES OF OWNERS OR AGENTS OF NON-RESIDENTIAL FACILITIES AND PROPERTIES.

(1) Owners or designated agents of non-residential facilities or properties shall do all the following to recycle materials specified in 19.11 (5) through (14):

(a) Provide adequate, separate containers for recyclable materials.

(b) Notify in writing, at least semi-annually, all users, tenant and occupants of the properties about the established recycling program.

(c) Provide for the collection of the materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to the recycling center or to a designated drop-off site during the days and hours of operation.

(d) Notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected, how to prepare materials in order to meet the processing requirements, collection method or sites, location and days and hours of operation.

(2) The requirements specified in sub (1) do not apply to the owners or designated agents of non-residential facilities or properties if the postconsumer waste generated within the facility or property is treated at a processing facility licensed by the DNR that receives for recycling the materials specified in 19.11 (5) through (14).

19.18 TITLE TO RECYCLABLE MATERIALS. Title to recyclable materials delivered to and placed in designated collection containers at any of the county's collection sites shall rest in the county as soon as it has been placed for collection.

19.19 DELEGATION OF AUTHORITY TO ZONING AND LAND INFORMATION COMMITTEE TO SET FEES. With respect to any fees that would need to be implemented, at any point in time, the Zoning and Land Information Committee is granted the authority to establish and amend, from time to time, each type of fee that may be required.

19.20 COUNTY AUTHORITY TO INSPECT AND REFUSE SOLID WASTE AND RECYCLABLE MATERIAL.

(1) In order to determine whether persons subject to the provisions of this Chapter are in compliance therewith, the County, acting through its designated agents and employees, reserves the right to inspect recyclable materials separated for recycling, post consumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multi-family dwellings and non-residential facilities and properties, together with any records relating to recycling activities to the extent that proprietary information is involved, any records reviewed by the County shall be kept confidential. Before engaging in any such research and inspection, the County's Agents and employees shall seek permission from the owner or authorized representative thereof for access for purposes of the inspection. In the event that an owner or agent refuses access to any authorized employee or agent of the county for inspection purposes, application for a special inspection warrant under s.66.0119Wis. Stats. may be made. For purposes of fulfilling the inspection responsibilities hereunder the County's designated agents and employees for implementation of this Ordinance shall be deemed to be peace officers of the County.

(2) The County, acting through its designated agents and employees, reserves the right to reject acceptance of any solid waste or recyclable materials which do not comply with this chapter.

19.21 PROHIBITIONS AND VIOLATIONS.

(1) No person shall dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in 19.11 (5) through (15) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

(2) No person shall place, bury, deposit, abandon or dump any solid waste on any street, sidewalk or other public or private property in the County other than property which is owned by the person in question.

(a) Subject to environmental laws and regulations, the nuisance law and applicable municipal regulations, this sub-section shall not prohibit the disposal of solid waste generated by a single family or a household on the property where it has been generated nor shall it prohibit the spreading of non-hazardous sludge used for soil conditioners or as nutrients on agricultural land in accord with s.289.44 (7) (d), Wis. Stats.

(3) The following shall constitute a violation of this subchapter:

(a) The attempted removal or actual removal from a county collection site by persons not employees or designated agents of the county, of any recyclable materials which are deposited therein by generators or haulers.

(b) Loitering, whether on public or private property by any person contrary to sub (2) of this section.

(c) The disposal or attempted disposal of solid waste at a county collection site by any person, which solid waste is not confined or contained at the time of delivery.

(d) The disposal or attempted disposal of solid waste into the County Solid Waste Management System by any person, which solid waste is excluded within the definition of the term in 19.10 (32).

(e) The depositing, placing, leaving or abandoning of any solid waste at a county collection site by any person at times other than those when the collection site is open for disposal purposes.

(f) The failure of any person to obey directives related to proper disposal, separation and preparation of solid waste and recyclable materials or related to safety and health as may be issued by the County's designated agent or employee in charge of the County's Collection sites.

(g) The failure to pay, upon demand, any fee assessments in accord with 19.19 of this Ordinance.

19.22 ENFORCEMENT AND PENALTIES.

(1) Any person who violates a provision of this Ordinance may be issued a citation by the designated agent or employee in charge of the Recycling Ordinance. The issuance of a citation shall not preclude proceeding under any other Chapter, Ordinance or law relating to the same or any other matter. Proceeding under any other Chapter, Ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this section.

(2) Any person, upon conviction for violating any provisions of this Chapter shall be subject to assessment of penalties as follows:

(a) Any person convicted of violating 19.21 (1) may be required to forfeit \$50 for a first violation, \$200 for a second violation, and not more than \$2000 for a third or subsequent violation, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding 30 days for a first offense and not exceeding six months for a second or subsequent offense.

(b) Any person convicted of violating a provision of this Ordinance, except 19.21 (1) may be required to forfeit not less than \$25 nor more than \$500 for each such offense, together with the costs of prosecution, and in default of payment of such forfeitures and costs of prosecution, shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding 30 days.

(c) Any person convicted of violating any provision of this Chapter, except 19.21 (1), who has previously been convicted of a violation of any provision of this Chapter within one year, may be required to forfeit not less than \$50 nor more than \$1000 for each such offense, together with the costs of prosecution, and in default of payment of such forfeitures and costs of prosecution, shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding six months.

(3) Each violation and each day a violation continues or occurs shall constitute a separate offense.

(a) Nothing in this Ordinance shall preclude the County from invoking any legal or equitable rights, including but not limited to seeking injunctions, to prevent any person from violating the provisions hereof.

(4) Citations may be issued for violations of this Ordinance as provided in s.26.04 (4) of this Code of Ordinances. Citations issued for violations of this Chapter will follow fees set for violation of the Sanitary Ordinance, Chapter 15.