

Ordinance No. 4-17 updating the Shawano County Recycling Ordinance No. 10-93.

Whereas, the Shawano County Board of Supervisors approved a Recycling Ordinance in 1993 pursuant to Ordinance No. 10-93; and

Whereas, Ordinance No. 10-93 has not been modified or updated since 1993; and

Whereas, numerous improvements and changes have been made to the manner by which solid waste materials are processed, discarded and recycled since 1993; and

Whereas, given these improvements and changes, as well as the passage of time, it is prudent to update Ordinance No. 10-93 via the passage of this new Ordinance which shall replace Ordinance No. 10-93; and

Whereas, this new Ordinance is a product of the mutual efforts of the City of Shawano and Shawano County, and has been reviewed and approved by the Solid Waste Management Board.

Now, therefore, be it ordained by the Shawano County Board of Supervisors, in session this 23rd day of August, 2017, as follows:

- 1.01 TITLE. Shawano County Recycling Ordinance for mandatory recycling, and NR544 compliance.
- 1.02 PURPOSE. The purpose of this ordinance is to address the disposal of garbage, refuse, rubbish, yard waste and any other non-hazardous discarded or salvageable solid material, and to promote recycling, composting and resource recovery through the administration of an effective recycling program, as provided in Chs. 287 and 289, Wis. Stats., and Chapter NR544, Wis. Administrative Code, and other applicable law.
- 1.03 STATUTORY AUTHORITY. This ordinance is adopted as authorized under s. 59.70, Wis. Stats., and other applicable law.
- 1.04 ABROGATION AND GREATER RESTRICTIONS. This Ordinance repeals and replaces Ordinance No. 10-93, but does not and shall not repeal, abrogate, annul, impair or interfere with any other existing rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, whenever this ordinance imposes greater restrictions, the provisions of this ordinance shall apply.
- 1.05 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 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. The ordinance 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.
- 1.06 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.

- 1.07 APPLICABILITY. The requirements of this ordinance apply to all persons and businesses within Shawano County or who use the Shawano Landfill located in the City of Shawano.
- 1.08 ADMINISTRATION. The provisions of this ordinance shall be administered by the Shawano County Solid Waste Management Board and its delegates.
- 1.09 EFFECTIVE DATE. The provisions of this ordinance shall take effect upon passage and publication.
- 1.10 DEFINITIONS. For the purposes of this ordinance:
- (1) "Bi-metal container" means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.
 - (2) "Container board" means corrugated paperboard used in the manufacturing of shipping containers and related products.
 - (3) "HDPE" means high density polyethylene plastic containers marked by the SPI code No. 2.
 - (4) "LDPE" means low density polyethylene plastic containers marked by the SPI code No. 4.
 - (5) "Magazines" means magazines and other materials printed on similar paper.
 - (6) "Major appliance" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator or stove.
 - (7) "Mixed or other plastic resin types" means plastic containers marked by the SPI code No. 7.
 - (8) "Multiple-family dwelling" means a property containing 5 or more residential units, including those which are occupied seasonally.
 - (9) "Newspaper" means a newspaper and other materials printed on newsprint.
 - (10) "Non-residential facilities and properties" means commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.
 - (11) "Office paper" means high grade printing and writing papers from offices in non-residential 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.
 - (12) "Person" includes any individual, corporation, partnership, association, local governmental unit, as defined in s. 66.0131(1)(a), Wis. Stats., state agency or authority or federal agency.
 - (13) "PETE" means polyethylene terephthalate plastic containers marked by the SPI code No. 1.
 - (14) "Postconsumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in secs. 289.01(12) and 291.01(7), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in s. 289.01(17), Wis. Stats.
 - (15) "PP" means polypropylene plastic containers marked by the SPI code No. 5.

- (16) "PS" means polystyrene plastic containers marked by the SPI code No. 3.
- (17) "PVC" means polyvinyl chloride plastic containers marked by the SPI code No. 3.
- (18) "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; newspapers; office paper; plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS and mixed or other plastic resin types; steel containers; waste tires; and bimetal containers.
- (19) "Solid waste" has the meaning specified in s. 289.01(33), Wis. Stats.
- (20) "Solid waste facility" has the meaning specified in s. 289.01(35). Wis. Stats.
- (21) "Solid waste treatment" means any method, technique or process which is designated to change the physical, chemical or biological character or composition of solid waste. "Treatment" includes incineration.
- (22) "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
- (23) "Yard waste" means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative materials no greater than 6 inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

1.11 SEPARATION OF RECYCLABLE MATERIALS. Occupants of single family dwellings, 2 – 4 unit residences and other multiple-family dwellings, as well as owners of all non-residential facilities and properties, shall separate the following materials from postconsumer 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
- (10) Magazines or other materials printed on similar paper
- (11) Newspapers or other materials printed on newsprint
- (12) Office paper
- (13) Plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and mixed or other plastic resin types.
- (14) Steel containers
- (15) Waste tires

1.12 SEPARATION REQUIREMENTS EXEMPTED. The separation requirements of s. 1.11 do not apply to the following:

- (1) Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties that send their postconsumer waste directly to a processing facility licensed by the DNR that recovers the materials specified in s. 1.11 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% of the heat input to the facility is derived from the solid waste burned as supplemental fuel.
- (3) A recyclable material specified in s. 1.1 for which a variance or exemption has been granted by the DNR.

1.13 CARE OF SEPARATED RECYCLABLE MATERIALS. To the greatest extent practicable, the recyclable materials separated in accordance with s. 1.11 shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other non-recyclable materials, including but not limited to household hazardous waste, medical waste, and agricultural chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain and other inclement weather conditions.

1.14 MANAGEMENT OF LEAD ACID BATTERIES, MAJOR APPLIANCES, WASTE OIL AND YARD WASTE. Occupants of single family, 2 – 4 unit residences, multiple-family dwellings and non-residential facilities and properties shall manage lead acid batteries, major appliances, waste oil and yard waste as follows:

- (1) Lead acid batteries shall be returned to place of purchase or brought to the landfill by the individual or a contract waste hauler for recycling.
- (2) Major appliances shall be returned to place of purchase or brought to the landfill by the individual or a contract waste hauler for recycling.
- (3) Waste oil shall be recycled at a Waste Oil Recycling Center or brought to the landfill by the individual or a contract waste hauler for recycling. Waste oil may not be mixed with any solvents or materials.
- (4) Yard waste shall be brought to the landfill compost center by the individual or by a contract waste hauler, or composted on the owner's property or taken to a municipal compost center. It shall not be mixed with garbage.

1.15 PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS. Except as otherwise directed by the Solid Waste Management Board, occupants of single family and 2 – 4 unit residences shall separate recyclable materials and place in proper bins, and do the following for the preparation and collection of the separated materials specified in s. 1.11(5) through (15):

- (1) Aluminum containers shall be crushed whenever possible.
- (2) Bi-metal containers shall be cleaned and rinsed with labels removed and crushed whenever possible.
- (3) Corrugated cardboard or other container board shall have all loose foreign materials removed and be broken down and bundled or placed in a box and kept separate from other recycling. No plastic lined or wax coated cardboard is accepted.

- (4) Foam polystyrene packaging shall be crushed whenever possible.
- (5) Glass food and beverage containers shall be cleaned and rinsed with the caps and lids and rings removed.
- (6) Magazines or other materials printed on similar paper shall be bundled with other paper and kept separate from other recyclables, unless otherwise determined by the waste hauler.
- (7) Newspapers or other materials printed on newsprint shall be bundled with other paper and kept separate from other recyclables.
- (8) Office paper shall be bundled with other paper and kept separate from other recyclables.
- (9) Plastic containers shall be prepared and collected as follows:
 - (a) Plastic containers made of PETE, soda bottles, and water bottles shall be cleaned and rinsed with caps and rings removed, with bottles crushed whenever possible.
 - (b) Plastic containers made of HDPE, including bottles and tubs, shall be cleaned and rinsed with caps and rings removed, crushed whenever possible.
 - (c) Plastic containers made of PVC, shall be cleaned and rinsed with caps and rings removed.
 - (d) Plastic containers made of LDPE, shall be cleaned and rinsed with caps and rings removed.
 - (e) Plastic containers made of PP, shall be cleaned and rinsed with caps and rings removed.
 - (f) Plastic containers made of PS, shall be cleaned and rinsed with caps and rings removed.
- (10) Steel containers shall be cleaned and rinsed, with lids removed and placed in the center of the can. The labels shall be removed. The can should be crushed whenever possible.
- (11) Waste tires shall be recycled at the landfill for a fee or brought to a tire dealer for proper disposal.
- (12) Follow all other rules, laws, schedules, and obligations set forth in the Wisconsin Statutes and applicable local municipal code and ordinance requirements.

1.16 RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF MULTIPLE-FAMILY DWELLINGS.

- (1) Owners or designated agents of multiple-family dwellings shall do all of the following for recycling the materials specified in s. 1.11(5) through (15):
 - (a) Provide adequate, separate containers for the recyclable materials consistent with the requirements of this ordinance above for single family dwellings.
 - (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 and ordinance requirements.

- (c) 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.
 - (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 or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.
- (2) The requirements specified in (1) do not apply to the owners or designated agents of multiple-family dwellings if the postconsumer waste generated within the dwelling is treated directly at a processing facility licensed by the DNR that recovers for recycling the materials specified in s. 1.11(5) through (15) from solid waste in as pure a form as is technically feasible.

1.17 RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF NONRESIDENTIAL FACILITIES AND PROPERTIES.

- (1) Owners or designated agents of non-residential facilities and properties shall do all of the following for recycling the materials specified in s. 1.11(5) through (15):
- (a) Provide adequate, separate containers for the recyclable materials consistent with the requirements of this ordinance above.
 - (b) Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program and ordinance requirements.
 - (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 a recycling facility.
 - (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 methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.
- (2) The requirements specified in (1) do not apply to the owners or designated agents of non-residential facilities and properties if the postconsumer waste generated within the facility or property is treated at a processing facility licensed by the DNR that recovers for recycling the materials specified in s. 1.11(5) through (15) from solid waste in as pure a form as is technically feasible.

1.18 PROHIBITIONS ON DISPOSAL OF RECYCLABLE MATERIALS. No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in s. 1.11(5) through (15) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility, or materials fitting within a variance or exemption granted by the DNR. The Solid Waste Facility Management may decide that the cost of sorting, preparation and storing

a recycled material as specified in s. 1.11(5) through (15) is prohibitively high as compared to landfilling and has the authority to landfill.

1.19 ENFORCEMENT

- (1) Penalties assessed against individuals or businesses for violation of this chapter may be assessed by a duly authorized Solid Waste Management Board delegate, City of Shawano Public Works delegate, Shawano County Sheriff's Office representative, or Shawano City Police Department representative, as follows:
 - (a) Any person or business who violates any provision of this chapter shall be subject to a forfeiture of up to \$250.00 for the first violation thereof, up to \$500.00 for a second violation thereof, and up to \$1000.00 for a third and/or subsequent violation thereof, as well as any other cleanup costs and damages that are caused by the violation.
 - (b) Nothing contained herein shall prohibit an attorney from acting on behalf of and at the direction of the County and/or the Solid Waste Department from applying to a court of competent jurisdiction for a temporary or permanent injunction, restraining any person from violating any term, condition or covenant in this chapter.
 - (c) Any person or business who violates any term, condition or covenant of this chapter, and upon conviction thereof (or stipulated forfeiture), in addition to the forfeiture set forth herein, shall pay all costs of prosecution.
 - (d) Any person or business who violates any provision of this chapter, and who fails to pay any forfeiture required herein, including any default in payment of such forfeiture and/or costs of prosecution, shall – after a hearing and contempt finding – be imprisoned in the County jail until such forfeiture and costs are paid, but such incarceration shall not exceed 90 days.
 - (e) Each violation and each day violation continues of this chapter shall constitute a separate offense.
 - (f) Nothing herein contained shall preclude or affect the power of a sentencing court to exercise additional authorities granted by the Wisconsin Statutes.
- (2) Action against non-complying municipalities.
 - (a) Any authorized employee of the Shawano County Solid Waste Management Board (or the City of Shawano Department of Public Works) may notify the DNR Solid and Hazardous Waste Division of municipalities that are in non-compliance with NR544, if the said municipality has not achieved a 25% recycling rate, not including yard waste. The landfill operators will monitor compliance through the use of the scale. All materials will be weighed in at the time of arrival. Communities that do not achieve a 25% ratio of recycling to waste disposal will be notified of this discrepancy. If after 90 days there is no significant improvement, the Town/Village/City officials will be asked to attend the next Solid Waste

Management Board meeting with a representative of its contract hauler's firm to explain its program and discuss ways for the Town/Village/City to improve its performance.

- (b) If after 90 days there is no evidence of substantial improvement, the DNR will be notified by the authorized representative of the Solid Waste Management Board that the program in question is not effective and does not meet the requirement of an effective recycling program for further action by DNR.

1.20 REJECTION OF MATERIALS. The Solid Waste Management Board and its representatives are authorized to reject any materials that such representatives may deem inappropriate for disposal or recycling under this Ordinance, including but not limited to pesticides, acids, infectious or other medical waste, caustics, syringes, radioactive materials, flammable or explosive materials, liquid paint, and engine oil, lead-acid batteries, tires, antifreeze or other similar chemicals or hazardous wastes. Such materials may not be collected and shall not be mixed with other solid wastes collected. Furthermore, this Ordinance does not compel Shawano County to collect any waste or recyclables, and all commercial waste and recyclables produced by businesses, industries, and commercial entities shall be the responsibility of those entities to arrange for proper disposal.

1.21. AMENDMENTS. This Ordinance may be amended at any time and for any reason at the request of the Shawano County Solid Waste Management Board and with the approval of the Shawano County Board of Supervisors.

Submitted by, Bill Berkhahn
 Steve Borroughs
 Ray Faehling
 Marvin Klosterman
 Mike Schuler
 John Stezenski
 Randy Young
 Lorna Marquardt
 Norman Davis

SOLID WASTE MANAGEMENT BOARD

Motion by Young, seconded by Berkhahn, to adopt Ordinance No. 4-17. Ordinance No. 4-17 updates the previous Recycling Ordinance that was created in 1993. Ordinance No. 4-17 does not make substantive changes to the previous ordinance but does remove and replace outdated terms and statutory references. Furthermore, Ordinance No. 4-17 updates the method of collecting recyclables, but contains similar definitions, and the same separation, preparation and management responsibilities for waste materials as contained in the previous ordinance. Ordinance No. 4-17 adopted 27 Yes, 0 No. A summary of Ordinance No. 4-17 was published in the Shawano Leader on Wednesday, August 30, 2017 and was emailed to all municipal clerks.