

RUSK COUNTY RECYCLING ORDINANCE #94-56

1.01 Title. This ordinance shall be referred to as the Recycling Ordinance for Rusk County.

1.02 Purpose. The purpose of this ordinance is to promote recycling, composting, and resource recovery through the administration of an effective recycling program as provided in §287.11, Wis. Stats. and Chapter NR 544, Wis. Adm. Code.

1.03 Statutory Authority. This ordinance is adopted as authorized under §287.09(3) (b), Wis. Stats.

1.04 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 restrictions, the provision 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. Where a provision of this ordinance is required by Wisconsin Statutes, or by a standard in Chapter NR 544, Wis. Adm. Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Chapter NR 544 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.

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.

(1) Rusk County Designated as Responsible Unit.

- (a) This ordinance shall be in effect and be enforced in those Rusk County municipalities in which the local unit of government has, pursuant to §287.09(1)(b), Wis. Stats., designated Rusk County as the “responsible unit.”
- (b) No unit of government having designated Rusk County as the “responsible unit” shall be required to adopt or enforce a recycling ordinance prescribed in Chapter NR 544.06, Wis. Adm. Code.
- (c) This ordinance shall not apply or be enforced in those municipalities which have designated Rusk County as the “responsible unit” but have adopted and enforce their own ordinance meeting the standards of Chapter NR 544.06, Wis. Adm. Code.

(2) Municipalities Retaining Responsible Unit Status.

This ordinance shall not apply or be enforced in those local municipalities of Rusk County which retain their own “responsible unit” designation and authority.

1.08 Administration. The provisions of this ordinance shall be administered by the Rusk County Recycling Coordinator and/or a representative of each participating municipality.

1.09 Effective Date. The provisions of this ordinance shall take effect upon passage by the Rusk County Board and publication as required by law.

1.10 Definitions. For the purpose 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 manufacture of shipping containers and related products.
- (3) “Foam polystyrene packaging” means packaging made primarily from foam polystyrene that satisfies one of the following criteria:
 - (a) Is designed for serving food or beverages.
 - (b) Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.

- (c) Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.
- (4) "HDPE" means high-density polyethylene, labeled by the SPI code #2.
- (5) "LDPE" means low density polyethylene, labeled by the SPI code #4.
- (6) "Magazines" means magazines or other materials printed on similar paper.
- (7) "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.
- (8) "Multiple-family dwelling" means a property containing five (5) or more residential units, including those that 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) "Other resin or multiple resins" means plastic resins labeled by the SPI code #7.
- (13) "Person" includes any individual, corporation, limited liability company, partnership, association, local governmental unit, as defined in §66.0131(1)(a) Wis. Stats., state agency or authority or federal agency.
- (14) "PETE" means polyethylene terephthalate, labeled by the SPI code #1.
- (15) "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.
- (16) "Post consumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in §291.01(7), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in §289.01(17) Wis. Stats.
- (17) "PP" means polypropylene, labeled by the SPI code #5.
- (18) "PS" means polystyrene, labeled by the SPI code #6.
- (19) "PVC" means polyvinyl chloride, labeled by the SPI code #3.
- (20) "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.
- (21) "Solid waste" has the meaning specified in §289.01(33) Wis. Stats.
- (22) "Solid waste facility" has the meaning specified in §289.01(35) Wis. Stats.
- (23) "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.
- (24) "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage, or defect.
- (25) "Yard waste" means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than six (6) inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

1.11 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

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 post consumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources 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. 1.11(5) through (15) for which a variance has been granted by the Department of Natural Resources under §287.11(2m), Wis. Stats. or Chapter 544.14, Wis. Adm. Code.

1.13 Care of Separated Recyclable Material. 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 that 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 and 2 to 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 disposed at a proper collection facility or on a “clean-up” day in a local municipality.
- (2) Major appliances shall be disposed at a proper collection facility or on a “clean-up” 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 “clean-up” 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 “clean-up” day in a local municipality.

1.15 Preparation and Collection of Recyclable Material. The Rusk County Recycling Coordinator shall publish and make available for public distribution, regulations drafted by the Rusk 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 ordinance.

1.16 Scavenging

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

1.17 Responsibility of Owners or Designated Agents of Multiple-Family Dwellings.

- (1) Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in s. 1.11(5) through (15):
 - (a) Provide adequate, separate container 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 established recycling programs.
 - (c) Provide for the collection of 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 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 s. 1.11(5) through (15) from solid waste in as pure a form as is technically feasible.

1.18 Responsibilities of Owners or Designated Agents of Non-Residential Facilities and Properties.

- (1) Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in s. 1.11(5) through (15):
 - (a) Provide adequate, separate container for the recyclable materials
 - (b) Notify in writing at least semi-annually all users, tenants, and occupants of the properties about established recycling programs.
 - (c) 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.
 - (d) 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.
- (2) The requirements specified in (1) do not apply to the owner or designated agents of non-residential facilities if the post consumer waste generated within the facility or property is treated at a processing facility licensed by the Department of Natural Resource 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.

1.19 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 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.

1.20 Licensing of Haulers. 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 drop-off site or to the County's designated recycling facility.

- (1) Each licensed solid waste collector desiring to do business in a municipality subject to this ordinance shall first obtain a permit from the Rusk County Recycling Department.
- (2) Each solid waste collector shall comply with the following requirements:
 - (a) Each permit shall be valid for one (1) year from date.
 - (b) Permit shall be non-transferable.
 - (c) The required fee shall be paid in advance.
 - (d) Continuous compliance during the permit period by the permit holder, his/her/its employees, agents with all applicable local and state rules, regulations, resolutions, ordinances and laws, including those of the Rusk County Recycling Department, pertaining to collection and transportation of recyclable material.
 - (e) Maintenance of current valid licenses from DNR to engage in said service.
 - (f) Delivery of all recyclable material collected to an approved drop-off site and/or to the designated recycling facility.
 - (g) Each truck or vehicle of a given solid waster collector used in recyclable collection shall be identified and included under the operator's permit
 - (h) Recyclable materials separated by persons subject to the ordinance shall not be commingled with or disposed of as other postconsumer waste or solid waste by a collector, its employees or agents.
 - (i) Permit holders shall collect as recyclable material each type of solid waste so designated by the County under this ordinance from customers with which they have contracts on their respective routes.
 - (j) Such other and further requirements imposed under this ordinance.
- (3) The failure or refusal of any solid waste collector to comply with any provision of this ordinance shall constitute cause for revocation of the operating permit by the County.
- (4) A permit fee shall be established by the Rusk County Recycling Department in an amount to cover all costs associated herewith.
- (5) Permit holders shall daily or on such other frequency as may be approved by the Rusk 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.

- (6) 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 (1) week in which to either cure the alleged defect in performance or to request a hearing before the Rusk 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:
 - (a) Establishment of specific permit conditions to be complied with by the permit holder;
 - (b) Imposition of a penalty;
 - (c) Revocation or temporary restriction of the permit.

1.21 Enforcement

- (1) For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of Rusk 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 non-residential 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 Rusk County who requests access to any authorized officer, employee or representative of Rusk 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.
- (2) Any person who violates a provision of this ordinance may be issued a citation by the Rusk County Recycling Coordinator, district Department of Natural Resources warden or designee, or designee of the Rusk 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 paragraph.
- (3) Penalties for violating this ordinance may be assessed as follows:
 - (a) Any person who violates s. 1.19 may be required to forfeit \$50 for a first violation, \$200 for a second violation, and not more than \$2,000 for a third or subsequent violation.
 - (b) Any person who violates a provision of this ordinance, except s. 1.19, may be required to forfeit not less than \$10 or more than \$1,000 for each violation.

Adopted by Rusk County Recycling Committee June 1, 1994

Adopted by Rusk County Board of Supervisors July 19, 1994

Published on July 27, 1994 - effective 10 days following publication

Section 1.14(4) repealed and new language replaced on 3/21/95

Section 1.16 added 10/4/05

Adopted by Rusk County Ag and Extension Education Committee December 1, 2009

Adopted by County Board on January 26, 2010