

Chapter 13

Forest County Responsible Unit Recycling Ordinance

13.01 **Purpose.** The purpose of this ordinance is to establish rules for the implementation of recycling in the Forest County responsible unit areas. Administration of an effective recycling program will extend the useful life of landfills, conserve natural resources, salvage materials for reprocessing, conserve energy, and improve the environment by lessening landfill deposits as provided in S.S. 159.11, Wis. Stats., and Chapter NR 544 Wisconsin Administrative Code.

13.02 **Authority.** The authority for this ordinance is set forth in S.S. 159.09(3) (b), Wis. Stats., and Wisconsin Administrative Code, Section NR 544.

13.03 **Applicability.**

(1) Forest county Designated as Responsible Unit.

- (a) This ordinance shall be in effect and enforced in those Forest County municipalities in which the local unit of government has, pursuant to S.S. 159.09(1)(b), Wis. Stats., designated Forest County as the “responsible unit”.
- (b) No unit of government having designated Forest County as the “responsible unit” shall be required to adopt or enforce a recycling ordinance prescribed in NR 544.06, Wisconsin Administrative Code.
- (c) This ordinance shall not apply or be enforced in those municipalities which have designated Forest County as the “responsible unit” but have adopted and enforce their own ordinances meeting the standards of NR 544.06, Wisconsin Administrative Code.

(2) Municipalities Retaining Responsible Unit Status. The ordinance shall not apply or be enforced in those municipalities of Forest County which retain their own “responsible unit” designation and authority.

13.04 **Definitions.** For the purpose of this ordinance, the following definitions shall apply:

- (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. Container board includes corrugated cardboard.
- (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) “Garbage” means any discarded material resulting from the handling, processing, or storage, or consumption of food products and containers thereof.

- (5) "Glass" means unbroken clear, brown or green glass containers. Other colored glass, broken glass and window glass are deemed refuse for the purpose of this ordinance.
- (6) "Government" means federal, state, county, city, village, town, school, vocational school or sanitary district and any agency or subunit thereof.
- (7) "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.
- (8) "HDPE" means high density polyethylene, labeled by the SPI code #2.
- (9) "LDPE" means low density polyethylene, labeled by the SPI code #4.
- (10) "Magazines" means magazines and other materials printed on similar paper.
- (11) "Major Appliances" means air conditioners, clothes washers and dryers, dishwashers, freezers, microwave oven, ovens, refrigerators, stoves, water heaters and dehumidifiers.
- (12) "Multi-family 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 recreational vehicle parks and mobile home parks.
- (13) "Newspaper" means a newspaper and other materials printed on newsprint.
- (14) "Nonresidential facilities and properties" means commercial retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.
- (15) "Office paper" means high grade printing and writing papers from offices in nonresidential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. This term does not include industrial process waste.
- (16) "On-site collection" means curbside and at premises collections by a licensed hauler authorized by the local municipality to collect recyclable materials.
- (17) "Other resins or multiple resins" means plastic resins labeled by the SPI code #7.
- (18) "Owner" means the person [as defined in 13.04(19)] who holds legal title to property wherein garbage, refuse or recyclable materials are generated, including residences, multi-family residences, or nonresidential facilities. Purchasers under a recorded land contract are deemed owners.

- (19) "Person" means any individual, partnership, corporation, association, or governmental body.
- (20) "PETE" means polyethylene terephthalate, labeled by the SPI code #1.
- (21) "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.
- (22) "Postconsumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in S.S. 144.61(5), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in S.S. 144.44(7)(a)1., Wis. Stats.
- (23) "PP" means polypropylene, labeled by the SPI code #5.
- (24) "PS" means polystyrene, labeled by the SPI code #6.
- (25) "PVC" means polyvinyl chloride, labeled by the SPI code #3.
- (26) "Recyclable Materials" means the following:
- (a) Lead acid batteries
 - (b) Major appliances
 - (c) Waste oil
 - (d) Yard waste
 - (e) Aluminum containers
 - (f) Bi-metal containers
 - (g) Corrugated paper or other container board
 - (h) Foam polystyrene packaging
 - (i) Glass containers
 - (j) Magazines and other materials printed on similar paper
 - (k) Newspaper and other materials printed on newsprint
 - (l) Office paper
 - (m) Rigid plastic containers, made of PETE(#1) and HDPE(#2)
 - (n) Steel containers
 - (o) Waste tires
- (27) "Refuse" means discarded matter resulting from commercial, industrial, residential and community life which is subject to decomposition not defined as sewage of garbage and includes materials and debris resulting from construction or demolition.
- (28) "Residence and Residential" means a real property improvement containing one through four residential household units.
- (29) "Solid waste" has the meaning specified in S.S. 144.05(15), Wis. Stats.
- (30) "Solid waste facility" has the meaning specified in S.S. 144.43(5), Wis. Stats.

- (31) “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.
- (32) “Waste tire” means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
- (33) “Yard waste” means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than 6 inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

13.05 **Mandatory Separation of Recyclables.**

- (1) **Mandatory Separation.** All persons generating or possessing recyclable materials, including occupants of single family and two-four unit residences, multi-family dwellings, and non-residential facilities and properties, shall separate said recyclable materials from garbage and refuse.
- (2) **Disposal of Recyclable Material.** All recyclable materials under this ordinance shall be delivered to a recycling center designed to receive and collect same.
- (3) **On site Collection.**
- (a) Where required by local municipal ordinance or resolution, recyclable materials shall be picked up on-site in accordance with local regulations and hauler’s procedures and charges.
 - (b) Where on-site collection is provided, recyclable materials shall be separated and placed in containers for collection. Materials shall be prepared according to haulers drop-off center requirements and local unit of government regulations.
 - (c) Recyclable materials described in 13.04(26), except yard waste, shall be transported by the owner or the owner’s designee to a recycling center designated to receive and collect same. Yard waste as described in 13.04(33) may be delivered to recycling center or land spread at approved location in accordance with NR 518, Wisconsin Administrative Code.
- (4) **No On-site collection.** Where on-site collection is not provided, all persons shall be required to separate, collect and deliver all recyclable materials to a local municipal recycling center.
- (5) **Co-mingled Recyclable Materials.** When permitted by a hauler who has facilities to separate co-mingled materials and as may be authorized by the local municipality, recyclable materials may be co-mingled for collection in such manner as the hauler and the municipality may provide.
- (6) **Fees and Payments.** Recycling centers may charge a fee or pay for receiving recyclable materials as per contract.
- (7) **Uncollected Mixed Materials.** Any recyclable materials mixed with refuse and garbage uncollected by the hauler due to its mixed content shall be removed from its place of collection and the person placing said materials for collection shall properly separate the materials for the next collection.
- (8) **Scavenging.** No person, except as authorized by the owner thereof, may enter the container of another and take possession of any recyclable materials.

(9) Separation, Requirements exempted. The separation requirements of 13.05 do not apply to the following:

- (a) Occupants of single family and two-four unit residences, multiple-family dwellings and non-residential facilities and properties that send their postconsumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the recyclable materials from solid waste in as pure a form as is technically feasible.
- (b) 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.
- (c) A recyclable material for which a variance has been granted by the Department of Natural Resources under S.S. 159.11(2m), Wis. Stats., or NR 544.14, Wisconsin Administrative Code.

13.06 Special Multi-Family and Nonresidential provisions.

(1) Owner's Responsibility. The owner or determined agents of all multi-family dwellings is required to do the following:

- (a) Provide containers for each of the listed recyclable materials of 13.04(26)(e) through (n).
- (b) Containers shall be of adequate size to receive the recyclable materials.
- (c) Provide for periodic collection of all recyclable materials and permit no excessive accumulation thereof.
- (d) Permit no recyclable materials to be accumulated outside of the specified containers.
- (e) Provide for the collection of materials separated and arrange delivery of materials to a recycling facility.

(2) Notice to Tenants. At the time of leasing, and at least semi-annually thereafter, the owner shall, in writing, advise all tenants and occupants of the recycling obligations, the reasons to recycle, and how to prepare the materials. In the event the recycling containers are not available at all hours, the owner shall advise tenants and occupants of the hours of operation and provide the name of a contact person with address and telephone number.

(3) Tenants and Occupants Obligations.

- (a) The tenants and occupants of multi-family residences shall separate all recyclable materials in accordance with this ordinance and place same in containers so designated.
- (b) No tenant or occupant shall place recyclable in any garbage or refuse container or garbage or refuse in any recycling container.
- (c) Tenants are responsible to deliver all batteries, appliances, waste oil, waste tires and yard waste directly to a recycling center designated to collect and receive same.

(4) Nonresidential Tenants. Tenants leasing nonresidential property shall have the duties and responsibilities of persons and/or owners as herein provided. Owners of leased nonresidential properties are not required to provide recycling facilities or services to nonresidential tenants.

(5) Third Party Use. No persons other than tenants in multi-family residences or nonresidential properties, or persons expressly permitted by an owner, shall

deposit any material to the recycling containers or garbage or refuse containers provided for tenant use.

13.07 Large Outdoor Events.

- (1) Organizers and sponsors of outdoor events and owners of the real estate where outdoor events are held, with 20 or more persons attending, including but not limited to fairs, concerts, contest, sports events, shows, performances, reunions, social or business gathering, with or without charge, on private or public property, where food or beverage is served shall provide and adequate number of clearly identified containers for all recyclable materials except batteries, appliances, waste oil, yard waste and waste tires.
- (2) Within one week after the event is completed, as long as it does not constitute a health threat or public nuisance, all recyclable materials shall be delivered by the organizer, sponsor, or real estate owner or his designee, to the local recycling center designated to receive same.
- (3) Attendees of all such events shall deposit said recyclable materials to the provided containers. No such recyclable materials shall be placed or disposed of in a garbage or refuse. Container. All deposited recyclable materials shall be reasonably clean and free of food particles.

13.08 Parks, Waysides, Ballfields and Recreational Areas.

- (1) All municipally owned or operated parks, waysides, ballfields and recreational areas shall have clearly identified containers for all recyclable materials except batteries, appliances, waste oil, yard waste and waste tires. These products shall be regularly removed and delivered to the local recycling center designated to receive same.
- (2) No person shall deposit to such container any other material and shall deposit to said container, allowed materials that are reasonably clean and free of food particles.

13.09 Local Municipalities' Duties.

- (1) Each municipality wherein this ordinance is in effect shall, singularly or jointly with other municipalities:
 - (a) Establish a system or regular scheduled collection of recyclables, and/or establish a drop-off center for receipt of recyclables.
 - (b) Adopt a companion ordinance consistent with the provisions herein stated which shall include rules and procedures for the preparation and collection of separated materials.
- (2) Recyclable materials collected by the municipality shall be regularly transported to a recycling process facility. No municipality receiving recyclable shall permit or authorize the deposit of recyclable in a landfill or incinerator except for exemptions granted by the Wisconsin Department of Resources.

13.10 Hauler Licensing and Specification: Revision 4/19/94

(A)Hauler Licensing.

- (1) No person, partnership, corporation, or entity shall collect or arrange for disposal or transportation of any solid waste, garbage, rubbish, or recyclable materials within Forest County without first entering into a License Agreement with Forest County to provide such services or to so operate within Forest County. This requirement shall be in addition to all other necessary municipal and State permits, licenses, and approvals prior to collecting any solid wastes or recyclable materials in Forest County. Any

person, partnership, corporation, or entity desiring to enter into such a licensing agreement shall make application therefore to the county clerk for Forest County on forms to be provided by said clerk, and shall provide the information requested on said forms. The solid waste committee may delegate this responsibility to another county official or employee. Failure or refusal to the applicant to give any information relevant to the application, or to cooperate with regard to any information required by this ordinance shall constitute and admission by the applicant that he or she is ineligible for such license and shall be grounds for denial thereof by the solid waste committee of the Forest County Board of Supervisor.

- (2) The application and terms of the conditions of the license agreement shall be established from time to time by the Solid Waste Committee, and shall be consistent with and in furtherance of the goals set forth in this ordinance, and further, shall contain information required herein.

(B) Granting or Denial of License Within thirty (30) days of receiving an application for a license agreement hereunder, the county clerk or other designated employee or official, shall notify the applicant whether said application is granted or denied. Whenever such application is denied, the county clerk or such other designated employee or official, shall advise the applicant in writing of the reasons therefor. If the applicant requests a hearing within ten (10) days of the receipt of notification of denial, a hearing shall be held within ten (10) days subsequent before the Solid Waste Committee.

(C) Term of License Agreement. Every license agreement entered into pursuant to this ordinance shall be for a period of not longer than one (1) year from the date of the agreement, unless sooner revoked as provided for herein. Any hauler desiring to renew said license agreement issued herunder shall make application therefore to the county clerk or other designated employee or official. The application for renewal must be filed no later than sixty (60) days before the license agreement expires. Any application for renewal shall contain the required information and be subject to the same conditions for initial application for a license.

(D) FEES.

- (1) A fee of one hundred and 00/100 (\$100.00) dollars shall be submitted with the application. If the application is denied, fifty (50%) percent of the fees shall be returned
- (2) A license agreement renewal fee of seventy-five and 00/100 (\$75.00) dollars shall be submitted with the application for renewal. In addition to the renewal fee a ten (10%) percent penalty shall be assessed against any applicant who files for renewal less than sixty (60) days before said license agreement expires. If the application for renewal is denied, fifty (50%) percent of the fees collected shall be returned to the applicant.

(E) Conditions of License

No such license shall be granted unless the applicant provides evidence as to all of the following:

- (1) That the applicant shall represent the services to which the applicant shall provide shall include the hauling of all types of recyclables as are more fully set forth in Wis. Stats. Chapter 159 et seq.

- (a) The application provided for hereunder may require the applicant to submit a plan as to how and in what manner the applicant intends to collect all recyclable materials.
- (b) No license shall be granted unless the applicant agrees to follow the County's recyclable program which governs the separation of recyclable materials, preparation of recyclable materials for collection, and designation of materials that cannot be recycled. The application shall require the submission of a plan detailing the manner in which said hauler expects to comply with the requirements of this section and the county's recyclable program.

(F)Quarterly Accounting.

That all licenses shall, within one hundred twenty (120) days after the license is issued and each one hundred twenty(120) day period thereafter during the term of the license, submit a report to the Solid Waste Committee, on forms prepared by said committee or other designee, which would solicit information to verify that the hauler has, for the preceding one hundred twenty (20) day period, complied with the terms of this ordinance. The information required to be submitted shall include but not be limited to the following:

- (1) A list of all customers from the hauler as utilized during the preceding quarter;
- (2) A designation verified through weight slips as to the types of recyclables hauled, as well as the quantity so hauled; and
- (3) A designation as to the processing facility to which said recyclable materials have been transported.

(G)Revocation of license.

- (1) The solid waste committee shall have the right to revoke or terminate, with notice, a license agreement entered into for any of the following reasons:
 - (a) Discovery that false or misleading information or data was given on any application or materials or facts submitted from any application;
 - (b) Failure to comply with the requirements of the license agreement or with the specifications for service as provided by the solid waste committee;
 - (c) Failure to provide competent information as required by the annual report.
 - (d) The Collector or any employee of collector violates any provision of this section or any rules or regulations adopted by Forest County pursuant to this section; and
 - (e) The collector's license to operate issued by the Department of Natural Resources or other governmental entity is revoked or suspended.
- (2) Before the solid waste committee may revoke or terminate any license agreement set forth herein the collector shall receive at least (10) days written notice of the reasons for said potential revocation, and shall have an opportunity for a hearing before the solid waste committee.
- (3) Any hauler whose license agreement is terminated pursuant to this ordinance shall not be eligible to enter into a new license agreement for a period of one (1) year from date of termination.
- (4) That the remedies provided hereunder shall be in addition to any penalties as provided in Section 13.12 of this ordinance.

H. Standards for license Agreement

The decision of whether or not to grant or deny an application shall rest exclusively with the Solid Waste Committee of the Forest County Board of Supervisors. The Solid Waste Committee shall at all times enter into a License Agreement based upon their assessment of what is in the best interest of the residents of Forest County, and the intent of this Ordinance. In exercising discretion hereunder, the Solid Waste Committee may consider, but is not limited to the following:

- (1) Ability of collector or applicant to provide services requested or deemed appropriate by the Solid Waste Committee;
- (2) The reputation and experience of the applicant in providing similar services to other municipalities;
- (3) Any past violations of any State, Federal, or local laws with respect to the conduct authorized by the License Agreement;
- (4) The ability of the applicant to post a performance bond, letter of credit, or other sureties; and
- (5) Previous violation of this Ordinance.

I. Non-assignability

No License Agreement or interest in a License Agreement may be transferred or assigned to any person, partnership, Corporation, or other entity.

J. Non-discrimination

Forest County Solid Waste Committee shall not discriminate against any person, partnership, Corporation or other entity and the entry into any License Agreement provided hereunder on the basis of race, color, religion, sex, national origin, age, handicap or marital status.

K. Hauler Restrictions

- (1) Haulers may not dispose in a landfill or burn in a solid waste facility any recyclable materials generated in Forest County that have been separated for recycling except waste tires may be burned with energy recovery in a solid waste treatment facility.
- (2) Haulers may not engage in the commercial collection, transportation, processing, or disposal of solid waste within the County unless the recyclable materials required in accordance with this Ordinance have been segregated, from solid waste.
- (3) Haulers operating in Forest County shall not transport for processing any recyclables to a processing facility unless:
 - (a) The processing facility has been approved in writing by the Forest County Recycling Coordinator.
 - (b) The facility has self-certified with the Wisconsin Department of Natural Resources under Section NR544.16 Wis. Administrative Code by January 1, 1995.
 - (c) Processing facility has obtained and maintained all other necessary municipal, County, and State permits, licenses, and approvals if required.
- (4) Solid waste and recyclables while in transport shall be secured and covered.

13.11 Miscellaneous Provisions.

- (1) **Severability.** Should a court of competent jurisdiction declare any portion of this ordinance unconstitutional or invalid, the remainder of this ordinance shall not be affected.

- (2) **Abrogation and Greater Restrictions.** It is not intended by this ordinance to repeal, abrogate, annul, impair or interfere with any existing rules, regulation, ordinances or permits previously adopted or issued pursuant to law. However, whenever this ordinance imposes greater restrictions, the provisions of this ordinance shall apply.
- (3) **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 provision of this ordinance is required by Wisconsin Statutes, or by a standard in Chapter NR544, Wisconsin Administrative 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 ordinance, or in effect on the date of the most recent text amendment to this ordinance.

13.12 Enforcement.

- (1) **Administration.** The provisions of this ordinance shall be administered by the Forest County Recycling Coordinator. The Recycling Coordinator, Office assistant and Forest County and municipal law enforcement officers are authorized to issue citations in violation of the provisions hereof.
- (2) **Inspection.** Any authorized officer, employee, or representative of the Forest County Recycling Department, or law enforcement officers may, according to policies established by the responsible unit, inspect recyclable materials separated for recycling, waste intended for disposal, collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and non-residential facilities and properties, solid waste disposal facilities and solid waste treatment facilities, and any records relating to recycling activities, for the purpose of ascertaining compliance with the provisions of this ordinance. No representative of a multiple family residence complex or non-residential facility may refuse access to any authorized officer, employee or authorized representative of the Recycling Department or law enforcement officers who provide advance notification and formally requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper or interfere with such an inspection.
- (3) **Penalties.** Any person [as defined in 13.04(19)] convicted of violating any provision of this ordinance is subject to a forfeiture of not less than \$50.00, nor more than \$200.00 and in addition, shall be required to pay all county costs and assessments. Each day a violation exists shall be a separate offense.
- (a) Any person convicted of violating any provisions with respect to Section 13.11 shall, in addition to other remedies, be subject to a forfeiture of not less than One Thousand and 00/100 (\$1000.00) dollars and no more than Five Thousand and 00/100 (\$5000.00) dollars.