

## ORDINANCE NO. 94-102

### SOLID WASTE COLLECTION AND TRANSPORTATION ORDINANCE

Ordinance No. 91-10 and No. 91-11 are hereby repealed and recreated as follows:

#### SECTION 1 - DEFINITIONS

**1.1 "Collection Stations"** means the County owned transfer station in which Solid Waste and Recyclable Materials are concentrated for subsequent transport. The Collection Stations are named after the following municipalities in which they are located within proximity to: Villages of Boyceville, Colfax, Elk Mound, and Ridgeland; and the Townships of Dunn and Rock Creek.

**1.2 "Corrugated Cardboard"** means corrugated paperboard used in the manufacture of shipping containers and related products. The term does not include cereal boxes, egg cartons, pizza boxes, waxed or glossy cardboard, or 12-pack beverage containers, or like containers.

**1.3 "County"** means the County of Dunn, a State of Wisconsin quasi-municipal corporation, or any department or representative who is authorized by this Ordinance or by the Dunn County Solid Waste & Recycling Management Board to represent the County in the administration or enforcement of this Ordinance.

**1.4 "County Sponsored Curbside Collection"** means a system for collecting and transporting Recyclable Materials for processing and marketing which the County has contracted for with a licensed Hauler.

**1.5 "County Collection Facilities"** shall mean the County owned Collection Stations and the Transfer Station & Recycling Center.

**1.6 "Curbside Collection"** means a system for collecting Recyclable Materials from residential properties, including from the curb, alley, backyard or roadside, and for transporting the materials for processing and marketing by a licensed Commercial Hauler authorized to conduct business in Dunn County.

**1.7 "Demolition Waste"** means waste resulting from the demolition of buildings, roads, and other man-made structures, including but not limited to, materials such as concrete, brick, bituminous, untreated wood, masonry, glass, rock, and plastic building parts. Demolition debris does not include asbestos waste.

**1.8 "Department"** means the Dunn County Solid Waste Department, with its principal address at 800 Wilson Avenue, Menomonie, WI 54751.

**1.9 "Dumping"** means the discharge, deposit, injection, spilling, leaking, or placing of any Solid Waste into or on any land or water so that the waste or any constituent thereof may enter the environment or discharged into any water, including ground water.

**1.10 "Garbage"** means discarded material resulting from the handling, processing, storage, preparation, serving, and consumption of food.

**1.11 "Glass Containers"** mean only empty clear, brown and green glass bottles or jars; the term does not include other non-glass items such as plate glass, ceramics, light bulbs, or like materials.

**1.12 "Hauler"** means any person who owns, operates, or leases vehicles licensed within the County to collect or transport Solid Waste and/or Recyclable Materials from residential, commercial, or industrial properties.

**1.13 "Hazardous Waste"** means that waste as defined by sec 144.62 (2), Wisconsin Statutes.

**1.14 "Litter"** means any un-containerized Garbage, Refuse, and Yard Waste deposited other than in a proper receptacle which tends to create a danger to the health, safety, and welfare or impair the environment.

**1.15 "Littering"** means the depositing of Litter or allowing Litter to be deposited on any premises except in authorized waste receptacles. Littering includes discharge of Litter from vehicles or spillage from Litter containers.

**1.16 "Magazines"** means Magazines made from paper stock which have a shiny appearance and other materials printed on similar paper; the term does not include catalogs, phone, or Magazines printed on from newsprint stock paper.

**1.17 "Major Appliance"** shall mean a residential or commercial air conditioner, clothes washers and dryer, dishwasher, hot water heaters, residential furnaces, garbage disposal, trash compactors, conventional and microwave ovens, ranges and stoves, air conditioners, dehumidifiers, refrigerators, freezers, and other devices that may be added to the definition consistent with changes in State Statues.

**1.18 "Metal Containers"** means empty aluminum, bi-metal, tin or steel food and beverage containers.

**1.19 "Mixed Paper"** means any paper grade which is not defined as Corrugated Cardboard; Magazines; Newspapers; and Office Paper. The term does not include paper food packaging; carbon paper forms; restroom or cafeteria paper waste or non-paper items.

**1.20 "Multiple-family dwelling"** means a property containing 5 or more residential units, including those which are occupied seasonally.

**1.21 "Newspaper"** means a Newspaper and other materials printed on Newspaper.

**1.22 "Office Paper"** means high grade printing and writing papers from offices in non-residential facilities and properties.

**1.23 "Person"** means any human being, any municipality or other governmental or political subdivision or other public agency, any public or private corporation, any partnership, firm, association, or other organization, any receiver, trustee, assignee, agent, or other legal representative of any of the foregoing, or any other legal entity.

**1.24 "Plastic Containers"** means HDPE (high density polyethylene) and PETE (polyethylene terephthalate) plastic bottles which have a pourable neck. The term does not

include caps, rings, or bottles that have contained household hazardous waste (pesticides, herbicides, solvents, paints or adhesives), or other plastic containers.

**1.25 "Recyclable Materials"** include, but is not limited to Corrugated Cardboard; Glass Containers; Magazines; Mixed Paper; Office Paper; Newspaper; Metal Containers; and Plastic Containers as defined in this Ordinance.

**1.26 "Recycling Containers"** shall mean the plastic Recycling Containers purchased by the County for the sole purpose of containing Recyclable Materials for subsequent collection.

**1.27 "Refuse"** means putrescible and non-putrescible discarded waste including Garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleaning, and market and industrial Solid Wastes, and including municipal treatment wastes which does not contain free moisture.

**1.28 "Responsible Unit"** shall mean the County Solid Waste and Recycling Management System that has been established under s. 59.07 (135) and that is designated under s. 159.09 (1).

**1.29 "Solid Waste"** means Garbage, Refuse, Litter, Demolition Waste, and sludge. Except where specified otherwise, it includes elements of a waste stream which have been source separated for recycling purposes. It does not include Hazardous Waste, animal waste, earthen fill, boulders and rock.

**1.30 "Tipping Fee"** means the per ton fee charged by the County for a person to dispose of Solid Waste and/or Recyclable Materials at a County Collection Facility.

**1.31 "Transfer Station & Recycling Center"** means the County owned facility, located at State Highway 29 & 390th Street in the Township of Menomonie in which Solid Waste and Recyclable Materials from collection vehicles is concentrated for subsequent transport.

**1.32 "Yard Waste"** means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than 6 inches in diameter in size. This definition does not include stumps, roots, or shrubs with intact root balls.

## **SECTION 2 ORDINANCE DEFINED**

### **2.1 Purpose**

This document has been adopted by the Dunn County Board of Supervisors to ensure that efficient, nuisance free, and environmentally acceptable Solid Waste and Recyclable Materials collection and transportation methods are used in Dunn County in furtherance of Chapter 144, Wisconsin Statutes; NR 500, Solid Waste Management, and NR 181, Hazardous Waste Management, Wisconsin Administrative Code.

## **2.2 Abrogation and Greater Restrictions**

It is not the intent of 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 provisions of this Ordinance shall apply. If a local requirement is more restrictive than the requirement found in this Ordinance, the local requirement will supersede the County requirement.

## **2.3 Interpretation**

In their interpretation and application, the provisions of this Ordinance shall be held to the minimum requirements and shall not be deemed a limitation or repeal of any 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 Wisconsin Administrative Code, the Ordinance provision shall be interpreted in light of the Wisconsin Statutes and the Wisconsin Administrative Code in effect at the time of interpretation.

## **2.4 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.

## **2.5 Inspection for Compliance**

It will be the responsibility of the Solid Waste Department to inspect Solid Waste and Recyclable Materials storage, transportation, and disposal activities, equipment and facilities to ensure that the requirements established in this Ordinance are being met. Department staff has the authority to perform such inspections and to pursue enforcement activities if the requirements established in this Ordinance are not being met.

## **2.6 Policy on Complaints and Enforcement**

The staff of the Solid Waste Department shall have the authority to investigate complaints received from County residents regarding Solid Waste issues and shall pursue necessary enforcement activities.

# **SECTION 3 - APPLICABILITY**

## **3.1 Dunn County Designated as Responsible Unit**

This Ordinance governs all services for collection and transportation of Solid Waste and Recyclable Materials generated within Dunn County. Exempt from this Ordinance are Haulers who collect Solid Waste and Recyclable Materials from outside of the Dunn County Responsible Unit Management Area. This Ordinance shall be in effect and enforced in those Dunn County municipalities in which the local unit of government has, pursuant to s. 159.09 (1) (b), Wis. Stats., designated Dunn County as the Responsible Unit by contract, pursuant to s. 66.30, Wis. Stats.

## **3.2 Municipalities Retaining Responsible Unit Status**

This Ordinance shall not apply or be enforced in those municipalities in Dunn County which retain their own Responsible Unit designation and authority.

## **SECTION 4 - OPERATIONAL REQUIREMENTS AND STANDARDS**

### **4.1 Collection Techniques**

The Hauler shall make best effort to conduct collections with as little noise and disturbance as possible, and shall not trespass or loiter. The Hauler shall conduct collections in such a manner as to ensure that no materials become windblown or remain behind at the point of collection or adjoining properties, unless the Hauler has the specific authority to leave behind the said material as authorized by this Ordinance.

### **4.2 Time of Collection**

The Hauler shall only conduct collections between the hours of 6:00 am and 6:00 pm. No collection shall be allowed at any other time without prior approval of the County.

### **4.3 Service Equipment for Collection of Solid Waste and Recyclable Materials**

The equipment with which the Hauler uses in collection or transportation shall be safe, sanitary and maintained in such a manner to prevent materials from blowing, leaking, or spilling.

### **4.4 Rejection of Materials**

No Hauler shall accept any material from any person for the purposes of recycling, which is not defined as a Recyclable Material or has been improperly prepared pursuant to the specifications established by the County. The Hauler shall leave with the customer a completed notice on a form provided by the County explaining why the material was not accepted.

### **4.5 Rejection of Solid Waste Containing Recyclable Materials**

No Hauler shall accept any Solid Waste from any person which contains Recyclable Materials that have not been separated for recycling, in order to meet the requirements of the County Waste Control Ordinance. The Hauler shall be required to leave with the customer a completed notice on a form provided by the County explaining why the Solid Waste could not be accepted for collection.

### **4.6 Reporting Requirements**

Haulers who remove Solid Waste and Recyclable Materials from the County shall be required to maintain records and reports in writing to the Department at least once a month. The reports shall include at a minimum: the weight of Solid Waste and Recyclable Materials collected and transported from the County and the final disposal location of Solid Waste and Recyclable Material. Failure of the Hauler to submit a monthly report shall be cause for the County to revoke the Hauler Operating License or sever any existing contract with said Hauler. All Haulers must furnish weight information on the amount of Solid Waste and Recyclable Materials generated from outside of the Dunn County Responsible Unit Management Area and from all non-residential establishments.

## **SECTION 5 - SOLID WASTE STORAGE REQUIREMENTS**

### **5.1 Storage Containers**

Haulers who supply their customers with containers for the temporary storage of Solid Waste shall use durable leak-proof containers constructed with rust and impact resistant materials with fitted covers. The Hauler shall be responsible for maintaining the containers in a neat, clean, sanitary, and leak-resistant condition and shall be responsible for promptly picking up and

properly disposing of any Solid Waste created from the collection thereof or scattered by wind, animals or other causes.

## **5.2 Use of Clear Plastic Bags Required for Solid Waste Storage**

No Hauler shall deliver to the County Transfer Station & Recycling Center, and the County shall not be obligated to accept Solid Waste which has not been placed in bags which are not made from clear see-through plastic with proper ties or closure to resist insect or animal entry. The purpose of clear bags is to reveal any Recyclable Materials which may have mixed with Solid Waste intended for disposal. Materials exempt from this section of the Ordinance include, but not limited to, Recyclable Materials, Yard Waste, Appliances, Tires, Construction & Demolition Debris and Large Bulky Items.

## **SECTION 6 - TRANSFER STATION & RECYCLING CENTER GUIDELINES**

### **6.1 Scale Requirement**

All vehicles arriving at the Transfer Station will be required to stop at the scale both prior and after unloading so as to determine the actual weight of the material to be loaded or unloaded. All vehicles shall approach the scale at a very slow speed and shall not stop abruptly.

### **6.2 Identifying Information**

Every vehicle licensed under this Ordinance shall have the name, address, and telephone number of the license holder, and the empty weight of the vehicle in letters and numbers at least 2 inches high with a minimum 1/2 inch brush stroke. The numbers and letters shall be of a color that contrasts with the background so that it is visible at a distance of 50 feet. Every vehicle shall also display a Dunn County License Sticker on the drivers side door of any licensed vehicle.

### **6.3 Authorization**

All materials shall be unloaded in areas directed by attendants working at the facility.

### **6.4 Anti-scavenging**

There shall be no scavenging on the premises.

### **6.5 Composition of Recyclable Materials at the Time of Delivery**

No Hauler shall deliver to the County Transfer Station & Recycling Center, and the County shall not be obligated to accept, any load of Recyclable Materials which have been commingled with Solid Waste or have not been properly separated or prepared to the specification promoted by the County.

### **6.6 Rejection of Load upon Delivery**

The County shall reserve the exclusive right to reject any load of Recyclable Materials at the time of delivery to the County Transfer Station & Recycling Center, or on the tipping floor thereof, which is contrary to the requirements of this Ordinance.

## **6.7 Payment of Tipping and User Fees**

All users of the County Transfer Station & Recycling Center shall be responsible for payment of all tipping fees for all Solid Waste generated from non-residential establishments and any Solid Waste generated from outside of the Dunn County Responsible Unit Management Area. All users shall also be responsible for any other related charges for the disposal of Appliances, Construction & Demolition Debris, Tires and any other related items for which the County has established a direct charge.

Tipping and User fees will be billed on a monthly basis and will be due within 30 days of the date of the invoice. Any amount not paid within 30 days will accrue interest at the rate of 1.5% per month (18% per year).

## **SECTION 7 - INSURANCE REQUIREMENTS**

**7.1 Insurance Requirements.** The Hauler shall at all times purchase and keep in full force and effect the minimum insurance policies and liability coverage provided for in this section and name the County, its Solid Waste and Recycling Management Board and its officials and employees as Additional Insurers on the following policies:

- (a) Workers compensation as required by Chapter 102 of the Wisconsin Laws; in the minimum amount of \$500,000 each accident & disease.
- (b) Comprehensive General Liability, Bodily Injury and Property Damage in minimum coverage amounts of \$1,000,000 combined single limit liability.(Occurrence Based Policy)

Hauler shall defend, indemnify and hold harmless the County of Dunn, its Solid Waste and Recycling Management Board, and its officials and employees from any and all claims or actions of whatever nature that arise or may arise from the intentional and/or negligent acts or omissions of the Hauler.

Hauler shall provide the County with valid certificates of insurance for policies described above along with evidence of premium payment.

## **SECTION 8 - OPERATING LICENSE AND FEES**

### **8.1 Requirement of Operating License**

No person shall maintain or operate a collection or transportation service for the purpose of removing, collecting or transporting Solid Waste and/or Recyclable Materials within the Dunn County Responsible Unit area without having obtained a valid Hauler Operating License and DNR License.

### **8.2 License Fees**

The Hauler Operating License shall be effective for one year, from January 1 through December 31. Application and renewal fees shall be \$100.00 per person and \$10.00 for every Solid Waste and Recyclable Material collection and transportation vehicle. Fees are not refundable.

### **8.3 Application Submittal**

Applications for initial licensing of new collection and transportation services may be submitted at any time during the license period and shall be effective until December 31 of the year of application.

All Haulers shall comply with all of the minimum requirements established by Federal, State and County laws, regulations, requirements and orders.

Application for renewal of a license shall be submitted to the Department by December 15 of the year preceding the year for which the license is applied. The Department shall review and approve or deny the application for renewal within 60 days after receiving the application or by the date of expiration of the current license, whichever occurs later. Application for a Hauler Operating License shall be submitted on forms supplied by the Department and shall be accompanied by the appropriate fees. License fees are not refundable.

## **SECTION 9 - VIOLATIONS**

### **9.1 Notice of Violation**

The Department may issue a notice of non-compliance indicating the nature of the violation and the remedial measures to be taken, if applicable. If the Hauler fails to take the remedial action requested in the notice within the required time period, the Department may suspend or revoke the License of the holder.

### **9.2 Prosecution**

Prosecution may be commenced for a violation of this Ordinance. Upon a conviction or any adjudication of a violation a forfeiture of not more than \$500.00 may be ordered. Each day a violation exists or continues shall be considered a separate offense. In addition to or in lieu of a forfeiture, injunctive relief may be ordered upon a conviction or adjudication of a violation.

All costs and fees (including attorney's fees) incurred by the County in any enforcement action shall be recoverable by the County in any enforcement action.

**OFFERED BY THE SOLID WASTE &  
RECYCLING MANAGEMENT BOARD:**

\_\_\_\_\_  
Edward Ferber, Chairman

\_\_\_\_\_  
Richard Johnson

\_\_\_\_\_  
Wayne Whitney

\_\_\_\_\_  
Nicholas Loechler

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Henry Berg

\_\_\_\_\_  
Darrell Kistner

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Gustave Fehr

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Donald Heit

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Dennis Kropp

FISCAL NOTE:

No fiscal impact.

ACCEPTED ON: \_\_\_\_\_

PUBLISHED ON: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Lorraine Hartung  
County Clerk