

## ORDINANCE NO. 94-103

### WASTE CONTROL 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Ordinance No. 91-10 and No. 91-11 are hereby repealed and recreated as follows: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 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 "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.

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

**1.10 "Glass Containers"** means 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.

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

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

**1.13 "Litter"** means any un-containerized Solid Waste, 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.

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

**1.15 "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.

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

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

**1.18 "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.

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

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

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

**1.22 "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.

**1.23 "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, used motor oil, or other plastic containers.

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

**1.25 "Recycling Containers"** shall mean the plastic Recycling Containers purchased by the County given to residents within municipalities in which County Sponsored Curbside Collection occurs for the sole purpose of containing Recyclable Materials for subsequent collection.

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

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

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

**1.29 "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.

**1.30 "Solid Waste Department"** means the Dunn County Solid Waste Department.

**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 protect public health and conserve natural resources by regulating Solid Waste and Recycling management activities in the Dunn County Responsible Units.

## **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**

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.

### **SECTION 3 - APPLICABILITY**

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

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.

The Solid Waste control provisions of this Ordinance shall apply throughout the County pursuant to sec. 59.07 (135), Wis. Stats.

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

The Recycling provisions of 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 - AUTHORITY TO INSPECT FOR COMPLIANCE**

#### **4.1 Inspection for Compliance**

The Solid Waste Department shall have the authority inspect Solid Waste and Recycling storage, transportation, and disposal activities, equipment and facilities to ensure that the requirements established in this Ordinance are being met. Department staff shall have the authority to investigate complaints and pursue the necessary enforcement activities if the requirements established in this Ordinance are not being met.

### **SECTION 5 - SOLID WASTE RESTRICTIONS AND PROHIBITIONS**

#### **5.1 Landfill and Dumping Grounds**

It shall be unlawful for any person to bury any Solid Waste or Recyclables on any property. No private or unlicensed commercial sanitary landfills, dumping grounds, or unlicensed disposal sites shall be permitted.

## **5.2 Solid Waste From Outside of the Responsible Unit**

It shall be unlawful for any person to place, deposit, or cause to be deposited, for collection by the County or County's contractor, any Solid Waste at any County Collection Facilities that is not generated within the limits of the Dunn County Responsible Unit, without prior written authorization from the County and payment of all applicable tipping and user fees.

## **5.3 Owner and Occupant Obligation to Properly Dispose of Waste**

It shall be the duty of any person owning or occupying any property to maintain the premises in a reasonably clean and orderly manner. It is unlawful for any person to accumulate, permit or cause to accumulate any Solid Waste, which constitutes, or may create, an unsanitary or unsightly condition or a health or fire hazard. It shall be the duty of said person owning or occupying said premises or lands to insure that all Solid Waste or Litter shall be picked up and properly disposed of.

Failure to maintain the premises free of Litter and Solid Waste from whatever source by the property owner and occupant within 24 hours after notification is a violation of this Ordinance. This section shall not apply to Recyclable Materials placed out for collection in the manner prescribed for collection provided the Recyclable Materials remain on said premises no longer than 24 hours prior to collection.

## **5.4 Responsibility for Collection of Waste**

No person shall allow any Solid Waste to remain uncollected beyond the date provided for its collection or removal, or in any way to allow any waste container to remain properly unemptied for longer than 14 days. Exempt from this section of the Ordinance is the storage of Recyclable Materials that have been separated for recycling purposes.

## **5.5 Littering**

No person shall deposit Solid Waste, Litter, Garbage, Refuse or Yard Waste on any property, roadway, right-of-way or in the waste receptacles belonging to others except in parks and waysides where the disposal of an item is immediately incidental to the use of said park or wayside or unless the receptacle is expressly authorized, and appropriately labeled as such, for public use.

## **5.6 Retrieval of Litter**

Any Litter which contains the name or other identification of the generator thereof shall be retrieved by the generator within 24 hours after receiving notification. Failure of the generator to timely retrieve and properly dispose of said Litter is a violation of this Ordinance.

## **5.7 Authority to Remove Waste**

Dunn County may remove or cause to be removed, all Litter and Solid Waste not deposited in waste receptacles and existence of which is a violation of this Ordinance. Law enforcement agencies, or their designees, of Dunn County, shall have the authority to enter upon the private or public premises to remove said unlawful Litter or Solid Waste, and as a substitute for and in addition to forfeiture or injunction, the County may commence civil actions for damages to recoup any and all costs of cleanup, together with the enforcement costs and fees (including attorney's fees) incurred in relation thereto.

## **5.8 Disposal of Hazardous Waste**

No person shall deposit Hazardous Waste upon any property, roadway, right-of way, or waste container belonging to others. Hazardous Waste shall be properly disposed of only in accordance with applicable Wisconsin Statutes.

# **SECTION 6 - SOLID WASTE STORAGE REQUIREMENTS**

## **6.1 Storage Containers**

The owner or occupant of any dwelling shall supply an adequate amount of containers of sufficient capacity for the temporary storage of Solid Waste for disposal.

All Solid Waste shall be placed in durable leak-proof storage container constructed with rust and impact resistant materials with fitted covers. The property owner or occupant is responsible for maintaining containers in a neat, clean, sanitary, and leak-resistant condition. If the container is supplied by a Hauler, the Hauler shall ensure that the container conforms to the requirements of this Ordinance.

The owner or occupant of any property shall be responsible for promptly picking up and properly disposing of any Litter or Solid Waste scattered by wind, rodents, or other animals.

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

All Solid Waste which have been placed in bags must use strong, durable clear plastic bags 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.

## **6.3 Illegal Storage of Refuse & Recyclables**

No person shall store Solid Waste, Recyclables or storage containers at locations other than permitted by this Ordinance. No person shall place storage containers at the curb more than 24 hours before the day of collection or fail to remove any storage container or uncollected Solid Waste within 12 hours after the day of collection.

## **6.4 Interference with Solid Waste Collection Containers**

No person other than the occupant, tenant, owner or designated agent of the property, or Hauler licensed by the County, or a County employee authorized by the Solid Waste and Recycling Management Board, shall deposit any materials in any collection container, or shall remove, scavenge, displace, injure, deface, destroy, uncover, or disturb such containers or their contents.

## **SECTION 7- DEMOLITION WASTE MANAGEMENT**

### **7.1 Demolition Waste Disposal**

No person shall place, deposit, or cause to deposit any Demolition Waste with Solid Waste intended for disposal, except in very small amounts wherein the Demolition Waste would remain inconspicuous from other waste with which it is mixed with. All Demolition Waste must be separated from Solid Waste and be treated at a processing facility that recovers materials for the purposes of recycling, in as pure a form as is technically feasible, or landfilled at a licensed facility permitted to dispose of Demolition Waste.

Exempt from this section is concrete, brick, sheetrock, bituminous, rock and untreated lumber.

### **7.2 Disposal of Concrete, Brick, Bituminous, and Rock**

Any person with concrete, brick, bituminous, rock and untreated lumber generated on their own property may bury these materials on their own property by properly abandoning the pit area being used for the disposal of said materials by covering the pit area completely with at least two feet of soil.

## **SECTION 8 - OPEN BURNING RESTRICTIONS**

### **8.1 Open Burning of Solid Waste and Recyclable Materials is Prohibited**

It shall be unlawful for any person to burn Hazardous Waste, Solid Waste or Recyclable Materials. This includes the open burning of wet combustible rubbish, Garbage, oily substances, asphalt, and plastic or rubber products. No facility for the disposal of Solid Waste, including burn barrels, shall be constructed, established, continued, maintained, or operated after January 1, 1995.

Exempt from this Ordinance is the burning of Yard Waste and untreated wood.

### **8.2 Open Burning of Yard Waste and Untreated Wood**

Any person with Yard Waste and untreated wood generated on their own property may burn these materials on their own property by doing all of the following, unless local regulation prohibit open burning altogether:

1. Properly notify and receive approval, including any necessary permits, from the governing local municipality and fire department.
2. Conduct all allowed open burning of Yard Waste and untreated wood in a safe pollution free manner, when wind and weather conditions are such as to minimize adverse effects and in conformance with local and state fire protection regulations.

The use of burn barrels for the open burning of Yard Waste and untreated wood shall be prohibited.

## **SECTION 9- RECYCLING REQUIREMENTS**

### **9.1 Mandatory Source Separation of Recyclable Materials**

No person shall place, deposit, or cause to deposit any Recyclable Material with Solid Waste intended for disposal. All Recyclable Materials must be separated from Solid Waste for the purposes of recycling. The County Collection Facilities shall not be obligated to accept any Solid Waste from any person who has failed to separate Recyclable Materials from Solid Waste or have not prepared their Recyclable Materials to the specifications promoted by the County.

The person responsible for initially placing those materials for collection shall be responsible for removing those materials from the Solid Waste and/or preparing them to the appropriate specifications to ensure that the material is recycled.

### **9.2 County Sponsored Curbside Collection Container Requirement**

All owners or occupants of any dwelling within a municipality receiving County Sponsored Curbside Collection must use the Recycling Container purchased by the County for the sole purpose of containing Recyclable Materials in order to participate in the recycling program.

Residents may purchase Recycling Containers from the County to replace those containers lost or stolen or may purchase additional containers to store their Recyclable Material if it is found that one container is not sufficient. The cost of the container will equal the price paid by the County for the container. Residents with who have a Recycling Container that has been damaged due to normal usage, may replace their containers at no cost by trading the damaged container with a new one.

No person shall use the Recycling Container for any other use except the storing of recyclable items prior to collection.

### **9.3 Recycling Container Set-Out Location and Duration**

Except as otherwise specifically directed or authorized by the Solid Waste Department, Recycling Containers that have been placed out for the purpose of recycling shall be placed at the curbside, adjacent to the premises owned or occupied by the person. Residents with collection service in rural areas without a curbside must place their containers on the edge of the shoulder of the public roadway furthest from the road as possible.

Recyclable Materials shall be placed out for collection no later than 6:00 a.m. on the designated collection day established and published by the County. Recycling Containers shall not be placed out for collection more than 24 hours prior to collection, and shall be removed within 12 hours following collection.

### **9.4 Interference with Recycling Containers**

No person other than the occupant, tenant, owner or designated agent of the property, or Hauler licensed by the County, or a County employee authorized by the Solid Waste and Recycling Management Board, shall deposit any materials in any Recycling Container, or remove, displace, injure, deface, destroy, uncover, or disturb such containers or their contents. Recyclable Materials placed out for collection shall become the property of the County.

## **SECTION 10 - MULTI-FAMILY RECYCLING REQUIREMENTS**

The owners or designated agents of Multiple-Family Dwellings shall do all of the following unless Solid Waste generated in those properties is treated at a processing facility that recovers Recyclable Materials for recycling from the Solid Waste in as pure a form as is technically feasible:

1. Provide adequate, containers to separate out Recyclable Materials from Solid Waste for the purpose of recycling.
2. Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the recycling program that has been established.
3. Provide for the collection of Recyclable Materials separated from the Solid Waste by the tenants and the delivery of the Recyclable Materials to a recycling facility.
4. Notify tenants of the reasons to reduce and recycle Solid Waste, which materials are collected, how to prepare Recyclable 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 phone number.

## **SECTION 11 - NON-RESIDENTIAL RECYCLING REQUIREMENTS**

The owners or designated agents of non-residential facilities and properties shall do all of the following unless Solid Waste generated in those properties is treated at a processing facility that recovers Recyclable Materials for recycling from the Solid Waste in as pure a form as is technically feasible:

1. Provide adequate, containers to separate out Recyclable Materials from Solid Waste for the purpose of recycling.
2. Notify in writing, at least semi-annually, all users, tenants, employees and occupants of the properties about the recycling program that has been established.
3. Provide for the collection of Recyclable Materials separated from the Solid Waste by the users, tenants and occupants and the delivery of the Recyclable Materials to a recycling facility.
4. Notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected, how to prepare Recyclable Materials in order to meet the processing requirements of the recycling program, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and phone number.

## **SECTION 12 - RECYCLING AT SPECIAL EVENTS**

All organizers and sponsors of special events and owners of the property where said events are held, when 20 or more persons attend at any given time, including but not limited to weddings, fairs, concerts, contests, sports events, shows, performances, reunions, social or business gatherings, with or without charge, on private or public property, where food or beverage is served shall do all of the following unless Solid Waste generated in those properties is treated

at a processing facility that recovers Recyclable Materials for recycling from the Solid Waste in as pure a form as is technically feasible:

1. Provide adequate, separate containers to separate Recyclable Materials from Solid Waste for the purpose of recycling.
2. Provide for the collection of Recyclable Materials separated from the Solid Waste by the users and the delivery of the Recyclable Materials to a recycling facility.

### **SECTION 13 - RECYCLING AT PARKS, WAYSIDES, AND RECREATIONAL AREAS**

All municipally or privately owned or operated parks, waysides, ballfields and recreational areas shall do all of the following, unless Solid Waste generated in those properties is treated at a processing facility that recovers Recyclable Materials for recycling from the Solid Waste in as pure a form as is technically feasible:

1. Provide adequate, separate containers to separate Recyclable Materials from Solid Waste for the purpose of recycling.
2. Provide for the collection of Recyclable Materials separated from the Solid Waste by the users and the delivery of the Recyclable Materials to a recycling facility.

### **SECTION 14 - REGULATION FOR USE OF COUNTY COLLECTION FACILITIES**

#### **14.1 Permitted Users**

Only residents within the County Responsible Unit shall be privileged to use any of the County Collection Facilities for the disposal of municipal Solid Waste. All Solid Waste must originate within the limits of the Responsible Unit.

Use of the County Collection Facilities shall be for residential use only. No person, business, institution or industry shall place, deposit, or cause to deposit any Solid Waste at any County Collection Facilities, without prior approval of the County and payment of a tipping fee for use of the facility.

#### **14.2 Permit Required**

No person shall place, deposit, or cause to be deposited, for collection any Solid Waste at any County Collection Facility without first having obtained a current year Dunn County Collection Site Permit.

### **SECTION 15 - VIOLATIONS**

Any person who violates, neglects, or refuses to comply with any provision of this ordinance shall be subject to a forfeiture of not less than \$100 and not more than \$2,000 plus the costs of prosecution for each violation. Each day a violation exists shall be a separate offense.

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

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

FISCAL NOTE:

No fiscal impact.

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Richard Johnson

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Wayne Whitney

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

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Nicholas Loechler

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

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