

ORDINANCE # 94-11-01

**AN ORDINANCE REGULATING THE SEPARATION, RECYCLING AND DISPOSAL OF
WASTE**

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The Board of Supervisors for the Buffalo County ordains as follows:

1 Purpose and Authority. This Ordinance is enacted under the authority granted in §§159.09(3), 159.01(9) and (4), Wis Stats.. The purpose of this Ordinance is to mandate the separation of waste into burnable, non-burnable and recyclable categories, provide instructions for the proper disposal of each in order to conserve materials, energy and costs and to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in §159.11, Wis. Stats., and Chapter NR 544, Wis. Administrative Code.

2 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. Administrative Code, and where the Ordinance provision is unclear, the provisions 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.

3 Territorial Application. This Ordinance shall apply throughout Buffalo County except it shall not apply in any city, town or

village that adopted a resolution retaining responsible unit status under §159.09(1)(c), Wis. Stats.

4 Effective Date. This Ordinance shall be effective on January 1, 1995.

5 Separation of Recyclable Materials. Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties shall separate the following materials from postconsumer waste:

- 5.1 Lead acid batteries
- 5.2 Major appliances
- 5.3 Waste oil
- 5.4 Yard waste
- 5.5 Aluminum containers
- 5.6 Bi-metal containers
- 5.7 Corrugated paper or other container board
- 5.8 Foam polystyrene packaging
- 5.9 Glass containers
- 5.10 Magazines
- 5.11 Newspaper
- 5.12 Office paper
- 5.13 Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins
- 5.14 Steel containers
- 5.15 Waste tires

6 Separation Requirements Exempted. The separation requirements for recyclable materials do not apply to the following:

6.1 Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties that send their postconsumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers recyclable material from solid waste in as pure a form as is technically feasible.

6.2 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.

6.3 A recyclable material for which a variance has been granted by the Department of Natural Resources under Sec. 159.11(2m), Wis. Stats., or Section NR 544.14, Wis. Administrative Code.

7 **Care of Separated Recyclable Materials.** To the greatest extent practicable, the recyclable materials shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other non-recyclable materials, including but not limited to household hazardous waste, medical waste, and agricultural chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions.

8 **Multiple-Family Dwellings.** Owners or designated agents of multiple-family dwelling (5 or more units) shall do all of the following:

8.1 Provide adequate, separate containers for the recyclable materials.

8.2 Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.

8.3 Provide for the collection of the materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.

8.4 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.

8.5 The requirements of this section do not apply to the owners or designated agents of multiple-family dwellings if the postconsumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the recyclable materials from solid waste in as pure a form as is technically feasible.

9 Non-Residential Facilities and Properties. Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle recyclable materials:

9.1 Provide adequate, separate containers for the recyclable materials.

9.2 Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.

9.3 Provide for the collection of the materials separated

from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility.

9.4 Notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.

9.5 The requirement of this section do not apply to the owners or designated agents of non-residential facilities and properties if the postconsumer waste generated within the facility or property is treated at a processing facility licensed by the Department of Natural Resources that recovers the recycling materials from solid waste in as pure a form as is technically feasible.

10 Preparation and Collection of Materials. Before delivering solid waste or recyclable materials for collection as provided by this Ordinance, all persons shall prepare the solid waste or recyclable materials in the manner approved by the Buffalo County Recycling Board or required by law or regulation.

11 Disposal of Recyclable and Other Materials.

11.1 All recyclable material shall be disposed of only at the locations described in this section. No person may dispose of any recyclable materials in a solid waste disposal facility or burn in a solid waste treatment facility, including placing it for collection as nonrecyclable solid waste.

11.2 All persons shall deliver to, place into or cause to

be delivered to or placed the following materials and no other materials into the following places:

11.2.1 Major Appliances, Waste Tires and Metal (other than aluminum, bi-metal and steel containers) into one of the Buffalo County Recycling Centers designated by the Recycling Board to receive such items;

11.2.2 Yard Waste shall be composted at a private compost site or delivered to the sites designated by the Buffalo County Recycling Board for receiving yard waste.

11.2.3 All other recyclable materials to any Buffalo County Recycling Center or to a recyclable material curbside pickup program established by a local municipality in accordance with the rules of the program.

12 Buffalo County Collection of Nonrecyclable Material.

Buffalo County will collect through its established solid waste program any solid waste except the following classes of waste as defined in this Ordinance:

12.1 Recyclable Waste;

12.2 Masonry, brick, concrete, stone or other industrial or construction waste not approved for receipt by the LaCrosse NSP refuse derived fuel processing plant (herein the RDF facility);

12.3 Any item of waste exceeding four (4) feet in any one dimension or exceeding one hundred (100) pounds in weight;

12.4 Any item of waste that may damage the RDF facility, or the combustion of which can be likely to impose a threat of

health or safety in violation of any judicial decision or order, or action of any Federal, state or local government, or any agency thereof, or any other regulatory authority or applicable law or regulation.

12.5 Hazardous Waste.

13 Authority to Refuse Collection. All recyclable material and solid waste not separated, prepared or placed for collection in accordance with this Ordinance, shall be refused by the County.

14 Placement and Collection by Unauthorized Persons.

14.1 No person other than a resident of the Buffalo County shall deliver recyclable material or solid waste to a Buffalo County Collection Site.

14.2 No Buffalo County resident shall deliver solid waste or recyclable material which is generated outside of the Buffalo County to the Buffalo County Collection Site.

15 Private Compost Permitted. Any person may compost yard waste on land with consent of the owner thereof.

16 Definitions. For the purpose of this Ordinance:

16.1 "Bi-metal container" means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.

16.2 "Container board" means corrugated paperboard used in the manufacture of shipping containers and related products.

16.3 "Contaminated Demolition Waste" means solid waste resulting from the construction, demolition or razing of buildings, roads and other structures. Demolition and construction material

typically consists of concrete, bricks, bituminous concrete, wood, glass, masonry, roofing, siding and plaster, alone or in combinations. It does not include asbestos, waste paints, solvents, sealers, adhesives or other similar materials [NR502.13 and NR500.03(31) as amended];

16.4 "Foam polystyrene packaging" means packaging made primarily from foam polystyrene that satisfied one of the following criteria:

- 16.4.1 Is designed for serving food or beverages, or;
- 16.4.2 Consists of loose particles intended to fill space and cushion the packaged article in a shipping container, or;
- 16.4.3 Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.

16.5 "Hazardous Waste" means the following:

16.5.1 Any waste defined as hazardous in 40 C.F.R. Section 261.3 (1983), or in any successor regulations, or by the U. S. Environmental Protection Agency, or classified as toxic substance or toxic waste or prohibited for incineration by any local, state or federal agency having jurisdiction over the Facility.

16.5.2 Radioactive waste or material or hazardous waste regulated under 52 U. S. C. Section 6921-6925 and regulations adopted thereunder, or any other Federal, state or local law.

16.5.3 "Hazardous substances" defined in 42 U. S. C. 6901 et seq. and any regulations promulgated thereunder.

16.5.4 All wastes requiring special handling to comply

with applicable local, state or Federal law, including but not limited to:

16.5.4.1 Pathological, infectious, or explosive material;

16.5.4.2 Oil sludge;

16.5.4.3 Cesspool or human waste;

16.5.4.4 Animal remains or waste.

16.5.5 Any type of waste either smoldering or on fire or at its kindling point or in the process of initiating combustion.

16.6 "HDPE" means high density polyethylene, labeled by the SPI code #2.

16.7 "Inert Demolition Waste" means clean soil, brick, building stone, concrete, reinforced concrete, broken pavement and unpainted or untreated wood [NR500.08(2)(a) as amended];

16.8 "LDPE" means low density polyethylene, labeled by the SPI code #4.

16.9 "Magazines" means magazines and other materials printed on similar paper.

16.10 "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.

16.11 "Metal" means all products made of metal except recyclable material as defined in this Ordinance. Metal typically consists of refrigerators, stoves, water heaters, tire rims,

springs, bicycles, scrap metal and other like metal;

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

16.13 "Newspaper" means a newspaper and other materials printed on newsprint.

16.14 "Non-residential facilities and properties" means commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.

16.15 "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.

16.16 "Other resins or multiple resins" means plastic resins labeled by the SPI code #7.

16.17 "Person" includes any individual, corporation, partnership, association, local government unit, as defined in Sec. 66.299(1)(a), Wis. Stats., state agency or authority or federal agency.

16.18 "PETE" means polyethylene terephthalate, labeled by the SPI code #1.

16.19 "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.

16.20 "Postconsumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in Sec. 144.61(5), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in Sec. 144.44(7)(a)1., Wis. Stats.

16.21 "PP" means polypropylene, labeled by the SPI code #5.

16.22 "PS" means polystyrene, labeled by the SPI code #6.

16.23 "PVC" means polyvinyl chloride, labeled by the SPI code #3.

16.24 "Recyclable materials" includes lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspaper; office paper; rigid plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins; steel containers; waste tires; and bi-metal containers.

16.25 "Solid waste" means all garbage, trash, rubbish and refuse that is now normally disposed of by residential, commercial and industrial establishments.

16.26 "Solid waste facility" has the meaning specified in Sec. 144.43(5), Wis. Stats.

16.27 "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.

16.28 "Unpainted and Untreated Wood and Brush "[NR502.11(4)(b) as amended]: all brush, branches, small trees, bushes, furniture and other articles made exclusively from unpainted and untreated wood, not including yard waste as defined in this Ordinance;

16.29 "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.

16.30 "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.

17 **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.

18 **Administration.** The provisions of this Ordinance shall be administered by Buffalo County Recycling Board.

19 **Enforcement.**

19.1 For the purpose of ascertaining compliance with the provisions of this Ordinance, any authorized officer, employee or representative of the Buffalo County Recycling Board may inspect recyclable materials separated for recycling, postconsumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and non-residential facilities and properties, and any records

relating 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 the Buffalo County Recycling Board who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.

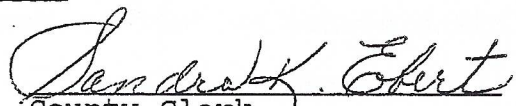
19.2 Any person who violates a provision of this Ordinance may be issued a citation or a complaint by Buffalo County to collect forfeitures. The issuance of a citation or complaint shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude this issuance of a citation or complaint under this paragraph.

19.3 Any person who violates this Ordinance may be required to forfeit not less than \$10 nor more than \$1000 for each violation.

Dated this 7th day of November, 1994.

ATTEST:


Buffalo County Chairperson


County Clerk