

**FLORENCE COUNTY
CODE OF GENERAL ORDINANCES
CHAPTER 17**

Recycling Ordinance

Adopted on 2/19/2002

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CHAPTER 17: RECYCLING ORDINANCE

ORDINANCE NO: 2002-1

1.0 TITLE

Recycling Ordinance for Florence County.

2.0 PURPOSE

The purpose of this ordinance is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in s. 159.11, Wis. Stats., and Chapter NR 544, Wis. Administrative Code.

3.0 STATUTORY AUTHORITY

This ordinance is adopted as authorize under s. 159.09(3)(b), Wis. Stats., and Chapter NR 544.06, Wis. Administrative Code.

4.0 ABROGATION AND GREATER RESTRICTIONS

It is not intended by this ordinance to repeal, abrogate, annul, impair or interfere with any existing rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, whenever this ordinance imposes greater restrictions, the provisions of this ordinance shall apply.

5.0 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 provision shall be interpreted in light of the Wisconsin Statutes and the Chapter NR 544 standards in effect on the date of the adoption of this ordinance, or in effect on the date of the most recent text amendment to this ordinance.

6.0 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.

7.0 APPLICABILITY.

- (1) Florence County Designated as “Responsible Unit”. This ordinance shall be in effect and be enforced in those Florence County municipalities in which the local unit of government has, pursuant to s. 159.09(1)(b), Wis. Stats., designated Florence County as the “responsible unit”. The following municipalities, by 66.30 contract, have designated Florence County as the “responsible unit”:

Town of Aurora
Town of Commonwealth
Town of Fence
Town of Fern

Town of Florence
Town of Homestead
Town of Long Lake
Town of Tipler

No unit of government having designated Florence County as the “responsible unit” shall be required to adopt or enforce a recycling ordinance prescribed in NR 544.06, Wis. Administrative Code.

- (2) Municipalities Retaining “Responsible Unit” Status. This ordinance shall not apply or be enforced in those local municipalities of Florence County which retain their own “responsible unit” designation and authority or have designated another governmental unit as their “responsible unit”.

8.0 ADMINISTRATION

The provisions of this ordinance shall be administered by the Florence County Recycling Management Board as directed by the Florence County Solid Waste Committee.

9.0 EFFECTIVE DATE

The provisions of this ordinance shall take effect on January 1, 1995.

10.0 DEFINITIONS

For the purpose of this ordinance:

- (1) “Bi-metal container” means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.
- (2) “Container board” means corrugated paperboard used in the manufacture of shipping containers and related products.
- (3) “Foam polystyrene packaging” means packaging made primarily from foam polystyrene that satisfies one of the following criteria:
 - (a) Is designed for serving food or beverages.
 - (b) Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.
 - (c) Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.
- (4) “Glass container” means a bottle, jar or other glass container used for food and/or beverage items. Does not include window glass, drinking glasses, pyrex, light bulbs or other non-container glass.
- (5) “Hauler” means person(s) licensed by a unit of government to collect and transport garbage, refuse, and/or recyclable materials under local ordinance or Administrative Code, Section 502.

- (6) “HDPE” means high density polyethylene, labeled by the SPI code #2.
- (7) “LDPE” means low density polyethylene, labeled by the SPI code #4
- (8) “Magazines” means magazines and other materials printed on similar paper.
- (9) “Major appliance” means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, microwave oven, oven, stove, freezer, refrigerator, furnace, boiler, dehumidifier, and water heater.
- (10) “Multiple-family dwelling” means a property containing 5 or more residential units, including those which are occupied seasonally.
- (11) “Newspaper” means a newspaper and other materials printed on newsprint.
- (12) “Non-residential facilities and properties” means commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.
- (13) “Office paper” means high grade printing and writing paper 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.
- (14) “Other resins or multiple resins” means plastic resins labeled by the SPI code #7.
- (15) “Owner” means the person [as defined in 1.10(16)] who holds legal title to property wherein garbage, refuse or recyclable materials re-generated, including residences, multi-family residences, or nonresidential facilities. Purchasers under a recorded land contract are deemed owners.
- (16) “Person” includes any individual, partnership, corporation, association, local government unit, as defined ins.66.299(1)(a), Wis. Stats., state agency or authority or federal agency.
- (17) “PETE” means polyethylene terephthalate, labeled by the SPI code #1.
- (18) “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.
- (19) “Post-consumer waste” means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in s. 144.61(5), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in s. 144.44(7)(a)1., Wis. Stats.
- (20) “PP” means polypropylene, labeled by the SPI code #5.
- (21) “PS” means polystyrene, labeled by the SPI code #6.
- (22) “PVC” means polyvinyl chloride, labeled by the SPI code #3.
- (23) “Recyclable materials” includes the following:
lead acid batteries

major appliances
waste oil
yard waste
aluminum containers
corrugated paper or other container board
foam polystyrene packaging
glass containers
magazines and other materials printed on similar paper
newspapers and other materials printed on similar paper
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
bi-metal containers

- (24) “Solid waste” has the meaning specified in s. 144.01(15), Wis. tats.
- (25) “Solid waste facility” has the meaning specified in s. 144.43(5), Wis. Stats.
- (26) “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.
- (27) “Waste tire” means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
- (28) “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.

11.0 MANDATORY SEPARATION OF RECYCLABLE MATERIALS

All persons generating or possessing recyclable materials, including occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties will separate the following recyclable materials from post-consumer waste:

- (1) Lead acid batteries
- (2) Major appliances
- (3) Waste oil
- (4) Yard waste
- (5) Aluminum containers
- (6) Bi-metal containers
- (7) Corrugated paper or other container board
- (8) Foam polystyrene packaging

- (9) Glass containers
- (10) Magazines and other materials printed on similar paper
- (11) Newspaper and other materials printed on similar paper
- (12) Office paper
- (13) Rigid plastic containers, made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins
- (14) Steel containers
- (15) Waste tires

12.0 SEPARATION REQUIREMENTS EXEMPTED

The separation requirements of s.1.11 do not apply to the following:

- (1) Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties that send their post-consumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in s. 1.11 from solid waste in as pure a form as is technically feasible.
- (2) Solid waste which is burned as a supplemental fuel at a facility if less than 30 percent of the heat input to the facility is derived from the solid waste burned as supplemental fuel.
- (3) A recyclable material specified in s. 11.0 (5) through (15) for which a variance has been granted by the Department of Natural Resources under s. 159.11(2m), Wis. Stats., or s. NR 544.14, Wis. Administrative Code.

13.0 CARE OF SEPARATED RECYCLABLE MATERIALS

- (1) To the greatest extent practicable, the recyclable materials separated in accordance with s. 1.11 shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other non-recyclable materials, including but not limited to household hazardous waste, medical waste, and agricultural chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions.
- (2) Where on-site collection is provided, recyclable materials shall be separated and placed in designated container(s) for collection. Materials shall be prepared according to haulers requirements and local unit of government regulations.
- (3) Yard waste as described in 10.0 (28) will be delivered by the owner or the owner's designee to the designated compost site(s) or land spread at approved locations in accordance with NR 518, Wisconsin Admin. Code.

- (4) 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. The person placing said materials for collection shall properly separate the materials for the next collection.

14.0 MANAGEMENT OF LEAD ACID BATTERIES, MAJOR APPLIANCES, WASTE OIL AND YARD WASTE

Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties shall manage lead acid batteries, major appliances, waste oil, and yard waste as follows:

- (1) Lead acid batteries shall be: disposed of by the owner by contacting an accepting vendor and then delivering the item as directed.
- (2) Major appliances shall be disposed of by the owner by contacting an accepting vendor and then delivering the item as directed.
- (3) Waste oil shall be disposed of by the owner by contacting an accepting vendor and then delivering the item as directed, or disposed of by the owner at a site designated by Florence county.
- (4) Yard waste shall be disposed of by the owner at a site designated by Florence county.

15.0 PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS

- (1) Except as otherwise directed by the Recycling Management Board acting under the authority of the Florence County Solid Waste Committee, occupants of single family and 2 to 4 unit residences shall do the following for the preparation and collection of the separated materials specified in s. 11.0 (5) through (15):

Aluminum containers; bi-metal containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines and other materials printed on similar paper; newspaper and other materials printed on similar paper; office paper; rigid plastic containers including: PETE, HDPE, PVC, LDPE, PP, PS, and plastic containers made of other resins or multiple resins; steel containers; waste tires shall be prepared, handled and/or collected as required by instructions issued by the Florence County Recycling Management Board.

- (2) The recycling container(s) provided by Florence County, as well as recyclable materials set out for the purpose of collection, shall be placed at the curb no more than 48 hours before the scheduled collection time. The recycling container and materials not collected shall be removed no more than 48 hours after the scheduled collection day.
- (3) Container(s) provided for the purpose of the storing and collection of recycled materials are the property of Florence County. Person(s) shall ensure that the recycling container(s) are used solely for the storing and collection of recycled material, and are responsible for maintaining container(s) in a non-soiled unaltered state. Person(s) shall be responsible for replacing any recycling container that is lost, stolen, or damaged.

16.0 RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF MULTIPLE-FAMILY DWELLINGS

- (1) Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in s. 11.0 (5) through (15):

- (a) Provide adequate, separate containers for the recyclable materials.
 - (b) Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
 - (c) 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.
 - (d) Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet the processing requirements, collections methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.
- (2) The requirements specified in (1) do not apply to the owners or designated agents of multiple-family dwellings if the post-consumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in s. 11.0 (5) through (15) from solid waste in as pure a form as is technically feasible.

17.0 RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF NON-RESIDENTIAL FACILITIES AND PROPERTIES

- (1) Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in s 11.0 (5) through (15):
- (a) Provide adequate, separate containers for the recyclable materials.
 - (b) Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.
 - (c) Provide for the collection of materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility.
 - (d) Notify users, tenants and occupants of reasons to reduce and recycle, 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 specified in (1) do not apply to the owners or designated agents of non-residential facilities and properties if the post-consumer waste generated within the facility or property is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in s. 11.0 (5) through (15) from solid waste in as pure a form as is technically feasible.

18.0 PROHIBITIONS ON DISPOSAL OF RECYCLABLE MATERIALS SEPARATED FOR RECYCLING

No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in s. 11.0 (5) through (15) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

19.0 ENFORCEMENT

- (1) For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the Florence County Zoning office may inspect recyclable materials separated for recycling, post-consumer 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 Florence County Zoning office who request access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.
- (2) Any person who violates a provision of this ordinance may be issued a citation by any authorized officer, employee or authorized representative of the Florence County Zoning office to collect forfeitures. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this paragraph.
- (3) Penalties for violating this ordinance may be assessed as follows:
 - (a) Any person who violates s. 18.0 may be required to forfeit \$50 for a first violation, \$200 for a second violation, and not more than \$2000 for a third or subsequent violation.
 - (b) Any person who violates a provision of this ordinance, except s. 18.0, may be required to forfeit not less than \$10 nor more than \$1000 for each violation.