

CHAPTER 16  
RECYCLING

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CHAPTER 16  
RECYCLING

16.101 Title. Recycling Ordinance for Oconto County.

16.102 Purpose. The purpose of this ordinance is to promote recycling, composing, and resource recovery through the administration of an effective recycling program, as provided in Sec. 287.11, Wis. Stats., and Chapter NR 544, Wis. Adm. Code.

16.103 Statutory Authority. This ordinance is adopted as authorized under Sec. 287.09(3)(b), Wis. Stats., and Sec. 59.02, Wis. Stats.

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

16.105 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 requirement 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 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 adoption of this ordinance, or in effect on the date of the most recent text amendment of this ordinance.

16.106 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.

16.107 Applicability. The requirement of this ordinance shall apply to all persons within Oconto County.

16.108 Administration. The provisions of this ordinance shall be administered by the Oconto County Zoning Department.

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

16.110 Definitions: For the purposes of this ordinance:

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

(b) "Container board" means corrugated paper board used in the manufacture of shipping containers and related products.

(c) "Foam polystyrene packaging" means packing made from foam polystyrene that satisfies one of the following criteria:

(1) Is designed for serving food or beverages.

(2) Consists of loose particles intended to fill space and cushion the packaged article in a

shipping container.

(3) Consist of rigid materials shaped to hold and cushion the packaged article in a shipping container.

(d) "HDPE" means high density polyethylene, labeled by the SPI code #2.

(e) "LDPE" means low density polyethylene, labeled by the SPI code #4.

(f) "Magazines" means magazines and other materials printed on similar paper.

(g) "Major appliance" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, stove, residential or commercial furnace, boiler, dehumidifier or water heater.

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

(i) "Newspaper" means a newspaper and other material printed on newsprint.

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

(k) "Office paper" means high grade printing and writing papers from offices in non-residential facilities and properties. Printed white ledger and computer printouts are examples of office paper generally accepted as high grade. This term does not include industrial process waste.

(l) "Other resins or multiple resins" means plastic resins labeled by the SPI code #7.

(m) "Person" includes any individual, corporation, partnership, associate, local governmental unit, as defined in Sec. 66.0131(1)(a), Wis. Stats., state agency or authority or federal agency.

(n) "PETE" means polyethylene terephthalate, labeled by the SPI code #1.

(o) "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 subject to retail sale.

(p) "Postconsumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in Sec. 291.01(7), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in Sec. 289.01(17), Wis. Stats.

(q) "PP" means polypropylene, labeled by the PI code #5.

(r) "PS" means polystyrene, labeled by the SPI code #6.

(s) "PVC" means polyvinyl chloride, labeled by the SPI code #3.

(t) "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.

- (u) "Scrap metal" means all other metal except "major appliances". This definition does not include auto/truck bodies and/or parts or wire products.
- (v) "Solid Waste" has the meaning specified in Section 289.01(33), Wis. Stats. This definition specifically excludes hazardous waste.
- (w) "Solid waste facility" has the meaning specified in Sec. 289.01(35), Wis. Stats.
- (x) "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.
- (y) "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
- (z) "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.

16.111 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:

- (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
- (k) Newspaper
- (l) Office paper
- (m) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins

(n) Scrap metals

(o) Steel containers

(p) Waste tires

16.112 Separation Requirements Exempted. The separation requirements of Section 16.111 do not apply to a recyclable material specified in Sec. 16.111(e) through (p) for which a variance has been granted by the Department of Natural Resources under Sec. 287.11(2m), Wis. Stats. or Sec. NR 544.14, Wis. Adm. Code.

16.113 Care of Separated Recyclable Materials. To the greatest extent practicable, the recyclable materials separated in accordance with Sec. 16.111 shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other non-recyclable material, 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.

16.114 Management of Lead Acid Batteries, Major Appliances, Scrap Metal, Waste Oil and Yard Waste. Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and nonresidential facilities and properties shall manage these items as follows:

(a) Lead acid batteries shall be NOT disposed of as "Solid Waste" nor be otherwise discarded. It is recommended that batteries be recycled within the market place as garages or buy-back locations. Where markets are not available, batteries may be dropped off at the appropriate Oconto County Recycling Drop Off Center.

(b) Major appliances shall be dropped off at the appropriate Oconto County Recycling Drop Off Center. Appliances shall be free of any contaminants. Freon and other such material need not be removed from the appliance.

(c) Scrap Metal shall be dropped off at the appropriate Oconto County Recycling Drop Off Center. All metals as defined will be accepted. Such metal shall be free of contaminants. Wire products are prohibited.

(d) Waste oil shall be dropped off at the Appropriate Oconto County Recycling Drop Off Center and placed in the appropriate containers provided. Waste oil shall be free from any other material. Other liquids such as transmission fluid, paint thinners, etc., are prohibited.

(e) Yard waste shall be managed by each individual. It is encouraged that yard waste be recycled on each property. A municipality may establish a yard waste program upon approval from the Responsible unit and Department of Natural Resources.

16.115 Preparation and Collection of Recyclable Materials. Occupants of single family and 2 to 4 unit residences shall separate the materials specified in Sec. 16.111(e) through (p) and prepare said materials in accordance with the following separate directives, which may be amended separately as required for the proper collection and handling of recyclable material:

(a) Appendix I. Oconto County Recycling Guide

(b) Appendix II. Oconto County Curbside Guide

- (c) Appendix III. Waste Tires
- (d) Appendix IV. Paint Program
- (e) Appendix V. Good Will
- (f) Waste tires shall be delivered to the appropriate Oconto County Recycling Drop Off Center. There shall be a tipping fee for acceptance of waste tires as follows:

|           |      |
|-----------|------|
| Under 13" | .50  |
| 13-16"    | 1.00 |
| 17-23"    | 2.00 |
| Over 23"  | 5.00 |

- (g) Paint will be collected at each Oconto County Recycling Center during the non-freezing months. Paint shall be placed in the designated containers. Paint shall not be contaminated with other material.
- (h) Goodwill Industries is cooperating with the Oconto County Recycling Program. Containers/buildings have been placed at each Oconto County Recycling Center. Non-recyclable items will be accepted to include but not limited to:

Clothing  
Toys  
Pots, pans, dishes, etc.  
Small furniture items  
Books

#### 16.116 Responsibilities of Owners or Designated Agents of Multiple-Family Dwellings.

- (a) Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in Sec. 16.111(e) through (p):
  - (1) Provide adequate, separate containers for the recyclable materials.
  - (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.
  - (3) Provide for the collection of the materials separated from the solid waste by the tenants and the delivery of the materials to an appropriate Oconto County Drop Off Center.
  - (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 contract person or company, including a name, address and telephone number.
- (b) The requirement specified in (1) does not pertain to a recyclable material for which a variance has been granted by the Department of Natural Resources under Sec. 287.11(2m), Wis. Stats., or Sec. NR 544.14, Wis. Adm. Code.

16.117 Responsibilities of Owners or Designated Agents of Non-Residential Facilities and properties:

- (a) Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in Sec. 16.111 (e) through (o):
  - (1) Provide adequate, separate containers for the recyclable materials.
  - (2) Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.
  - (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.
  - (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.
- (b) The requirements specified above 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 for recycling the materials specified in Sec. 16.111(e) through (o) from solid waste in as pure a form as is technically feasible.

16.118 Proper Disposal of Garbage and Recyclables.

- (a) It shall be unlawful for any person to dispose of or dump solid waste in any street, alley, or private or public place within Oconto County. Solid Waste must always be completely stored within appropriate containers. Solid Waste cannot be stored on-site longer than 1 month and must be properly disposed of within one month of storage. Solid Waste must be placed in translucent bags and placed in the appropriate containers or at curbside in the manner and at times specified by this ordinance. THE USE OF NON-TRANSLUCENT BAGS MAY CONTINUE UNTIL JANUARY 1, 1995. THEREAFTER, USE OF TRANSLUCENT BAGS SHALL BE MANDATORY.
- (b) Antiscavenging of Unlawful Removal of Recyclables. It shall be unlawful for any person, unless under contract with or licensed by Oconto County or its municipalities, to collect or remove any recyclable material that has been deposited in any drop-off center or placed at the curb or in a container adjacent to a home or non-residential building for the purposes of collection for recycling.
- (c) No person shall place for collection any garbage at the curb not owned or occupied by such person.
- (d) It shall be unlawful to burn or bury solid waste and recyclables by residential and non-residential sectors, at construction or other sites within Oconto County.
- (e) It shall be unlawful to conduct open burning, except households may burn brush, leaves, weeds, stumps, trees, other vegetative debris, personal confidential papers and clean unpainted, untreated wood in accordance with the following provisions:
  - (1) All exempted open burning shall be conducted in a safe nuisance free manner, when wind and weather conditions are such as to minimize adverse effects and not create a health hazard or a visibility hazard on roadways, railroads or airfields. Open burning shall be conducted in conformance with all local and state fire protection regulations.

- (2) Open Burning shall not be undertaken during periods when the WDNR or municipality has issued a burning ban applicable to the area.
- (3) Personal confidential papers from a residence may be burned if necessary to prevent theft of financial records, identification or other confidential information. Confidential papers from a commercial enterprise shall be shredded or destroyed in a manner other than burning.
- (f) It shall be unlawful for any person to place for disposal any of the following wastes: Hazardous and toxic waste, chemical, explosives, flammable liquids, lead based paint which is hazardous, trees and stumps, construction debris, carcasses and medical wastes.
- (g) It shall be unlawful to bring refuse from outside the corporate limits into any municipality for disposal unless authorized by agreement with the municipality.
- (h) It shall be unlawful to bring recyclable from outside Oconto County into any municipality unless authorized by agreement with Oconto County.

16.119 Prohibitions on Disposable of Recyclable Materials for Recycling.

- (a) 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 Section 16.111(e) through (p), or otherwise dispose of recyclable materials in an unauthorized or illegal manner. Exception: Waste tires will be processed separately and may be burned within an energy recovery facility or otherwise used in a recycled product.
- (b) The hauler or drop off site attendant has the right to reject or leave at the curb any recyclable material that is not prepared according to the specifications in this ordinance, or in education material provided by the County. Materials can also be left if not separated from Solid Waste, placed in the proper container, or are not designated recyclable materials for collection. The Hauler also has the right to refuse to pick up any solid waste if it contains recyclable containers and material. In such cases, the hauler or attendant shall notify the generator or the materials about the reasons for rejecting the items either in writing or verbally. The hauler or site attendant shall keep a list of such occurrences and provide it to the County on a monthly basis.
- (c) Recyclables, upon placement at the curb, shall become the property of Oconto County. Recyclables, placed in containers at a drop off site, shall become the property of Oconto County.

16.120 Hauler Licensing.

- (a) No person or corporation shall engage in the business of hauling recyclables within Oconto County without being licensed by WIDNR under Sec. NR 52.06, Wis. Adm. Code.
- (b) Haulers who collect solid waste within Oconto County for storage, processing, marketing or disposal shall obtain and maintain all state approvals, permits and licenses prior to engaging in business. In addition, each hauler shall obtain a license from Oconto County.
- (c) Haulers operating within Oconto county are required to maintain records and report in writing to the Recycling Coordinator quarterly, the amount of solid waste and recyclables processed and or marketed by item type, and the final disposal location of solid waste and recyclable material. Failure to report shall be cause for the County to revoke any license held by said hauler.

16.121 Local Government Purchasing of Recycled Content:

Each municipality within Oconto County, shall, in accordance with s. 16.72(2)(e)&(f), Wis. Stats., to the extent practicable, make purchasing decisions to maximize the purchasing of products made from recycled and recovered materials. Each municipality shall, to the extent practicable, award contracts for equipment and supplies on the basis of recyclability and ultimate disposition of products to discourage the purchase or single-use disposable products and require purchase of multiple-use, durable products.

16.122 Enforcement:

- (a) For the purpose of ascertaining compliance with the provisions of this ordinance, employees or designees of the Oconto County Zoning Office may inspect recyclable material 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. An inspector may not enter private property without permission. If a property owner refuses permission, an inspection warrant may be obtained. No person may obstruct, hamper, or interfere with such an inspection.
- (b) Any person who violates a provision of this ordinance may be issued a citation by the Oconto County Zoning Department 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.
- (c) Penalties for violation this ordinance may be assessed as follows:
  - (1) Any person who violates Sec. 16.118 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.
  - (2) Any person who violates a provision of this ordinance, except Section 16.118, may be required to forfeit not less than \$10 nor more than \$1000 for each violation.