

# **ST. CROIX COUNTY CODE OF ORDINANCES**

## **CHAPTER 21 -- MUNICIPAL SOLID WASTE: REDUCTION, RECOVERY & RECYCLING**

**EFFECTIVE MARCH 15, 2012**

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**ST. CROIX COUNTY CODE OF ORDINANCES**  
**CHAPTER 21 – ST. CROIX COUNTY MUNICIPAL SOLID WASTE:**  
**REDUCTION, RECOVERY & RECYCLING**

*The Board of Supervisors of St. Croix County, Wisconsin, does ordain as follows: Chapter 41 Metal or Glass; Chapter 43 Recycling Ordinance, as amended on December, 1994, and October, 2003; and Chapter 44 Storage of Waste Tires, are repealed and recreated as follows:*

**21.1 INTRODUCTION**

**A. TITLE, AUTHORITY AND EFFECTIVE DATE**

**1. TITLE**

- a. This ordinance shall be cited as “Chapter 21 - St. Croix County Municipal Solid Waste: Reduction, Recovery and Recycling Ordinance” and hereinafter referred to as the “ordinance.”

**2. AUTHORITY**

- a. This ordinance is enacted pursuant to Wisconsin Statutes Ch. 287, 289 and 59 and Wisconsin Administrative Code Ch. NR 544.
- b. The versions of the Wisconsin Statutes and the Administrative Code cited in a. which are in effect at the time of adoption of this ordinance, together with any subsequent amendments thereto or recreations of said statutes and code provisions, constitute authority for this ordinance.

**3. EFFECTIVE DATE**

- a. This ordinance shall be effective on March 15, 2012. Ordinance No. 809/2012.

**B. PURPOSES AND OBJECTIVES**

**1. PURPOSES**

- a. To promote and protect public health, environment, safety and general welfare by minimizing environmental, economic and social costs to the residents of the [responsible unit](#) and beyond in an effort to promote ecological and environmental sustainability.
- b. To ensure proper [municipal solid waste](#) management to protect the environment and health of the citizens of St. Croix County and beyond.
- c. To protect life, health and property.
- d. To establish and maintain an effective municipal solid waste management program by promoting reduction, reuse, recycling, composting and resource recovery through administration of effective programs, as provided in Wisconsin Statutes §§287.09(2)(a) and 287.11 and Wisconsin Administrative Code Ch. NR 544.

## 2. OBJECTIVES

- a. To minimize expenditures of public funds for remediation or environmental repair.
- b. To develop and implement a comprehensive policy and program for management of [municipal solid waste](#) generated within the [responsible unit](#) and promote reduction, reuse, recycling, composting and resource recovery through administration of effective programs, as provided in Wisconsin Statutes §§287.09(2)(a) and 287.11 and Wisconsin Administrative Code NR 544.
- c. To protect the public's health, prevent public [nuisances](#), and prevent contamination of air, soil, surface water, ground water and other environmental features of St. Croix County.
- d. To protect natural resources through control of location and operation of [municipal solid waste](#) management activities.
- e. To promote safe management of municipal solid waste by all [persons](#), especially [hazardous waste](#), appliances, [electronics](#), tires, [yard waste](#), and [sharps](#).
- f. To encourage all persons to be both informed and responsible for their actions regarding municipal solid waste that may affect the environment and the community now and in the future.
- g. To support activities that will promote reduction, reuse and recycling of materials found in municipal solid waste.
- h. To augment, supplement and support existing State of Wisconsin statutes and administrative rules regarding municipal solid waste.
- i. To impose penalties and forfeitures concerning violations of this ordinance.
- j. To address unforeseen circumstances which are not specifically covered, the basic principles enumerated in this ordinance shall serve to define the intent.

## C. APPLICABILITY AND EXEMPTIONS

### 1. APPLICATION OF THIS ORDINANCE

- a. This ordinance applies to the [responsible unit](#) under Wisconsin Statutes §287.09(1), including but not limited to:
  - 1) All persons within the responsible unit.
  - 2) All land within the responsible unit.
  - 3) All haulers or persons conducting [business](#) within the responsible unit.
  - 4) All persons who own, lease or occupy [residential](#), [multi-family](#) and [non-residential](#) properties within the responsible unit.
  - 5) All persons holding [special events](#) or managing [public places](#) within the responsible unit.
  - 6) Any activity that generates municipal solid waste within the responsible unit.
- b. This ordinance shall not apply or be enforced in those municipalities of St. Croix County which retain their own responsible unit designation and authority.

### 2. COMPLIANCE

- a. All [persons](#) shall manage [municipal solid waste](#) which is owned, controlled or possessed by them, in compliance with this ordinance.
- b. Property owners and [occupants](#) within the [responsible unit](#) must comply with this ordinance.

### 3. INCORPORATION OF PROVISIONS BY REFERENCE

- a. This ordinance incorporates by reference the following rules, regulations and laws, as set forth in the Wisconsin Statutes and the Wisconsin Administrative Codes governing recycling and [municipal solid waste](#):
  - 1) Wisconsin Statutes Chapter 287, 289, and 291.
  - 2) Wisconsin Administrative Code Chapters NR 500 to NR 555 and NR 660 to 679.
- b. These rules, regulations and laws shall apply until amended or renumbered and then shall apply as amended or renumbered.

### 4. EXEMPTIONS

- a. The following are exempt from this ordinance:
  - 1) Domestic wastewater which is regulated by the St. Croix County Sanitary Ordinance, Chapter 12.
  - 2) Sludge as defined in Wisconsin Administrative Code §NR 500.03(212).
  - 3) Animal waste which is regulated by the St. Croix County Animal Waste Ordinance, Chapter 11.
  - 4) [Clean Fill](#).
  - 5) The demolition debris resulting from the burning of an existing structure for practice and instruction of fire fighters or testing of fire-fighting equipment, subject to Wisconsin Administrative Code §NR 502.11(2)(c).
  - 6) Food Waste.
  - 7) Livestock Mortality Composting subject to Wis. Statute §95.50 and Wisconsin Administrative Code §NR 502.12(5)(d), (10) & (11).

## D. INTERPRETATION

### 1. ABROGATION

- a. It is not intended by this ordinance to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, rules or permits previously adopted or issued pursuant to law. However, whenever this ordinance imposes greater restrictions, the provisions of this ordinance shall apply.
- b. Nor is it the intent of this ordinance to abrogate, impair or interfere with the legal rights of any [person](#) as may be guaranteed by the state and federal constitutions, statutes and administrative rules.
- c. The provisions of this ordinance shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any power granted by the Wisconsin Statutes.
- d. Where any terms or requirements of this ordinance may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply.
- e. 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. LIBERAL CONSTRUCTION

- a. The provisions of this ordinance shall be liberally construed in favor of St. Croix County and shall not be construed to be a limitation or repeal of any other power now possessed or granted to St. Croix County.

**3. SEVERABILITY AND NON-LIABILITY**

- a. If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

**E. LIMITATION OF ACTION**

**1. CLAIMS**

- a. This ordinance shall be subject to the notice of claims and claim requirements of Wisconsin Statutes §893.80(1).



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## 21.2 STANDARDS & COLLECTION

### A. GENERAL STANDARDS

#### 1. PROPERTY STANDARDS

- a. It shall be the duty of any [person](#) owning or occupying any property to maintain the premises in a clean and orderly manner, free from any [municipal solid waste](#), unless managed as required in this section, **§21.2**.
- b. It shall be the duty of any person owning or occupying any property or lands to ensure that all municipal solid waste or [litter](#) shall be picked up and disposed of properly.

#### 2. BURNING OF YARD WASTE AND UNTREATED WOOD

- a. Unless prohibited by local regulation, any [person](#) may burn [yard waste](#) and clean wood, including but not limited to wood that has not been painted, stained, sealed or treated, and is generated by a single family or household if the following standards are met:
  - 1) Properly notify and receive approval, including any necessary permits, from the local governing municipality and/or fire department.
  - 2) Conduct all allowed burning of yard waste and clean wood in a safe manner, when wind and weather conditions are such as to minimize adverse health and/or fire hazard effects and in conformance with local and state fire protection regulations.
- b. Cities, Villages, Towns and the County may burn clean wood, including but not limited to wood that has not been painted, stained, sealed or treated, as long as the municipality has obtained a Solid Waste Woodburning Site License from the Wisconsin Department of Natural Resources.
- c. Persons may burn clean wood that has or has not been generated on their own property for recreation, heating or food preparation. Persons must also meet all other burning requirements.
- d. All burning shall be controlled to prevent property damage. All damage caused by burning is the responsibility of the person who is conducting the burn.
- e. Enclosed or indoor burning for heating residential or nonresidential facilities is exempt from this section.

#### 3. COMPOSTING AND BURYING

- a. All persons who own, lease or occupy [residential](#) property may manage, compost or bury, [yard waste](#) and [compostable organic materials](#) on the property where it is generated if it does not create a [nuisance](#), public health risk or environmental hazard and is in accordance with this ordinance.
- b. All [persons](#) may manage or compost yard waste and compostable organic materials from their own or another's property if they are used as a soil amendment or mulch on the property where it is composted or managed. It shall not create a nuisance, public health risk or environmental hazard and shall be in accordance with this ordinance.
- c. City, village, town and county composting and reuse programs may manage or compost yard waste and compostable organic materials if they do not create a nuisance, public health risk or environmental hazard.

- d. A wood chipping or grinding facility is permitted if it processes clean wood that is not mixed with other [municipal solid waste](#). It shall not create a nuisance, public health risk or environmental hazard and is required to hold all applicable permits.

#### 4. AUTHORITY TO REMOVE

- a. Subject to Wisconsin Administrative Code §NR 502.06, any [person](#) may collect [municipal solid waste](#) from a single household or municipal solid waste amounting to less than 20 tons per year and transport it to a proper facility including, but not limited to, licensed municipal solid waste facility, municipal recycling center, county-wide or municipal collection event, or a private [recycling facility](#), when authorized by the property owner, tenant or designated agent.
- b. A [hauler](#) may collect municipal solid waste when authorized by the municipality, property owner, tenant or designated agent.
- c. In accord with lawful authority, St. Croix County may remove or cause to be removed from property subject hereto, all municipal solid waste and [litter](#) which is not deposited in lawful [containers](#) and the placement of which is a violation of this ordinance. In accord with Wisconsin Statutes §66.0627, St. Croix County shall consider this to be a current service rendered on behalf of the property from which the municipal solid waste is removed and may impose a special charge therefore which will be placed on the tax roll, if not paid by the owner upon being billed for said service.

### B. PROHIBITED ACTIVITIES

#### 1. LITTERING AND MUNICIPAL SOLID WASTE ACCUMULATION

- a. No [person](#) shall [litter](#).
- b. No person shall accumulate on land subject to his or her ownership or control or allow a third person to accumulate, any [municipal solid waste](#), which accumulation violates this ordinance or which creates an unsanitary condition, [nuisance](#) or health or fire hazard.

#### 2. BURNING

- a. No [person](#) shall burn [trash](#), [recyclable materials](#), [banned materials](#) or [separated materials](#), except for [yard waste](#) and clean wood (WI Administrative Code NR 502.11 & 429.04) that has not been painted, stained, sealed or treated. [Clean fill](#) is exempt from this ordinance, see §21.1 C.4.

#### 3. BURYING AND DISPOSING

- a. No [person](#) shall bury or dispose of any [municipal solid waste](#) in any unlicensed WI DNR disposal site, public or private, within the [responsible unit](#) except as provided in §21.2 A.3. above. [Clean fill](#) is exempt from this ordinance, see §21.1 C.4.

#### 4. SCAVENGING

- a. No scavenging of municipal solid waste shall be permitted from containers; haulers' equipment or vehicles; disposal, reuse and recycling sites; or [county collection events](#).

## C. TRASH AND RECYCLABLE MATERIAL MANAGEMENT: GENERAL REQUIREMENTS

### 1. COLLECTION

- a. All [persons](#) who own, lease or occupy property shall provide temporary storage for any [trash](#) and [recyclable materials](#).
- b. All trash and recyclable materials shall be deposited in separate [containers](#) to be placed at collection locations or, if not in containers, shall be placed at collection locations, on private or public property, agreed to by the property owner and hauler.
- c. All persons who own, lease or occupy property in a city, village or town whose population exceeds 3000 shall have their containers, emptied at least once every 14 days or more frequently to prevent the creation of [nuisances](#), public health risks or environmental hazards except for containers subject to e. below.
- d. All persons who own, lease or occupy property in a city, village or town whose population is less than 3000 shall have their [containers](#) emptied at least once a month or more frequently to prevent the creation of nuisances, public health risks or environmental hazards except for containers subject to e. below.
- e. [Construction and demolition material](#) containers shall be emptied at least once every four months or more frequently to prevent a nuisance, public health risk or environmental hazard and shall be in compliance with this ordinance.

### 2. CONTAINERS

- a. [Containers](#) shall be of a size that will hold the volume of [trash](#) or [recyclable materials](#) generated between each collection.
- b. Containers shall be durable, and resistant to leaking, rusting and breaking.
- c. Containers for trash which are placed in an exterior location shall have fitted or attached covers. Covers shall generally be kept closed to prevent problems caused by precipitation, animals or wind.
- d. Within six months of the effective date of this ordinance, all containers shall be plainly labeled if they are:
  - 1) Intended for collection of trash or recyclable materials; and
  - 2) In public or private locations; and
  - 3) Accessible to those in a shared space; and
  - 4) Are two yards or larger.
- e. The label in d. above shall be located on the most highly visible side or lid of the containers with bold lettering no smaller than 1.5 inches in height conveying the message, **“RECYCLABLES ONLY” or “TRASH ONLY”**. A description of the types of recyclable materials accepted is encouraged. The [hauler](#)'s name and phone number should be displayed.
- f. The following containers are exempt from a.- e. above:
  - 1) Containers used **inside** private residences.
  - 2) Containers maintained for personal use and not intended to be placed for collection by a hauler.
  - 3) Containers not in a shared space.
- g. Containers should not be placed out for [curbside collection](#) more than 48 hours prior to collection, and should be removed within 48 hours following collection.

- h. Unless intended for public use, no unauthorized person shall deposit any materials in any container, including but not limited to those located at convenience stores, apartment buildings, schools, construction sites, etc.
- i. No person shall scavenge, displace, damage, deface, destroy or disturb containers and their contents when placed for collection.

### 3. OWNER AND/OR OCCUPANT OBLIGATION

- a. The owner and/or occupants of all occupied [dwellings](#) shall supply [containers](#) that meet the standards of this ordinance, either directly or through a [hauler](#), for the temporary storage of [trash](#) and [recyclable materials](#) for disposal or recycling prior to collection and transportation to an appropriate facility.
- b. Property owners and/or [occupants](#) are responsible for maintaining containers in a reasonably neat, clean and sanitary condition. Trash containers shall also be resistant to leaking. If the container is supplied by a hauler, the owner and/or occupant shall notify the hauler of the container's poor condition and the hauler shall ensure that the container conforms to the requirements of this ordinance.

### 4. NON-RESIDENTIAL AND MULTI-FAMILY

- a. The owners of all occupied [multi-family](#) and [non-residential](#) properties or their agents shall do all of the following:
  - 1) Provide [containers](#) to collect [municipal solid waste](#) for recycling and disposal that conform to the standards in **§21.2 C.2. and 21.2 C.3.** above.
  - 2) Ensure that the users know where the recyclables and [trash](#) need to be placed.
  - 3) Notify in writing at the time of renting or leasing the property and at least semi-annually thereafter, all users, tenants, employees and occupants of the properties about the recycling program that has been established. The information shall include at a minimum:
    - a) Reasons to reduce and recycle municipal solid waste.
    - b) A list of [recyclable materials](#), [banned materials](#) and [separated materials](#) that shall be separated from trash.
    - c) How recyclable materials are to be prepared to meet processing requirements, i.e. remove cap, flatten, co-mingle.
    - d) Location of containers.
    - e) Contact [person](#), including name, address and phone number.
  - 4) Provide for collection and delivery of recyclable materials to a [recycling facility](#) either directly or through a [hauler](#).
  - 5) Provide for collection and delivery of trash to a licensed municipal solid waste facility either directly or through a hauler.

### 5. SPECIAL EVENTS AND PUBLIC PLACES

- a. All [special events](#) at [public places](#) and all organizers and sponsors of and owners of the property where said events are held shall do the following:
  - 1) Provide [containers](#) to collect [municipal solid waste](#) for recycling and disposal that conform to the standards in **§21.2 C.2. and 21.2 C.3.** above.
  - 2) Ensure that the users know where the recyclables and [trash](#) need to be placed.
  - 3) Provide for collection and delivery of [recyclable materials](#) to a [recycling facility](#) either directly or through a [hauler](#).
  - 4) Provide for collection and delivery of trash to a licensed municipal solid waste facility either directly or through a hauler.

## 6. COUNTY COLLECTION EVENTS

- a. In its discretion, the County may hold [county collection events](#) for collecting, processing, recycling and disposing of materials including but not limited to hazardous waste, electronics, appliances and tires.
- b. During the course of holding a county collection event, the County reserves the right to reject any load of recyclable or other municipal solid waste that does not meet the specifications established by the County.
- c. For the purpose of holding collection events, the County may see fit to act through an agent and may charge fees to those who deposit materials at such events.

## D. SEPARATED MATERIALS

### 1. SEPARATION STANDARD

- a. The following [banned materials](#) shall be separated from other [municipal solid waste](#) for recycling and/or [beneficial reuse](#):
  - 1) [Electronic Devices](#).
  - 2) [Lead-Acid Batteries](#).
  - 3) [Major Appliances](#).
  - 4) [Waste Tires](#).
  - 5) [Used Waste Oil](#).
  - 6) [Used Oil Filters](#).
  - 7) [Used Oil Absorbent Materials](#).
- b. The following materials shall be separated from other municipal solid waste for burning, composting or burial in accord with **§21.2 A. and B.**:
  - 1) [Yard Waste](#).
  - 2) [Compostable Organic Materials](#).
- c. The following materials shall be separated from other municipal solid waste for recycling, beneficial reuse or proper treatment and disposal:
  - 1) Antifreeze.
  - 2) [Fluorescent Bulbs](#).
  - 3) [Hazardous Waste](#).
  - 4) [Mercury-Containing Devices](#).
  - 5) Rechargeable Batteries.
  - 6) [Sharps](#).

### 2. MANAGEMENT OF SEPARATED MATERIALS

- a. Materials in **§21.2 D.1.** above shall be delivered to or collected by municipal collection programs or sites or a private operation that accepts these materials for recycling, beneficial reuse or proper treatment and disposal. The collection site must meet all applicable local, state and federal regulations. [Yard waste](#) and [compostable organic materials](#) are exempt from this provision as provided under **§21.2 A.3.**
- b. Automotive, truck and farm tractor [tires](#) when reused shall not cause or contribute to a [nuisance](#), public health risk or environmental hazard and shall be in compliance with this ordinance.

## E. RECYCLABLE MATERIALS

### 1. SEPARATION STANDARD

- a. No person may place in a container the contents of which will be disposed of in a solid waste treatment facility, converted into fuel, or burned at a solid waste treatment facility any of the items identified below. These [recyclable materials](#) shall be separated from other [municipal solid waste](#) for recycling and/or beneficial reuse unless exempted by Wisconsin Statutes §287.07 and §287.11.
  - 1) [Aluminum Containers.](#)
  - 2) [Glass Containers.](#)
  - 3) [Steel and Tin Containers.](#)
  - 4) [Newspaper.](#)
  - 5) [Cardboard.](#)
  - 6) [Magazines.](#)
  - 7) [Office Paper.](#)
  - 8) [Plastic Containers.](#)

### 2. MUNICIPAL RECYCLABLES COLLECTION

- a. A [member municipality](#) with a population of over 5,000 shall be required to provide [curbside collection](#) of [recyclable materials](#) to single-family and 2-4 unit residences at least once per month.
- b. A member municipality with a population of less than 5,000 shall provide [curbside collection](#) at least once per month and/or have reasonable access to a drop-off facility for the collection of recyclable materials at least two days each month for a minimum of five hours each day for single-family and 2-4 unit residences unless demonstrated by the municipality that fewer hours adequately meet the needs of the residents.
- c. A member municipality shall collect recyclable materials in a manner that maintains the marketability of those materials.
- d. A member municipality may submit an application to the St. Croix County Community Development Committee, as provided for in Administrative Code §NR 544.08(3), for an alternative collection or processing system.
- e. A member municipality is responsible for processing recyclable materials, collected from single-family and 2-4 unit residences, by ordinance or contract or a combination thereof.
- f. Annually, the member municipality shall file a report with the Planning and Zoning Department, on forms provided by the Department, identifying all the following for the preceding year:
  - 1) The tons of recyclable materials collected.
  - 2) Associated costs for operating their recycling program.
  - 3) Any other information requested by the Planning and Zoning Department regarding recycling activities.



## 21.3 HAULER STANDARDS

### A. HAULER REQUIREMENTS

#### 1. OPERATIONAL STANDARDS

- a. All [haulers](#) operating in St. Croix County shall comply with the requirements of this ordinance.
- b. All haulers shall obtain and keep any WI DNR and/or WISDOT licenses prior to operating as a hauler within the [responsible unit](#).

#### 2. COLLECTION AND MANAGEMENT

- a. [Haulers](#) shall transport [recyclable materials](#), set out for recycling, to a self-certified material recovery facility as defined in Wisconsin Administrative Code NR 544.16 and Wisconsin Statute §287.27(1) that sorts, packages and otherwise prepares recyclable materials for sale.
- b. The hauler shall conduct collections in a manner which ensures that no separated recyclables are contaminated with trash.
- c. [Containers](#) supplied by haulers shall conform to the standards in §§**21.2 C.2.** and **21.2 C.3.**
- d. A [residential](#) audit card shall describe the contaminated materials that were found and how to prepare [recyclable materials](#) and [trash](#) for collection.
- e. Haulers shall use a [residential](#) audit card to notify any residential customer that has:
  - 1) Trash contaminated with any recyclable or [banned materials](#).
  - 2) Recyclable materials contaminated with trash, banned materials or [separated materials](#).
- f. Haulers shall notify any multi-family or [non-residential](#) customer that has:
  - 1) Trash contaminated with any recyclable, [banned materials](#) or separated materials.
  - 2) Recyclable materials contaminated with trash, banned materials or separated materials.
- g. The non-residential notice shall describe the contaminated materials that were found and how to prepare recyclable materials and trash for collection.

#### 3. REPORTING

- a. Each [hauler](#) shall submit an annual report to the Planning and Zoning Department identifying the average number of residential customers and the weight in tons of [trash](#), [recyclable materials](#) and yard waste materials collected from residents within the [responsible unit](#) including contracted and subscription services. Reports shall be submitted for the year by January 31<sup>st</sup> of the following year.
- b. Haulers who collect and remove recyclable materials within/from the responsible unit shall maintain records and submit in their annual report the weights of recyclable materials, separated by types of recyclables as identified in **§21.2 E.1.a.**

#### 4. NOTIFICATION TO CUSTOMERS

- a. Upon the initial provision of [municipal solid waste](#) collection services to new customers and annually thereafter, the [hauler](#) shall notify its customers of their need to comply with the provisions set forth in this ordinance. At a minimum the notice shall include:
  - 1) Reasons to reduce and recycle municipal solid wastes.

- 2) A list of [recyclable materials](#), [banned materials](#), and [separated materials](#) that shall be separated from [trash](#).
  - 3) How recyclable materials are to be prepared to meet processing requirements, i.e. remove cap, flatten, co-mingle.
  - 4) Contact [person](#), including name, address and phone number.
  - 5) Locations and hours of operation of drop-off collection sites for recyclable materials not collected on-site.
  - 6) The hauler's rate system.
- b. For a [multi-family](#) or [non-residential](#) account, a notice may be sent to the account representative, provided that the notice shall inform the account's representative of its obligation to notify all individual customers or users of the recycling services that are available.
  - c. On or before January 31<sup>st</sup> of each year, the hauler shall deliver to the Planning and Zoning Department a true and correct written copy of the notification sent to each customer type, i.e. [residential](#), multi-family or non-residential during the previous year.



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## 21.4 ADMINISTRATION & ENFORCEMENT

### A. ADMINISTRATION

#### 1. ADMINISTRATOR

- a. The St. Croix County Planning and Zoning Director shall be responsible for the administration and enforcement of this ordinance.

#### 2. POWERS AND DUTIES

- a. The Planning and Zoning Director shall have the following powers and duties:
  - 1) Delegate duties to and supervise department staff, other employees and authorized representatives to assure full and complete compliance with this ordinance and related Wisconsin Statutes and the Administrative Code.
  - 2) Advise any [person](#) concerning the provisions of this ordinance and assist them in understanding the ordinance requirements.
  - 3) Keep records of all inspections made, exemptions approved, reports and other official actions.
  - 4) Have access to premises for the purpose of performing official duties as prescribed by law, subject to **§21.4 C.1.** below.
  - 5) Investigate and enforce violations of this ordinance.
  - 6) Issue and enforce orders to any person to assure proper compliance with all provisions of this ordinance.
  - 7) Develop fees in accordance with this ordinance and approved by the St. Croix County Community Development Committee.
  - 8) Receive and process appropriate forfeitures and fees.
  - 9) Apply for and distribute grants obtained through the WI DNR Recycling Grant Program and other grant programs.
  - 10) Develop and provide forms for member municipalities' annual reports and other information required to administer the municipal solid waste and recycling program(s).
  - 11) Perform other duties regarding the recycling, reduction, recovery and disposal of [municipal solid waste](#) as considered appropriate by the Community Development Committee or the State of Wisconsin.
  - 12) For purposes of inspections and application, obtain and execute special inspection warrant under Wisconsin Statutes §66.0119.

### B. COMMUNITY DEVELOPMENT COMMITTEE

#### 1. AUTHORITY

- a. The St. Croix County Board of Supervisors has assigned the authority and responsibility for policy direction for municipal solid waste and recycling programs to the St. Croix County Community Development Committee.

#### 2. ORGANIZATION

- a. All meetings and hearings of the Committee shall be conducted in conformance with Wisconsin Statutes §§19.81 through 19.98, the Wisconsin Open Meeting Law and amendments and revisions thereto.

- b. Subject to change by the County Board, the Committee may adopt such rules and regulations governing its procedures as it considers necessary or advisable and not in conflict with the Wisconsin Statutes.

### 3. POWERS AND DUTIES

- a. The Committee shall have the following powers and duties:
  - 1) To direct the preparation of a municipal solid waste management plan under Wisconsin Statutes §§59.70(2)(a) and 287.09(2)(a) and recommend to the St. Croix County Board of Supervisors for approval.
  - 2) To hold public hearings pursuant to petitions for amendments to a plan and/or ordinance.
  - 3) To recommend to the St. Croix County Board of Supervisors amendments to the municipal solid waste and/or recycling ordinances under Wisconsin Statutes §§59.70(2)(h) and 287.09(3)(b) or such further ordinances as it deems appropriate to fulfill the County's designation as responsible unit.
  - 4) To approve or deny appeals from administrative decisions. All decision on appeals shall be in writing, shall state the reasons for the decision and shall be mailed to the applicant within 10 working days of the decision.
  - 5) To 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 the removal of municipal solid waste or litter in accordance with **§21.4 D.**
  - 6) To review applications from member municipalities for alternative collection or processing systems and determine whether to apply for approval of such system(s) to the Wisconsin Department of Natural Resources, as provided for in Administrative Code §NR 544.08(3) and **§21.2 E.2.d.**
  - 7) To provide direction and legislative policy to the Planning & Zoning Department regarding the recycling and municipal solid waste programs.
  - 8) To establish fees.
  - 9) To avoid conflicts of interest or nepotism through adherence to the St. Croix County Board of Supervisors Code of Ethics, St. Croix County Board Rules & Bylaws, Article IV, Section B, and the Wisconsin Statutes §§ 19.59 and 946.12 and 946.13.

## C. INSPECTIONS

### 1. PURPOSE

- a. To determine whether a [person](#) subject to the provisions of this ordinance is in compliance therewith, the Planning and Zoning Department, subject to the provisions in b. through f. below, and after receipt of a complaint, reserves the right to inspect [municipal solid waste](#) at or in the following:
  - 1) Collection sites and facilities to which multiple loads of municipal solid waste are brought.
  - 2) [Hauler](#) vehicles.
  - 3) Sites, (excluding livestock housing areas, pens and barnyards)
    - a) Exterior to a residential dwelling or on undeveloped property, if municipal solid waste on the site is suspected of posing a threat to public health, safety or the environment, or creates a nuisance, an eyesore, an unsanitary condition, or a fire hazard, or is being burned or buried; or

- b) In the shared spaces of a multi-family property; or
- c) On non-residential property.
- b. Before engaging in any such inspection the county's representative shall seek permission from the owner or authorized agent thereof for access to inspect.
- c. The county's representative(s) shall present to the owner or their authorized agent appropriate credentials, identifying them as a representative of St. Croix County for these purposes.
- d. Staff shall not inspect an agricultural property unless accompanied by the owner or authorized agent, and will take necessary standard precautions as requested by the owner/agent to prevent cross-contamination from bio-hazards to or from the property. Staff will follow the standard practices established by the property owner to prevent contamination. Staff will avoid contact with livestock housing areas, pens and barnyards unless it is absolutely necessary to the inspection. Staff will not have direct contact with animals or animal manure.
- e. If an owner or agent declines access to the county's representative, an application for a special inspection warrant under Wisconsin Statutes §66.0119, may be made.
- f. If violations are identified enforcement procedures shall commence.

## **D. ENFORCEMENT**

### **1. PROCEDURES**

- a. The Planning and Zoning Director or his/her authorized representative or any County law enforcement officer, may institute any appropriate action or proceeding against violators of this ordinance as provided by law or this ordinance, including issuing citations [St. Croix County Citation Ordinance - Chapter 1] or commencing a lawsuit seeking forfeitures and/or injunctive relief.
- b. The Planning and Zoning Director shall generally use the following, in the order listed, to address violations of this ordinance:
  - 1) Issue a written notice of violation and order that specifies the nature of the violation and the corrective action to be taken.
  - 2) Issue a citation, pursuant to Wisconsin Statutes §66.0113 or consult with legal counsel regarding potential civil litigation in conjunction with citation enforcement or in lieu thereof for forfeitures, monetary damages or injunctive relief.
- c. The Planning and Zoning Director is not mandated to follow the order of possible action if, in the Planning and Zoning Director's discretion, a situation requires different action.

### **2. PENALTIES**

- a. Any person who is adjudicated for violating this ordinance shall pay a forfeiture in accordance with the schedule set by the St. Croix County Board of Supervisors and/or be subject to injunctive relief.
- b. Each day a violation exists is a separate violation.
- c. Each unit violation is a separate violation.
- d. Additionally, the person adjudicated for violation of this ordinance shall pay court costs and reasonable attorney's fees.

- e. The remedies provided herein shall not be exclusive of other remedies.
- f. Extraordinary fees, which may also include the cost of obtaining professional work or opinions including, but not limited to, engineers, hydrogeologists or public health professional, shall be charged to the person adjudicated for violation of this ordinance.
- g. 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 the removal of the [municipal solid waste](#) or [litter](#) in accordance with this ordinance.

### **3. APPEALS OF ADMINISTRATIVE DECISIONS**

- a. All administrative decisions shall be in writing.
- b. Any [person](#) aggrieved by a written administrative decision made by the Planning and Zoning Director, or his/her authorized representative, may appeal the decision to the Community Development Committee.

### **4. PROCEDURE FOR APPEAL**

- a. An aggrieved [person](#) may appeal a decision to the Community Development Committee within 30 days of the date of a written decision.
- b. An appeal of a decision shall be in writing and shall be filed with the Planning and Zoning Department.
- c. The Planning and Zoning Department will prepare notices and schedule the appeal with the Community Development Committee.

## 21.5 DEFINITIONS

### A. PURPOSE

#### 1. INTERPRETATION

- a. For the purpose of administering and enforcing this ordinance, the terms or words used herein shall be interpreted as follows:
  - 1) Words used in the present tense include the future: in the singular include the plural and in the plural include the singular.
  - 2) The word “shall” is mandatory, not permissive.
  - 3) All definitions that refer to Wisconsin Statutes shall incorporate any revisions or amendments to statutory language.
  - 4) All definitions other than those referenced below shall be as the normal definition found in a standard dictionary.

### B. DEFINITIONS

1. **Aluminum Containers:** Empty aluminum food and beverage cans and bottles.
2. **Banned Materials:** The items listed in §21.2 D.1.a. and 21.2 D.1.b. or described in Wisconsin Statute §287.07 that are prohibited from land disposal and incineration.
3. **Beneficial Reuse:** The utilization of a solid waste of an industrial by-product in a productive manner.
4. **Cardboard:** Paperboard used in the manufacture of boxes and related products. The term does include corrugated cardboard, dry food boxes, shoe boxes, and like containers. It does not include cardboard packaging used in the refrigerator or freezer such as frozen food boxes, pizza boxes, waxed or glossy cardboard, beverage cartons or like containers.
5. **Clean Fill:** Trees; limbs; stumps; roots; shrubs with root balls; brush; weeds; wood that has not been painted, stained, sealed or treated; boulders, rock, soils; gravel; stones; unpainted bricks or concrete.
6. **Compostable Organic Materials:** Unprocessed plant material which microorganisms or soil invertebrates reduce into component compounds, producing carbon dioxide and water as primary by-products.
7. **Construction and Demolition Material:** Waste resulting from the construction or demolition of buildings, roads, and other man-made structures, including but not limited to, materials such as concrete, brick, bituminous, treated and untreated wood, masonry, glass, rock, and plastic building parts.
8. **Container:** Includes dumpster, yard box, wheeled cart, can, box, bin, basket, bag or any other similar object intended for the collection of [trash](#) or [recyclable materials](#).
9. **County:** The County of St. Croix, a State of Wisconsin quasi-municipal corporation, or any department or representative that is authorized by this ordinance to represent the County in the administration or enforcement of this ordinance.
10. **County Collection Event:** A county-sponsored or sanctioned activity at which the County or a private entity collects specified recyclables or other banned or [separated materials](#) from the public for reuse, recycling or disposal.

11. **Curbside Collection:** A system for collecting and transporting municipal solid waste and/or [recyclable materials](#) for processing and marketing by a [hauler](#).
12. **Dwelling:** A building or a portion thereof designed or used for residential occupancy, including single family and multi-family units but not including hotels, motels, boarding or rooming houses.
13. **Electronic Devices:** Devices that require electric current or electromagnetic fields to function and that contain a circuit board. Those devices identified in Wisconsin Statute §287.07 (5) are prohibited from land disposal and incineration and includes items defined in Wisconsin Statute §287.17(1), such as computers, laptops, printers, copiers, scanners, fax machines, televisions, computer monitors, keyboards, mice, central processing units (CPU's), other computer peripherals, video cassette recorders (VCR's), digital video devices (DVD's), compact disc (CD) players, other video players, cell phones, and phones with video display.
14. **Fluorescent Bulbs:** Bulbs that produces visible light by fluorescence, especially a glass tube whose inner wall is coated with a material that fluoresces when an electrical current causes a vapor within the tube to discharge electrons, includes compact fluorescent lamps.
15. **Glass Containers:** Empty glass bottles or jars; the term does not include other items made of glass including but not limited to plate glass, ceramics, light bulbs or mirrors.
16. **Hauler:** Any [person](#) who collects, transports or disposes of [trash](#) and/or [recyclable materials](#) for a fee from any person.
17. **Hazardous Waste:** Any [municipal solid waste](#) that is generated by any [person](#) and is defined hazardous by the United States Environmental Protection Agency or in Wisconsin Administrative Code Ch. NR 661.
18. **Lead-Acid Batteries:** Storage batteries in which the electrodes are grids of lead containing lead oxides that change in composition during charging and discharging, and the electrolyte is dilute sulfuric acid.
19. **Litter:** Any [municipal solid waste](#) deposited or discharged on any property, roadway, right-of-way, waterway or in the municipal solid waste [containers](#) belonging to others except in containers appropriately labeled for public use.
20. **Magazines:** Periodicals made from paper which has a shiny appearance and other materials printed on similar paper; the term does not include phonebooks or periodicals printed on newsprint paper.
21. **Major Appliances:** All air conditioners, clothes washers, clothes dryers, dishwashers, hot water heaters, furnaces, trash compactors, conventional ovens, microwave ovens, ranges, stoves, dehumidifiers, refrigerators, freezers and other similar devices.
22. **Member Municipality:** A city, village or town in the county [responsible unit](#) subject to 287.09(1)(c).
23. **Mercury-Containing Devices:** Electrical products or other devices, excluding batteries and lamps that contain mercury as a necessary component for their operation, including but not limited to mercury thermostats, thermometers, electric switches and relays, marine float switches and manometers.
24. **Multi-Family:** A property containing five or more [dwellings](#), including those which are occupied seasonally.



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25. **Municipal Solid Waste:** Residential, multi-family and non-residential [trash](#), [recyclable materials](#), [banned materials](#), [separated materials](#) and [construction and demolition material](#). It does not include domestic wastewater; sludge; animal waste, regulated under St. Croix County Ordinance Animal Waste Management Chapter 11; [clean fill](#); or any process waste which is the direct or indirect result of the manufacturing of a product.
  26. **Newspaper:** A publication printed on newsprint, such as a phonebook or flyer.
  27. **Non-residential:** A property that is not [residential](#) or [multi-family](#). It includes, but is not limited to commercial, industrial, office and retail properties.
  28. **Nuisance:** An unreasonable activity or use of property that interferes substantially with the comfortable enjoyment of life, health, safety of another or others, including what are deemed to be both public and private nuisances.
  29. **Occupant:** A person or persons who either permanently or temporarily resides in a [dwelling](#).
  30. **Office Paper:** High grade printing, copying and writing papers, as well as, envelopes and mail.
  31. **Person:** Any human being; municipality or other governmental or political subdivision or other public agency; public or private corporation, [business](#), partnership, firm, association or other organization; receiver, trustee, assignee, agent or other legal representative of any of the foregoing; or other legal entity.
  32. **Plastic Containers:** Polyethylene terephthalate (PETE), plastic #1 and high density polyethylene (HDPE), plastic #2 plastic bottles which have a pourable neck. The term does not include caps, rings or bottles that have contained pesticides, herbicides or used [waste oil](#); or other plastic containers (plastics #3-7).
  33. **Public Place:** Facilities or properties open for public use or occupation, whether permanently or temporarily and whether owned or occupied by governmental entities or private persons.
  34. **Recyclable Materials:** [Aluminum containers](#), [cardboard](#), [glass containers](#), [magazines](#), [newspaper](#), [office paper](#), [plastic containers](#) and [steel and tin containers](#).
  35. **Recycling Facility:** A facility that accepts [recyclable materials](#) and may perform some processing activities.
  36. **Residential:** A property containing 1-4 [dwellings](#), including those which are occupied seasonally.
  37. **Responsible Unit:** The County and all municipalities in the County which have not retained responsible unit status under Wisconsin Statutes §287.09 (1) as well as those municipalities which have retained responsible unit status for themselves but which have contracted with the County to fulfill their duties as a responsible unit.
  38. **Separated Materials:** The items listed in **§21.2 D**.
  39. **Sharps:** Any medical item having a projecting cutting edge or fine point that was used in animal or human patient care or treatment or in medical research or industrial laboratories. The term includes, but is not limited to, hypodermic needles, syringes (with or without the attached needles), pasteur pipettes, scalpel blades, blood vials, needles with attached tubing, and culture dishes (regardless of the presence of infectious agents). Also included are other types of broken or unbroken glassware that were in contact with infectious agents, such as used slides or cover slips.
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40. **Solid Waste:** Any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility and other discarded or salvageable materials, including solid, liquid, semisolid or contained gaseous materials resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include solids or dissolved materials in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Chapter 283, or source material, as defined in §254.31(10), special nuclear material, as defined in §254.31(11), or bi-product material, as defined in §254.31(1).
  41. **Special Events:** Entertainment, educational, musical, school-related, family and cultural events involving the assembly of people.
  42. **Steel and Tin Containers:** Empty bi-metal, tin or steel food, beverage and aerosol cans.
  43. **Trash:** Any [person](#)'s putrescible or non-putrescible waste or discarded material. [Recyclable materials](#), [banned materials](#) and [construction and demolition materials](#) are not included in this definition.
  44. **Used Oil Absorbent Materials:** Materials that have been used to absorb waste oil.
  45. **Used Oil Filters:** A filter that has been used for automotive engine oil, as defined in Wisconsin Statute §287.15 (1)(a) and (e).
  46. **Waste Oil:** Any petroleum-derived or synthetic oil that has been used or spilled.
  47. **Waste Tire:** A tire that is no longer suitable for its original purpose because of wear, damage or defect as defined in Wisconsin Statute §289.55(1)(c).
  48. **Yard Waste:** Leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than six inches in diameter in size. It does not include stumps, roots or shrubs with intact root balls.



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