

ENROLLED ORDINANCE 180-77

AMEND THE WAUKESHA COUNTY RECYCLING AND SOLID WASTE ORDINANCE

WHEREAS, since 1990, Waukesha County has served as a Responsible Unit (“RU”) for recycling under Chapter 287, Wisconsin Statutes, and Chapter NR 544, Wisconsin Administrative Code, for twenty-five (25) participating municipalities, with two (2) additional municipalities joining the County program in 2015; and

WHEREAS, the Waukesha County Board of Supervisors enacted the Waukesha County Recycling Ordinance on December 13, 1994, that was updated in 2021, and is currently found in Chapter 14, Article IV of the Waukesha County Code of Ordinances; and

WHEREAS, state law requires a Responsible Unit to maintain a recycling ordinance as part of the requirements for an “effective recycling program” and to maintain compliance with Chapter 287, Wisconsin Statutes, and Chapter NR 544, Wisconsin Administrative Code; and

WHEREAS, The Department of Natural Resources (DNR) has promulgated prescriptive recycling requirements for multi-family dwellings and nonresidential facilities and properties in Chapter NR 544, WI Administrative Code, necessitating further updates to the Waukesha County Recycling Ordinance under Chapter 14, Article IV of the Waukesha County Code of Ordinances.

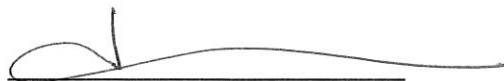
THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the text of the Recycling Ordinance found in Chapter 14, Article IV, Sections 265, 266, and 268 (a) of the Waukesha County Code of Ordinances is hereby amended in accordance with the proposed amendments on file with the Department of Parks and Land Use, effective as of March 24, 2026.

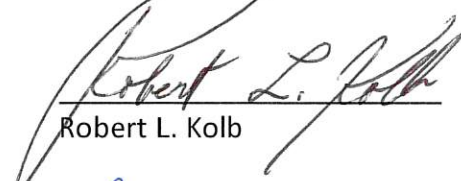
AMEND THE WAUKESHA COUNTY RECYCLING AND SOLID WASTE ORDINANCE

Presented by:  
Land Use, Parks, and Environment Committee

  
Christine M. Howard, Chair

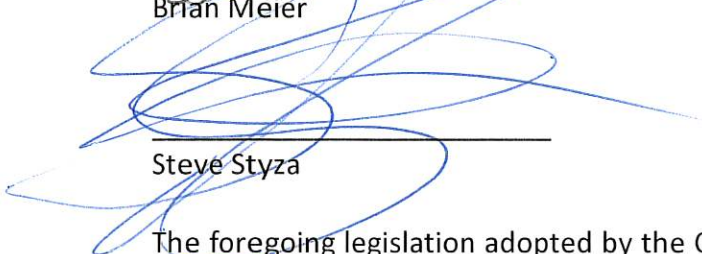
  
Wayne Euclide

  
John G. Gscheidmeier

  
Robert L. Kolb

  
Johnny Koremenos

  
Brian Meier

  
Steve Styza

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: 3-27-2026   
Margaret Wartman, County Clerk

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, is hereby:

Approved: X  
Vetoed: \_\_\_\_\_

Date: 4/7/2026   
Paul Farrow, County Executive

## ARTICLE IV. RECYCLING AND SOLID WASTE

### Division I. Recycling

#### Sec. 14-251 Purpose.

The purpose of this article is to promote recycling, composting, and resource recovery through the administration of an effective recycling program for the Waukesha County responsible unit areas. The administration of an effective recycling program will extend the useful life of landfills, conserve natural resources, salvage materials for reprocessing, conserve energy, and improve the environment by lessening landfill deposits, as recognized in Chapter 287 Wisconsin Statutes, and Chapter NR 544, Wisconsin Administrative Code.

(Ord. No. 149-91, § 1, 12-13-94)

**Sec. 14-252 Statutory authority.**

This article is adopted as authorized and required by section 287.09 and section 287.11 Wisconsin Statutes, and Chapter NR 544, Wisconsin Administrative Code.

(Ord. No. 149-91, § 1, 12-13-94)

**Sec. 14-253 Abrogation and greater restrictions.**

This article is not intended to repeal, abrogate, annul, impair or interfere with any existing rules, regulations, articles or permits previously adopted or issued pursuant to law. However, whenever this article is more restrictive or imposes higher standards or requirements, this article shall govern.

(Ord. No. 149-91, § 1, 12-13-94)

**Sec. 14-254 Interpretation.**

In their interpretation and application, the provisions of this article shall be held to be 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 article may be inconsistent or may conflict with one another, the more restrictive terms or requirements shall apply. Where a provision of this article is required by state statute or by a state administrative regulation, and where the article provision is unclear, the provision shall be interpreted in light of the state statute or state administrative regulation in effect on the date of the adoption of this article [Ord. No. 149-91, adopted December 13, 1994], or in effect on the date of the most recent text amendment to this article.

(Ord. No. 149-91, § 1, 12-13-94)

**Sec. 14-256 Severability.**

Should any portion of this article be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this article shall not be affected.

(Ord. No. 149-91, § 1, 12-13-94)

**Sec. 14-257 Applicability.**

(a) This article shall be in effect and enforced in those towns, villages and cities in Waukesha County for which Waukesha County is the responsible unit pursuant to section 287.09(1), Wisconsin Statutes.

(b) This article shall not apply to or be enforced in those towns, villages and cities in Waukesha County which retain their own responsible unit status pursuant to section 287.09(1), Wisconsin Statutes.

(c) Nothing in this article shall prohibit a member municipality from adopting this article as its own and enforcing that adopted article.

(Ord. No. 149-91, § 1, 12-13-94)

**Sec. 14-258 Administration.**

This article shall be administered and enforced by Waukesha County.

(Ord. No. 149-91, § 1, 12-13-94)

**Sec. 14-259 Definitions.**

For the purposes of this article, the following words, terms and phrases have the following meanings, except as otherwise specially provided elsewhere in this article:

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 (1) 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. *Hauler* means a person who is authorized to remove solid waste or recyclable materials from the generating source.
5. *HDPE* means high density polyethylene, currently labeled by the Society of the Plastics Industry, Inc. code as #2, or as amended by future federal or state rules or regulations.
6. *LDPE* means low density polyethylene, currently labeled by the Society of the Plastics Industry, Inc. code as #4, or as amended by future federal or state rules or regulations.
7. *Magazine* means magazines and other materials printed on similar paper.
8. *Major appliance* means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, oven, refrigerator, stove, furnace, boiler, dehumidifier or water heater.
9. *Member municipality* means any town, village or city for which Waukesha County is the "responsible unit" under section 287.09(1), Wisconsin Statutes.

10. *Multiple-family dwelling* means a structure containing five (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 which are not used for residential purposes. This term does not include multiple-family dwellings.
13. *Office paper* means high grade printing and writing paper from offices in nonresidential 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 currently labeled by the Society of the Plastics Industry, Inc. code as #7, or as amended by future federal or state rules or regulations.
15. *Person* includes any individual, corporation, partnership, association, local governmental unit as defined in section 66.0131(1)(a), Wisconsin Statutes, state agency or authority, or federal agency.
16. *PETE* means polyethylene terephthalate, currently labeled by the Society of the Plastics Industry, Inc. code as #1, or as amended by future federal or state rules or regulations.
17. *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.
18. *Postconsumer waste* means solid waste other than solid waste generated in the production of goods, hazardous waste as defined in section 291.01, Wisconsin Statutes, waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste.
19. *PP* means polypropylene, currently labeled by the Society of the Plastics Industry, Inc. code as #5, or as amended by future federal or state rules or regulations.
20. *PS* means polystyrene, currently labeled by the Society of the Plastics Industry, Inc. code as #6, or as amended by future federal or state rules or regulations.
21. *PVC* means polyvinyl chloride, currently labeled by the Society of the Plastics Industry, Inc. code as #3, or as amended by future federal or state rules or regulations.
22. *Recyclable material* 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 bimetal containers

23. *Responsible unit* has the meaning specified in section 287.09(1), Wisconsin Statutes
24. *Solid waste* has the meaning specified in section 289.01(33), Wisconsin Statutes.
25. *Solid waste facility* has the meaning specified in section 289.01(35), Wisconsin Statutes.
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, including 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 six (6) inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

(Ord. No. 149-91, § 1, 12-13-94)

**Sec. 14-260 Separation of recyclable materials.**

*Separation requirements.* Occupants of single-family residences, two (2) to four (4) unit residences, multiple-family dwellings and non-residential facilities and properties shall separate the following materials from postconsumer waste for recycling:

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;
11. Newspaper;
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.

(Ord. No. 149-91, § 1, 12-13-94)

**Sec. 14-261 Separation requirements exempted.**

The separation requirements of Section 14-260 do not apply to the following:

1. Occupants of single-family residences, two to four-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 the materials specified in section 14-260 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 thirty (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 section 14-260(5) through (15) for which a variance has been granted by the Department of Natural Resources under section 287.11(2m), Wisconsin Statutes, or section NR 544.14, Wisconsin Administration Code.

(Ord. No. 149-91, § 1, 12-13-94)

**Sec. 14-262 Care of separated recyclable materials.**

To the greatest extent practicable, the recyclable materials separated for collection in accordance with Section 14-260 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, except when materials are set out for collection. Separated recyclable materials shall be handled in accordance with section NR 544.05 [Wisconsin Administrative Code].

(Ord. No. 149-91, § 1, 12-13-94)

**Sec. 14-263 Management of lead acid batteries, major appliances, waste oil and yard waste.**

Occupants of single-family residences, two- to four-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 not be landfilled or incinerated, in accordance with section 287.07 Wisconsin Statutes. Lead acid batteries may be managed through battery retailers and may also be collected for recycling by local municipal drop-off sites, private haulers, scrap dealers or landfill operators.
2. Major appliances shall not be landfilled or incinerated, in accordance with section 287.07, Wisconsin Statutes. Major appliances may be delivered to a scrap dealer/recycler for proper processing.
3. Waste oil shall not be landfilled nor burned without energy recovery, in accordance with section 287.07, Wisconsin Statutes. Waste oil shall be delivered to a municipal or private waste oil collection site and shall be free of materials which would cause the waste oil to be nonrecyclable.

4. Yard waste shall not be landfilled or burned without energy recovery in a solid waste facility, in accordance with section 287.07, Wisconsin Statutes except as authorized by the Wisconsin Department of Natural Resources at a licensed wood-burning facility. Yard waste may be delivered to a compost facility, municipal collection site, or managed through home composting, or source reduction or other methods as permitted by state statutes or local ordinance.

(Ord. No. 149-91, § 1, 12-13-94)

**Sec. 14-264 Collection and delivery of recyclable materials.**

(a) Except as provided in subsection (b), and unless otherwise directed in writing by Waukesha County or unless granted a variance by the Wisconsin Department of Natural Resources, a member municipality shall:

1. Collect materials listed in section 14-260(5) through (15) from single-family residences and two- to four-unit residences, and do so in a manner consistent with this article; or
2. Require haulers to collect materials listed in section 14-260(5) through (15) from single family residences and two- to four-unit residences, and to do so in a manner consistent with this article.

(b) Unless otherwise directed in writing by Waukesha County or unless granted a variance by the Wisconsin Department of Natural Resources, a member municipality with a population of five thousand (5,000) or greater which does not collect solid waste or contract for residential solid waste collection and disposal in that municipality shall provide collection service for materials listed under section 14-260(5) through (15) in a manner consistent with this article.

(c) Member municipalities shall require that haulers provide reports of solid waste and recyclables collected, at a minimum of two (2) times each year, to the member municipality and to Waukesha County.

(d) Haulers providing private solid waste collection service directly to residents, multiple- family dwellings and non-residential facilities and properties shall provide for the collection of materials listed under section 14-260(5) through (15), unless otherwise directed in writing by Waukesha County or granted a variance by the Wisconsin Department of Natural Resources.

(e) Unless otherwise directed in writing by Waukesha County, recyclable materials collected in member municipalities under Subsections (a), (b) and (d) above shall be delivered to a drop off site approved by Waukesha County.

(Ord. No. 149-91, § 1, 12-13-94; Ord. No. 168-119, 04/08/14.)

**Sec. 14-265 Responsibilities of owners of multiple-family dwellings.**

(a) Owners of multiple-family dwellings shall do all of the following to cause the materials specified in Section 14-260(5) through (15) to be recycled:

1. ~~a) Provide adequate, separate containers for the recycling program established in compliance with the ordinance. The number of recycling containers shall equal or be greater~~

7

Formatted: Numbered + Level: 2 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Indent at: 1.5"

than the number of trash containers and at least one of the following shall be met:

- i. i. The minimum total volume of recycling container space is equal to 20 gallons per week per dwelling unit.
  - ii. ii. The ratio of trash container volume to recycling container volume is at most 2:1.
  - iii. iii. An alternative method that does not result in the overflow of a recycling container during the time period between collection of materials and delivery to a recycling facility.
2. 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.
  3. e) 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.
  4. d) Notify tenants which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, and locations of drop-off collection sites to recycle materials not collected on-site.

Formatted: Numbered + Level: 3 + Numbering Style: i, ii, iii, ... + Start at: 1 + Alignment: Right + Aligned at: 1.64" + Indent at: 1.89"

Formatted: Numbered + Level: 3 + Numbering Style: i, ii, iii, ... + Start at: 1 + Alignment: Right + Aligned at: 1.64" + Indent at: 1.89"

Formatted: Numbered + Level: 3 + Numbering Style: i, ii, iii, ... + Start at: 1 + Alignment: Right + Aligned at: 1.64" + Indent at: 1.89"

Formatted: Numbered + Level: 3 + Numbering Style: i, ii, iii, ... + Start at: 1 + Alignment: Right + Aligned at: 1.64" + Indent at: 1.89"

Formatted: Numbered + Level: 2 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Indent at: 1.5"

Formatted: Numbered + Level: 2 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Indent at: 1.5"

- ~~4. Provide adequate, separate containers for the materials.~~
- ~~5. Provide for the collection of the separated materials and the delivery of the separated materials to a recycling facility.~~
- ~~6. At the time of renting or leasing the unit, and at least twice each year thereafter, notify tenants in writing about the established recycling program, 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.~~

(b) The requirements specified in subsection (a) do not apply to the owners 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 materials specified in Section 14-260(5) through (15) from solid waste in as pure a form as is technically feasible.

(Ord. No. 149-91, § 1, 12-13-94)

**Sec. 14-266 Responsibilities of owners of nonresidential facilities and properties.**

(a) Owners of non-residential facilities and properties shall do all of the following to recycle the materials specified in Section 14-260(5) through (15):

- ~~1. Provide adequate, separate containers for the recycling program established under this section. The total volume of recycling containers shall be sufficient to avoid overflow during the time period between collection of materials and delivery to a recycling facility.~~
- ~~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 which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, and locations of drop-off collection sites to recycle materials not collected on-site.~~

Formatted: No bullets or numbering  
Formatted

- ~~1. Provide adequate, separate containers for the materials.~~
- ~~2. Provide for the collection of the separated materials and the delivery of the separated materials to a recycling facility.~~
- ~~3. At the time of renting or leasing the unit, and at least twice each year thereafter, notify in writing all users, tenants and occupants about the established recycling program, 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.~~

Formatted: Indent: Left: 1.5", No bullets or

(b) The requirements specified in subsection (a) do not apply to the owners or designated agents of nonresidential 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 Section 14-260(5) through (15) from solid waste in as pure a form as is technically feasible.

(Ord. No. 149-91, § 1, 12-13-94)

**Sec. 14-267 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 Section 14-260(5) through (15) which have been separated for recycling.

except that waste tires may be burned with energy recovery in a solid waste treatment facility.

(Ord. No. 149-91, § 1, 12-13-94)

**Sec. 14-268 Miscellaneous provisions.**

~~(a) Waukesha County purchasing of recycled content, multiple-use, durable materials, equipment and supplies. Waukesha County shall, to the extent financially practicable, make purchasing decisions to maximize the purchasing of products made from recycled and recovered materials. Purchases shall include twenty-five (25) percent recycled content of all paper purchases in 1994 and forty (40) percent content of all paper purchases by 1995.~~

(a) Waukesha County shall, to the extent financially practicable, consider recyclability and recycled content when awarding contracts for equipment, construction materials and supplies. The county wishes to discourage the purchase of single-use disposable products and to encourage the purchase of multiple-use, durable products which meet specifications.

(b) *Unlawful removal of recyclables.* Recyclable materials that have been deposited or placed at the curb or in a container adjacent to a home or multiple-family dwelling or nonresidential building for the purpose of collection for recycling shall not be collected or removed without permission.

(c) *Dumping provisions.* It shall be unlawful for any person to dispose of or dump solid waste in any street, alley or other place, or to place it in any receptacle, without the owner's consent.

(d) *Volume-based fees.* By January 1, 1997, the county shall require member municipalities to institute a system of volume-based solid waste fees to generate revenue equal to the municipalities' costs for solid waste collection and disposal other than those reimbursed by the State unless the member municipalities recycle at least twenty-five (25) percent of the solid waste collected by volume or by weight, in accordance with section 287.11(2)(dm), Wisconsin Statutes.

(Ord. No. 149-91, § 1, 12-13-94)

**Sec. 14-269 Enforcement.**

(a) For the purpose of ascertaining and ensuring compliance with the provisions of this article but for no other purpose, any authorized office, employee or representative of Waukesha County may inspect materials separated for recycling, postconsumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and nonresidential facilities and properties, and any records relating to recycling activities, which shall be kept confidential to the extent permitted by law. No person may refuse access to any authorized officer, employee or authorized representative of Waukesha County who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.

(b) A citation may be issued for a violation of this article. It shall be the duty of the county to issue citations for violations of this article. 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.

Formatted: List Paragraph, Left, Indent: First line: 0.5", Right: 0.29", Space Before: 0 pt, Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.29" + Indent at: 0.5", Tab stops: 1.21", Left

(c) A citation which is issued for a violation of this article shall conform to the requirements of section 66.0113(1), Wisconsin Statutes, and shall contain all information required by that statute, as it is from time to time amended.

(d) Any person or entity who violates any provision of this article shall be required to pay a forfeiture of not less than fifty dollars (\$50.00) for the first violation, not less than one hundred dollars (\$100.00) for the second violation, and not more than five hundred dollars (\$500.00) for each subsequent violation. Each day that a violation of any provision of this article occurs or exists shall constitute a separate offense.

(e) The provisions of section 66.0113(3), Wisconsin Statutes, as it is from time to time amended, are adopted in their entirety and incorporated and made a part of this article.

(f) The cash deposit schedule for violations of this article shall be as follows:

1. Twenty-five dollars (\$25.00) for the violation;
2. The penalty assessment imposed by section 757.05, Wisconsin Statutes; and
3. The jail assessment imposed by section 302.46, Wisconsin Statutes. Cash deposits shall be made to the clerk of courts, and receipts shall be given for cash deposits. Funds shall be deposited in an appropriate account to be used for solid waste management purposes.

(g) The issuance of a citation shall not preclude Waukesha County from using any other enforcement method to enforce any provision of this article.

(h) Nothing in this article shall prohibit Waukesha County from applying to a court of competent jurisdiction for a temporary or permanent injunction, restraining any person from violating any term, condition or covenant of this article.

(i) No provision of this article shall be enforced by Waukesha County, whether by citation or by any other method, if an exemption or variance regarding the subject of the provision has been granted by state statute or by state administrative rule or regulation.

(Ord. No. 149-91, § 1, 12-13-94)

Secs. 14-270 - 14-280 Reserved.

Division 2. Landfill Siting and Regulation

**Sec. 14-281 Intent.**

This article is intended to regulate the siting of landfills as that term is defined in section 289.01, Wisconsin Statutes. This article is also intended to comply with the directives of section 289.33, Wisconsin Statutes with respect to the negotiation and arbitration process, and to require that local concerns, as set forth in section 289.33, Wisconsin Statutes, be fully addressed. It is also the intent of this article to:

1. Establish procedures pertaining to the landfill siting process within the county.
2. Appropriate and levy sufficient fees to cover the county's involvement in the siting process.
3. Ensure that any sited landfill is considered in, and works as a supporting part of, the county solid waste management plan. This includes financial support for and/or physical accommodation of programs to reduce, reuse, recycle, screen or otherwise divert materials from landfill disposal.
4. Control the disposition of fees received under this article by the county.
5. Preserve landfill capacity of solid waste facilities in the county for future use and to ensure that county municipalities, residents and businesses shall have assurances as to the duration of landfill operations and the availability of disposal at landfills located within the county.
6. Require orderly land use development pertaining to the siting of landfills.
7. Ensure that final negotiated agreements under section 289.33(9), Wisconsin Statutes shall contain sufficient provisions to afford local residents protection against adverse impacts from the siting of landfills in the county.
8. Ensure that the costs of disposal are borne by the generators of solid waste to the greatest degree practical.

(Ord. No. 147-152, § 1, 3-23-93)

**Sec. 14-282 Local approval.**

This article shall constitute a local approval, as that term is defined under section 289.33, Wisconsin Statutes. Amendments of this article shall not affect the article's status as a local approval.

(Ord. No. 147-152, § 1, 3-23-93)

**Sec. 14-283 Definitions.**

In this article, terms shall have the following meanings:

*Applicant* means any person, corporation, or entity seeking to locate a landfill or an expansion thereof for which the county would be an affected municipality under section 289.01, Wisconsin Statutes.

*County* means Waukesha County.

*County representative* means the county's authorized boards, committees, subcommittees, elected officials, employees or other individuals who may be appointed to represent the county.

*Landfill* means a solid waste facility for solid waste disposal, as that term is defined in section 289.01, Wisconsin Statutes, and includes expansions of existing facilities which are currently licensed as of the effective date of Ordinance 147-152. A landfill does not include incinerators or transfer stations.

*Negotiating committee* means the local committee appointed pursuant to section 289.01, Wisconsin Statutes.

(Ord. No. 147-152, § 1, 3-23-93)

*Note - Definitions of sections 289.01 and 289.33, Wisconsin Statutes, as amended from time to time, are incorporated herein by reference.*

Secs. 14-284 - 14-289 Reserved.

### Division 3. Permits

#### **Sec. 14-290 Permit-Application, generally.**

An applicant shall comply with the provisions of this division and obtain a permit for the siting of any landfill for which the county is an affected municipality under section 289.01, Wisconsin Statutes. The application for a permit shall be submitted to the county clerk and the department. One (1) copy of the application shall be provided to the county clerk for public review purposes. The applicant shall provide as many copies to the department as are required at the time of application. At the option of the department director, or his designee, the application submitted to the department may be submitted in electronic format.

(Ord. No. 147-152, §1, 3-23-93)

#### **Sec. 14-291 Same-Application requirements.**

The application shall be signed by the applicant and shall be accompanied by information which shall include, but not be limited to, the following:

1. *Cover letter.* A signed cover letter from the applicant stating the project title, the name, address, and telephone number of the primary contacts for the project, including the facility owner and any consultants, present property owners and all others with a financial or proprietary interest in the property, the proposed facility owner and operator, and the name, address, and telephone number of the primary person responsible for ensuring the completeness and accuracy of the application.
2. *Initial site report.* The application shall include the initial site report submitted to the Department of Natural Resources under section 289.21, Wisconsin Statutes.
3. *Feasibility report.* The application shall include an outline of the feasibility report required by section 289.23, Wisconsin Statutes, intended to be submitted to the Department of Natural Resources.

4. *Table of contents.* The application shall have a table which specifically references, by page number or other identifier, the location of the following information within the initial site report or other sections of the application:
  - A. Geographical areas that may affect or be affected by the proposed facility.
  - B. Zoning.
  - C. Other landfills owned or operated by applicant.
  - D. Boundaries of facility.
  - E. Topographic surveys.
  - F. Stream, road, railroad, utility line, and pipeline locations.
  - G. Previous excavations on site.
  - H. Governmental permits.
  - I. Applications for local approvals.
  - J. Surface water and hydrological features.
  
5. *Application specifications.* The application submitted under this division shall specify all information required by the solid waste manager, but at minimum shall include the following:
  - A. All areas that may affect or be affected by the proposed facility. At a minimum, this will be the area within one-half (1/2) mile of the limits of filling, for facilities with a design capacity of fifty thousand (50,000) cubic yards or less and areas within one (1) mile for facilities with a design capacity greater than fifty thousand (50,000) cubic yards. The information shall be supplemented with maps and with the names and addresses of all property owners within two thousand five hundred (2,500) feet of the property boundaries of the proposed site. Also included shall be a certified survey and the legal description of the proposed site.
  - B. A discussion of the land-use zoning of the site and all properties located within two thousand five hundred (2,500) feet of the site. This discussion will specifically include areas where zoning variances will be required, where agricultural impact statements may be required or where floodplain, shoreland, or wetland zoning is designated.
  - C. A statement of all other landfills which the applicant or its principal operates or in which the applicant or its principal has an interest located within one hundred fifty (150) miles of the proposed site.
  - D. The boundaries of the proposed facility, external boundaries of the property, and all properties lying within two thousand five hundred (2,500) feet of the external boundaries of the applicant's property. (If not owned, the foregoing shall apply to leased property or property which is the subject of the application.)
  - E. A detailed topographic survey of the proposed facility and all areas within one thousand five hundred (1,500) feet from the proposed limits of filling. The minimum scale shall be one (1) inch = two hundred (200) feet with a maximum

two-foot contour interval.

- F. Location and names of all streams, roads, railroads, utility lines, and pipelines on the site or within one thousand two hundred (1,200) feet thereof.
  - G. Boundaries and elevations of previous excavations on the site, if any.
  - H. A listing of all existing and required governmental permits affecting the site.
  - I. A list of all applications for local approvals submitted under section 289.22, Wisconsin Statutes as well as the dates applications were served.
  - J. A description of the surface water drainage patterns and significant hydrological features such as surface waters, springs, surface water drainage basins, divides and wetlands, and a proposed onsite water management plan and an erosion control plan.
6. *Operation plan.* The applicant shall submit an outline for a plan of operation required under section 289.30, Wisconsin Statutes, including information pertaining to the type and estimated volume of materials to be disposed, municipalities and industries to be served, a timetable for the commencement of operations, proposed facility life, duration and cessation of disposal operations, anticipated cover frequency, primary travel routes to be used to transport construction materials and waste, and a general statement as to methods that the applicant will utilize pertaining to minimizing adverse impacts of neighboring residences and businesses. Also included with the operation plan should be a site plan drawn to a scale no less than one (1) inch = two hundred (200) feet.
7. *Closure plan.* The applicant shall submit an outline describing the proposed type of final closure for the site, its proposed post closure uses of the site and a statement as to its ability to provide closure, long term care, and corrective actions, required under section 289.47, Wisconsin Statutes. Also included with the closure plan should be a site plan drawn to a scale no less than one (1) inch = two hundred (200) feet.
8. *Other information.* The county may require such other information as may be necessary to determine the nature of the landfill, the impacts on the surrounding area, and other impacts to the county. The county may waive portions of the specified information if it is satisfied that the same is not relevant or necessary for a full and proper evaluation of the application.

(Ord. No. 147-152, § 1, 3-23-93)

**Sec. 14-292 Same-Application fee.**

With the application, the applicant shall submit a one hundred thousand dollar (\$100,000.00) fee. This fee shall be used by the county to cover all costs and expenses incurred by the county associated with the siting process. Any portion of the fee not spent on costs and expenses associated with the siting process shall be reimbursed to the applicant. The costs and expenses shall include, but not be limited to, negotiating expenses and the county's review of the application. If the landfill intends to receive less than

fifty (50) tons of waste per day, the applicant may petition for the payment of a filing fee in a lesser amount. A county representative shall review the petition and shall then conduct a review meeting with the applicant. In any event, the applicant for a permit shall pay, upon request by the county, any additional fees necessary to meet the county's actual expenses associated with the application.

(Ord. No. 147-152, § 1, 3-23-93)

**Sec. 14-293 Same-Requirements.**

A permit for the siting of a landfill in the county shall include the following minimum requirements, which shall be adopted and incorporated into a final negotiated agreement, as that term is defined in section 289.33, Wisconsin Statutes, between the applicant and the county:

1. An annual permit fee of one hundred thousand dollars (\$100,000.00) or a sum equal to one dollar (\$1.00) for each ton of solid waste disposed at the landfill, whichever is greater. The sum of one hundred thousand dollars (\$100,000.00) shall be due on or before the first day that waste is received at the site and shall be paid each anniversary date thereafter until final closure. Within thirty (30) days after such anniversary date, the applicant shall supply the county with information setting forth the amount of waste disposed during the previous calendar year, and shall pay the county an additional sum, if appropriate, to meet the fee requirements set forth above.
2. An indemnification, hold harmless, and assumption of defense agreement to hold the county and the negotiating committee harmless from any liability pertaining to the issuance of a permit or in any way relating to the construction, operation, closure and post-closure activities of the land fill. Such agreement shall include an obligation to indemnify the county and negotiating committee from any loss or action or claim pertaining to the siting, operation, construction, closure or post-closure activities of the landfill.
3. A minimum guaranteed length of time during which county residents and businesses shall have access to the site.
4. Cooperation with any committee which may be appointed by the county executive to monitor the construction, operation, and closure, as well as post-closure activities, of the permittee.
5. The filing of a fifty thousand dollar (\$50,000.00) bond or irrevocable letter of credit with the county to protect against road damage during the construction, operation, or closure of the proposed facility.
6. The establishment of a property value protection plan to protect residents located within two thousand five hundred (2,500) feet of the site from property value loss occasioned by the siting of the solid waste facility.
7. Provisions for financial or physical support of, and interaction with, waste diversion and waste screening programs such as a "household hazardous" program under which hazardous household waste would be received at the site or disposed of by the applicant.

8. Provisions to protect local residents from excessive noise, road, insects, odors, dust, dirt, and debris, and such other protections for local residents as may be required by the department.
9. An amount of not less than three million dollars (\$3,000,000.00) in a form acceptable to the county sufficient to show the financial viability of the applicant to construct and operate the site, as well as undertake its responsibilities as set forth under section 289.41, Wisconsin Statutes.

(Ord. No. 147-152, § 1, 3-23-93)

**Sec. 14-294 Landfill fee reserve.**

All fees and compensation received under this article or under a negotiated landfill agreement shall be accounted for. All revenues shall be reserved and investment income on balances shall be similarly reserved. Use of these funds by county board appropriation shall be restricted to the following purposes:

1. Forty (40) percent of monies shall be used for the following purposes:
  - A. Participation in the negotiation and arbitration process.
  - B. Solid waste management board expenses and expenses of the standing committee or other county representatives monitoring solid waste facilities.
  - C. Resource recovery, recycling or composting programs.
  - D. Solid waste reduction and public education programs.
  - E. Waste screening or segregation programs such as the "household hazardous" programs which divert potentially hazardous or inappropriate materials from landfill disposal.
  - F. Legal fees associated with actions pertaining to closed, existing or future landfills.
  - G. Development and implementation of county solid waste management plans or a county integrated solid waste management system.
2. The balance of the monies shall be used for solid waste management purposes as the county board directs.

(Ord. No. 147-152, § 1, 3-23-93)

**Sec. 14-295 Approval and denial process.**

- (a) *Review process.* Reviews of applications for completeness and requests for additional

information shall be made by the department. The department shall provide written notice to the applicant as to whether the application is determined complete and if not complete, the area(s) needing completion.

(b) *Scheduling of public hearing.* After the determination that an application is complete, the department shall schedule a public hearing on the application. The hearing shall be scheduled within forty-five (45) days of the determination that the application is complete. Such hearing may coincide with hearings by the Wisconsin Department of Natural Resources or other agencies holding hearings on the same proposed landfill site.

(c) *Notice of hearing.* Notice of the public hearing shall be published as a Class 2 notice under Chapter 985, Wisconsin Statutes. In addition, notice of the public hearing shall be mailed to the last known address of all owners of property within two thousand five hundred (2,500) feet of the subject property. Failure to comply with this notice procedure shall not invalidate any action taken by the county.

(d) *Public hearing.* At the public hearing on the application, the county shall hear and receive any evidence or testimony presented by the applicant or their authorized agents. At the conclusion of the applicant's presentation, the county shall hear any public comments from those in support of and from those in opposition to the application. Such comments or testimony shall be considered in establishing conditions for the permit beyond the minimum required by this division. The applicant shall be given an opportunity to respond to any comments, evidence, or recommendations.

(e) *Standards for evaluation and approval.* The county shall review all aspects of the application as it relates to potential impacts on nearby residents, the local business community or the county, and to otherwise comply with the intent and purpose of this article.

(f) *Approval and denial.* Within one hundred twenty (120) days following the hearing, the county representatives reviewing the application shall make a recommendation to the county board whether to grant or deny the application based upon specific findings and conclusions. The county board shall act on such recommendations within thirty (30) days of the receipt of the recommendation.

(g) *Conditions for approval.* The approval of an application may be conditioned upon the applicant meeting certain operational, closure, and restoration provisions and standards. In addition, the approval shall be specifically conditioned upon the permit being incorporated into the final negotiated agreement as set forth under section 289.33, Wisconsin Statutes.

(h) *Permit numbers.* In the event that the applicant meets the requirements of this division and a permit is issued by the county, the county clerk shall assign a permit number to the landfill. The county clerk shall maintain copies of all permit applications and permits granted. The permit number shall be used on all future correspondence and documents pertaining to the permitted landfill site.

(i) *Non-compliance.* If, at any time, the permittee fails to meet the financial requirements or other conditions of the permit and negotiated agreement, a county representative shall notify the permittee that it has ninety (90) days in which to come into compliance. If after ninety (90) days the permittee remains in non-compliance, a meeting shall be held between the county and the permittee at which time the county may rescind the permit.

(Ord. No. 147-152, § 1, 3-23-93)

**Sec. 14-296 Transfer or sale of permit.**

A permit granted pursuant to this division shall not be transferred or sold by the permittee without prior written approval from the county board.

(Ord. No. 147-152, § 1, 3-23-93)

Division 4. Solid Waste Management Plan

**Secs. 14-297 Solid Waste Management Plan.**

The report entitled Solid Waste Management Plan for Washington and Waukesha Counties is adopted.

(Res. No. 104-Revised 8-80, 9-2-80)

Editor's note: Former Section 14-63 was moved here to Chapter 14, Article IV Recycling and Solid Waste, Division 4 to become Subsection 14-297 by the Editor on 4/7/16.

Secs. 14-298 - 14-304 Reserved.

Editor's Notes:

Regional Plan: Former Secs. 14-46, 47, 48, 49 and 50 regarding the regional plan, Lac La Belle and Okauchee Lake, Ashippun Lake and Pewaukee Lake repealed by Ord. No. 160-26.

Solid Waste Management Board: Former Sec. 14-61 was repealed by Ord. No. 159-34, which eliminated the County Solid Waste Management Board.

Recycling Advisory Committee: Ordinance No. 146-77, adopted Nov. 19, 1991, repealed former § 26-2, which pertained to the recycling advisory committee and derived from a motion of April 17, 1984, rule 32; Res. No. 26-5/84, adopted May 15, 1984; Ord. No. 14143, adopted June 27, 1986.


7-22-05)

**VOTE RESULTS**

23 AYE 0 NAY 0 ABSTAIN 2 ABSENT

Consent Agena

19 Yes Votes Needed

 **Passed**

D1 - Styza	<b>AYE</b>	D10 - Thieme	<b>ABSENT</b>	D19 - Enriquez	<b>AYE</b>
D2 - Euclide	<b>AYE</b>	D11 - Howard	<b>AYE</b>	D20 - Schellinger	<b>AYE</b>
D3 - Gscheidmeier	<b>AYE</b>	D12 - Wolff	<b>AYE</b>	D21 - Gaughan	<b>AYE</b>
D4 - Batzko	<b>AYE</b>	D13 - Leisemann	<b>AYE</b>	D22 - Szpara	<b>AYE</b>
D5 - Dondlinger	<b>AYE</b>	D14 - Mommaerts	<b>AYE</b>	D23 - Hammitt	<b>M AYE</b>
D6 - Walz	<b>AYE</b>	D15 - Kolb	<b>AYE</b>	D24 - Schroeder	<b>ABSENT</b>
D7 - LaFontain	<b>S AYE</b>	D16 - Crowley	<b>AYE</b>	D25 - Johnson	<b>AYE</b>
D8 - Koremenos	<b>AYE</b>	D17 - Meier	<b>AYE</b>		
D9 - Heinrich	<b>AYE</b>	D18 - Nelson	<b>AYE</b>		

1 AMEND THE WAUKESHA COUNTY RECYCLING AND SOLID WASTE ORDINANCE

2  
3 WHEREAS, since 1990, Waukesha County has served as a Responsible Unit (“RU”) for  
4 recycling under Chapter 287, Wisconsin Statutes, and Chapter NR 544, Wisconsin  
5 Administrative Code, for twenty-five (25) participating municipalities, with two (2) additional  
6 municipalities joining the County program in 2015; and

7  
8 WHEREAS, the Waukesha County Board of Supervisors enacted the Waukesha County  
9 Recycling Ordinance on December 13, 1994, that was updated in 2021, and is currently found in  
10 Chapter 14, Article IV of the Waukesha County Code of Ordinances; and

11  
12 WHEREAS, state law requires a Responsible Unit to maintain a recycling ordinance as part of  
13 the requirements for an “effective recycling program” and to maintain compliance with Chapter  
14 287, Wisconsin Statutes, and Chapter NR 544, Wisconsin Administrative Code; and

15  
16 WHEREAS, The Department of Natural Resources (DNR) has promulgated prescriptive  
17 recycling requirements for multi-family dwellings and nonresidential facilities and properties in  
18 Chapter NR 544, WI Administrative Code, necessitating further updates to the Waukesha County  
19 Recycling Ordinance under Chapter 14, Article IV of the Waukesha County Code of Ordinances.

20  
21 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS  
22 that the text of the Recycling Ordinance found in Chapter 14, Article IV, Sections 265, 266, and  
23 268 (a) of the Waukesha County Code of Ordinances is hereby amended in accordance with the  
24 proposed amendments on file with the Department of Parks and Land Use, effective as of March  
25 24, 2026.