

## **ARTICLE IV. RECYCLING AND SOLID WASTE**

### Division 1. 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. Provide adequate, separate containers for the recycling program established in compliance with the ordinance. The number of recycling containers shall equal or be greater than the number of trash containers and at least one of the following shall be met:
  - i. The minimum total volume of recycling container space is equal to 20 gallons per week per dwelling unit.
  - ii. The ratio of trash container volume to recycling container volume is at most 2:1.
  - 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.
  - iv. Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
2. 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.
3. 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.

(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)

Enrolled Ordinance 180-80 amended Sec. 14-265, effective March 24, 2026.

#### **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.

(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)

Enrolled Ordinance 180-80 amended Sec. 14-266, effective March 24, 2026.

**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)