

CHAPTER 12

SOLID WASTE MANAGEMENT BOARD

12.01 COUNTY WASTE MANAGEMENT BOARD. (1) Established. There is hereby created a Brown County Solid Waste Management Board, hereinafter referred to as "the Solid Waste Board".

(2) Membership. The membership of the Solid Waste Board shall be appointed by the Brown County Executive, subject to the confirmation of the Brown County Board of Supervisors. It shall consist of nine members and be composed as follows:

(a) There shall be three members who are residents of the City of Green Bay.

(b) There shall be three members who are residents of other incorporated areas in Brown County.

(c) There shall be three members who are residents of unincorporated areas in Brown County.

(d) At least two members of the Brown County Board of Supervisors shall be appointed as members of the Solid Waste Board. They shall be selected from and represent any of the categories described in the preceding paragraphs, except that if such member shall cease to be a member of the Brown County Board of Supervisors, then he/she shall also cease to be a member of the Solid Waste Board.

(e) Appointments shall be for a term of three years. If a vacancy shall occur otherwise than by expiration of a term, it shall be filled by appointment for the unexpired term in the same manner that original appointments are made.

(3) Organization. (a) The Solid Waste Board shall annually elect a Chairperson, Vice-Chairperson and Secretary. Meetings shall be held at such times and at such places as the Solid Waste Board may determine.

(b) The Solid Waste Board shall have the power to adopt, amend, and repeal rules and regulations governing its procedure and operations that are not inconsistent with this section.

(c) No compensation shall be paid to members of the Solid Waste Board but they shall be reimbursed for their actual and necessary expenses.

(4) Responsibility. It shall be the responsibility of the Solid Waste Board to act as the policy making body relative to program policies affecting the activities of the Solid Waste Department. It shall be the responsibility of the Solid Waste Board to review major acquisitions and contracts of the Solid Waste Department. The Solid Waste Board shall keep abreast of the latest techniques, procedures, and methods that may be developed in solid waste management.

(5) Powers. The Solid Waste Board shall have the following powers, subject to the restrictions on powers set forth in subsection (6):

(a) Develop plans for the County solid waste management programs to collect, transport, reduce, reuse, recycle, compost, process, incinerate, destroy, convert or landfill solid waste within Brown County including, without restriction because of enumeration, garbage, ashes, incinerator residue, municipal, commercial, industrial, pathological, infectious, and hazardous waste in accordance with the rules and regulations established by law.

(b) Advise the County Executive in the selection of a competent director trained and experienced in solid waste management.

(c) Advise the director in the selection of consultants or other persons who can provide the necessary expertise in solid waste management.

(d) Acquire lands by purchase, lease, donation or eminent domain, within the county, for use in the solid waste management system.

(e) Acquire by purchase, lease, donation or eminent domain such easements or other limited interests in lands as are desired or needed to assure compatible land uses in the environs of any site that is part of the solid waste disposal system.

(f) Advise the director on acquisitions and projects.

(g) Recommend to the Brown County Board of Supervisors the adoption of ordinances necessary for the conduct of the solid waste management system.

(h) Advise the director to engage in, sponsor or co-sponsor research and demonstration projects intended to improve the techniques of solid waste management or to increase the extent of re-use or recycling of materials and resources included within the wastes.

(i) Accept funds derived from state or federal grant or assistance programs and enter into necessary contracts or agreements, which are subject to review and final approval by the Brown County Board of Supervisors.

(j) Through the budget process, recommend the establishment of reasonable fees, approximately commensurate with the costs of services rendered to users of the services of the county solid waste management system. Fees may include a reasonable charge to create interest-earning reserves for future capital outlays for waste disposal facilities or equipment, research activities, post-closure care costs, and potential remedial action.

(k) Exercise such other powers and perform such other duties as may be necessary to properly establish a solid waste management system, and which are not inconsistent with subsection (6), the laws of the State of Wisconsin, the regulations of the Department of Natural Resources, or the ordinances and resolutions adopted by the Brown County Board of Supervisors.

(6) Limitations on Solid Waste Board Powers. The Solid Waste Board shall have the following restrictions on its powers:

(a) The Solid Waste Department shall incur only those acquisition, development, and operation costs which users of the solid waste management system would reimburse to Brown County, on a fee basis, within a reasonable time after the initial expenditures.

(b) The Solid Waste Department shall obtain reimbursement on a fee basis from those users of the solid waste management system for any costs incurred by the Brown County Solid Waste Department for the establishment and development of the solid waste management system.

(c) The Solid Waste Board shall have no authority, on any basis, to levy taxes or borrow money for the solid waste management system from sources other than the Brown County Board of Supervisors and revenues from state or federal assistance programs, grants, contracts or agreements entered into by the Solid Waste Board are subject to review and final approval by the Brown County Board of Supervisors.

(d) The Management Board shall submit to an annual detailed audit of its books and records by auditors as may be designated by Brown County.

(e) The Solid Waste Board shall review the Solid Waste Department annual budget and staffing requests and submit recommendations to the Solid Waste Manager.

(f) The restrictions on Solid Waste Board powers set forth above in paragraphs (a) through (e) shall not prohibit the Brown County Board of Supervisors from either paying directly or reimbursing the Solid Waste Department for any costs for the establishment, development, and operation of the solid waste management system, or any part thereof, without requiring the repayment of said costs or expenses by a fee from the users of the solid waste management system and without the necessity of amending this section.

12.03 (1) Definitions. In this section:

(a) "Person" means any person, firm, partnership, association, political body, or corporation.

(b) "Waste tire" means any tire which a person no longer wishes to retain or any tire which is worn, defective, or damaged and is not fit for use on a vehicle.

(c) "Waste tire generator" means any person who engages in the sale of new, used, or remanufactured automobile, truck, equipment or miscellaneous tires, receives waste tires, or owns or operates fleets of motor vehicles and services all or a portion of those vehicles.

(2) Regulations. (a) All waste tire generators shall provide facilities and equipment for the receipt, temporary storage, and transfer of waste tires to a licensed storage, disposal or processing facility and such facilities and equipment shall be in full compliance with applicable regulations.

(b) All waste tire generators which serve the general public shall offer to accept one used tire for each tire it sells. A sign shall be posted in clear view of all tire purchasers stating that the waste tire generator shall offer to accept one waste tire of equivalent size for each tire sold and the dollar amount of any fee it wishes to charge for accepting the waste tires.

(c) Any person who disposes of waste tires at a waste tire generator's facilities without the consent of the owner is in violation of this section.

(d) Any person who disposes of waste tires in any location other than those designated as collection points or licensed storage, disposal or processing areas is illegally dumping and is in violation of this section.

(3) Penalties. (a) Any person who violates any of the provisions of this section shall forfeit not less than \$150.00 nor more than \$5,000.00 for each violation, and in default of payment thereof shall be imprisoned in the County jail for a period not exceeding 90 days, or until such forfeiture shall have been paid.

12.04 RECYCLING REQUIREMENTS. (1) Purpose. The purpose of this Section is to identify materials which are recyclable at the Brown County drop-off recycling centers, to identify the parties which are (single family and multiple family units of 2 - 4) and which parties are not allowed (multiple family dwellings and non-residential facilities and properties) to use the drop-off recycling centers, NR 544.06(2)(2), and to identify unacceptable materials and eliminate dumping of the unacceptable materials at the Brown County Drop-off Recycling Centers.

(2) Definitions. (a) The term "recycle" or its derivative shall have the meaning as specified in S.159.13(1)(h) as amended from time to time.

(b) The term "drop-off center" refers to recycling receptacles or recycling centers designed to receive recyclables delivered by residents.

(c) The term "recycling receptacle" refers to containers identified by instructional signs on the front and attached to the doors along the sides of the container. The signs list the identification and preparation procedures for recyclables and the respective compartment the recyclables should be deposited within.

(d) The term "mixed paper" refers to clean recyclable paper products such as newspaper and inserts, magazines, corrugated cardboard, soft and hard cover books, junk mail, envelopes, phone books, catalogs, non-corrugated boxes (such as cereal, shoe, cracker and other food boxes, however all plastic liners and food residue must be removed from food boxes), writing, computer, copier and construction paper, and grocery bags. All mixed paper products must be dry and free of food residue and restroom waste.

(e) The term "plastic" refers to plastic containers made of high density polyethylene (HDPE 2) or polyethylene terephthalate (PETE 1). Only plastic containers with the recycling codes 1 and 2 stamped on the bottom of the plastic container are recyclable. All caps, rings, pumps, and lids shall be removed and discarded. Plastic containers shall be rinsed to remove residue and flattened to save space.

(f) The term "glass" refers to clear, green and brown glass bottles and jars which contained a food, juice or beverage product; but does not include window glass, light bulbs, fluorescent tubes, crystal, china, ceramics, or heat resistant ovenware such as "Pryex". All glass bottles and jars shall be rinsed to remove residue and contaminants such as plastic, metals, rubber and wood. all caps, lids, rings, metal and foil shall be removed and discarded. Paper labels may be left on.

(g) The term "steel" refers to tin-plated steel cans and bi-metal cans commonly used to store a food, juice or beverage product. Steel cans must have the paper label removed and rinsed to remove food residues. Contaminants such as plastic, wood, rubber and glass must be removed from the steel cans. Steel cans should be flattened to save space.

(h) The term "aluminum" refers to aluminum cans. Aluminum cans shall be rinsed to remove residues and flattened to save space.

(i) The term "unacceptable materials" refers to garbage, construction debris, appliances, batteries, waste oil, waste tires, yard waste, paints, scrap metal, improperly identified and prepared recyclables or other materials identified as not acceptable at the Brown County drop-off recycling centers.

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

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

(3) Applicability. This Section applies to anyone who deposits unacceptable materials at any one of the Brown County Drop-off Recycling Centers. This Section is intended to eliminate the dumping of unacceptable materials at the drop-off recycling centers by imposing fines for those individuals who violate this Ordinance.

(4) Scope. (a) Drop-off Program Operation. 1. The Brown County drop-off recycling centers are designed to receive only properly identified and prepared recyclables from occupants of single family and 2 - 4 unit residents. Only recyclables identified as mixed paper, plastic, glass, steel and aluminum in this section are acceptable at the Brown County drop-off centers. the recyclables must be placed in the appropriate compartment of each recycling receptacle.

2. For profit enterprises such as "Multiple family dwellings" and "Non-Residential facilities and properties" shall not use the Drop-off recycling centers and are subject to enforcement under 12.04(4)(d) of this ordinance.

(b) Littering Prohibited. 1. Unacceptable materials. No person shall throw, deposit, place, or dump an unacceptable materials at any of the Brown County Drop-off Recycling Centers.

2. Recyclables. No person shall throw, deposit, place or dump recyclables on the ground at any of the drop-off centers.

(c) Monitoring. Local law enforcement agencies and employees at each Brown County drop-off center location will monitor the drop-off recycling centers throughout the day for individuals violating this Ordinance.

(d) Enforcement. Any violation of any provision of this section of the County Code by any person, firm, association, corporation or agent, employee or officer, shall be unlawful. Upon a finding that a violation exists, the violator shall forfeit to the county not less than \$200.00 nor more than \$500.00 together with the taxable cost to such action.

12.05. SOLID WASTE MANAGEMENT BOARD AUTHORITY. Make payment to any municipality in which County disposal sites or facilities are located to cover the reasonable costs of landfill impacts or services that are rendered to such sites or facilities and to negotiate, arbitrate, if necessary, and execute any agreements which may result from, and are consistent with, the provisions of Sec. 289.33, Wis. Stats.