

## **Chapter 22 Door County Code**

### **SOLID WASTE MANAGEMENT**

#### **22.01 WASTE MANAGEMENT SYSTEM.**

- (a) There is hereby created a Door County Solid Waste Management System. Such System shall be operated by the Door County Highway Committee. The members of the Door County Highway Committee shall be elected and/or appointed in accordance with the rules of the Door County Board of Supervisors.
- (b) General Duties. The Door County Highway Committee is charged with the responsibilities as specifically stated in Section 59.07(135) of the Wisconsin Statutes and in this chapter.
- (c) Organization.
  - 1. The Door County Highway Committee shall have the power to adopt, amend and repeal rules and regulations governing its procedure and operations and that are not inconsistent with this chapter.
  - 2. All funds received or collected by the Door County Highway Committee shall be deposited with the Door County Treasurer. Disbursement of such funds shall be made by the County Treasurer only upon receipt of a voucher or statement signed by the Chairman stating that the expenditure has been authorized and approved by the Door County Highway Committee.
  - 3. Responsibility. It shall be the responsibility of the Door County Highway Committee to supervise and manage the collection and disposal of solid waste in Door County in accordance with the rules and regulations established by the Door County Board of Supervisors, Department of Natural Resources and the Solid Waste Recycling Authority of Wisconsin. The Door County Highway Committee shall keep abreast of the latest techniques, procedures, and methods that may be developed in solid waste management and shall make recommendations to the Door County Board of Supervisors concerning solid waste management.

#### **22.02 POWERS OF THE DOOR COUNTY HIGHWAY COMMITTEE.** The Door County Highway Committee shall have the powers to do the following, subject to the restrictions on powers set forth in Section 22.03:

- (a) Develop plans for a Solid Waste Management System.
- (b) Use such personnel as may be necessary to properly supervise and execute the solid waste collection and disposal plan adopted by the Door County Board of Supervisors and to establish salaries for the personnel who may be employed by the Door County Highway Committee with approval of County Board.
- (c) Engage and compensate consultants or other persons who can provide the necessary expertise in solid waste disposal site investigation and operation.
- (d) Within Door County collect, transport, dispose of, destroy, recycle or transform wastes, including, without restriction because of enumeration, garbage, ashes, or incinerator residue, municipal, domestic, agricultural, industrial and commercial rubbish, waste or refuse material, including explosives, pathological wastes, chemical wastes, herbicide and pesticide wastes.
- (e) Acquire lands by purchase, lease, donation or eminent domain, within the county, for use in the solid waste management system.
- (f) Authorize employees or agents to enter upon lands to conduct reasonable and necessary investigations and test to determine the suitability of sites for solid waste management activities after receiving permission from the property owner.

- (g) 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.
- (h) Establish operations and methods of waste management as are deemed appropriate. Waste burial operations shall be in accordance with sanitary landfill methods and the sites shall, insofar as practicable, be restored and made suitable for attractive recreational or productive use upon completion of waste disposal operations.
- (i) Acquire necessary equipment and materials, use equipment and facilities of the County Highway Department, and construct, equip and operate incinerators or other structures to be used in the solid waste management system.
- (j) Recommend to the Door County Board of Supervisors the adoption of ordinances necessary for the conduct of the solid waste management system and enforce all solid waste collection and disposal regulations and ordinances.
- (k) Contract with private collectors or transporters or municipalities to receive and dispose of waste; contract with private persons or municipalities for the development and operation of solid waste disposal sites or facilities.
- (l) Keep records of the source and quantity of all solid waste going into the disposal site.
- (m) Adopt and enforce regulations for individual garbage and refuse storage, handling, collection and disposal as required by law.
- (n) License and regulate private collectors and private disposal operators.
- (o) 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.
- (p) Accept funds derived from state or federal grant or assistance programs and enter necessary contracts or agreement.
- (q) Establish and charge reasonable fees, approximately commensurate with the costs of services rendered to municipalities or persons using the services of the county solid waste management system. Fees shall be based on the capital expenditures and operating costs of the solid waste management system. Fees may include a reasonable charge for depreciation, which shall create a reserve for future capital outlays for waste disposal facilities or equipment. All assessments for liquid waste shall be assessed by volume. All such fees shall be subject to the approval of the County Board.
- (r) Utilize or dispose of by sale or otherwise any and all products or byproducts of the solid waste management system.
- (s) Exercise such other powers and perform such other duties as may be necessary to properly establish and operate a solid waste management system, and which are not inconsistent with Section 22.03, the laws of the State of Wisconsin, the regulations of the Department of Natural Resources, or the ordinances and resolutions adopted by the Door County Board of Supervisors.

**22.03 RESTRICTION ON POWERS** The Door County Highway Committee shall have the following restrictions on its powers:

- (a) The Door County Highway Committee shall make only those capital expenditures, and shall incur only those development and operation costs, which those municipalities or persons who use the solid waste management system, would reimburse to Door County, on a fee basis.
- (b) The Door County Highway Committee shall obtain reimbursement on a fee basis from those municipalities or persons who use the solid waste management system for those

obligations and expenditures incurred by Door County prior to the establishment of the Management Board for the creation and development of the Door County Solid Waste System, including all expenditures necessary for the retirement of that portion of any municipal bonds issued for the purpose of a solid waste system and all expenditures necessary for the acquisition of landfill sites within said system.

- (c) The Door County Highway Committee shall have no authority, on any basis, to levy taxes or borrow money for the creation, development, or operation of the solid waste management system. It is intended that the solid waste management system shall be supported entirely by those fees paid by the municipalities or persons who use said system.
- (d) The Door County Highway Committee shall submit for approval to the Door County Board of Supervisors a budget of their proposed expenditures and costs for the calendar year immediately following the submission of said budget.

#### **22.04 TRANSPORT OF SOLID WASTE**

- (a) "Solid waste" is defined as garbage, refuse, rubbish, and all other discarded solid waste material resulting from industrial, commercial, and demolition operations and from domestic use and public service operations; but does not include solids or dissolved material in waste water effluents or other common water pollutants.
- (b) The operator of every vehicle and trailer transporting solid waste materials within the county shall provide covers to prevent blowing, leaking, falling, or spilling of the solid waste. Actual spillage of solid waste is not necessary to constitute a violation of this section.
- (c) Brush, logs, tires, wood rejects and bulky goods such as stoves and refrigerators, are exempt from being covered but must be loaded in a fashion to prevent spillage.
- (d) Any person who violates this section shall be fined not less than \$25 nor more than \$500 for each offense.

This ordinance shall become effective April 1, 1982. (Ord. 2-82; 2/18/82)

#### **22.05 WASTE TIRES**

**(a) Definitions** In this section:

1. "Person" means any person, firm, partnership, association, political body, or corporation.
2. "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.
3. "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.

**(b) Regulations**

1. 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.
2. All waste tire generators which service 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.

3. 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.
4. 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.

**(c) Penalties**

1. Any person who violates any of the provisions of this section shall forfeit not less than \$50.00 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 30 days, or until such forfeiture shall have been paid.

This Ordinance shall be effective November 1, 1991. (Ord. 17-91; 8/27/91)

**22.06 MANAGEMENT AND PROHIBITION OF THE DISPOSAL OF DRYWALL**

**(1) AUTHORITY**

- (a) This ordinance, designated as Section 22.06 of the Door County Code, is enacted under the authority granted by Sections 59.02, 59.03, and 59.54, and/or 66.119 Wisconsin Statutes.

**(2) DEFINITIONS**

- (a) "Drywall" means uncontaminated gypsum board, dry wall, plaster board, wallboard, or like materials.
- (b) "Landfill" means the Door County Landfill located at Section 34, Township 28 North, Range 25 East, Town of Nasewaupee, County of Door, State of Wisconsin.
- (c) "Person" means any person, firm, partnership, association, institution, agency, corporation, or governmental entity.

**(3) JURISDICTION**

- (a) This ordinance shall be applicable to the County of Door, State of Wisconsin.

**(4) RELATIONSHIP TO OTHER LAWS**

- (a) The adoption and the authorization for use of a citation under this ordinance shall not preclude the County of Door from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or any other matter.
- (b) The issuance of a citation, or entry of a judgment for payment of a forfeiture, under this ordinance shall not preclude the County of Door from proceeding under any other ordinance or law relating to the same or any other matter.
- (c) The 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 ordinance.

**(5) PROHIBITION/MANAGEMENT**

- (a) No person shall place for collection, at curb side or other location, drywall.
- (b) No person shall deposit drywall in the landfill.
- (c) Drywall must be delivered to, or picked up by a private collector for disposal in, an approved facility in accordance with this ordinance and all applicable laws.

**(6) ENFORCEMENT PROCEDURES**

- (a) The issuance of a citation in accordance with Section 66.119 Wisconsin Statutes

for violation of this Ordinance is hereby authorized.

- (b) Citations authorized under this ordinance may be issued by law enforcement officers of the county.
- (c) The form of the citation shall be as prescribed in Section 66.119(1)(b) Wisconsin Statutes.
- (d) Alleged violator's options and procedures on default shall be as set forth in Section 66.119(3) Wisconsin Statutes.
- (e) Cash deposits:
  - 1. The alleged violator may elect to make a cash deposit of a specified amount.
  - 2. Cash deposits shall include the minimum forfeiture, the assessment prescribed by Section 165.87 Wisconsin Statutes (equal to 23% of the forfeiture imposed) and the assessment prescribed by Section 302.46 Wisconsin Statutes (equal to 1% of the forfeiture imposed or \$10.00, whichever is greater).
  - 3. Cash deposits shall be made to the Clerk of Court.
  - 4. Receipts shall be given for cash deposits.

(7) PENALTY

- (a) Any person who violates this ordinance shall pay a forfeiture of not less than \$100.00 nor more than \$1,000.00, shall pay a penalty assessment equal to twenty three percent (23%) of the forfeiture imposed, and shall pay a jail assessment of \$10.00 or one percent (1%) of the forfeiture imposed whichever is greater, and shall pay all fees, costs, and disbursements associated with the prosecution of this forfeiture action.
- (b) A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(8) SEVERABILITY

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

(9) PURPOSE

- (a) The dominant aim of this ordinance is to improve solid waste management within Door County.

(10) EFFECTIVE DATE

- (a) This ordinance shall take effect on January 1, 1998.

(Ord. 31-97; 11/03/97)