

CHAPTER 72 –RECYCLING, SOLID AND HAZARDOUS WASTE

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72.01 Title.

The title of this Chapter shall be Recycling, Solid and Hazardous Waste.

72.02 Purpose.

The purpose of this Chapter is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in Chapter 287.11, Wis. Stats., and Chapter NR 544, Wisconsin Administrative Code.

72.03 Statutory Authority.

This ordinance is adopted as authorized under s. 287.09(3)(b), Wis. Stats.

72.04 Abrogation and Greater Restriction.

It is not intended by this Chapter to repeal, abrogate, annul, impair or interfere with any existing rules, regulations, chapters or permits previously adopted or issued pursuant to law.

However, whenever this Chapter imposes greater restrictions, the provisions of this Chapter shall apply.

72.05 Interpretation.

In their interpretation and application, the provisions of this Chapter shall be held to be the 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 Chapter may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this Chapter is required by Wisconsin Statutes, or by a standard in Chapter NR 544, Wisconsin Administrative Code, and where the Chapter provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Chapter NR 544 standards in effect on the date of the adoption of this Chapter, or in effect on the date of the most recent text amendment to this Chapter.

72.06 Applicability.

The requirements of this Chapter apply to all persons and properties within the County. The requirements of Sections 72.11 through 72.19 shall apply only to municipalities that are members of the County's Responsible Unit under Chapter 287.09, Wis. Stats.

72.07 Severability.

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.

72.08 Administration.

The provisions of this Chapter shall be administered by the County Conservationist.

72.09 Effective Date.

The provisions of this Chapter shall take effect after date of approval by Marquette County Board of Supervisors and publication.

72.10 Definitions.

For the purposes of this Chapter:

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. **Drop-off site** location designated in the County, which is managed by, identified and staffed by the Municipality, as a place in which people of the County may bring recyclable materials for proper disposal.

4. **Foam polystyrene packaging** means packaging made primarily from foam polystyrene that satisfies one 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.
5. **Glass Container** means a glass bottle, jar or other packaging container used to contain a product that is the subject of a retail sale and does not include ceramic cups, dishes, oven ware, plate glass, safety and window glass, heat-resistant glass such as Pyrex, lead based glass such as crystal, or TV tubes.
6. **HDPE** means high density polyethylene, labeled by the SPI code #2.
7. **LDPE** means low density polyethylene, labeled by the SPI code #4.
8. **Magazines** means magazines and other materials printed on similar paper.
9. **Major appliance** means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, refrigerator, furnaces, boiler, dehumidifier, water heater or stove.
10. **Multiple-family dwelling** means a property 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. Non-residential facilities and properties includes any location at which goods or services are provided or manufactured, including locations under construction, demolition, or remodeling, or used for special events such as fairs, festivals, sport venues, conferences, and exhibits. This term does not include multiple family dwellings.
13. **Office paper** means high grade printing and writing papers from offices in non-residential 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 labeled by the resin code #7.
15. **Person** includes any individual, corporation, partnership, association, local governmental unit, as defined in § 66.0131(1)(a), Wis. Stats., state agency or authority or federal agency.
16. **PETE or PET** means polyethylene terephthalate, labeled by the resin code #1.

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 § 291.01(7), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in § 289.01(17), Wis. Stats.
19. **PP** means polypropylene, labeled by the resin code #5.
20. **PS** means polystyrene, labeled by the resin code #6.
21. **PVC** means polyvinyl chloride, labeled by the resin code #3.
22. **Recyclable materials** 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. **Solid Waste** has the meaning specified in § 289.01(33), Wis. Stats.
24. **Solid waste facility** has the meaning specified in § 289.01(35), Wis. Stats.
25. **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. “Treatment” includes incineration.
26. **Waste tire** means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
27. **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.

72.11 Separation of Recyclable Materials.

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

1. Lead acid batteries
2. Major appliances
3. Waste oil
4. Yard waste
5. Aluminum containers

6. Steel and tin containers (includes bi-metal)
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. Waste tires

72.12 Separation of Requirements Exempt.

The separation requirements of Section 72.11 do not apply to the following:

1. Occupants of single family and two (2) to four (4) 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 72.11 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 percent (30%) of the heat input to the facility is derived from the solid waste burned as supplemental fuel.
3. A recyclable material specified in Section 72.11(5) through (14) for which a variance has been granted by the Department of Natural Resources under § 287.11(2m), Wis. Stats., or Section NR 544.14, Wisconsin Administrative Code.

72.13 Care of Separated Recyclable Materials.

To the greatest extent practicable, the recyclable materials separated in accordance with Section 72.11 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.

72.14 Management of Lead Acid Batteries, Major Appliances, Waste Oil and Yard Waste.

Occupants of single family and two (2) to four (4) 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 be dropped off at a lead acid battery retailer or other location that accepts lead acid batteries for recycling, or as provided by the participating municipality.

2. Major appliances shall be disposed of as provided by the participating municipality or to a facility licensed to accept these materials.
3. Waste oil and used oil filters shall be delivered to an approved drop-off site, service center or as provided by the participating municipality. Contaminated oil will not be accepted.
4. Yard waste shall be allowed to decompose on the property on which it was generated, taken to a licensed land application operation or composting facility.

72.15 Preparation and Collection of Recyclable Materials.

Except as otherwise directed by the County occupants of single family and two (2) to four (4) unit residences shall follow their Municipalities guidelines for the preparation and collection of separated materials specified in Section 72.11(5) through (14).

The Municipality reserves the right to select their recycling process according to their Contracted Hauler and/or Materials Recovery Facility which includes (but is not limited to) Single stream, dual stream or source separated recyclables.

72.16 Municipality Requirements & Operation of Drop-Off Sites and Curbside Collection.

1. All Municipalities that are members of the County Responsible Unit shall provide collection (drop off) sites or curbside pickup service(s) that provide a recycling outlet for their residents. These sites and services shall be governed by the rules set by the County or by each municipality. The County and the operating municipality reserve the right to close, alter or open new sites as needed.
2. The municipality has the authority to set the hours of operation and must have the hours of operation posted at the entrance of the drop-off sites
3. Each Municipality must inform residents of preparation of recyclables for their specific hauler (e.g. single stream vs. dual stream or source separated)
4. No person(s) shall enter the drop-off sites during times when the facility is not open, without the proper authorization.
5. Each person bringing recyclable solid waste or nonrecyclable solid waste to the drop-off site shall be able to provide proof of residency or proof of ownership in the municipality. No person shall dispose of solid waste at the drop-off sites other than that generated within the County.
6. All materials brought to collection site or placed curbside for collection shall become the property of the Municipality or the designated contractor.
7. No person shall place recyclable or non-recyclable solid waste anywhere on or at the facility other than in the designated containers.

8. No person shall bring to the drop-off site any materials that are unbagged or untied as to prevent that material from littering the facility and adjacent roadways.

72.17 Responsibilities of Owners or Designated Agents of Multiple-Family Dwellings.

1. Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in Section 72.11(5) through (14):
 - 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 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.
 - 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.
 - c. Provide for the collection of materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.
 - d. Notify tenants which materials are collected, how to prepare the materials in order to meet the Municipality processing requirements, collection methods or sites, and locations of drop-off collection sites to recycle materials not collected on-site.

2. The requirements specified in 72.17(1) do not apply to the owners or designated agents 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 72.11(5) through (14) from solid waste in as pure a form as is technically feasible.

72.18 Responsibilities of Owners/Designated Agents of Non-Residential Facilities & Properties

1. Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in Section 72.11(5) through (14):
 - a. 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.

- b. Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.
 - c. 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.
 - d. Notify users, tenants and occupants which materials are collected, how to prepare the materials in order to meet the Municipality processing requirements, collection methods or sites, and locations of drop-off collection sites to recycle materials not collected on-site.
2. The requirements specified in Subsection (1) do not apply to the owners or designated agents of non-residential facilities and properties if the postconsumer 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 72.11(5) through (14) from solid waste in as pure a form as is technically feasible.

72.19 Prohibition 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 72.11(5) through (14) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

72.20 Solid Waste Disposal.

1. No solid waste other than that generated in the household shall be disposed of on the property where it is generated. Disposal shall be in such a manner as not to create a nuisance or such a manner that it is not contained at the point of disposal.
2. No commercial solid waste shall be disposed of other than at a licensed sanitary landfill or at a licensed solid waste treatment facility.
3. No onsite disposal or storage of solid waste shall be permitted in:
 - a. Wetlands as mapped on Wisconsin Wetland Inventory as from time to time.

- b. Floodplains as mapped on Flood Insurance Rate Maps approved by the Department of Natural Resources and Federal Emergency Management Association dated December 18th, 2012 and from time to time amended.
 - c. Areas defined as Shoreland by Chapter 70, Article IV.
 - d. Areas below such depth in the soil as to be subject to seasonal or periodic saturation from high groundwater.
- 4. No recyclables, solid waste or materials other than paper, untreated wood or materials made from or composed of natural plant fibers shall be disposed of by burning.
- 5. No person shall dispose of any of the following materials other than by methods approved in Wisconsin Statutes:
 - 1. Explosives
 - 2. Construction and demolition debris
 - 3. Carcasses
 - 4. Medical waste
- 6. No person shall dispose of any solid waste by littering as defined in §§ 287.81(2)(a) and (b), Wis. Stats.

72.21 Hazardous Waste.

No one shall dispose of any hazardous waste as defined in Section NR 661.03 Wisconsin Administrative Code on any property in the County.

72.22 Enforcement.

- 1. For the purpose of ascertaining compliance with the provisions of this Chapter, any authorized officer, employee or representative of the County may inspect any property, recyclable materials separated for recycling, postconsumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and non-residential facilities and properties, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to any authorized officer, employee or authorized representative of the County who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.
- 2. The County authorizes the County Conservationist, the person(s) designated under § 287.09(3)(a), Wis. Stats., or other staff authorized by the County Board to enforce this Chapter.

72.23 Penalties.

Penalties for this Chapter may be assessed as follows:

Any person who violates Section 72.19 may be required to forfeit \$50 for a first violation, \$200 for a second violation, and \$1000 for a third or subsequent violation.

1. Any person who violates a provision of this ordinance, except Section 72.19, may be required to forfeit \$200 for a first violation, \$400 for a second violation and \$600 for a third or subsequent violation.

Chapter 72 amended by Resolution No. 29-2026; dated August 18, 2026; passed August 18, 2026; published September 24, 2026; effective September 25, 2026.