AMENDMENT NO. 142 TO PEPIN COUNTY ORDINANCE 179

CHAPTER 30- RECYCLING/SOLID WASTE ORDINANCE

THAT THE CODE OF ORDINANCES BE AMENDED AND REPLACING CHAPTER 30 RECYCLING/SOLID WASTE ORDINANCE

BE IT ORDAINED BY THE COUNTY BOARD OF SUPERVISORS OF PEPIN COUNTY:

CHAPTER 30

RECYCLING/SOLID WASTE

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(Ord. No. 179, Am. #107, 10-21-15, Am. # 142 02-18.2026)

30.01 TITLE, AUTHORITY, AND EFFECTIVE DATE.

(1) TITLE. This ordinance shall be known as, referred to and cited as the "Pepin County Recycling/Solid Waste Ordinance."

(2) AUTHORITY. This ordinance is adopted as authorized under §§ 287.09(3)(b) and 59.02, Wis. Stats. and Ch. NR 544, Wis. Adm. Code.

(3) REPEAL AND EFFECTIVE DATE. After public hearing, adoption by the County Board and publishing or posting as required by law, this chapter shall be effective. The existing recycling/solid waste provisions for the county shall be repealed effective on the date of the enactment of this ordinance .

30.02 PURPOSE.

The purpose of this ordinance is to promote recycling, composting, and resource recovery through the administration of an effective recycling program as provided in § 287.11, Wis. Stats. and Ch. NR 544, Wis. Adm. Code. This ordinance will provide regulation for the implementation of recycling in the responsible unit areas.

30.03 ABROGATION AND GREATER RESTRICTIONS.

It is not intended by this ordinance to repeal, abrogate, annul, impair or interfere with any existing rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, whenever this chapter imposes greater restrictions, the provision of this ordinance shall apply.

30.04 INTERPRETATION.

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

30.05 SEVERABILITY.

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

30.06 APPLICABILITY.

The requirements of this ordinance apply to all persons within Pepin County and any contracted Responsible Units (RU's) with Pepin County.

30.07 ADMINISTRATION.

The provisions of this ordinance shall be administered by the Pepin County Land Conservation and Planning Department.

30.08 DEFINITIONS.

For the purpose of this ordinance:

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 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) “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.
5) “HDPE” means high density polyethylene, labeled by the resin code # 2.
6) “LDPE” means low density polyethylene, labeled by the resin code # 4.
7) “Magazines” 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, microwave oven, oven, refrigerator, furnace, boiler, dehumidifier, water heater or stove.
9) “Multiple-family dwelling” means a structure containing 5 or more residential units, including units that are occupied seasonally.
10) “Newspaper” means a newspaper and other materials printed on newsprint.
11) “Non-residential facilities and properties” means commercial, retail, industrial, institutional and government 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.
12) “Office paper” means a variety of high-grade printing and writing papers. This term does not include industrial process waste, newspaper or packaging.
13) “Other resins or multiple resins” mean plastic resins labeled by the resin code # 7.
14) “Person” includes any individual, corporation, limited liability company, partnership, association, local government unit, as defined in s. 66.0131(1)(a), Wis. Stats., state agency or authority or federal agency.
15) “PETE” or “PET” means polyethylene terephthalate, labeled by the resin code # 1.
16) “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.
17) “Postconsumer waste” means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in s. 291.01(7) Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in s. 289.01(17)., Wis. Stats.
18) “PP” means polypropylene, labeled by the resin code # 5.
19) “PS” means polystyrene, labeled by the resin code # 6.
20) “PVC” means polyvinyl chloride, labeled by the resin code # 3.
21) “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 bi-metal containers.
22) “Solid waste” has the meaning specified in s. 289.01(33), Wis. Stats.

23) “Solid waste facility” has the meaning specified in s. 289.01(35), Wis. Stats.
24) “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.
25) “Waste tire” means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
26) “Yard waste” means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than 6 inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

30.09 SEPARATION OF RECYCLABLE MATERIALS.

Occupants of single-family and 2-to-4-unit residences, multiple-family dwellings and nonresidential 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) 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
(16) Electronics
(17) Antifreeze

30.10 SEPARATION REQUIREMENTS EXEMPTED.

The separation requirements of §30.09 of this chapter do not apply to the following:

(1) Occupants of single-family and 2-to-4-unit residences, multiple-family dwellings and nonresidential 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 §30.09 of this ordinance 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 30% of the heat input to the facility is derived from solid waste burned as supplemental fuel.
(3) A recyclable material specified in §30.09(5) through (15) of this ordinance for which a variance has been granted by the Department of Natural Resources under §287.11(2m), Wis. Stats. or NR §544.14, Wis. Adm. Code.

30.11 CARE OF SEPARATED RECYCLABLE MATERIALS.

To the greatest extent practicable, the recyclable materials separated in accordance with §30.09 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.

30.12 - MANAGEMENT OF LEAD ACID BATTERIES, MAJOR APPLIANCES, WASTE OIL, OIL FILTERS, ANTI-FREEZE, YARD WASTE, WASTE TIRES AND ELECTRONICS.

Occupants of single-family and 2-to-4-unit residences, multiple-family dwellings and nonresidential facilities and properties shall manage lead acid batteries, major appliances, and waste oil and oil filters, waste anti-freeze, yard waste and waste tires as follows:

(1) Lead acid batteries shall be taken to any area retail business which sells automotive batteries, to any local business which is licensed to accept lead acid batteries or to a county recycling collection site during the days and hours of operation.

(2) Major appliances shall be taken to any area appliance retailer or appliance recycling facility which accepts, with or without a fee, such appliances for repair, reuse, resale or recycling or shall be, placed in the designated receptacle at a county collection site during the days and hours of operation for eventual transport to a processing facility certified to remove refrigerants, ballasts, switches and other hazardous materials prior to the appliances being recycled.

(3) Waste oil, oil filters, oil absorbent materials and anti-freeze shall be taken to any area automotive repair business which accepts used oil, filters or anti-freeze for recycling or shall be placed in the waste oil collection container at a county collection site during the days and hours of operation.

(4) Yard waste shall be to the greatest extent possible used on-site where it is generated or placed in the yard waste compost pile or in the brush pile at a county collection site during the days and hours of operation.

(5) Waste tires shall be returned to any business which accepts the same, with or without a fee, or shall be taken, for a fee, to a county collection site during the days and hours of operation.

(6) Electronics shall be returned to any business which sells and accepts recyclable electronics. Pepin County will only accept non-broken electronics to be recycled on scheduled electronics recycling event days which are held throughout the year. Fees apply to many of the electronic items.

30.13 PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS.

Except as otherwise directed by the Land Conservation and Planning Committee, occupants of single-family and 2-to-4-unit residences and all other persons using the Pepin County Recycling and Solid Waste Collection Sites for disposal of recyclable materials shall utilize single stream recycling for all materials considered recyclable and prior to delivery of those materials into the county system, to the following:

(1) Aluminum cans shall be rinsed clean of product residue, well drained and placed in the designated receptacle at a county collection site during the days and hours of operation.

(2) Bi-metal containers shall be rinsed clean of product residue, well drained and placed in the designated receptacle at a county collection site during the days and hours of operation.

(3) Corrugated paper and other container board shall be free of debris, flattened and placed in the designated container at a county collection site during the days and hours of operation.

(4) Clear, brown and green glass bottles and jars shall be rinsed clean of product residue, well drained and placed in the designated container at a county collection site during the days and hours of operation.

(5) Magazines shall be clean, free of debris and non-paper items and placed in the designated container at a county collection site during the days and hours of operation.

(6) Newspaper, including all inserts and stuffers, shall be clean, free of debris and non-paper and placed in the designated container at a county collection site during the days and hours of operation.

(7) Office paper, including junk mail and school papers, white, brown and manila envelopes shall be clean, free of debris, metal clips, wire bindings and other non-paper items and placed in the designated container at a county collection site during the days and hours of operation.

(8) Rigid plastic containers clearly marked with SPI letter and number codes including PETE, HDPE, PVC, LDPE, or OTHER shall be free of debris, rinsed clean of product residue, well drained, and placed in the designated container at a county collection site during the days and hours or operation.

(9) Steel food and beverage containers shall be rinsed clean of product residue, well drained and placed in the designated container at a county collection site during the days and hours of operation. All other steel containers, caps, lids and scrap metal intended for recycling shall be empty, dry, free of debris and placed in the designated container at a county collection site during the days and hours of operation.

(10) Waste tires shall be returned to any area business which sells tires and accepts waste tires with or without a fee. The waste tires can also be taken to the county collection site during the days and hours of operation for a fee based on size and placed in the designated area.

(11) Electronics shall be returned to any business which sells and accepts recyclable electronics. Electronics can also be taken to the county collection site during the days and hours of operation for a fee based on size and placed in the designated area.

30.14 - RESPONSIBILITIES OF OWNERS OR AGENTS OF MULTIPLE-FAMILY DWELLINGS.

(1) Owners or designated agents of multiple-family dwellings shall do all the following to recycle the materials designated in § 30.09(5) through (15) of this chapter:

(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 the materials separated from the solid waste by the tenants and the delivery of the materials to a county collection site.

(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.

(2) The requirements specified in subsection (1) do not apply to the owners or designated agents of multi-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 § 30.09(5)—(15) of this ordinance from solid waste in as pure a form as is technically feasible.

30.15 RESPONSIBILITIES OF OWNERS OR AGENTS OF NONRESIDENTIAL FACILITIES AND PROPERTIES.

(1) Owners or designated agents of nonresidential facilities or properties shall do all the following to recycle materials specified in § 30.09(5) through (15) of this ordinance:

(a) Provide adequate, separate containers for 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 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.

(2) The requirements specified in subsection (1) do not apply to the owners or designated agents of nonresidential facilities or 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 § 30.09(5) through (15) of this ordinance from solid waste in as pure a form as is technically feasible.

30.16 REGULATION OF DELIVERY TO COLLECTION SITE.

Except as otherwise directed by the Land Conservation and Planning Committee or its successor, all solid waste delivered to a county collection site shall be subject to payment of fees specified in § 30.17 of this chapter. Both generators and haulers may deliver solid waste to a county collection site, which solid waste shall be delivered as follows:

(1) Solid waste may be delivered to a county collection site in bags supplied by the county. The county shall make such bags available in appropriate quantities and at locations throughout the county, to the greatest extent possible, within the participating municipalities.

(2) Recyclable materials, yard waste, solid waste not contained in a county supplied bag, solid waste materials too large to be contained in a bag, furniture, and demolition and construction waste shall be carried within an enclosed vehicle or, if delivered in a trailer or open truck bed, covered or securely confined so as to prevent littering from occurring.

(3) Waste oil shall be contained in a leak-proof container of 5 gallons or less and which container shall be securely confined in the delivery vehicle to prevent spilling.

(4) Major appliances and lead acid batteries shall be securely confined in the delivery vehicle to prevent spilling or damage due to tipping, bumping, sliding or ejection from the vehicle.

30.17 FEE ASSESSMENT.

The Land Conservation and Planning Committee or its successor is hereby granted the authority to establish and amend, from time to time, each type of fee required under this section. Such fees, sufficient in amount to cover the cost to the county for operating the recycling/solid waste management system, shall be assessed for the disposal of solid waste and recyclable materials, as follows:

(1) A per bag fee shall be collected at the time of sale at various locations throughout the county for the purchase of a county supplied solid waste bag.

(2) A fee shall be assessed at the time of delivery for solid waste delivered to a county collection site and which solid waste is not contained in a county supplied solid waste bag or is too large to be contained in a bag.

(3) A per cubic yard fee shall be assessed at the time of delivery for demolition and construction waste to a county collection site.

30.18 TITLE TO SOLID WASTE AND RECYCLABLE MATERIALS.

Title to solid waste and recyclable materials delivered to and placed in designated collection containers at a county's collection sites shall rest in the county as soon as it has been placed for collection.

30.19 COUNTY AUTHORITY TO INSPECT AND REFUSE SOLID WASTE AND RECYCLABLE MATERIAL.

(1) For the purposes of ascertaining compliance with this ordinance, any authorized officer, employee, or representative of Pepin County may inspect recyclable 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.

To the extent that proprietary information is involved, any records reviewed by the county shall be kept confidential. Before engaging in any such search and inspection the county's agents and employees shall seek permission from the owner or authorized representative thereof for access for purposes of the

inspection. Each such agent or employee shall present to the owner or his agent appropriate credentials, identifying him as a representative of the county for these purposes. If an owner or agent refuses access to any authorized employee or agent of the county for inspection purposes, application for a special inspection warrant under § 66.0119, Wis. Stats. may be made. For purposes of fulfilling the inspection responsibilities hereunder the county's designated agents and employees for implementation of this shall be deemed to be peace officers of the county.

(2) The county, acting through its designated agent and employees, reserves the right to reject acceptance of any solid waste or recyclable materials which do not comply with this chapter.

30.20 - PROHIBITIONS AND VIOLATIONS.

(1) No person shall dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in § 30.09(5) through (15) of this ordinance which have been separated for recycling, except waste tires and waste oil may be burned with energy recovery in a solid waste treatment facility.

(2) No person shall place, bury, deposit, abandon or dump any solid waste on any street, sidewalk or other public or private property in the county other than property which is owned by the person in question.

(a) Subject to environmental laws/regulations, the nuisance law and applicable municipal regulations, this section shall not prohibit the disposal of solid waste generated by a single family or a household on the property where it has been generated nor shall it prohibit the spreading of nonhazardous sludge used for soil conditioners or as nutrients on agricultural land in accord with § 289.44(7)(d), Wis. Stats.

(3) The following shall constitute a violation of this ordinance:

(a) The attempted removal or actual removal from a county collection site by persons not employees or designated agents of the county of any recyclable materials which are deposited therein by generators or haulers.

(b) Littering, whether on public or private property, by any person contrary to subsection (2) of this section. No person shall deposit solid waste, litter, garbage, refuse or yard waste on any property, roadway, right-of-way or in the waste receptacles belonging to others except in parks and waysides where the disposal of an item is immediately incidental to the use of said park or wayside or unless the receptacle is expressly authorized and appropriately labeled as such, for public use.

i. Any litter which contains the name or other identification of the generator thereof shall be retrieved by the generator within 24 hours after receiving notification. Failure to timely retrieve and properly dispose of said litter is a violation of this ordinance.

ii. No person shall accumulate on land subject to his or her ownership or control or allow a third person to accumulate any municipal solid waste, which accumulations violates this chapter, or which creates an unsanitary condition, nuisance or health or fire hazard.

(c) The disposal or attempted disposal of solid waste or recyclable materials at a county collection site by any person, which solid waste or recyclable materials is not confined or contained at the time of delivery.

(d) The depositing, placing, leaving or abandoning of any solid waste or recyclable materials at a county collection site or left at the gate by any person at times other than those when the collection site is open for disposal purposes.

(e) The failure of any person to obey directives related to proper disposal, separation and preparation of solid waste and recyclable materials or related to safety and health as may be issued by the county's designated agent or employee in charge of a county collection sites.

(f) The disposal by any person of non-recyclable materials into a container designated for specific recyclable materials.

(g) The failure to pay, upon demand, any fee assessments in accordance with § 30.17 of this chapter.

(4) No person shall deposit hazardous waste or pharmaceuticals upon any property, roadway, right-of-way or waste container belonging to others. Hazardous waste shall be properly disposed of only in accordance with applicable Wisconsin Statutes and at county clean sweeps scheduled twice a year with the county.

30.21 ENFORCEMENT AND PENALTIES.

(1) Any person who violates a provision of this ordinance may be issued a citation by the Sheriff or his/her deputy. The issuance of a citation shall not preclude proceeding under any other chapter, ordinance or law relating to the same or any other matter. Proceeding under any other chapter, ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this section.

(2) Any person, upon conviction for violating any provisions of this ordinance, shall be subject to assessment of penalties as follows:

(a) Any person convicted of violating § 30.20(1) of this ordinance may be required to forfeit $50.00 for a first violation, $200.00 for a second violation and not more than $2,000.00 for a third or subsequent violation, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution, may be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding 30 days for a first offense and not exceeding 6 months for a second or subsequent offense.

(b) Any person convicted of violating a provision of this ordinance, except § 30.20(1) of this chapter may be required to forfeit not less than $25.00 nor more than $500.00 for each such offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution, may be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding 30 days.

(c) Any person convicted of violating any provision of this ordinance, except § 30.20(1) of this ordinance, who has previously been convicted of a violation of any provision of this chapter within one year, may be required to forfeit not less than $50.00 or more than $1,000.00 for each such offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution, may be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding 6 months.

(3) Each violation and each day a violation continues or occurs shall constitute a separate offense.

(a) Nothing in this ordinance shall preclude the county from invoking any legal or equitable rights, including but not limited to seeking injunctions to prevent any person from violating the provisions of this ordinance.

(4) Citations may be issued for violations of this ordinance as provided in § 25.04(4) of this Code of Ordinance.

Effective Date: This Amendment shall take effect: February 26, 2026

ADOPTED: February 18, 2026

RECOMMENDED BY THE PEPIN COUNTY LAND CONSERVATION, PLANNING AND EXTENSION COMMITTEE:

COMMITTEE MEMBERS VOTE

/s/ Angie Bocksell, Committee Chair In favor-5 Oppose-0 Absent-0 Abstain-0

FISCAL IMPACT REVIEWED – No fiscal impact.

/s/ Karen Amsrud, Finance Director Recommend ✓ Not Recommended

COUNTY BOARD ACTION:

ADOPTED by the Pepin County Board of Supervisors on this 18th day of February 2026.

In favor - 11 Oppose - 0 Absent - 1 Abstain - 0

/s/ Audrey Bauer, County Clerk /s/ Tom Milliren, County Board Chair