

Chapter 12.25

AIRPORT PARKING AND TRAFFIC REGULATIONS

Sections:

<u>12.25.001</u>	Purpose.
<u>12.25.005</u>	Definitions.
<u>12.25.010</u>	General restrictions.
<u>12.25.020</u>	Designation of parking areas.
<u>12.25.030</u>	Loading zones.
<u>12.25.040</u>	Auto rental parking areas.
<u>12.25.050</u>	General parking areas.
<u>12.25.070</u>	Commercial vehicles.
<u>12.25.080</u>	Vehicle use on airport property.
<u>12.25.090</u>	Policing and enforcement.
<u>12.25.100</u>	Removal of illegally parked vehicles.
<u>12.25.110</u>	General violations.
<u>12.25.120</u>	Parking fee schedule.
<u>12.25.130</u>	Parking and traffic violation forfeiture.
<u>12.25.140</u>	Implementation.

12.25.001 Purpose. It is intended that this chapter shall promote the efficiency of use of the parking facilities of the Chippewa Valley Regional Airport, as well as to establish regulations thereof. (Ord. 136-33, 1992; Ord. 79-80/204 Sec.1(part), 1979).

12.25.005 Definitions. The following definitions apply to this chapter:

- A. "Airport" means the Chippewa Valley Regional Airport.
- B. "Airport Director" or "director" means the person duly appointed by the airport commission to manage the airport.
- C. "Commission" means the airport commission.
- D. "Designated parking areas" means those locations duly provided by the commission for specified vehicle parking purposes on the premises of the airport.
- E. "Overnight" means that period in the day from 1:00 a.m. to 6:00 a.m.
- F. "Parking stall" means each of those spaces in established parking areas, designated for the parking of one vehicle, distinguished from other spaces and areas by painted lines.
- G. "Person" means any natural person, corporation, partnership or association.
- H. "Personnel" means county employees, assigned to the airport.
- I. "Vehicle" means any motorized means of transportation including, but not limited to, automobiles, trucks, motorcycles, buses, limousines, snowmobiles and taxicabs. (Ord. 161-002, Sec. 23, 2017; Ord. 160-9, Sec. 18, 2016; Ord. 136-101, Secs.7-10, 1993; Ord. 136-33, 1992; Ord. 133-80 Sec.72, 1990; Ord. 127-91 Secs.1-4, 1984; Ord. 79-80/204 Sec.1(part), 1979).

12.25.010 General restrictions. No person shall park, place or leave standing any vehicle, whether occupied or not, on the premises of the airport, except within designated parking areas and then only in accord with the regulations hereinafter set forth, governing the use of such areas. (Ord. 79-80/204 Sec.1(part), 1979).

12.25.020 Designation of parking areas. The director shall cause to be erected and maintained appropriate signs to designate the parking, loading and restricted areas hereinafter established. The director shall also be empowered to reserve parking stalls for disabled persons and to erect official signs to designate the same, in conformity with Wis. Stat. § 346.50 (3). Such signs as are erected under this section shall conform with official state regulations, where applicable. (Ord. 160-9, Sec. 19, 2016; Ord. 136-101, Sec.11, 1993; Ord. 79-80/204 Sec.1(part), 1979).

12.25.030 Loading zones. Loading zones shall be established by the Commission, assigned accordingly and shall comply with federal security regulations. (Ord. 147-84, Sec. 34, 2003; Ord.127-91 Sec.5, 1984; Ord. 79-80/204 Sec.1(part), 1979).

12.25.040 Auto rental parking areas. There shall be established parking areas for the vehicles used by auto rental agencies in the course of their authorized business activities at the airport. (Ord. 79-80/204 Sec.1(part), 1979).

12.25.050 General parking areas. There shall be established two designated general parking areas adjacent to the airport terminal building.

A. Short-term parking shall refer to those parking areas duly established for the parking of vehicles for not more than four consecutive hours.

B. Long-term parking shall refer to those parking areas duly established for the parking of vehicles for over four hours, overnight and for long-term periods not to exceed 60 consecutive days. (Ord. 161-002, Sec. 24, 2017; Ord. 147-84, Sec. 35, 2003; Ord. 130-20 Sec.1, 1986; Ord. 79-80/204 Sec.1(part), 1979).

12.25.070 Commercial Vehicles. Only individuals, partnerships and corporations “operators” operating commercial vehicles on the airport holding a valid contract with the commission shall be allowed on the airport for the purpose of transporting persons or cargo for hire. No commercial vehicle operator shall solicit and transport patrons on the airport without a valid contract. Nothing in this section shall be construed as preventing a non-contracted operator from delivering patrons to the airport. Operators shall in no case remain in a designated area longer than two minutes and shall not engage in any form of solicitation or enter the terminal building to directly or indirectly conduct business. (Ord. 161-002, Sec. 25, 2017; Ord. 160-9, Sec. 20, 2016; Ord. 147-84, Sec. 36, 2003; Ord. 79-80/204 Sec.1(part), 1979).

12.25.080 Vehicle use on airport property.

A. Parking lot areas. Operators of vehicles making use of the parking areas shall observe and comply with both regulatory and directional traffic signs for entry to and departures from parking areas and parking spaces located upon the airport premises.

B. Operation of vehicles on runways, taxiways, ramps and other airport property. No privately owned vehicle shall enter, be driven upon or operate upon any airport runway or taxiway. No privately owned vehicle shall enter, be driven upon or operate upon any airport ramp, tie-down area, or any area not designated as a vehicle movement area. The provisions of this section shall not apply to emergency equipment or service, maintenance and construction equipment when engaged in performing official duties.

C. Pedestrian traffic on airport. No pedestrian shall be allowed beyond the terminal area, the apron or aircraft tie-down area unless for the purpose of egress from or ingress to an aircraft, or unless authorized by the airport director. Pedestrian traffic is prohibited on the runway and upon outlying areas of the airport except for those employees of the county, state and federal government or contractors engaged in airport construction or maintenance work. (Ord. 161-002, Sec. 26, 2017; Ord. 79-80/204 Sec.1(part), 1979).

12.25.090 Policing and enforcement. It shall be the duty of the airport director and airport personnel to enforce the regulations contained within this chapter and to issue citations for violations hereof. Prosecution of violations shall be the responsibility of the corporation counsel. (Ord. 161-002, Sec. 27, 2017; Ord. 160-9, Sec. 21, 2016; Ord. 136-101, Sec.13, 1993; Ord. 79-80/204 Sec.1(part), 1979).

12.25.100 Removal of illegally parked vehicles.

A. No vehicles shall be parked or stopped in loading zones, auto rental parking areas or business parking areas unless the owner or occupant thereof has the consent of the airport director or the party under whose control the given parking area is placed. Any vehicle illegally parked or stopped may be removed and impounded by the airport director or designee and released to the owner thereof only upon presentation of proper identification and payment of all towing and storage charges and forfeitures assessed under this chapter.

B. The airport director or designee may remove and impound any vehicle which is illegally parked, disabled or abandoned, which creates an operational hazard whether in the general parking area or elsewhere upon the airport premises. Such vehicles shall be released to the owner thereof only upon presentation of proper identification and payment of all towing and storage charges and forfeitures assessed under this chapter.

C. Upon impoundment of a vehicle under this section, the airport director or designee shall ascertain the name and address of the owner and shall notify the owner by registered or certified mail of the action which has been taken.

D. Neither the county nor the commission shall not be liable for damage which occurs to any vehicle which might result during the impoundment process. (Ord. 160-9, Sec. 22, 2016; Ord. 156-38, Sec. 11, 2013; Ord. 133-80 Sec.76, 1990; Ord. 79-80/204 Sec.1(part), 1979).

12.25.110 General violations. It is unlawful and a violation of this chapter for any person:

- A. To park, stop or place any vehicle in such a manner as to cause a hazard or in any way constitute an obstruction to vehicular or pedestrian traffic;
- B. To park, stop or place any unauthorized vehicle in a marked loading zone, auto rental parking area or business parking area;
- C. To park so as to occupy more than one parking stall;
- D. To violate any of the express provisions of this chapter. (Ord. 79-80/204 Sec.1(part), 1979; Ord. 127-91 Sec.6. 1984).

12.25.120 Parking fee schedule.

A. The following parking fees are established for the use of the long-term area designated under 12.25.050 B.:

- 1. \$7.00 per vehicle per calendar day.
- B. Payment of the fees set forth in A. shall be made upon departure with a credit card or cash. Failure to make the requisite payment within 7 days after it becomes due and owing shall constitute a violation of this section. (Ord. 165-9, Sec. 1, 2021; Ord. 161-002, Sec. 28, 2017; Ord. 151-34; Sec. 1, 2007; Ord. 150-19, Sec. 1, 2006; Ord. 147-84, Sec. 37, 2003; Ord. 146-24, 2002; Ord. 137-37, Sec. 3, 5, 1993; Ord. 130-20 Sec.2, 1986; Ord. 129-38 Sec.1, 1985; Ord. 127-53 Sec.1, 1983; Ord. 79-80/204 Sec.1(part), 1979).

12.25.130 Parking and traffic violation forfeiture. Each violation of this chapter except as stated below shall be subject to a \$5.00 forfeiture for each day that the violation in question continues. Each violation of 12.25.070, 12.25.080 B. and 12.25.080 C. shall, upon conviction thereof, forfeit not less than \$10.00 nor more than \$200.00, together with the costs of prosecution. Violators shall also be subject to imprisonment in the county jail until such forfeiture and costs have been paid, for a period not to exceed 30 days. (Ord. 161-002, Sec. 29, 2017; Ord. 146-71 Sec. 2, 2003; Ord. 127-53 Sec.2, 1983; Ord. 79-80/204 Sec.1(part), 1979).

12.25.140 Implementation. The commission shall be empowered to approve of such forms and equipment as may be necessary to implement the provisions of this chapter. (Ord. 136-101, Sec.14, 1993; Ord. 79-80/204 Sec.1(part), 1979).

II. TRANSPORTATION AND HIGHWAYS

Chapter 12.34

COUNTY HIGHWAY DEPARTMENT--FUNCTIONS AND DUTIES

Sections:

<u>12.34.001</u>	Appointment of the highway commissioner.
<u>12.34.010</u>	Program responsibilities of the department and highway commissioner.
<u>12.34.100</u>	Relocation orders for county trunk highways and streets.
<u>12.34.200</u>	County construction and maintenance of streets and highways.
<u>12.34.250</u>	Highway setbacks.
<u>12.34.300</u>	Oversize/overweight load permits.
<u>12.34.320</u>	Entrance Permits.
<u>12.34.350</u>	Driveway snowplowing.
<u>12.34.360</u>	Utility permits.
<u>12.34.400</u>	Tourist oriented directional signs.
<u>12.34.500</u>	Temporary work zone speed limits.
<u>12.34.600</u>	Work in county highway right of way.
<u>12.34.700</u>	Bicycle and pedestrian routes on county highways.

12.34.001 Appointment of the highway commissioner.

A. The county highway department shall function under the direction and supervision of the highway commissioner who shall be appointed and supervised by the county administrator pursuant to Wis. Stat. § 83.01(1)(c).

B. The highway committee shall be responsible to the county board for the departmental policy and oversight of the highway department. (Ord. 161-9, Sec. 3, 2017; Ord. 141-51 Sec.5; Ord. 141-26, Sec.14; Ord. 141-03, Sec.1, 1997; Ord. 134-03 Sec.34, 1990; Ord. 80-81/70 Sec.2(part), 1980).

12.34.010 Program responsibilities of the department and highway commissioner.

A. The highway commissioner shall have those powers and duties set forth in Wis. Stat. §§ 83.01(7), 83.015 (2) (b) and Chapter 86, and such other duties as may be provided herein or by resolution.

B. The department shall have the following general program responsibilities:

1. Those granted under Wis. Stat. ch. 83, related to highway construction, layout of roads, and maintenance;
2. Those responsibilities granted under Subtitle II hereof;
3. Recommending the county trunk highway speed limits to be established by the county board in Title 10 and exercising the powers prescribed therein; and erection and maintenance of traffic control devices;

4. Administration of the vehicle impoundment and abandoned vehicle provisions in Chapter 10.20. (Ord. 161-9, Sec. 4, 2017; Ord. 142-58, 1998; Ord. 141-51 Secs. 6-7, 1997; Ord. 134-03 Sec. 36, 1990; Ord. 127-37 Sec.1, 1983; Ord. 81-82/429 Sec.4, 1982; Ord. 80-81/70 Sec.2(part), 1980).

12.34.100 Relocation orders for county trunk highways and streets. Pursuant to Wis. Stat. § 32.05(1), the department may make orders providing for the laying out, relocation and improvement of public highways, streets or other transportation facilities in the county or on county-owned property. Such orders shall be known as the relocation orders and shall be filed with the county clerk of the county wherein the lands are located. (Ord. 80-81/70 Sec.2(part), 1980).

12.34.200 County construction and maintenance of streets and highways.

A. Pursuant to Wis. Stat. §§ 83.015 (2)(b) and 83.035, the highway commissioner may enter into contracts with cities, villages and towns within the county borders to enable the county to construct and maintain streets and highways in such municipalities.

B. The committee shall establish a prioritized list of projects which are to be funded with Federal Aid Highway Funds. These projects shall be submitted to the board as part of the prioritized list of all construction projects requiring the expenditure of county funds as part of the annual budget. Expenditures of Federal Aid Highway Funds on projects not on the County Trunk Highway System shall be approved by the board by separate resolutions. (Ord. 161-9, Sec. 5, 2017; Ord. 140-40, 1996; Ord. 137-47, 1993; Ord. 128-78 Sec.1, 1985; Ord. 80-81/70 Sec.2(part), 1980).

12.34.250 Highway Setbacks. A setback is an area abutting a county trunk highway in which structures, buildings or improvements cannot be erected or maintained.

A. "Structure" means any manmade object with form, shape, and utility, either permanently or temporarily attached to, placed upon, or set into the ground in the highway setback. Structures are not allowed in the highway setback except the following:

1. Open Fences.
2. Telephone, telegraph, and power transmission lines, together with all attachments.
3. Wells, septic tanks, and similar structures.
4. Frontage and service roads constructed according to plans approved by the Highway Commissioner.
5. Unless otherwise prohibited by county code, trees, shrubbery, and field crops.

B. The setback area as set forth in the Eau Claire County Zoning Code Section 18.22.020 are adopted as the setback requirements for highways within Eau Claire County.

C. If the setback is not addressed in the Eau Claire County Zoning Code section 18.22.020 then the minimum setback area is the area within Eighty-three (83) feet of the centerline of the highway or within Fifty (50) feet of the nearer right-of-way of the highway, whichever is furthest from the centerline.

D. Variance /Special Exception

1. For those instances where Section 18.22.020 applies landowners may seek a variance to the setback requirements by following the procedures to obtain a variance found in Title 18 of this Code.

2. For those instances that are not subject to Section 18.22.020 landowners may seek a special exception to the setback requirements of section B. as provided below:

a. The Eau Claire County Highway Committee (“Committee”) may authorize special exceptions, but only in appropriate cases when warranted by specific analysis of setback needs as provided in this subsection.

b. A special exception must not be contrary to the public interest and shall be in harmony with the intent and purpose of this section.

c. The Committee may require such conditions and safeguards of the landowner that will, in its judgment secure substantially the purpose of this section.

d. The Committee will conduct specific analysis for the setback exception that includes:

i. The structure or improvement proposed and its location.
ii. The current and forecasted congestion of the abutting

highway(s).

iii. The impact of potential highway or other transportation improvements on the continued existence of the proposed structure or improvement.

iv. Transportation safety.

v. Preservation of the public interest and investment in the highway.

vi. Other criteria the committee deems appropriate to promote public purposes consistent with this section.

e. A special exception granted under this section shall become effective only after it is recorded in the Office of the Register of Deeds.

E. Vision Corners. Vision corners are triangular areas at intersections that are created to permit motorists to have visual access to cross traffic at or approaching an intersection, and in which structures, improvements and landscaping are restricted so as to not block a motorist’s view of oncoming vehicles.

1. A vision corner shall be established at all County Trunk Highway intersections. The setback line is hereby established to be a straight line connecting the two vision points on the two intersecting setback lines at each corner of said intersecting highways. The triangle formed shall be defined as a vision corner. Every corner shall have two vision points. A vision point is established as being located on the setback line and 60 feet back from the intersection of the setback lines. No objects shall be built placed or erected so as to obstruct the view through the vision corner. All shrubs or trees shall be trimmed in such a manner to give a clear view through the vision corner.

F. Directional and Entrance Signs. All signs and billboards shall conform to the setback lines and vision corners described in this section. Directional signs to cities, villages and entrance signs for businesses and places of residence may be placed in setback lines and vision corners that do not exceed 8 square feet in size. Directional signs as defined by this paragraph may be placed between the highway right-of-way and the highway setback lines with the written approval of the Eau Claire County Highway Commissioner (committee).

G. Eminent Domain. Nothing contained in this section shall in any way interfere with or affect the ability of the County to widen the highway in the future by means of the eminent domain process, or as otherwise provided by law. The county shall not be obligated for any relocation costs for the removal of any structure or other improvement located in the setback area, including any structure or improvement that may be permitted pursuant to a special exception or variance pursuant to subsection D. of this ordinance.

H. Prohibition(s). No person may erect, install, or maintain any structure or improvement within a setback area or vision corner as defined by this section.

I. Penalties & Enforcement.

1. Any person violating this ordinance shall:
 - a. Forfeit not less than \$200 for each offense;
 - b. Immediately commence remedial measures necessary to correct the violation;
 - c. Be enjoined or restrained from further violation(s);
 - d. Pay all fees, costs and disbursements incurred by the County associated with the prosecution of the violation.
 2. Each day a violation exists constitutes a new and separate offense.
 3. Enforcement.
 - a. The Eau Claire County Highway Commissioner shall have the authority to issue a citation, pursuant to Eau Claire County Code Section 1.50.030.
 - b. The Eau Claire County Highway Commissioner may issue a cease-and-desist order to any person or business violating this section. The cease-and-desist order shall be specific enough to reasonably apprise the recipient of the order of the specific violation(s) and necessary and the necessary corrective action.
 - c. The county may commence all necessary proceedings in a court of competent jurisdiction to pursue any remedy or relief afforded by law, including but limited to an order permanently enjoining the action violating this section.
- J. Applicability. This section shall only apply to county trunk highways and does not apply to town roads or state trunk highways. (Ord. 165-14, Sec. 1, 2021)

12.34.300 Oversize/overweight load permits.

- A. Pursuant to Wis. Stat. § 348.25 through 348.28, the department shall issue appropriate oversize/overweight vehicle permits for use of the county trunk highway system.
- B. Pursuant to Wis. Stat. § 348.25(8)(f), a fee of \$30.00 shall be charged for each single trip permit. (Ord. 159-18, Sec. 17, 2015; Ord. 152-30, Sec. 9, 2008; Ord. 148-102, Sec. 14, 2004; Ord. 142-33 Sec.2, 1998; Ord. 137-71, Sec.1; Ord. 137-36, 1993; Ord. 130-28 Sec.1, 1986).

12.34.320 Entrance permits.

- A. Pursuant to Wis. Stat. § 86.07(2), the department shall issue permits for the construction and alteration of driveways/accesses onto the county trunk highway system.
- B. To offset the costs involved in entrance permit review, the following fees are established:

1. Driveways.
 - a. Residential \$ 50.00.
 - b. Commercial \$100.00
2. Streets, public and private - \$300.00.
(Ord. 159-18, Sec. 18, 2015; Ord. 152-30, Sec. 10, 2008; Ord. 150-28, Sec.10, 2006; Ord. 149-038, Sec. 7, 2005; Ord. 146-02, Sec. 9, 2002; Ord. 144-89; Sec. 1, 2001; Ord. 142-33, Sec.2, 1998).

12.34.350 Driveway snowplowing.

- A. Pursuant to Wis. Stat. § 86.105, the department may plow snow from private roads and driveways.
- B. The general policy of the department shall be as follows:
 1. Only private roads and driveways located outside of city and village limits will be plowed.
 2. Such plowing will normally be done incidental to or after storm clean-up operations.

3. Such plowing will normally occur only along roads which the department maintains.

4. The highway commissioner may make exceptions to the above for emergencies or to assist other municipalities.

C. The fee for driveway snowplowing shall be a minimum of \$125.00 or actual cost, whichever is greater. (Ord. 159-18, Sec. 19, 2015; Ord. 152-30, Sec. 11, 2008; Ord. 151-32, Sec. 19, 2007; Ord. 148-102, Sec. 15, 2004; Ord. 142-33 Sec.3, 1998; Ord. 141-51 Sec.8, 1997; Ord. 134-03 Sec.37, 1990; Ord. 130-28 Sec.2, 1986).

12.34.360 Utility permits.

A. Pursuant to Wis. Stat. § 86.07 (2), the department shall issue permits for the construction or alteration of utility facilities on the county trunk highway system. To offset the costs involved in utility permit review, the following fees are established:

1. 0-500 feet segment as measured along the centerline of the highway - \$165.00.

2. 500-5280 segment as measured along the centerline of the highway - \$350.00.

3. 5280 - > segments as measure along the centerline of the highway - \$850.00. (Ord. 162-23, Sec. 13, 2018; Ord. 159-18, Sec. 20, 2015; Ord. 151-32, Sec. 20, 2007; Ord. 150-28, Sec. 11, 2006; Ord. 149-038, Sec. 8, 2005; Ord. 146-02, Sec. 10, 2002; Ord. 144-89, Sec. 2, 2001; Ord. 142-33, Secs.4-5, 1998; Ord. 137-71, Sec. 2, 1993).

12.34.400 Tourist oriented directional signs.

A. Pursuant to Wis. Stat. § 86.196, the department is authorized to establish and operate a program for the installation of tourist oriented directional signs which may be placed within the right of way of any highway under the jurisdiction of Eau Claire County.

B. The general policies of the department shall be as follows:

1. The definitions contained in Wis. Stat. § 86.196(1) shall apply to the Eau Claire County program.

2. Tourist oriented directional signs may be erected outside of urban areas as required by Wis. Stat. § 86.196(3).

3. Tourist oriented directional signs shall be erected in compliance with current administrative rules promulgated by the Wisconsin Department of Transportation for such signs, as required by Wis. Stat. § 86.196(3).

4. A tourist related business, service or activity may not be located more than 5 miles from the highway on which the tourist oriented directional sign for that business, service or activity is erected per Wis. Stat. § 86.196(5).

C. The fees charged shall be the same as those set fourth for the state program in the administrative rules of the Wisconsin Department of Transportation. (Ord. 138-77, 1994).

12.34.500 Temporary work zone speed limits. The highway commissioner is authorized, at his or her discretion, to impose mandatory, enforceable temporary limits on highways under county jurisdiction which are being constructed, reconstructed, maintained or repaired as allowed by Wis. Stat. § 349.11(10). (Ord. 156-38, Sec. 12, 2013; Ord. 145-28, 2001).

12.34.600 Work in county highway right of way. Pursuant to Wis. Stat. §86.07 no one shall perform work in the county highway right of way without first applying for and obtaining a permit from the highway department. No fee shall be charged for the permit, but each applicant shall comply with all provisions of the county utility policy and all provisions of the permit. (Ord. 165-13, Sec. 1, 2021)

12.34.700 Bicycle and Pedestrian Routes on county highways. Pursuant to Wis. Stat. §349.18 the county highway committee shall have authority to designate certain county highways bicycle and pedestrian routes. Anyone wishing to designate all or part of a county highway as a bicycle or pedestrian route shall submit a completed Bicycle & Pedestrian Route Designation Application to the department and pay a fee of \$35.00. The county highway commissioner shall retain the authority to temporarily suspend or close any established bicycle or pedestrian route subject to review and final determination by the county highway committee. (Ord. 165-13, Sec. 2, 2021)

III. PUBLIC WORKS

Chapter 12.73

MANDATORY SEPARATION OF RECYCLABLES FROM REFUSE

Sections:

- 12.73.001 Purpose.
- 12.73.005 Definitions.
- 13.73.010 Mandatory Separation Of Yard Waste From Refuse.
- 12.73.020 Review Of Municipal Yard Waste Separation Program.
- 12.73.030 Certification of Municipal Yard Waste Separation Programs.
- 12.73.040 Violations To Mandatory Yard Waste Separation Regulations.
- 12.73.050 Effective Date For Mandatory Separation of Yard Waste.
- 12.73.100 Mandatory Separation of Recyclables By Owners or Occupants of Single Family and 2 to 4 Unit Residences.
- 12.73.110 Municipal Designation Of Residential Service Providers Required.
- 12.73.120 Processing Of Recyclables By Owners Or Occupants Of Single-Family and 2 to 4 Unit Residences.
- 12.73.140 Preparation of Recyclables For Collection By A Residential Service Provider.
- 12.73.150 Depositing Of Recyclables At Drop-Off Locations By Owners Or Occupants Of Single-Family and 2 to 4 Unit Residences.
- 12.73.160 Restrictions on Charges which may be imposed on tenants for recycling service.
- 12.73.200 Mandatory Separation of Recyclables by Owners or Occupants of Non-Residential Facilities.
- 12.73.210 Requirements For Owners of Non-Residential Facilities in Establishing Recycling Programs

<u>12.73.230</u>	Requirements for Non-Residential Facilities Using Waste Processing to Recover Recyclables From Their Waste Stream.
<u>12.73.240</u>	Requirements for Non-Residential Facilities That Separate Recyclables From Their Refuse On-site.
<u>12.73.270</u>	Disposal of Recyclables from Non-Residential Facilities at Recycling Drop-off Stations Prohibited.
<u>12.73.280</u>	Inspections of Non-Residential Recycling Programs.
<u>12.73.290</u>	Waste Exchange Directory.
<u>12.73.300</u>	Mandatory Separation Of Recyclables From Refuse Generated At Multi-Family Residential Dwellings.
<u>12.73.310</u>	Requirements For Owner's Of Multi-Family Dwellings In Establishing Recycling Programs.
<u>12.73.330</u>	Requirements For Multi-Family Dwellings Using Waste Processing To Recover Recyclables From Their Waste Stream.
<u>12.73.340</u>	Requirements For Multi-Family Dwellings Where Recyclables Are Separated From Refuse On-Site.
<u>12.73.370</u>	Disposal of Recyclables From Multi-Family Dwelling Recycling Programs at Recycling Drop-Off Stations Prohibited.
<u>12.73.380</u>	Inspections Of Multi-Family Dwelling Recycling Programs.
<u>12.73.500</u>	Mandatory separation of waste tires from refuse.
<u>12.73.510</u>	Service providers authorized to collect waste tires
<u>12.73.520</u>	Processing requirements for waste tires.
<u>12.73.600</u>	Disposal of recyclables by service providers.
<u>12.73.610</u>	Requests for Exceptions To Processing Requirements.
<u>12.73.620</u>	Rejection Of Recyclables By Service Providers.
<u>12.73.630</u>	Scavenging of Recyclables Prohibited
<u>12.73.700</u>	Variances To The Prohibition Of Depositing Recyclables In Eau Claire County Landfills.
<u>12.73.800</u>	Violations -- Penalties.

12.73.001 Purpose. It is the purpose of this chapter to establish rules for extending the useful life of county landfill sites by reducing the amount of refuse placed in landfills and ensuring the proper separation and processing of recyclables, for the conservation of natural resources, and for energy savings. (Ord. 161-45, Sec. 1, 2018; Ord. 135-72, Sec. 4, 1991)

12.73.005 Definitions. For the purpose of this chapter the following definitions shall apply:

A. Cost of disposing of processed recyclables: the gross cost of transferring and disposing of processed recyclables in a landfill or other disposal facility, including any disposal costs not paid through tipping fees.

B. Cost of selling processed recyclables: the net cost, including any storage costs, of selling processed recyclables to a broker, dealer, or manufacturing facility, plus any cost of transporting the processed recyclables from a facility where the recyclables are processed and prepared for sale to a broker, dealer, or manufacturer to a destination specified by the broker, dealer, or manufacturer, less the portion of any state financial assistance received under Wis. Stat. ch. 287.23 that is attributable to the processed recyclables.

C. Market: any business that collects or accepts recyclables for use in the manufacturing of new products or for later sale or disposal at a business that uses the recyclables for use in the manufacturing of new products. 425

D. Multi-Family Dwelling: A property containing 5 or more residential units including those which are occupied seasonally. Rooming houses having 5 rooms for rent or more shall be considered multi-family dwellings. For the purpose of this chapter, condominiums and mobile homes found in mobile homes parks shall not be considered multi-family dwellings.

E. Non-residential facility or property: commercial, retail, industrial, institutional and governmental facilities and properties.

F. Office paper: 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.

G. Processed recyclables: Recyclables that have been collected, transported to a facility where they have been processed and prepared for sale to a broker, dealer or manufacturer.

H. Recyclables: recyclables shall include the following items:

1. An aluminum container.
2. Foam polystyrene packaging.
3. A glass container. Glass containers shall not include window glass, light bulbs, white glass or ceramics.
4. A magazine or other materials printed on similar paper.
5. A newspaper or other material printed on newsprint.
6. Kraft paper.
7. Corrugated cardboard.
8. Office paper.
9. A plastic container.
10. A steel container.
11. A waste tire.
12. A container for carbonated or malt beverages that is primarily made of a combination of steel and aluminum; 'bimetal can'.

I. "Refuse" means all solid wastes, including but not limited to:

1. Garbage: All putrescible animal or vegetable matters, such as wastes from kitchens, residences, grocery stores, butcher shops, restaurants, hotels, roominghouses and boardinghouses, as well as other similar deleterious matters;
2. Trash: All nonputrescible matters, such as combustible and noncombustible wastes, including feathers, rags, paper, boxes, glass, cans, ashes, discarded clothing or wearing apparel or any other similar discarded object or thing;
3. Other solid wastes: Other types of material as described or defined in this chapter, including but not limited to major appliances, oil, spoils, demolition debris, sawmill residue, brush and logs, special wastes and yard waste.

J. Service provider: Any person or business, authorized by a municipality in Eau Claire County, to provide the service of collecting recyclables from single-family and 2 to 4 unit residences, or multi-family residences, or non-residential facilities, for shipment to recycling markets.

K. Waste processing facility: a facility that recovers recyclables from refuse in as pure form as is technically feasible for the purpose of recycling. (Ord.140-61, Sec.9, 1996; Ord.140-25, Sec.1-3, 1996; Ord. 138-86, 1994; Ord. 137-40, Secs. 2-6; Ord.137-12, Secs.2-7, 1993; Ord.136-37, Sec.4-5, 1992; Ord.135-72, Sec. 4, 1991)

12.73.010 Mandatory separation of yard waste from refuse.

A. Each municipality which desires to afford its residents, businesses, commercial, retail, industrial and agricultural enterprises and governmental entities located within the municipality the opportunity to deposit in any landfill any refuse which originates in or its generated, accumulated, or collected in the municipality, shall adopt and provide a program, including local ordinances, within 4 months of the effective date of this section, that requires landfill users with the municipality to separate yard waste from all other refuse.

B. No landfill user or collector shall deposit or cause to be deposited in any landfill any refuse which originated in or was generated, accumulated or collected in any Eau Claire County municipality which does not both have in place and enforce an ordinance complying with the requirements of this section.

C. No landfill user or collector shall knowingly deposit or cause to be deposited any yard waste in any landfill. (Ord. 161-45, Sec. 2, 2018; Ord.142-60 Sec.1, 1998; Ord.139-11, Sec.3, 1995; Ord. 135-72, Sec. 4, 1991).

12.73.020 Review of municipal yard waste separation programs.

A. The committee on planning and development shall review each municipal program enacted pursuant to this section. It shall approve those municipal programs which reasonably follow the requirements of this ordinance and promote and require separation of yard waste. The committee shall consider the following factors when reviewing municipal programs:

1. Whether the local ordinance requires landfill users located within the municipality to separate yard waste from other refuse;

2. Whether the municipality establishes either a municipally-operated or privately-operated solid waste collection system for its residential users which promotes the separation of yard waste;

3. Whether the local ordinance requires owners of multi-family dwellings and mobile home parks to facilitate the separation of yard waste by residents of such dwellings or parks;

4. The municipality's area, number of residents, distribution of population character, and amount of commercial and manufacturing enterprises;

5. Such other factors as the committee, in its discretion, may determine are relevant to the purposes of this section. In evaluating municipal ordinances, the committee shall assign such weight to any one factor as is reasonable under the circumstances and may review various aspects of the municipal program on an ongoing basis. (Ord.142-60, Sec.2, 1998; Ord. 135-72, Sec. 4, 1991).

12.73.030 Certification of municipal yard waste programs. The committee shall certify to the county clerk those municipalities which meet the requirements of 12.73.010 and 12.73.020 as well as the names of those municipalities which do not meet the requirements of 12.73.010 and 12.73.020. This information shall be relayed to the personnel at the landfill sites. This information shall also be made available to any person making a request for it. (Ord. 135-72, Sec. 4, 1991).

12.73.040 Violations to mandatory yard waste separation regulations.

A. It shall be unlawful and a violation of this ordinance for any landfill user or collector to deposit or cause to be deposited in any landfill any refuse which originated in, or was generated, accumulated, or collected in any Eau Claire County municipality which does not both have in effect and enforce an ordinance complying with the requirements of this section.

B. It shall be unlawful and a violation of this ordinance for all persons to deposit or cause to be deposited in any landfill any yard waste.

C. Owners of office buildings, multi-family dwellings, mobile home parks and businesses open to the public shall not be personally liable under this section for the acts of their tenants or patrons. If the owner is not in compliance, the owner shall also be liable. (Ord. 135-72, Sec. 4, 1991).

12.73.050 Effective date for mandatory separation of yard waste. The provisions of the sections pertaining to yard wastes shall be effective April 1, 1991. (Ord. 135-72, Sec. 4, 1991; Ord. 134-77, 1991; Ord. 132-03, Sec. 1, 1988)

12.73.100 Mandatory separation of recyclables by owners or occupants of single family and 2 to 4 unit residences.

A. Effective January 1, 1992, no owner or occupant of a single family or 2 to 4 unit residences located in Eau Claire County shall knowingly deposit or cause to be deposited in any landfill, or otherwise improperly disposed of, the recyclables listed in this subsection unless a variance has been granted in accord with 12.73.700. Improper disposal includes but is not limited to burning, depositing in waste receptacles, and dumping on private or public property.

1. Aluminum containers.
2. Glass containers.
3. Newspapers or other materials printed on newsprint.
4. Steel or bimetal cans.
5. Kraft paper.
6. Plastic containers made of number 1, number 2, number 3, number 4, number 5 and number 7 plastics and embossed or imprinted as follows:
 - △ For number 1 plastics
 - △ For number 2 plastics.
 - △ For number 3 plastics
 - △ For number 4 plastics
 - △ For number 5 plastics
 - △ For number 7 plastics
7. Magazines or other materials printed on similar paper.
8. Corrugated cardboard.
9. Waste tires.

B. Effective January 1, 1992, no residential service provider shall knowingly deposit or cause to be deposited in any landfill the recyclables listed in 12.72.100. A., unless a variance has been granted in accord with 12.72.700.

C. Effective January 1, 1992, owners or occupants of single-family and 2 to 4 unit residences located in Eau Claire County shall separate from their refuse those items listed in 12.73.100. A.

D. Effective January 1, 1992, all recyclables that have been separated from refuse in accord with 12.73.100.C or collected by residential service providers shall be marketed for recycling purposes unless a variance has been granted in accord with 12.73.700.

E. Effective May 1, 1997, owners, or their designated agents, of single-family homes and 2 to 4 unit dwellings, where such residences are rental properties, shall give written notification to each tenant of the tenant's responsibilities to recycle these materials listed in 12.73.100 A. Such notification shall occur at the time of renting or leasing or any subsequent lease. The owner shall maintain a copy of each notification for each person actively renting or leasing. (Ord.140-115, Sec.3, 1997; Ord.140-09, Sec.1, 1996; Ord. 38-48, Sec. 1, 1994; Ord. 137-40, Sec. 7, 1993; Ord. 135-72, Sec. 4, 1991).

12.73.110 Municipal designation of residential service providers required.

A. Effective January 1, 1992, only those persons who have been designated or authorized as residential service providers by a municipality in Eau Claire County shall be authorized to provide the service of collecting recyclables from single-family and 2 to 4 unit residences located within the jurisdiction of the municipality.

B. Each municipality shall notify the Eau Claire County Department of Planning and Development of residential service providers designated to provide the service of collecting recyclables from single-family and 2 to 4 unit residences within their jurisdiction. (Ord. 137-40, Sec. 8, 1993; Ord. 135-72, Sec. 4, 1991).

12.73.120 Processing of recyclables by owners or occupants of single-family and 2 to 4 unit residences.

A. Items separated in accord with 12.72.100.C shall be processed by owners or occupants of single-family and 2 to 4 unit residences for collection or drop-off as follows:

1. Aluminum containers shall be rinsed inside and out until clean and flattened if possible.
2. Glass containers shall be rinsed inside and out and lids and rings made of any material including metal or plastic shall be removed. Broken glass containers shall not be recycled and are considered refuse.
3. Newspapers or other materials printed on newsprint, including glossy inserts shall be clean and free of other refuse.
4. Plastic containers shall be rinsed inside and out until clean and lids and rings shall be removed.
5. Steel cans shall be rinsed inside and out. Both ends of steel cans may be removed and steel cans may be flattened.
6. Kraft paper shall be clean and free of other refuse.
7. Bimetal cans shall be rinsed inside and out until clean and may be flattened.

8. Magazines and similar material shall be clean and free of other refuse.
9. Corrugated cardboard shall be flattened and shall be clean and free of other refuse.

B. Recyclables may be disposed of at landfills when they are contaminated to such an extent that processing as required under 12.73.120. A above cannot remove the contamination. (Ord. 161-45, Sec. 4, 2018; Ord. 138-74, Sec.3-4, 1994; Ord. 137-40, Sec. 9; Ord. 136-98, 1993; Ord. 136-39, 1992; Ord. 135-72, Sec.4, 1991)

12.73.140 Preparation of recyclables for collection by a residential service provider.

A. Recyclables set out for collection by a residential service provider shall be processed in accord with 12.73.120. A. and each of the recyclables identified therein shall be set out for collection in one or more receptacles which are adequate to prevent the blowing or scattering of the recyclables placed inside.

B. Recyclable materials that are placed on or by the curbside, or otherwise by the public right-of-way, shall not be placed there for longer than 24 hours preceding the scheduled time of collection. Containers used for recyclable materials shall not be left on or by the curbside, or otherwise by the public right-of-way, for longer than 24 hours after collection has occurred. (Ord. 161-45, Sec. 5, 2018; Ord. 145-88, Sec. 1, 2002; Ord.140-115, Sec.4, 1997; Ord.140-25, Sec.4, 1996; Ord.139-28, Sec.2, 1995; Ord. 137-40, Secs. 11-12, 1993; Ord. 135-72, Sec. 4, 1991).

12.73.150 Depositing of recyclables at drop-off locations by owners or occupants of single-family and 2 to 4 unit residences.

A. Recyclables deposited at drop-off locations by owners or occupants of single-family and 2 to 4 unit residences shall be processed in accord with 12.73.120. A. and each of the items identified in therein shall be deposited in provided containers designated for recyclables. Depositing refuse at drop-off locations is prohibited.

B. All drop-off facilities including the one located at the Sevenmile Creek Sanitary Landfill may be used by owners or occupants of single-family and 2 to 4 unit residences in Eau Claire County.

C. It is unlawful for any person to dump or otherwise dispose of any refuse at any recycling drop-off location, including but not limited to the property immediately surrounding the recycling containers, within and on the containers, and the roadway directly leading to the drop-off locations.

D. It is unlawful for any person to use any recycling drop-off location which has posted hours of operation when said recycling drop-off location is closed.

E. It is unlawful for any person who is not a resident of Eau Claire County to use any recycling drop-off facility which is owned or operated by the county unless an exemption is granted by the Eau Claire County Department of Planning and Development. (Ord. 161-45, Sec. 6, 2018; Ord.140-124, Sec.6, 1997; Ord.140-61, Sec.12-13, Ord.140-09, Sec.4, 1996; Ord. 138-74, Sec.5-6, 1994; Ord.137-40, Sec.13, 1993; Ord. 135-72, Sec. 4, 1991)

12.73.160 Restrictions on charges which may be imposed on tenants for recycling service. No owner of a single family or 2 to 4 unit dwelling, or any person or business acting on behalf of such an owner, may charge a tenant a fee for recycling service if the fees paid to a hauler or other vendor for providing this service are paid for by Eau Claire County. (Ord.140-50, Sec.1-2, 1996).

12.73.200 Mandatory separation of recyclables by owners or occupants of non-residential facilities.

A. Effective November 1, 1993, no owner or occupant of a non-residential facility located in Eau Claire County shall knowingly deposit or cause to be deposited in any landfill, or otherwise improperly dispose of, the recyclables listed in paragraphs 1-12 unless a variance has been granted in accord with 12.73.700. Improper disposal includes but is not limited to burning, depositing in waste receptacles, and dumping on private or public property.

1. Aluminum containers
2. Glass containers
3. Steel and bimetal containers
4. Office paper
5. Corrugated cardboard
6. Fluorescent lamps (light bulbs).
7. Plastic containers made of number 1, number 2, number 3, number 4,

number 5 and number 7 plastics and embossed or imprinted as follows:

- △ For number 1 plastics
- △ For number 2 plastics
- △ For number 3 plastics
- △ For number 4 plastics
- △ For number 5 plastics
- △ For number 6 plastics
- △ For number 7 plastics
9. Magazines or other materials printed on similar paper.
10. Newspapers or other material printed on newsprint.
11. Waste tires.

B. Effective November 1, 1993, no non-residential service provider shall knowingly deposit or cause to be deposited in any landfill the recyclables listed in 12.73.200 A.; unless a variance has been granted in accord with 12.73.700.

C. Effective November 1, 1993, owners or occupants of non-residential facilities located in Eau Claire County shall either separate from their refuse those items listed in 12.73.200. A. or deliver or cause to be delivered their refuse to a waste processing facility that will separate from their refuse those items listed in 12.73.200 A.

D. Effective November 1, 1993, all recyclables that have been separated from refuse in accord with 12.73.200 C. or collected by non-residential service providers shall be marketed for recycling purposes unless a variance has been granted in accord with 12.73.700. (Ord.161-45, Sec. 7, 2018; Ord.140-09, Sec.2, 1996; Ord. 138-48, Sec.2, 1994; Ord.137-51, Sec.11, 1993; Ord.137-12, Sec.8, 1993).

12.73.210 Requirements for owners of non-residential facilities in establishing recycling programs.

A. Owners of non-residential facilities shall either establish programs for the users, tenants or occupants of their properties or require by lease, contract or other similar arrangement that the users, tenants or occupants of their properties establish programs designed to meet the requirements of 12.73.200 C. and all other applicable sections of this code.

B. Programs developed in accord with 12.73.210 A. shall recover the recyclables listed therein from every source of waste within a non-residential facility including but not limited to office waste, break room waste, processing waste and manufacturing waste.

C. A contact person shall be designated for the recycling program established in accord with this section. (Ord. 161-45, Sec. 8, 2018; Ord.137-12, Sec.9, 1993)

12.73.230 Requirements for non-residential facilities using waste processing to recover recyclables from their waste stream.

A. Refuse container requirements - Owners or occupants of non-residential facilities that choose to deliver or cause to be delivered their refuse to a waste processing facility shall place refuse in appropriate containers in accord with 8.12.065.

B. Reporting requirements - Owners or occupants of non-residential facilities that choose to deliver or cause to be delivered their refuse to a waste processing facility shall submit an annual report on or before January 30 of the year following the year for which the report being

prepared to the Eau Claire County Department of Planning and Development on forms provided by the department of planning and development. The report shall cover the period beginning January 1 of any calendar year and ending December 31 of the same calendar year. Signing the annual report shall certify that refuse is being delivered to the waste processing facility specified in the report and that the recyclable materials generated are being recovered from the refuse. The annual report shall include the following information:

1. The name and address of the non-residential facility.
2. The name and telephone number of the contact person for the non-residential facility.
3. The name and address of the waste processing facility that the refuse is being delivered to.
4. A listing of the items listed in 12.73.100 A. that were recycled by the non-residential facility. Owners or occupants can also submit an estimate of the volume of each of the items that were recycled during the calendar year. (Ord. 137-12, Sec.10, 1993).

12.73.240 Requirements for non-residential facilities that separate recyclables from their refuse on-site.

A. Container requirements for recyclables - owners or occupants of non-residential facilities that choose to separate from their refuse those items listed in 12.73.200 A. on-site shall provide adequate, separate containers for those items separated. The containers shall meet the following minimum standards:

1. Outdoor storage - recycling containers kept outside for storage of recyclables shall be constructed of such material that they can be maintained in a clean and sanitary condition, prevent insect and rodent harborage, prevent blowing or scattering of contents therefrom and shall be equipped with covers that must be closed to prevent the accumulation of water in or on stored recyclables.

2. Indoor storage - recycling containers kept inside shall be constructed of materials such that they can be maintained in a clean and sanitary condition and to contain the recyclables in a nuisance free manner.

3. Labeling of containers-recycling containers shall be clearly labeled for recyclables only on the top & front of the container.

4. Size of containers - recycling containers shall be of an adequate size to hold the volume of recyclables generated between times that the owner or operator of a non-residential facility delivers or causes to be delivered to a market the recyclables collected at the facility.

B. Requirements to notify users, tenants, and occupants of recycling programs and waste reduction - at least semi-annually the owners or occupants of non-residential facilities that choose to separate from their refuse those items listed in 12.73.200 A. on-site shall notify all users, tenants or occupants of the following:

1. The features and standards of the recycling program that has been established including but not limited to the items that must be separated in accord with 12.73.200.A, the location of containers for depositing the items that must be separated, how the items must be prepared before they are deposited in appropriate containers, and the hours of operation, if applicable.

2. The name of a contact person for the recycling program as well as that person's telephone number and address if different than the address of the non-residential facility where the program is in effect.

3. Reasons to reduce and recycle including but not limited to, saving landfill space, conservation of natural resources and energy, and cost savings.

C. Delivery of separated recyclables to a market required -

1. Owners or occupants of non-residential facilities that choose to separate from their refuse those items listed in 12.73.200 A. on-site shall deliver or cause to be delivered the recyclables that have been collected through the established recycling program to a market.

2. Owners or occupants of non-residential facilities shall schedule the delivery of collected recyclables to markets so that the storage capacity of recycling containers provided in accord with 12.73.240 A. is not exceeded.

D. Processing Requirements for Recyclables -

1. Minimum processing requirements - recyclables that are separated from refuse at non-residential facilities shall be clean and free of any other refuse, particularly putrescible waste that may attract vectors and vermin or constitute hazardous or toxic waste. At a minimum, recyclables shall be processed as follows:

- a. Aluminum containers shall be empty and free of other refuse.
- b. Glass containers shall be rinsed inside and out until clean and lids and rings made of any material including metal or plastic shall be removed.
- c. Steel and bimetal containers shall be rinsed inside and out until clean.
- d. Office or mixed paper shall be clean and free of other refuse.
- e. Corrugated cardboard shall be clean and free of other refuse.
- f. Fluorescent lamps (light bulbs) shall be stored and transported in the cardboard sleeve or box in which replacement tubes or bulbs arrive or in similar containers which minimize breakage. If tubes are broken, they shall be stored and transported in a heavy plastic bag inside a rigid container. If a lamp recycler will take broken lamps, they may go to a lamp recycler. Otherwise, broken fluorescent lamps must be managed as a hazardous waste.
- g. Newspaper or other materials printed on newsprint shall be clean and free of other refuse. Glossy inserts from newspapers shall be recycled with the newspapers.
- h. Plastic containers shall be rinsed inside and out until clean and lids and rings shall be removed.
- i. Magazines, catalogues and similar glossy material shall be clean and free of other refuse.

2. An owner or operator of a non-residential facility that chooses to separate from their refuse those items listed in 12.73.200 A. on-site shall process recyclables in accord with specifications established by non-residential service providers or markets selected by the owner or occupant of the non-residential facility to collect or market the items listed in 12.73.200 A. that are separated in order to ensure marketing of the items for recycling purposes in accord with 12.73.200 D.

E. Inspections - non-residential facilities where recyclables are separated on site shall submit to inspections in accord with Chapter 1.12 to confirm compliance in accord with 12.73.280. (Ord. 138-74, Sec 7-9, 1994; Ord.137-51, 1993, Sec.12; Ord.137-12, Sec.11, 1993).

12.73.270 Disposal of recyclables from non-residential facilities at recycling drop-off stations prohibited.

A. No person shall dispose of recyclables at any county owned or operated recycling drop-off station that have been generated at any non-residential facility.

B. No person shall dispose of recyclables at any private recycling drop-off station without the expressed permission of the owner or operator of the private drop-off station. (Ord.137-12, Sec.12, 1993).

12.73.280 Inspections of non-residential recycling programs.

A. Yearly inspections may be conducted at multi-family dwellings in Eau Claire County where recycling programs have been established for tenants to separate their recyclables from their refuse on-site to confirm that the established recycling programs are in accord with 12.73.310 and all other applicable sections of this code. Inspections shall be conducted as follows:

1. Listings of all non-residential facilities located in Eau Claire County shall be obtained from fire departments serving Eau Claire County.

2. Inspection of non-residential facilities that separate recyclables from their refuse on-site identified as being in violation of 12.73.210 or any other applicable section of this code shall be inspected to determine the extent of the violation(s) and subsequent inspections shall be conducted until such time that the violation(s) has been resolved.

B. Inspections of facilities that separate recyclables from their refuse on-site - non-residential facilities that choose to separate recyclables from their refuse on-site shall be inspected to confirm compliance with 12.73.240 and all other applicable sections of this chapter. An inspection report shall be prepared for all inspections carried out under this section of the code which shall include all of the following:

1. A report that indicates whether or not recyclables are being recovered from the waste stream of the non-residential facility as evidenced by an inspection of all sources of waste within the facility.

2. A report that indicates whether or not adequate separate containers have been provided for the collection and temporary storage of recyclables in accord with 12.73.240 A.

3. A report that indicates whether or not users, tenants or occupants of the non-residential facility have been informed, at least semi-annually, of the features and standards of the recycling program that has been established at the non-residential facility, the recycling program contact person and reasons to reduce and recycle in accord with 12.73.240 B., as evidenced by printed materials distributed by the facility owner or occupant or postings of information. Interviews of users, tenants and/or occupants can also be conducted to determine whether or not the facility is in compliance.

4. A report that indicates whether or not recyclables are being processed according to the minimum processing requirements established in 12.73.240 D.

5. Upon inspection the owner or occupant shall certify in writing that all recyclables listed in 12.73.240 A. that are generated at the non-residential facility are being delivered to a market.

6. A statement by the inspector indicating whether or not the non-residential facility is in compliance with applicable sections of this chapter. (Ord. 161-45, Sec. 13, 2018; Ord.137-12, Sec.13, 1993).

12.73.290 Waste Exchange Directory. Non-residential facilities in Eau Claire County may submit information to the National Materials Exchange Network (NMEN) on the type and volume of waste that they generate. The National Materials Exchange Network will maintain a directory with this information that will be available to the public. This directory will provide a mechanism for non-residential facilities to circulate information about by-products or waste that they generate that may be useful to other non-residential facilities. (Ord. 161-45, Sec. 15, 2018; Ord.137-57; Ord.137-12, Sec.14, 1993).

12.73.300 Mandatory separation of recyclables from refuse generated at multi-family residential dwellings.

A. Effective November 1, 1993, no occupant of a multi-family dwelling located in Eau Claire County shall knowingly deposit or cause to be deposited in any landfill, or otherwise improperly dispose of, the recyclables listed in this subsection unless a variance has been granted in accord with 12.73.700. Improper disposal includes but is not limited to burning, depositing in waste receptacles, and dumping on private or public property.

1. Aluminum containers.
2. Glass containers.
3. Newspapers or other materials printed on newsprint.
4. Steel and bimetal cans.
5. Kraft paper.
6. Plastic containers made of number 1 number 2, number 3, number 4, number 5 and number 7 plastics and embossed or imprinted as follows:
 - △ For number 1 plastics
 - △ For number 2 plastics.
 - △ For number 3 plastics
 - △ For number 4 plastics
 - △ For number 5 plastics
 - △ For number 6 plastics
 - △ For number 7 plastics
7. Magazines or other materials printed on similar paper.
8. Corrugated cardboard.
9. Waste tires.

B. Effective November 1, 1993, no multi-family residential service provider shall knowingly deposit or cause to be deposited in any landfill the recyclables listed in 12.73.300. A., unless a variance has been granted in accord with 12.73.700.

C. Effective November 1, 1993, those items listed in 12.73.300 A. that are generated by tenants of multi-family dwellings shall be separated from their refuse either by placing the separated recyclables in separate containers under a recycling program provided by the owner or designated agent in accord with 12.73.310 or at a waste processing facility where the refuse generated at the multi-family dwelling is being delivered or caused to be delivered under a recycling program provided by the owners or their designated agents shall be jointly and severally liable for failure to comply with this subsection.

D. Effective November 1, 1993, all recyclables that have been separated from refuse in accord with 12.73.300 C. or collected by multi-family residential service providers shall be marketed for recycling purposes unless a variance has been granted in accord with 12.73.700. (Ord. 161-45, Sec. 15, 2018; Ord.140-09, Sec.3, 1996; Ord. 138.48, Sec. 3, 1994; Ord. 137-40, Sec.15, 1993)

12.73.310 Requirements for owners's of multi-family dwellings in establishing recycling programs.

A. Effective November 1, 1993, owners of multi-family dwellings shall establish recycling programs for tenants of their properties or require by contract or other similar arrangement that property managers or other similar designated agents for their properties establish recycling programs so that recyclables can be recovered from refuse generated at the multi-family dwellings. Recycling programs established for multi-family dwellings shall meet the following minimum requirements:

1. A person shall be designated as the contact person for the recycling program established in accord with this section.

2. Recyclables listed in 12.73.300 A. shall be recovered from every source of waste at multi-family dwellings including, but not limited to, waste from individual dwelling units, recreation room waste, and laundry room waste.

3. A recycling program established by the owner or designated agent of a multi-family dwelling shall provide tenants with the opportunity to separate from their refuse those items listed in 12.73.300 A. or shall deliver or cause to be delivered their refuse to a waste processing facility that will separate from their refuse those items listed in 12.73.300 A.

B. Recycling programs shall be established by owners or designated agents on the premises of their multi-family dwellings. Directing tenants of multi-family dwellings to public or private recycling drop-off facilities does not constitute a recycling program and shall not meet the requirements of this section. (Ord.137-40, Sec.16, 1993).

12.73.330 Requirements for multi-family dwellings using waste processing to recover recyclables from their waste stream.

A. Refuse container requirements - Owners or designated agents of multi-family dwellings that choose to deliver or cause to be delivered the refuse generated at their multi-family dwellings to a waste processing facility shall provide refuse containers for their tenants use that meet the requirements of 8.12.065.

B. Reporting requirements - Owners or designated agents of multi-family dwellings that choose to deliver or cause to be delivered refuse generated at their properties to a waste processing facility shall submit an annual report on or before January 30 of the year following the year for which the report is being prepared to the Eau Claire County Department of Planning and Development on forms provided by the department of planning and development. The report shall cover the period beginning January 1 of any calendar year and ending December 31 of the same calendar year. Signing the annual report shall certify that refuse is being delivered to the waste processing facility specified in the report and that the recyclable materials generated are being recovered from the refuse. The annual report shall include the following information:

1. The name and address of the multi-family dwelling.
2. The name and telephone number of the contact person for the multi-family dwelling.
3. The name and address of the waste processing facility that the refuse is being delivered to.
4. A listing of the items listed in 12.73.300 A. that were recovered by the waste processing facility from the refuse delivered from the multi-family dwelling. Owners or designated agents can also submit an estimate of the amount of each of the items that were recycled during the calendar year. (Ord.137-40, Sec.17, 1993)

12.73.340 Requirements for multi-family dwellings where recyclables are separated from refuse on-site.

A. Container requirements for recyclables - Owners or designated agents of multi-family dwellings that develop recycling programs where tenants can separate from their refuse those items listed in 12.73.300 A. on-site shall provide adequate, separate containers from those items separated. The containers shall meet the following minimum standards:

1. Outdoor storage - Recycling containers kept outside for storage of recyclables shall be constructed of such material that they can be maintained in a clean and sanitary condition, prevent insect and rodent harborage, and prevent blowing or scattering of contents therefrom. Outdoor storage containers shall be equipped with covers that must be closed to prevent the accumulation of water in or on stored recyclables, except where multiple containers for various types of recyclables are completely enclosed in a structure having openings, sheltered from the weather, for depositing the recyclable items.
2. Indoor storage- Recycling containers kept indoors shall be constructed of materials such that they can be maintained in a clean and sanitary condition and to contain the recyclables in a nuisance free manner. Indoor storage containers that are set outdoors for collection by multi-family residential service providers shall be adequate to prevent the blowing or scattering of the recyclables placed inside.
3. Size of containers - Recycling containers shall be of an adequate size to hold the volume of recyclables generated between times that the owner or designated agent of a multi-family dwelling delivers or causes to be delivered to a market the recyclables collected at the multi-family dwelling.

B. Requirements to notify tenants of recycling program and waste reduction - At the time of renting or leasing, and at least semi-annually thereafter, the owners or designated agents of multi-family dwellings that develop recycling programs where tenants can separate from their refuse those items listed in 12.73.300 A. on-site shall notify all tenants of the following:

1. The features and standards of the recycling program that has been established including but not limited to the items that must be separated in accord with 12.73.300 A., the location of containers for depositing the items that must be separated, how the items must be prepared before they are deposited in appropriate containers, and the hours of operation if applicable.

2. The name of a contact person for the recycling program as well as that person's telephone number and address.

3. Reasons to reduce and recycle including but not limited to saving landfill space, conservation of natural resources and energy, and cost savings.

C. Delivery of separated recyclables to a market required -

1. Owners or designated agents of multi-family dwellings that develop recycling programs where tenants can separate from their refuse those items listed in 12.73.300 A. on-site shall deliver or cause to be delivered the recyclables that have been collected through the established recycling program to a market.

2. Owners or designated agents of multi-family dwellings shall schedule the delivery of collected recyclables to markets so that the storage capacity of recycling containers provided in accord with 12.73.340.A is not exceeded.

D. Processing requirements for recyclables -

1. Minimum processing requirements - Recyclables that are separated from refuse at multi-family dwellings shall be clean and free of any other refuse, particularly putrescible waste that may attract vectors or hazardous or toxic waste. At a minimum recyclables shall be processed as follows:

a. Aluminum containers shall be empty and free of other refuse.

b. Glass containers shall be rinsed inside and out until clean and lids and rings made of any material including metal or plastic shall be removed. Broken glass containers shall not be recycled and are considered refuse. Glass may be separated by color.

c. Newspapers or other materials printed on newsprint shall be placed inside a kraft paper bag (e.g. grocery bag). Glossy inserts from newspapers shall be recycled with the newspapers. Newspapers or other materials printed on newsprint shall be clean and free of other refuse.

d. Plastic containers shall be rinsed inside and out until clean and lids and rings shall be removed. Plastic containers may be separated according to the type of plastic.

e. Steel cans shall be rinsed inside and out until clean. Labels shall be removed. Both ends of steel cans may be removed and steel cans may be flattened.

f. Kraft paper shall be placed inside a kraft paper bag (e.g. grocery bag). Kraft paper shall be clean and free of other refuse.

g. Bimetal cans shall be rinsed inside and out until clean and may be flattened.

h. Corrugated cardboard shall be flattened and shall be clean and free of other refuse.

i. Magazines, catalogues and similar glossy material shall be placed inside a kraft paper bag (e.g., grocery bag). Magazines and similar material shall be clean and free of other refuse.

2. Recyclables may be disposed of at landfills when they are contaminated to such an extent that processing as required under this subsection cannot remove the contamination. (Ord. 145-88, Sec. 2, 2002; Ord. 38-74, Sec.0-11, 1994; Ord. 137-40, Sec. 18, 1993).

12.73.370 Disposal of recyclables from multi-family dwelling recycling programs at recycling drop-off stations prohibited.

A. No owner or designated agent may dispose of recyclables from a multi-family dwelling at any county owned or operated recycling drop-off station.

B. No owner or designated agent shall promote, direct or encourage tenants to dispose of recyclables at any county owned and/or operated or private recycling drop-off station. (Ord. 137-40, Sec.19, 1993).

12.73.380 Inspections of multi-family dwelling recycling programs.

A. Inspections may be conducted each year at multi-family dwellings in Eau Claire County where recycling programs have been established for tenants to separate their recyclables from their refuse on-site to confirm that the established recycling programs are in accord with 12.73.310 and all other applicable sections of this code. Inspections shall be conducted as follows:

1. Listings of all multi-family dwellings located in Eau Claire County shall be obtained from fire departments serving Eau Claire County.

2. Inspection of multi-family dwellings where recyclables are separated from refuse on-site identified as being in violation of 12.73.310 or any other applicable section of this code shall be inspected to determine the extent of the violation and subsequent inspections shall be conducted until such time as the violation has been resolved.

B. Inspections of facilities that separate recyclables from their refuse on-site - Multi-family dwellings where recyclables are separated from refuse on-site shall be inspected to confirm compliance with 12.73.340 and all other applicable sections. An inspection report shall be prepared for all inspections carried out under this section which shall include all of the following:

1. A report that indicates whether or not recyclables are being recovered from the waste stream of the multi-family dwelling as evidenced by an inspection of all sources of waste within the facility.
2. A report that indicates whether or not adequate separate containers have been provided for the collection and temporary storage of recyclables in accord with 12.73.340 A.
3. A report that indicates whether or not tenants of the multi-family dwelling have been informed, at the time of renting or leasing and at least semi-annually thereafter, of the features and standards of the recycling program that has been established at the multi-family dwelling, the recycling program contact person and reasons to reduce and recycle, in accord with 12.73.340 B., as evidenced by printed materials distributed by the owner or designated agent of the property or adequate postings of information. Interviews of tenants can also be conducted to determine whether or not the owner or designated agent is in compliance.
4. A report that indicates whether or not recyclables are being processed according to the minimum processing requirements established in 12.73.340 D.
5. Upon inspection the owner at designated agent shall certify in writing that all recyclables listed in 12.73.300 A that are generated at the multi-family dwelling are being delivered to a market.
6. A statement by the inspector indicating whether or not the multi-family dwelling is in compliance with applicable sections of this chapter.

C. No owner of a multi-family dwelling, or any person or business acting on behalf of such an owner, may charge a tenant a fee for recycling service which exceeds the owner's actual cost for providing the service. For the purpose of this section, the owner's actual cost may only include fees paid to haulers or vendors for picking up recyclables, and the owner's cost for printing and distributing recycling information to tenants as required by law. (Ord.140-50, Sec.3, 1996; Ord. 137-40; Sec. 20, 1993)

12.73.500 Mandatory separation of waste tires from refuse.

A. Effective September 1, 1992 all residents of the county and owners, occupants or tenants of a nonresidential facility or property shall separate waste tires from their refuse and shall dispose of them in accordance with 12.73.520. (Ord. 161-45, Sec. 16, 2018; Ord. 136-37 Sec. 6, 1992).

12.73.510 Service providers authorized to collect waste tires. Service providers authorized to collect recyclables in accord with 12.73.110 are authorized to collect waste tires, provided all waste tires that are collected are marketed for reuse, recycling or for burning in an incinerator with energy recovery. (Ord. 136-37, Sec. 7, 1992).

12.73.520 Processing requirements for waste tires. Waste tires separated from refuse in accord with 12.73.500.A can be deposited at a county waste tire drop-off location with or without the tire rim. Waste tires that are attached to a rim shall be separated from the wheel assembly and no part of the wheel assembly shall be deposited with the waste tire. (Ord. 136-37, Sec. 8, 1992).

12.73.600 Disposal of recyclables by service providers.

A. Service providers shall report by phone call or in person to the associate planner or senior planner or their designees, as soon as possible but within 24 hours, all violations meeting written standards established by the department of planning and development of 12.73.100 A. and C., 12.73.200 A. and C. and 12.73.300 A. and C. which they observe. If the violation occurs on a Friday or a Saturday, then the report shall be made by noon on the next day the courthouse is open for business. The report shall contain at a minimum the following information: the address where the violation occurred; the date the violation occurred; if known, the name of the violator; and the specific nature of the violation. The service provider shall not collect the refuse and shall leave a written notice to the customer explaining why service was not provided. This written notice shall be developed by the department of planning and development and shall be provided to the service providers by the department. (Ord.140-115, Sec.5-7, 1997; Ord. 137-40, Sec.21, 1993; Ord. 137-12, Sec.16, 1993; Ord. 135-72, Sec. 4, 1991).

12.73.610 Requests for exceptions to processing requirements.

A. Exceptions to the requirements for processing of recyclables established in 12.73.120. A., 12.73.240 D. and 12.73.340 D. may be granted by the committee on planning and development after reviewing a request for exceptions by a service provider. Service providers may request exceptions to the recyclable processing requirements only when the condition of the recyclables required by markets used by a service provider is different than the condition of the recyclables resulting from the processing requirements.

B. A service provider shall notify customers of exceptions, authorized by the committee on planning and development, to the processing requirements established in 12.73.120 A., 12.73.240 D. or 12.73.340 D. No owner or occupant of a single-family or 2 to 4 unit residence, non-residential facility, or multi-family dwelling shall process recyclables in any way other than that described in 12.73.120 A., 12.73.240 D. or 12.73.340 D., respectively, unless they have been notified by their service provider of exceptions to the processing requirements authorized by the committee on planning and development. (Ord.142-60, Sec.3, 1998; Ord.140-61, Sec.15, 1996; Ord. 137-40, Sec. 10, 1993)

12.73.620 Rejection of recyclables by service providers.

A. Recyclables set out for collection may be rejected by service providers if the recyclables have not been processed as follows:

1. Recyclables set out for collection by owners or occupants of single-family and 2 to 4 unit residences may be rejected by residential service providers if the recyclables have not been processed in accord with 12.73.120 A. or have not been prepared for collection in accord with 12.73.140.

2. Recyclables set out for collection by owners or occupants of non-residential facilities may be rejected by non-residential service providers if the recyclables have not been processed in accord with 12.73.240 D.

3. Recyclables set out for collection by owners or tenants of multi-family dwellings may be rejected by multi-family residential service providers if the recyclables have not been processed in accord with 12.73.340 D.

B. Eau Claire County shall provide service providers with notices of violation to be left with recyclables rejected in accord with this section.

C. Service providers shall notify the associate planner of the address of any residence where recyclables have been rejected in accord with this section. In the event the violation poses a health hazard or nuisance, the associate planner shall immediately notify the director of the health department. (Ord.140-61, Sec.16, 1996; Ord.137-40, Sec.14, 1993)

12.73.630 Scavenging of recyclables prohibited.

A. No person other than a service provider hired by the residents of a 1 or 2 family residence or the owner or occupant of the residence shall remove recyclables from containers used by 1 and 2 family residences.

B. No person other than a service provider hired by the owner or occupant of a non-residential facility or the owner or occupant of the non-residential facility shall remove recyclables from containers used by non-residential facility.

C. No person other than a service provider hired by the owner or designated agent of a multi-family dwelling or the owner or designated agent shall remove recyclables from containers used by multi-family dwellings. (Ord. 137-40, Sec.23-24; Ord.137-12, Sec.15, 1993).

12.73.700 Variances to the prohibition of depositing recyclables in Eau Claire County landfills.

A. Variances may be granted to the prohibition of depositing one or more recyclables in Eau Claire County landfills by the committee on planning and development provided any of the following conditions have been met:

1. The cost of selling processed recyclables exceeds \$40 per ton of processed recyclables.

2. The cost of selling processed recyclables exceeds the cost of disposing of processed recyclables.

3. After January 1, 1992, a variance has been granted by the DNR in accord with Wis. Stat. ch. 287.11(2m) as amended.

B. Variances may be granted according to the following process:

1. Any service provider may submit a request to the committee on planning and development for a variance to the requirements of 12.73.100 A. and 12.73.200 B. Copies of all requests shall be provided to the county board. Requests submitted to the committee shall be accompanied by the following information:

a. The name and address of the service provider.
b. Information concerning the marketing of the processed recyclables including: the name and address of the broker, dealer or manufacturing facility where the processed recyclables are being marketed; the cost of selling processed recyclables to the broker, dealer or manufacturing facility where the processed recyclables are being marketed; and information indicating that an effort has been made to find another market for the processed recyclables as evidenced by the names and addresses of other brokers, dealers or manufacturing facilities where the processed recyclables may be marketed.

2. The committee on planning and development shall grant a variance when the requirements in 12.73.700 A. have been met.

3. The committee on planning and development may, on its own initiative, grant a variance to the requirements of 12.73.100 A. and 12.73.100 B. in accord with 12.73.700.A. (Ord.142-60, Secs.4-7, 1998; Ord.141-03, Sec.1, 1997; Ord.140-61, Sec.17, 1996; Ord. 135-79, 1992; Ord. 135-72, Sec. 4, 1991)

12.73.800 Violations -- Penalties.

A. Any person who does not comply with the provision of this chapter of the Eau Claire County Code shall be in violation of this code.

B. Persons who violate the provisions of this chapter shall be subject to the forfeiture schedule cited in 1.50.020.

C. The officers and employees listed at 1.50.030 shall enforce the provisions of this chapter and the corporation counsel shall prosecute all violators. (Ord. 135-72, Sec. 4, 1991)

Chapter 12.74

BROADBAND NETWORK PROJECT APPLICATIONS

Sections:

<u>12.74.001</u>	Purpose and Policy
<u>12.74.002</u>	Definitions.
<u>12.74.003</u>	Point of Contact
<u>12.74.004</u>	Electronic Submission of Applications
<u>12.74.005</u>	Review of Applications.
<u>12.74.006</u>	Fees.
<u>12.74.007</u>	Initial Applicability.

12.74.001 Purpose and policy. The purpose of this chapter is to encourage the development of broadband access in Eau Claire County (County) by reducing administrative obstacles to broadband service providers and coordinating the review of applications to ensure such applications are timely processed. This chapter shall at all times be construed consistent with the forestated purpose. (Ord. 163-36, Sec. 1, 2020)

12.74.002 Definitions. For the purpose of this chapter the following definitions shall apply:

- A. "Applicant" means a person applying for a permit for a broadband network project.
- B. "Broadband network project" means the construction or deployment of wireline or wireless communication facilities to provide broadband communication services in the County.
- C. "Permit" means any local permit, license, certificate, approval, registration, or similar form of approval required by policy, administrative rule, regulation, ordinance, or resolution with respect to a broadband network project.
- D. "Written" or "in writing" means information that is inscribed on a tangible medium or that is stored in an electronic or other intangible medium and is retrievable in perceivable form. (Ord. 163-36, Sec. 1, 2020)

12.74.003 Point of Contact. The County shall appoint a single point of contact for all matters related to a broadband network project. The County shall provide on its public website the contact information, including the e-mail address, for the point of contact authorized to receive a broadband network project application. (Ord. 163-36, Sec. 1, 2020)

12.74.004 Electronic Submissions of Applications. An applicant may sign and file all forms, applications, and documentation related to a broadband network project electronically. Due to the large size of maps, the applicant shall also submit one hard copy of the application. (Ord. 163-36, Sec. 1, 2020)

12.74.005 Review of Applications. Notwithstanding any other provision in the County's ordinances, resolutions, regulations, policies, or practices to the contrary, the following process shall apply exclusively upon receiving a broadband network project application. Unless noted in this Ordinance, all existing regulatory review and approval processes set forth in County Ordinances are not amended, repealed or otherwise modified. The County shall continue to adhere to all other regulatory requirements set forth in the County Ordinances, the Wisconsin Statutes, the Wisconsin Administrative Codes, or other applicable statutes, codes or laws.

A. Completeness review. Upon receiving a broadband network project application, the County shall:

1. Determine whether an application is complete and notify the applicant of the determination by the County in writing within 10 calendar days of receiving an application. If the County does not notify the applicant in writing of its completeness determination within 10 calendar days of receiving the application, the application shall be considered complete.

2. If the County determines that an application is not complete, the written notification to the applicant shall specify in detail the required information that is not complete. The applicant may resubmit an application as often as necessary until the application is complete.

B. Approval or denial of complete applications.

1. Within 60 calendar days of receiving an application that is complete, or considered complete under sub. (1), the County shall approve or deny the application and provide the applicant written notification of the approval or denial. If the County does not notify the applicant of its approval or denial within 60 calendar days of receiving a complete application, the application shall be considered approved and any required permit shall be considered issued.

2. If the County denies an application, the written notification of the denial under sub. (1) shall include evidence that the denial is not arbitrary and capricious. (Ord. 163-36, Sec. 1, 2020)

12.74.006 Fees. Any fee imposed by the County to review an application, issue a permit, or perform any other activity related to a broadband network project shall be reasonable. An application fee that exceeds \$100.00 is unreasonable. (Ord. 163-36, Sec. 1, 2020)

12.74.007 Initial Applicability. The treatment of this ordinance first applies to applications received by the County on or after the effective date of this ordinance. (Ord. 163-36, Sec. 1, 2020)

