

## II. TRANSPORTATION AND HIGHWAYS

### Chapter 12.34

#### COUNTY HIGHWAY DEPARTMENT--FUNCTIONS AND DUTIES

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##### 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. Allows work to be completed in the county road right-of-way if approved. The fee for work in the right-of way is \$40.00.

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. Allows a property owner the ability to request a variance from the highway setback dimensions. The fee for a variance request is \$40.00.

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. 166-17, Sec. 8, 2022; 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 \$40.00 shall be charged for each single trip permit. (Ord.166-17, Sec. 9, 2022; 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 \$100.00.
  - b. Commercial \$150.00.
2. Streets, public and private - \$350.00.

(Ord. 166-17, Sec. 10, 2022; 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 - \$200.00.
2. 500-5280 segment as measured along the centerline of the highway - \$400.00.
3. 5280 - > segments as measure along the centerline of the highway - \$950.00. (Ord. 166-17, Sec. 11, 2022; 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:

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

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, rooming houses 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 is 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).