

# Enforcing Local Recycling and Solid Waste Ordinances

## *Guidance and Case Studies*

Enforcing community recycling and solid waste ordinances can be dirty work—in many cases it involves digging through someone’s trash to look for unacceptable material. Local ordinances often deal with issues such as litter, illegal dumping and requirements for collection. This information sheet will take a look at common enforcement issues and provide strategies for the enforcement of local solid waste ordinances. Examples of successful practices are included at the end of the document.

### Examples of Local Solid Waste Ordinances

Throughout the State of Wisconsin, there is an array of local ordinances governing solid waste, ranging from simple litter laws to intricate landfill siting rulings. In this section there is a brief summary of types of local ordinances.

- Litter/illegal dumping—Ordinances of this type deal with garbage disposed in unacceptable locations. The ordinances are not only limited to general litter, some may address waste disposal in parks and public facilities.
  - Solid waste collection/separation—In order to comply with State recycling laws, communities enact ordinances that specify which materials are to be separated from solid waste for recycling. Often requirements for preparing solid waste and recyclables for collection are contained in these laws.
  - Unacceptable materials— These ordinances prohibit the disposal of certain materials in solid waste. Common items are computers, paint, pet waste, medical waste and hazardous wastes.
  - Open burning—Open burning ordinances deal with the practice of burning waste, typically in a barrel. This type of ordinance is often implemented in urban areas but is increasingly popular in rural areas.
  - Solid Waste Facility— Communities that pass this type of ordinance choose to regulate the placement of solid waste facilities within their boundaries. Some call for outright prohibition of a facility while others have detailed rules and requirements that solid waste facilities must follow in order to operate.
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# Methods of Enforcement

**Educational enforcement**—While not always thought of as an enforcement activity, this is the method most frequently practiced. In collection of residential waste, education can take the form of an informational tag left on non-conforming waste. An example is an adhesive label with a checklist of common violations. A collection worker marks the appropriate box and affixes the label to the bin or bag containing unacceptable materials. This action reinforces proper preparation to the homeowner in the form of uncollected garbage or recyclables with an explanation attached.

Education must continue in conjunction with other activities. As the goal of compliance is sought, both homeowners and business owners need information about how to follow local solid waste and recycling ordinances. Educational materials include brochures that detail recycling and garbage preparation instructions for homeowners. Businesses need different types of information. Information about service-providers for recycling, solid or hazardous waste, as well as general solid waste information can be very useful to business owners.

**Written warnings**— This method of enforcement generally is specific to a particular

individual or business. A letter describing an observed violation is sent. The letter should contain a reference to the ordinance being violated; corrective actions to be taken; a deadline for compliance, and the consequences of non-compliance.

The letter can originate from any number of local officials. A letter from the town clerk or recycling coordinator may be sufficient. A letter from an elected official or the community's corporation counsel may have a greater impact. Waupaca County has been very successful in gaining compliance utilizing letters issued by corporation counsel.

**Written citations**—In this case, an authorized individual issues a citation to the party in violation of a municipal ordinance. The code of a town, city, village or county identifies municipal officials having power to issue citations. The code also specifies penalties. Most communities have forms and procedures that are used to issue written citations.

**Response to complaints**—In most communities, a complaint prompts a site visit or phone call to the subject of the protest. Having procedures in place to deal with complaints can help pacify both offender and informant. Response to the complaint can employ any of enforcement methods described.

## Strategies for Enforcement

The goal of any enforcement program should not be to punish code violators, but rather to gain compliance with solid waste ordinances. Whichever method of enforcement a community chooses, success in gaining adherence depends on having a good strategy. Enforcement of local laws can be a controversial or contentious issue. When a program is designed, there must be consideration given to the consequences of the program's actions.

Enforcing a solid waste and recycling ordinance can be daunting. Few communities have the resources to inspect each waste container set out for collection. However, a community can improve compliance through effective enforcement strategies.

**Build a base of support**—There have been times when enforcement of local ordinances results in controversy. A program designer should seek the support of elected officials and the community's corporation counsel. The support of local officials is needed when an enforcement action results in a dispute between an official and a person who is cited. An enforcement effort is only as strong as the ability to impose penalties authorized in local codes.

## Strategies for Enforcement — cont'd

**Put written procedures/policies in place**—Written procedures provide for systematic application of ordinances. Adhering to written procedures and policies makes it easier for local officials to defend actions when issuing a citation. When consistently applied, written procedures and policies help minimize problems for an enforcement program.

Design an enforcement program that works in the specific community. Set parameters for onsite inspections. Ensure that local ordinances allow access to inspect solid waste set out for collection. A private business may object to a local official rummaging through its garbage containers. Take the time to sit down with the community's legal representative to clarify what can and cannot be done. Careful planning in this area can minimize problems.

**Publicize enforcement actions or activities**— Local media can be utilized to publicize enforcement actions or activities. The effectiveness of a program will be greater if it has a high profile. A small number of citations will have a multiplier effect if adequate publicity accompanies the citations. For example, local media could be a partner in publishing names of individuals or businesses fined for violating recycling laws. The threat of having one's name in the news may cause others to increase their level of compliance. Place notices in local newspapers about upcoming spot inspections for non-conforming waste.

**Incentives used to achieve compliance**—Some communities have utilized incentive programs to promote compliance. Incentives can take many forms. Pay-as-you-throw systems have been shown to increase recycling when there is a charge for disposal of garbage but none for recycling. A few communities have rewarded compliance by holding random drawings for prizes or conducting random inspections and offering cash rewards to those who follow recycling requirements. In most cases, compliance returns to the pre-incentive level when the incentive program ends.

**Include enforcement as part of collection contracts**— Many communities contract with private haulers to provide solid waste and recycling collection services. Enforcement practices can be incorporated in collection contracts. The most common form is educational enforcement with the contractor attaching informational tags on non-compliant materials.

## City of La Crosse — Case Study



Prior to enforcing recycling ordinances, La Crosse performed studies on recycling participation rates. It found that the highest rates came in areas with owner-occupied single family homes and boulevard recycling collection. The lowest rates were in rental properties with 3 to 4 dwelling units (study only went up to 4 units) where recycling collection was in unpaved alleys. The city-wide average for recycling participation was approximately 70%. The City operated a few drop-off sites for recyclables so some may have gone to drop-off locations and not the curbside program.

Enforcement followed the study. Residents who did not set out recycling for collection but who had recyclables in their trash were sent letters and information explaining the City's recycling program. Because there were close to 2,000 households in the study it meant that about 600 were not

## City of La Crosse Case Study—cont'd

recycling. Letters were sent randomly to 50 who were not recycling (a reasonable number for a staff of one to monitor). Residents had until the next collection day to start recycling or they would be given a citation for non-compliance with recycling regulations. Only 6 of the 50 did not comply and received citations along with a fine of \$134 each. This illustrates that with a little strong-arming and some education, people will recycle if given the right tools.

This was a very lengthy and intensive study for a one person office so it was only done once. The City hopes to complete similar projects every four or five years.

Since the beginning of the study, enforcement has changed to offering more proactive education (door hangers in high rental areas) and more letters and continual education timed to the months when most people move. Now when citations are issued they are generally issued for solid waste violations other than not recycling (mainly for importing waste from out of state into the City of La Crosse).

## Waupaca County - Case Study



The Waupaca County Recycling Ordinance addresses the improper disposal of both recyclables and garbage. Garbage was included through a recent amendment in order to have enforcement authority at the local level. Solid Waste Department staff and Board members, municipal officials and local enforcement authorities all have citation powers.

Notice of alleged violations is usually received by phone from the general public or from staff and local officials on site. Violations handled by the department include dumping cardboard and garbage into the same dumpster; burning cardboard and debris at construction sites; inadequate recycling in schools, and backyard burning of household garbage in open piles and in burn barrels.

Enforcement protocol varies but usually begins with a letter from the county's corporation counsel. In most cases the letter is sufficient to bring about immediate compliance. Information on disposal options and state and local regulations is included. Copies of the letter are sent to the sheriff's office and the Department of Natural Resources (DNR). Follow-up investigations are usually conducted by onsite visits or drive-by observation. Few citations need to be issued and usually relate to illegal burns.

The Solid Waste Department has worked closely with local DNR wardens to address illegal burning. The Department also participates in annual training of local Emergency Fire Wardens. This year a newsletter on burning was jointly written and distributed through local newspapers and municipal offices. Copies were also handed out as part of outreach during fire investigations.

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# Summary

- Enforcement at the local level is most effective. Local ordinances need to be written or updated to be in line with state and county laws.
- All municipalities must be aware of both county ordinance and state law. It is not good when enforcement measures are taken for burning of debris on a construction site if the construction company has been issued a burning permit by the municipality of jurisdiction. Special training sessions are recommended.
- Support and cooperation among local officials is imperative. If a letter from the corporate counsel's office is all it takes to obtain compliance, what better way!
- Education and outreach, as always, are included in each enforcement situation. Believe it or not, there are still people (and businesses) out there who aren't aware of recycling laws or laws against open burning. Each letter sent is a step toward further compliance with solid waste ordinances.

*Thank you to the City of La Cross and Waupaca County for contributing to this fact sheet.*

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