

St. Croix Chippewa Indians of Wisconsin

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ST. CROIX TRIBAL COUNCIL RESOLUTION NO. 2.4.14.1

Solid Waste Management and Recycling Ordinance

WHEREAS, the St. Croix Chippewa Indians of Wisconsin is a federally recognized Tribe organized under Section 16 of the Indian Reorganization Act of 1934, 25 U.S.C. part 476 and possessing a government-to-government relationship with the United States of America; and

WHEREAS, the Tribe is organized under a Tribal Constitution and By-laws approved by the Secretary of the Interior or his authorized delegate on November 12, 1942; and

WHEREAS, the St. Croix Tribal Council is duly elected governing body of the St. Croix Chippewa Indians of Wisconsin; and

WHEREAS, this Solid Waste Management and Recycling Ordinance is adopted pursuant to the power delegated to the St. Croix Tribal Council in Article V of the Constitution and By Laws of the St. Croix Chippewa Indians of Wisconsin; and,

NOW THEREFORE BE IT RESOLVED, that the St. Croix Chippewa Indians of Wisconsin hereby adopt the St. Croix Chippewa Indians of Wisconsin Solid Waste Management and Recycling Ordinance.

CERTIFICATION

I, the undersigned as Secretary/Treasurer of the St. Croix Tribal Council, do hereby certify that the Council is composed of five (5) members of whom 4 were present, constituting a quorum, at a meeting duly called, convened and held this 4 day of Feb, 2014 and that the foregoing resolution was adopted at said meeting by an affirmative vote of 4 members for 0 against and 0 members abstaining from the vote, and that said resolution has not been rescinded or amended in any way.


Beverly Benjamin, Secretary/Treasurer
St. Croix Tribal Council

Lewis Taylor
Chairman
Sand Lake

Phyllis Lowe
Vice-Chairwoman
Round Lake

Beverly Benjamin
Secretary/Treasurer
Danbury

Aimee Awonohopay
Representative
Maple Plain

Elmer J. Emery
Representative
Sand Lake

ST. CROIX CHIPPEWA INDIANS OF WISCONSIN

~~SOLID WASTE MANAGEMENT AND RECYCLING ORDINANCE~~

SECTION 1 – INTRODUCTION

1.01 TITLE

This ordinance shall be known as the Solid Waste and Recycling Code of The St. Croix Chippewa Indians of Wisconsin.

1.02 PURPOSE

The St. Croix Tribal Council finds that suitable solid waste disposal sites are not easily located. Those that are must be used in the most efficient manner. Items that can be recycled and thus kept out of landfills should be recycled. In addition the state of Wisconsin has placed a ban on recyclables in landfills, which the St. Croix Tribe utilizes. Inefficient, inappropriate, and unsanitary disposal of solid waste can have adverse impacts on the land, waters and human health of the St. Croix Reservation.

1.03 AUTHORITY, FINDINGS AND PURPOSE

- (a) Authority. This ordinance is adopted by the St. Croix Tribal Council, as the governing body of the St. Croix Chippewa Indians of Wisconsin, pursuant to the inherent authority of the St. Croix Tribe.
- (b) Findings and Purpose. The St. Croix Tribal Council recognizes that unsanitary and unsightly conditions, and inappropriate and ineffective methods of waste management and recycling, have adverse, detrimental and injurious impacts to the environment, aesthetics, natural resources, and human population of the St. Croix Reservation. It is therefore determined that the promulgation of standards for waste management and recycling are in the best interest of the St. Croix Tribe, and of all residents of the St. Croix Reservation. The purpose of this Ordinance is to provide for the management of waste and recyclable material in a manner that will prevent the spread of disease, prevent the creation of nuisances, protect the health, welfare and safety of Reservation residents, conserve natural resources, and maintain the beauty and quality of the environment.

1.04 APPLICABILITY

This Ordinance applies to the activities on the St. Croix Reservation of members and nonmembers of the St. Croix Tribe, and to residents and non-residents of the St. Croix Reservation. This ordinance also applies to all land, water and resources within the exterior boundaries of the Reservation, as well as any land owned in fee by the St. Croix Chippewa Indians of Wisconsin.

1.05 REPLACEMENT OF PRIOR ORDINANCES

This Ordinance replaced St. Croix Ordinance #1994, entitled the "St. Croix Solid Waste Disposal and Recycling Ordinance," which is hereby rescinded in its entirety.

1.06 RESERVATION OF RIGHTS; INTERPRETATION

Neither the provisions of this Ordinance nor any action in pursuit thereof shall operate as, or authorize, a waiver of the sovereign immunity of the St. Croix Chippewa Indians of Wisconsin or as consent to jurisdiction by any court or agency for any matter arising under law or equity. This ordinance shall not be construed to conflict with applicable federal law.

1.07 ADMINISTRATION

The provisions of this ordinance shall be administered by the St. Croix Tribal Environmental Services Department.

1.08 EFFECTIVE DATE

This ordinance shall take effect 5 days after approval by the St. Croix Tribal Council.

SECTION 2 – DEFINITIONS

2.01 GENERAL DEFINITIONS

For the purpose of this Ordinance, certain words and terms are hereby defined. Terms and abbreviations used herein, which are not specifically defined, shall be construed in accordance with the context and professional usage. The singular usage includes the plural and the plural the singular.

- (a) **“Abandoned Trailer”** means a vacant or unused unit that has no assigned or permanent tenant and has fallen into such disrepair that it is no longer suitable for human occupation and creates a potential fire hazard or potential for human injury.
- (b) **“Air Pollution”** means the presence in the outdoor atmosphere of any fume, smoke, gas, ash, or particulate substance, comprised of such toxic substances as dioxins, or differing in composition from, or exceeding in concentration, the natural components of the atmosphere, and being of such nature or duration as to cause a nuisance or injury to human health or the environment.
- (c) **“Bi-Metal or Tin Container”** means a container for carbonated or malt beverages that are made primarily of a combination of steel and aluminum.
- (d) **“Bin”** means a receptacle designed and used for the aggregation, transfer, and collection of recyclable material.
- (e) **“Bulky Item”** means waste items such as furniture, couches, sofas, chairs, tables, dressers, cabinets, beds and bedding.
- (f) **“Cardboard”** means corrugated paperboard used in the manufacture of shipping containers and related products.
- (g) **“Collection”** means the aggregation of solid and hazardous waste and recyclable material from the place at which it is generated, and includes any appurtenant activity involved in the handling and transportation of waste material up to the time when the waste or material is delivered to a waste management or recycling material.
- (h) **“Collection Site”** means any designated place where waste or recyclable material is presented for recycling, transfer, or disposal.
- (i) **“Collector, Operator, or Hauler”** means owners and operators or commercial solid waste collection services or St. Croix Tribal operation and employees, or St. Croix Tribal contractors and their operations, agents, and employees, responsible for waste management activities on the Reservation.
- (j) **“Construction Debris”** means waste building material, packaging, and other material that result from the construction, remodeling, repair, and demolition of buildings, roads, and other man-made structures.
- (k) **“Container”** means container for holding solid waste material slated for disposal and which meets the requirements set forth in Section 4.01 of this Ordinance.
- (l) **“Critical Habitat”** means the area or type of environment that is essential for an organism or biological population to occur or live normally, including threatened, endangered, or culturally significant species and plants.
- (m) **“Electronic Waste”** means discarded computers, televisions, microwave ovens, VCRs and other waste possessing electronic circuitry. Electronic Waste also includes electrical wire.

- (n) **"Garbage"** means discarded material resulting from the handling, processing, storage, preparation, serving and, consumption of food.
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- (o) **"Hazardous Waste"** means any commercial chemical substance designated pursuant to the Federal Water Pollution Control Act, under 33 U.S. C. S 1321 (b) (2) (A); an hazardous air pollution listed pursuant to the Clean Air Act, under 42 U.S.C. S 7412; any hazardous waste defined under the Resource Conservation and Recovery Act, 42 U.S.C. S 6901 et seq., as amended; and any other substance which constitutes a hazardous waste under tribal, state, or federal law.
- (p) **"HDPE"** means high-density polyethylene plastic containers marked by the SPI code No. 2.
- (q) **"Household"** means those persons, residents, owners and occupants occupying and generating waste and recyclable material at a residential dwelling unit.
- (r) **"Illegal dumping"** means dumping, by any person of any material including but not limited to bulky items, construction debris, garbage, hazardous waste, solid waste, recyclable material, refuse, rubbish, trash or litter, white goods, waste tires, or waste.
- (s) **"Junk vehicle"** means any motor vehicle that is extensively damaged. The damage would include such things as broken or missing wheels, motor, drive train, or transmission and is apparently inoperable. A vehicle is also considered a junk vehicle if it does not have a valid, current registration and has an approximate fair market value equal to only the approximate value of the scrap in it, or lacks vital component parts such that it has no substantial potential for further use consistent with its usual functions. A vehicle is not considered a junk vehicle if it is kept in an enclosed garage or storage building.
- (t) **"Littoral area"** means a shoreline and adjacent areas encompassing the region between the highest and lowest seasonal water levels.
- (u) **"LDPE"** means low-density polyethylene plastic containers marked by the SPI code No. 4.
- (v) **"Magazines"** means magazines and other materials printed on similar paper. This includes bound books and items such as telephone books and catalogs.
- (w) **"Medical sharps"** means discarded items that can cause the sub-dermal inoculation of various infectious agents, such as needles, syringes, glass or rigid plastic vitals, or other similar items derived from the care of human or animal patients.
- (x) **"Newspaper"** means a newspaper and other materials printed on newsprint.
- (y) **"Non-putrescent material"** means all solid waste incapable of becoming rotten or reaching a foul state of decay or decomposition.
- (z) **"Non-Resident"** means any person who does not have a permanent place of abode on the Reservation, except as hereafter provided. Non-resident does not mean any temporal or seasonal resident, for purpose of waste or recyclable material generated at the temporary or seasonal residence, and does not mean a place of business for purpose of waste and recyclable material generated at the place of business. (see "Resident").
- (aa) **"Offal"** means a dead animal or the entrails, trimmings, and waste parts of butchered animals.
- (bb) **"Office Paper"** means high-grade printing and writing papers from offices in non-residential facilities, properties and premises. Printed white ledger and computer printout are examples of office paper generally accepted as high grade.

- (cc) **"Open view"** means that waste material such as garbage, construction debris, hazardous waste, junk vehicles, refuse, rubbish, solid waste, trash, litter, waste tires, white goods, recyclable material, or other wastes that can be seen with the unaided eye from any public road or public road easement, including ~~any tribal town, county, state, or federal road, any adjacent properties.~~
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- (dd) **"Open burning"** means the incineration of any materials including but not limited to household debris, garbage, hazardous waste, solid waste, recyclable material, refuse, rubbish, paper, trash or litter, or other waste, by any person, in a burn barrel or pile, thereby producing nuisance or noxious smoke, dioxins, or air pollution.
- (ee) **"Other wastes"** means waste other than waste defined herein as solid waste or recyclable material, and includes but is not limited to construction debris, hazardous waste, medical sharps, waste tires, white goods, electronic waste, bulky items, and offal.
- (ff) **"Owner and Occupant"** means the person(s) or entity(s), which hold legal or beneficial title to a property and the person(s) or entity(s), which have or exercise possession or occupancy of a property, respectively. Owner and Occupant also mean landlord and lessee, respectively.
- (gg) **"Person"** means any human being, any household, any municipality or other governmental or political subdivision or public agency, any public or private corporation, any partnership firm, association or other organization, any receiver, trustee, assignee, agent, or other legal representative of any of the foregoing, establishment, institutions such as churches or schools, or any other legal entity.
- (hh) **"PETE"** means polyethylene terephthalate plastic containers marked by the SPI code No. 1. (Examples: two (2)-liter soda bottles, milk containers).
- (ii) **"Premises"** means the location, property, or real estate, public or private, upon which a residence, place of business, or industry lies, and includes all buildings and appurtenant structures. Premises also refer to any seasonal or temporal occupancy or operations at such locations, for the purposes of waste and recyclable material generated at such locations.
- (jj) **"Recyclable Material"** means material that is separated from solid waste for the purpose of recycling, including paper, cardboard, glass, metal, aluminum, and numbered plastics.
- (kk) **"Recycling"** means the process of collecting recyclable material and reusing this material in its original form or using it in a manufacturing process that does not cause the destruction of the material in a manner that precludes its further use.
- (ll) **"Resident"** means any person who has a permanent place of abode on the Reservation. Resident also means any temporal or seasonal resident for the purposes of waste and recyclable material generated at the temporary or seasonal residence, and also means any place of business or institutions such as churches or school, for the purposes of waste generated at the place of business.
- (mm) **"Reservation"** means the St. Croix Reservation.
- (nn) **"Salvage/Junk Yard"** means any facilities at which salvageable materials and junk are stored or sold or at which wrecking; dismantling or demolition of salvageable materials is conducted. Salvage/Junk yard also means any premises where greater than five (5) junk vehicles or greater than five (5) items of junk are stored in the open. Junk includes old or scrap copper, brass, rope, rags, batteries, trash, rubber debris, waste tires, junk vehicles, white goods, junked farm or construction machinery or any parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

(oo) **"Solid Waste"** means garbage, rubbish, refuse, trash or litter, and other waste generated from residential, commercial, industrial, community, and other human activities. It does not include abandoned trailers, construction debris, hazardous waste, junk vehicles, medical sharps or waste, recyclable material, waste tires, white goods, bulky items, yard waste, or other material collected and transported as separate waste.

(pp) **"Tribal Attorney"** means the St. Croix Tribal Attorney and the Law offices of the St. Croix Chippewa Indians of Wisconsin.

(qq) **"Tribal Council"** means the Tribal Council of the St. Croix Chippewa Indians of Wisconsin.

(rr) **"Tribal Court"** means the Tribal Court of the St. Croix Chippewa Indians of Wisconsin.

(ss) **"Waste Management"** means all activities relating to the preparation, handling, sorting, storage, collection, transportation, transfer, accumulation, recycling, burning, dumping, discarding, placement, processing, abandonment, deposit and disposal of waste, including all methodologies, standards, regulations, and criteria that govern, control, and relate to the aforementioned activities.

(tt) **"Waste management facility"** means a disposal facility for waste such as a sanitary landfill, an intermediate disposal facility such as a transfer station, and facilities that manage and handle other waste materials such as construction debris, hazardous waste, junk vehicles, medical waste, waste tires, white goods, and yard waste.

(uu) **"Waste tire"** means a tire that is no longer suitable for its original intended purpose.

(vv) **"Water Pollution"** means the presence in or on the land of any waste in such quantity, of such nature and duration, and under such condition as would impair designated uses, violate established criteria, or otherwise adversely affect any surface waters, ground waters, or wetlands of the Reservation.

(ww) **"White Goods"** means clothes washers, dryers, dishwashers, garbage disposals, trash compactors, conventional ovens, ranges and stoves, microwaves, air conditioners, refrigerators, freezers, residential furnaces, water heaters, humidifiers and de-humidifiers.

(xx) **"Yard Waste"** means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than 6 inches in diameter. This term does not include stumps, roots or shrub with intact root balls.

2.02 GENERAL PROVISIONS

(a) No person on the St. Croix Reservation shall cause, permit, or allow the land, real estate, property or premises under that person's control to be used for waste management purposes, except for persons or operations that have been granted permission by the St. Croix Environmental Department.

(b) No operator, collector, or hauler of waste or recyclable material shall operate or conduct business on the St. Croix Reservation without the consent of the St. Croix Environmental Department. Operators, collectors, and haulers that do not have the consent of the St. Croix Environmental Department shall, upon enactment of this Ordinance, obtain such permission. All operators, collectors, and haulers shall comply with the provisions set forth in this Ordinance within 120 days from the enactment of the Ordinance. Operators, collectors, and haulers must also comply with the federal "Guidelines for the Storage and Collection of Residential, Commercial, and Institutional Solid Waste" (40 C.F.R. Part 243).

(c) All waste within the St. Croix Reservation boundaries shall be managed, prepared, handled, sorted, stored, collected, transported, transferred, accumulated, recycled, burned, dumped, discarded, placed, processed, deposited and disposed of in accordance with the Provisions of this Ordinance.

(d) It shall be the duty of the owner, occupant of all facilities of the Tribe and the Tribal Housing Authority, or other legal entity having or occupying property and premises within the boundaries of the St. Croix Reservation to provide for the handling, storage, collection, transportation, transfer and disposal of waste and recyclable material in accordance with the Provisions of this Ordinance.

(e) After written warning, the St. Croix Environmental Department, or any other operator collecting waste or recyclable material from any premises, residence, place of business, industry, household, or collection site within the St. Croix Reservation, may suspend such collection if any provision of this Ordinance is violated and continue this suspension until compliance with this Ordinance is demonstrated.

(f) Waste and recyclable material shall only be delivered to waste management and recycling facilities and specially designated collection sites during the facility or site's operating hours and in a manner consistent with the proper disposal of waste or material at the facility or site.

(g) Where the conditions imposed by any Provision of this Ordinance are either more or less restrictive than comparable conditions imposed by the provisions of any other Reservation Ordinance or applicable law, the provision which establishes the greater protection for human health, safety, and welfare, and the natural environment shall prevail.

SECTION 3 – SOLID WASTE STORAGE AND DISPOSAL

3.01 Handling, Storage, collection, transportation, and disposal of solid waste

- (a) No person may store or cause the storage of solid waste in a manner, which causes environmental pollution.
- (b) No owner or occupant of any premises shall permit the accumulation of solid waste, any similar material or mixture of materials, upon such premises, except in proper containers as described in (c) below.
- (c) The owner or occupant of any premises, business establishment, or industry shall be responsible for the sanitary storage of all solid waste accumulated at the premises, business establishment or industry.
- (d) Solid Waste shall be stored in durable, rust resistant, non-absorbing, water-tight, cleanable, rodent, vermin, and insect proof containers, with a close, tight-fitting, cover or lid.
- (e) No person shall place solid waste in a container or another person.
- (f) Unless provided for otherwise in a written rental agreement or lease, the tenant of any single unit or multiunit residence managed by the St. Croix Tribe or St. Croix Tribal Housing Authority shall be responsible for the provision and maintenance of containers described in (c) above.
- (g) No person shall leave, deposit, or dump solid waste anywhere within the Reservation except at designated solid waste collection sites designated by the St. Croix Environmental Department.
- (h) No person shall dispose of solid waste anywhere within the reservation boundaries except in containers, at designated collection sites and waste management facilities, and under conditions described in this Section. No person shall dispose of any solid waste generated outside the boundaries of the Reservation on any lands within the boundaries of the Reservation, unless such disposal is approved by the St. Croix Environmental Department and takes place at a designated collection site or waste management facility. Solid waste shall not be disposed of by illegal dumping.
- (i) Solid Waste shall not be disposed by open burning. Burning permits are required for all outdoor debris burning (grass, paper, leaves, brush) whenever the ground is not completely snow covered. Burning permits may be obtained from the St. Croix Police Department, or an Emergency Fire Warden (EFW), Ranger Station, or DNR office.
- (j) No person shall dispose of any solid waste generated outside the boundaries of the Reservation on any lands, dumping sites, or landfill within the boundaries of the Reservation.
- (k) No person shall dispose of solid waste on any premises, private or public property, where the disposal of such wastes will cause a nuisance, health hazard, foul odors, infestations of vermin or insects, or provide a source of attraction for rodents, bears, and other animals.

(l) No person shall deposit solid waste on any highways, roadway, or right of way within the boundaries of the Reservation.

(m) No person shall willfully overturn or upset any container used for storing solid waste with the intent of spilling the contents or any portion thereof on any premises, roadway, or waterway.

(n) All solid waste transported on the Reservation shall be collected and transported in a manner that prevents the waste from leaking, blowing off, or falling from the transport vehicle.

(o) No person shall deposit or dispose of solid waste on any waterway, stream, lake, wetland, water body, or littoral area within the boundaries of the Reservation.

(p) No person shall dispose of any sewage or human waste except into a community sanitary sewage system or individual sanitary system constructed and operated according to Indian Health Service specification.

SECTION 4 – RECYCLING

4.01 ITEMS TO BE SEPARATED

- (a) No person shall dispose of recyclable material through solid waste disposal.
- (b) All owners, occupants, households, residents, and persons disposing of waste on Reservation shall separate recyclable material from mixed waste. Separation of recyclable material shall occur prior to the collection of waste by a hauler. These recyclable materials shall include:
 - 1. Aluminum Cans;
 - 2. Bi-Metal or tin containers;
 - 3. Corrugated paper or cardboard;
 - 4. Glass Containers;
 - 5. Magazines or other materials printed on similar paper;
 - 6. Newspapers or other materials printed on newsprint;
 - 7. Office Paper; and
 - 8. Plastic Containers made of PETE (No. 1), HDPE (No. 2);
- (c) Recyclable material shall be placed in bins designed for that purpose and placed out at designated roadside collection sites for collection on designated collection days. In the alternative, owners, occupants, households, and residents shall deliver recyclable material to a recycling facility of their choice, such as recycling sheds provided for this purpose on the Reservation, or to a specially designated collection sites at times when the receipt of such material is provided for.
- (d) No person other than the owner or occupant of a residence, place of business, or industry, or the operator, who provides services to such persons, shall collect or gather recyclable material set out for collection by a collector.
- (e) The owner or occupant of any premises shall be responsible for the safe, sanitary, and aesthetic storage of all recyclable material generated and accumulated at such premises, until such time as the recyclable material is collected, transported, or transferred to a recycling facility.
- (f) All recyclable material transported on the Reservation shall be collected and transported in a manner that prevents the material from leaking, blowing off or falling from the transport vehicle.
- (g) Persons and owners of establishments, and places of business, shall arrange to have segregated recyclable material, generated at such locations, collected by operators of recycling facilities, or in the alternative, delivered to such facilities.
- (h) No person shall deposit recyclable material anywhere within the reservation boundaries except in appropriate bins, at designated collection sites and recycling facilities, and under conditions described in this Section. Illegal dumping or open burning shall not dispose of recyclable material.

SECTION 5 – SALVAGE YARD OPERATIONS

5.01 Operations

- (a) No person shall establish, operate, or maintain a salvage yard unless granted permission from the St. Croix Tribal Council, and the St. Croix Environmental Department.

- (b) No person shall establish, operate, maintain, or permit the use of land for a salvage yard within the following areas:
 - 1) Within 1,000 feet of any lake, pond, or flowage;
 - 2) Within 300 feet of a river, stream, or wetland;
 - 3) Within a flood plain;
 - 4) Within 100 feet or within open view of any roadway;
 - 5) Within an area in which there is reasonable probability that waste or leaching there from may have a detrimental effect on any surface or ground water quality;
 - 6) Within or adjacent to any cultural or sacred site; or
 - 7) Within or adjacent to any critical habitat.

- (c) Upon obtaining written permission from the St. Croix Tribal Council and St. Croix Environmental Department, the following salvage yard operational requirements and practices shall be followed:
 - 1) Solid Waste materials shall not be present at a salvage yard.
 - 2) No open burning of waste or recyclable materials shall be conducted.
 - 3) The boundaries of the salvage yard shall be marked by a fence or by other means in order to clearly define the boundary of the site.
 - 4) A solid fence, trees, shrubbery, or other appropriate means shall surround the Salvage yard by which to screen it from the surrounding area and open view. If trees or shrubbery are used, they shall be capable of screening the yard all year round or other methods shall be used in combination with the foliage to provide adequate screening during all seasons.
 - 5) Firebreaks and roads shall be approved by the Tribal Fire Protection Authorities.
 - 6) Salvage yards that do not have the written consent of the St. Croix Tribal Council and the St. Croix Environmental Department shall, upon enactment of this Ordinance, obtain such permission. All salvage yards shall comply with the operational standards set forth in this Section within 120 days from the enactment of the Ordinance.
 - 7) The operation shall be conducted in accordance with any and all other Tribal or Federal regulations.

- (d) Any person who maintains or operates a salvage yard or who permits the use of property for such purpose shall, when the yard is closed by the operator or property owner, or when the St. Croix Environmental Department Solid Waste/Recycling Office and Waters Office determines that closure is required, close the yard by removing all salvageable materials within a period specified by the St. Croix Environmental Department Solid Waste/Recycling Office and Waters Office, which shall be no greater than 120 days. The owner or operator of a salvage yard shall notify the St. Croix Environmental Department Solid Waste/Recycling Office and Waters Office, 60 days prior to the date of closing. If during closing or anytime during the operation the site has been determined to be contaminated, the owner or operator shall be required to remediate or prove the site to be free of pollutants. Installation of monitoring wells or other remediation may be required at the owner's expense.
- (e) Extermination of Pest. Owner or Operator shall, when required by this section, furnish and maintain such approved sanitary facilities as required by the St. Croix Environmental Department Solid Waste/Recycling Office and Waters Office, When infestation has taken place, it shall be The Owner or Operators solely responsibility and expense to exterminate any insects, rodents, or other pests.

SECTION 6 – HANDLING, STORAGE, COLLECTION, TRANSPORTATION, AND DISPOSAL OF OTHER WASTES

6.01 Handling Waste

- (a) Hazardous Waste: All persons shall separate hazardous waste, medical sharps, motor oil, antifreeze, acid lead batteries, mercury containing wastes, batteries, thermostats, thermometers, switches and relays, florescent light bulbs, manometers, barometers, vacuum gauges, blood pressure cuffs, and other wastes defined in Section 2.02 of this Ordinance, from mixed waste and transport such material to a waste management or recycling facility designated for the handling of such waste and material. Such waste and material may be taken to a specially designated collection site at times when the receipt of such material is provided for. Motor Oil and antifreeze shall be transported in unbreakable, leak-proof, containers. Acid lead batteries shall be transported in a manner which will not allow the release or escape of their contents. Labels (available at St. Croix Clinic) shall be placed on puncture-proof containers and receptacles prior to the collection, transfer, or transportation of medical sharps.
- (b) Medical Sharps: Persons and owners of establishments, places of business, and premises which are open to the public, including, but not limited to public buildings, hotels, motels, retail stores, casinos, schools, college dormitories, community centers and church social halls, shall provide labeled, puncture-proof receptacles for the disposal of medical sharps. Persons and owners of establishments, and places of business or industry, shall arrange to have medical sharps, generated at such locations, collected by operators of waste management facilities, or in the alternative, delivered to such facilities.
- (c) Construction Debris: Any person disposing of construction debris shall transport such waste to a collection site or waste management facility designated for the receipt of such waste. Construction debris shall not be disposed of by illegal dumping or open burning.
- (d) White Goods: Any person disposing of white goods shall: (1) contact the St. Croix Solid Waste Office for proper disposal, (2) deliver the white goods to a waste management or recycling facility, or (3) deliver the white goods to a specially designated collection site at a time when the receipt of such material is provided for. White goods shall not be disposed of by illegal dumping. No more than two (2) items shall be stored on any premises in open view, with the exception of temporary designated collection sites, and shall not be stored in a manner that provides causation for human injury.
- (e) Electronic Waste: Any person disposing of electronic items shall transport such items to a waste management facility designated for the receipt of such items. Electronic wastes and electrical wire shall not be disposed of by illegal dumping or open burning. Electronic waste shall not be stored in open view, with the exception of temporary designated collection sites, or in a manner that creates a health or environmental hazard.
- (f) Bulky Items: Any person disposing of bulky items shall transport such items to a waste management facility designated for the receipt of such items. Bulky items shall not be disposed of by illegal dumping or open burning. Bulky items shall not be stored in open view, with the exception of temporary designated collection sites, or in a manner that creates a fire, health, or environmental hazard.

- (g) Waste Tires: Any person disposing of waste tires shall transport these items to a recycling facility designated for the receipt of such items. Waste tires shall not be disposed of by illegal dumping or open burning. Waste tires may be taken to a specially designated collection site at times when the receipt of such items is provided for. Waste tires shall not be stored in open view, with the exception of temporary designated collection sites, or in a manner that provides breeding areas for insects.
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- (h) The owner or occupant of any premises shall be responsible for the safe, sanitary and aesthetic temporary storage of all hazardous waste and other waste, generated and accumulated at such premises, until such time as these wastes are transported or transferred to a waste management facility.
- (i) All hazardous and other waste transported on the St. Croix Reservation shall be collected and transported in a manner that prevents the waste from leaking, blowing off, or falling from the transport vehicle.
- (j) No person shall dispose of or cause the release of hazardous and other waste anywhere within the St. Croix Reservation boundaries except at designated collection sites, waste management facilities, and under conditions described in this Section. "Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing of into the environment. No person shall dispose of any hazardous or other waste generated outside the boundaries of the St. Croix Reservation on any lands within the boundaries of the Reservation, unless such disposal receives the approval of the St. Croix Environmental Department and takes place at a designated collection site or waste management facility.
- (k) No person shall deposit or dispose of offal, hazardous and other waste on any highway, roadway, or right of way within the boundaries of the St. Croix Reservation.
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- (l) No person shall be the causation of water pollution by depositing or disposing of offal, hazardous and other waste in any waterway, stream, lake, wetland, water body, or littoral area within the boundaries of the St. Croix Reservation.

SECTION 7 – ADDITIONAL PROHIBITED ACTIVITIES

7.01 Abandoned Junk

- (a) No person shall allow abandoned trailer(s) to exist on any premises within the boundaries of the Reservation. Abandoned trailers must be disposed of in a manner consistent with the proper disposal of construction debris.
 - (b) Unauthorized salvage/junk yards or junk vehicles are prohibited.
 - (c) No person shall allow more than one (1) junk vehicle to exist in open view on any property or premises within the boundaries of the St. Croix Reservation. Permission from the St. Croix Tribal Council and the St. Croix Environmental Department for the operation of a salvage yard, shall be obtained and operational requirements stated in Section 6.01 shall be met when greater than three (3) junk vehicles exist on any premises. The owner of such property or premises shall make arrangements for the proper disposal of junk vehicles. Information on junk vehicle disposal can be obtained from the St. Croix Environmental Solid Waste/Recycling Office.
 - (d) No person shall dispose of any sewage or human waste except into a community sanitary sewage system or individual sanitary system constructed and operated according to Indian Health Service or St. Croix Tribal Utility Department specifications on Indian-owned land.
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SECTION 8 ENFORCEMENT AND PENALTIES

8.01

- (a) All St. Croix Reservation Law Enforcement offices, Solid waste and Recycling coordinators and the Environmental Director shall be empowered to enforce the Provisions of this Ordinance.
- (b) Any person in violation of any Provision of this Ordinance shall first receive a warning. Such warning shall direct the party in violation within five days unless otherwise specified in this Ordinance. Non-Compliance shall result in a citation being issued.
- (c) Prosecution for violations of this Ordinance shall be brought in the St. Croix Tribal Court and shall be commenced by citation or by summons and complaint through the St. Croix Chippewa Indians of Wisconsin. Citations shall contain the following information:
 - 1) The name and address of the person charged with a violation;
 - 2) The date and place of the violation;
 - 3) A short description of the violation followed by the sections of the Ordinance violated with reference made to all other pertinent Ordinance provisions; and
 - 4) The date and place at which the person receiving the citation shall appear in Tribal Court.
- (d) Violators of any Provision of this Ordinance shall be subject to a civil penalty in accordance with the following schedule of Penalties:

SCHEDULE OF PENALTIES	
Offense:	Forfeiture:
Sec 3.01 (h), (i) Unauthorized use of land for waste management purposes	\$300.00
Sec 3.01 (a), (c) Improper storage of waste	\$50.00
Sec 3.01 (l) Willful spillage of waste	\$100.00
Sec 6.01 (j) Illegal dumping of waste (Hazardous Waste)	\$250.00 \$350.00
Sec 3.01 (k) Littering: (Small Amount) (Large Amount)	\$100.00 \$200.00
Sec 3.01 (n) Illegal dumping in a water body (Hazardous materials)	\$5,000.00

Sec 4.01 (h)	Improper disposal of recyclable materials	\$50.00
Sec 5.01 (a)	Unauthorized or improper operation of a salvage yard	\$250.00
Sec 3.01 (h)	Illegal burning of hazardous waste	\$250.00
Sec 7.01 (a)	Illegal abandoned trailer	\$200.00
Sec 7.01 (b)	Junk vehicles	\$200.00
Sec 7.01 (c)	Improper sewage disposal	\$50.00
* All above Fines DO NOT Include Cleanup Fees		
Cleanup fee will be required for each violation that the Environmental Solid Waste/Recycling Office staff needs to clean up		Actual Cost

Each day of any continuing violation may be charged as separate violation and a separate penalty may be imposed. The Tribal Court is authorized to order per capita deduction and or payroll deduction for forfeitures to be paid.

- (e) In addition to a civil penalty, any personal property that has been used in conjunction with a violation of this Ordinance, including vehicles and other equipment, may be seized and forfeited in satisfaction of any judgment entered pursuant to this Ordinance.
- (f) In the event it is determined that there has been an unlawful or illegal dumping or deposition of waste, the Tribal Court may require the owner, occupant, or violator to remove the illegal/unauthorized deposit of waste, and if not so removed, provide for the removal of waste at the owners, occupant, or violator's expense, and if necessary, recover costs incurred by the St. Croix Environmental Department for the remove of waste or other corrective action.
- (g) In the event it is determined that there has been an unlawful or illegal dumping or deposition of waste the Tribal Court may order money damages for harm to any natural resource on the St. Croix Reservation or on other lands owned by the St. Croix Tribe, or for any other impairment or damage on the rights, assets, or interests of the St. Croix Tribe or any of its members caused by violation, or for injunctive relief.
- (h) Any person may bring suit in Tribal Court to enjoin a violation of this Ordinance.

8.02 Administration of Ordinance

- (a) The St. Croix Environmental Department shall be responsible of the administration of this Ordinance and of any waste collection systems or facilities operated by the St. Croix Tribe.

- (b) The St. Croix Tribal Law Enforcement/Warden shall investigate complaints and institute enforcement through the issuance of verbal or written warnings and citations, and recommend to the Tribal Attorney's office that legal proceeding to be initiated against a person, legal entity, or facility to compel compliance with the Provisions of this Ordinance or to address a violation of the same when deemed necessary.
- (c) The St. Croix Environmental Department Solid Waste/Recycling Office shall encourage and conduct studies, investigations, and research relating to aspects of waste management.

SECTION 9 – LIMITATIONS

Nothing in these standards shall be construed to limit the authority of the St. Croix Tribal Council from adopting more stringent solid waste disposal requirements than those set forth in these standards.

SECTION 10 – SEVERABILITY AND NONLIABILITY

If a court of competent jurisdiction adjudges and section, provision, or portion of this Ordinance unconstitutional or invalid, the remainder of this Ordinance will not be affected thereby.

SECTION 11 – REPEALED

All rules and regulations heretofore adopted by the St. Croix Tribal Council which are in conflict with the provisions of these rules, and regulations are hereby repealed.