

# ONEIDA NATION PUBLIC MEETING NOTICE

**FEBRUARY 12 2026 AT 12:15 pm**

Norbert Hill Center-Business Committee Conference Room  
N7210 Seminary Rd., Oneida, Wisconsin

Find Public Meeting Materials at  
[Oneida-nsn.gov/government/register/public-meetings](https://oneida-nsn.gov/government/register/public-meetings)



Send Public Comments to

[LOC@oneidanation.org](mailto:LOC@oneidanation.org)

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920-869-4417

## SOLID WASTE DISPOSAL LAW AMENDMENTS

The purpose of the Solid Waste Disposal law is to set forth the process by which the Oneida Nation will reduce, manage, and dispose of recyclable materials and solid waste within the jurisdictional boundaries of the Nation.

### The Solid Waste Disposal law amendments will:

- ◆ Rename the law from “Recycling and Solid Waste Disposal” to “Solid Waste Disposal.” [4 O.C. 405].
- ◆ Remove the separation of “recycling” and “solid waste” and instead redefine solid waste to include recyclable materials. [4 O.C. 3-1(v); 4 O.C. 405.6].
- ◆ Clarify in the definitions the following terms: “customers,” “e-waste,” “major appliances,” “reservation,” “service provider,” and “sharps.” [4 O.C. 405.1-1(a); (f); (p); (h); (p); (q); (s)].
- ◆ Clarify the management of solid waste within the Reservation will be governed by this law, the Nation’s Sustainable Materials Management Plan, and applicable provisions of the Resource Conservation and Recovery Act. [4 O.C. 405.4].
- ◆ Clarify the Division of Public Works (“DPW”) and Environmental Land and Agriculture (“ELA”) have the authority to administer certain provisions of this law, including informing the public of certain requirements, determining nuisances, procuring service providers, and making rules for the regulation and administration of this law. [4 O.C. 405.5].
- ◆ Clarify certain items need to be separated; ELA or the service provider may refuse pick up; and there will be a special collection of some items which will be scheduled annually and posted on the Nation’s website. [4 O.C. 405.6-7]; [4 O.C. 405.7]; [4 O.C. 405.10].
- ◆ Clarify that deer carcasses and other large animal carcasses are not collectable and may be placed for curbside collection. [4 O.C. 405.7-1(j)].
- ◆ Clarify it is prohibited to burn solid waste, dump, throw, or leave solid waste in unauthorized areas, in any way that creates a nuisance, or in any way that violates the Sustainable Materials Management Plan, other provisions of the Solid Waste Disposal law, the Public Peace law, or any other law of the Nation. [4 O.C. 405.9].
- ◆ Various grammatical changes and other minor changes throughout the law.



Individuals may attend the public meeting for the proposed Solid Waste Disposal law amendments in person at the Norbert Hill Center, or virtually through Microsoft Teams. If you wish to attend the public meeting through Microsoft Teams please contact [LOC@oneidanation.org](mailto:LOC@oneidanation.org).

## PUBLIC COMMENT PERIOD CLOSES FEBRUARY 19, 2026

During the public comment period, anyone may submit written comments, questions or input. Comments may be submitted to the Oneida Nation Secretary’s Office or the Legislative Reference Office in person, by U.S. mail, interoffice mail, or e-mail.

For more information on the proposed Solid Waste Disposal law amendments please review the public meeting packet at [oneida-nsn.gov/government/register/public-meetings](https://oneida-nsn.gov/government/register/public-meetings).



## SOLID WASTE DISPOSAL LAW AMENDMENTS LEGISLATIVE ANALYSIS

### SECTION 1. EXECUTIVE SUMMARY

Analysis by the Legislative Reference Office	
Intent of the Legislation or Amendments	<ul style="list-style-type: none"> <li>▪ Rename the law from “Recycling and Solid Waste Disposal” to “Solid Waste Disposal.” [4 O.C. 405].</li> <li>▪ Remove the separation of “recycling” and “solid waste” and instead redefine solid waste to include recyclable materials. [4 O.C. 405.3-1(v); 4 O.C. 405.6].</li> <li>▪ Clarify in the definitions the following terms: “customers,” “e-waste,” “major appliances,” “reservation,” “service provider,” and “sharps.” [4 O.C. 405.1-1(a); (f); (p); (h); (p); (q); (s)].</li> <li>▪ Clarify the management of solid waste within the Reservation will be governed by this law, the Nation’s Sustainable Materials Management Plan, and applicable provisions of the Resource Conservation and Recovery Act. [4 O.C. 405.4].</li> <li>▪ Clarify that Division of Public Works (“DPW”) and Environmental Land and Agriculture (“ELA”) have the authority to administer certain provisions of this law, including informing the public of certain requirements, determining nuisances, procuring service providers, and making rules for the regulation and administration of this law. [4 O.C. 405.5].</li> <li>▪ Clarify there will be a fine and penalty schedule developed by DPW and ELA and approved by the Oneida Business Committee. [4 O.C. 405.5-1(h)].</li> <li>▪ Clarify certain items need to be separated; ELA, or the service provider may refuse pick up; and there will be a special collection of some items which will be scheduled annually and posted on the Nation’s website. [4 O.C. 405.6.7]; [4 O.C. 405.7]; [405 O.C. 405.10].</li> <li>▪ Clarify that deer carcasses and other large animal carcasses are not collectable and may not be place for curbside collection. [4 O.C. 405.7-1(j)].</li> <li>▪ Clarify it is prohibited to burn solid waste, dump, throw, or leave solid waste in unauthorized areas, in any way that creates a nuisance, or in any way that violates the Sustainable Materials Management Plan, other provisions of the Solid Waste Disposal law, the Public Peace law, or any other law of the Nation. [4 O.C. 405.9].</li> <li>▪ Various grammatical changes and other minor changes throughout the law.</li> </ul>
Purpose	<p>The purpose of this law is to set forth the process by which the Oneida Nation will reduce, manage, and dispose of recyclable materials and solid waste within the jurisdictional boundaries of the Nation. [4 O.C. 405.1-1].</p>

<b>Affected Entities</b>	The Oneida Nation Division of Public Works (“DPW”), the Oneida Nation Environmental, Land & Agriculture Division (“ELA”), the Oneida Police Department, the Oneida Nation Zoning Department, any present or future service provider, all residential and commercial properties within the Reservation who use the Nation’s contracted service provider.
<b>Enforcement</b>	<p>The Solid Waste Disposal law delegates authority to DPW and ELA to administer certain provisions of the law. <i>[4 O.C. 405.5-1]</i>. This authority includes:</p> <ul style="list-style-type: none"> <li>• Overseeing the implementation and enforcement of this law and the Sustainable Materials Management Plan “(SMMP)”. <i>[4 O.C. 405.5-1(a)]</i>.</li> <li>• Hiring third-party service providers. <i>[4 O.C. 405.5-1(b)]</i>.</li> <li>• Developing and amending the SMMP to be consistent with the Solid Waste Disposal law and at least once every five years. <i>[4 O.C. 405.5-1(c)]</i>.</li> <li>• Developing a fine and penalty schedule. <i>[4 O.C. 405.5-1(d)]</i>.</li> <li>• Taking reasonable measures to ensure that the public is aware and informed of the requirements of this law and the SMMP. <i>[4 O.C. 405.5-1(e)]</i>.</li> <li>• (f) conducting inspections and investigating complaints. <i>[4 O.C. 405.5-1(f)]</i>.</li> <li>• Determining if the storage or disposal of solid waste has created a nuisance. <i>[4 O.C. 405.5-1(g)]</i>.</li> <li>• Issuing a citation to persons found in violation of this law. <i>[4 O.C. 405.5-1(h)]</i>.</li> <li>• Making referrals to the Oneida Police Department, the Oneida Conservation Department, or the Zoning Department, when deemed necessary, for further investigation or enforcement consistent with this law. <i>[4 O.C. 405.5-1(i)]</i>.</li> <li>• Notifying all customers of the Nation of the terms and conditions for collection. <i>[4 O.C. 405.5-1(j)]</i>.</li> <li>• Making reasonable rules for the regulation and administration of this law as may be necessary for the proper storage, collection, removal, and disposal of solid waste within the Reservation. <i>[4 O.C. 405.5-1(k)]</i>.</li> </ul>
<b>Due Process</b>	<p>DPW, ELA, and the service provider are required to take reasonable measures to notify the public of the requirements of this law and the SMMP. <i>[4 O.C. 405.5-1(e)]</i>.</p> <p>Any person in doubt as to the proper preparation, handling, and disposal of any type of solid waste can contact DPW, ELA, or the service provider for instruction. <i>[4 O.C. 405.5-1(e)(1)]</i>.</p> <p>If solid wastes are not properly handled, prepared, contained, stored, or located, and the service provider does not collect, the service provider may leave notice</p>

	explaining the reason for non-collection and allowing the customer time to correct, typically until the next collection. [4 O.C. 405.5.10].
Public Meeting	A public meeting has not yet been held.
Fiscal Impact	A fiscal impact statement prepared in accordance with the Legislative Procedures Act has not been requested.

## SECTION 2. LEGISLATIVE DEVELOPMENT

- A. **Background.** The Recycling and Solid Waste Disposal law was originally adopted by the Oneida Business Committee on December 14, 1994, through resolution BC-12-14-94-A. The law was subsequently amended by the Oneida Business Committee on February 15, 1995, through resolution BC-2-15-95-K and emergency amended by the Oneida Business Committee through on November 11, 1998, through resolution BC-11-9-98-A. The Solid Waste Disposal law provides guidelines for the proper management of solid wastes within the Reservation. [4 O.C. 405.4; 405.5; 405.6; 405.7].
- B. **Request for Amendments.** This item was originally added to the Active Files List on November 12, 2018, at the request of the Environmental, Health, Safety and Land Division, now named the Environmental Land & Agriculture Division, to address matters such as curbside recycling, illegal dumping, due process, and enforcement. This item was added to the Active Files list for a second time on October 7, 2020. This item was added to the Active Files list for a third time on October 4, 2023. The sponsors of the Solid Waste Disposal law amendments are Councilman Kirby Metoxen and Councilman Jonas Hill.

## SECTION 3. CONSULTATION AND OUTREACH

- Representatives from the following departments or entities participated in the development of the amendments to this Law and legislative analysis:
  - Oneida Nation Division of Public Works (“DPW”);
  - Oneida Nation Environmental, Land & Agriculture Division (“ELA”); and
  - Oneida Police Department.
- The following laws and policies of the Nation were reviewed in the drafting of this analysis:
  - Sustainable Materials Management Plan (“SMMP”);
  - Zoning and Shoreland Protection law [6 O.C. 605]; and
  - Public Peace law [3 O.C. 309].

## SECTION 4. PROCESS

- A. The amendments to this Law comply with the process set forth in the Legislative Procedures Act.
- On October 4, 2023, the Legislative Operating Committee added this Law to its Active Files List for amendments this legislative term.
  - On November 5, 2025, the Legislative Operating Committee approved the draft of the Solid Waste Disposal Law Amendments and directed the Legislative Reference Office to complete a Legislative Analysis.

- 34 **B.** At the time this legislative analysis was developed the following work meetings had been held  
35 regarding the development of the amendments to this law:
- 36     ▪ August 12, 2024: LOC work meeting with DPW, ELA, and the Oneida Police Department.
  - 37     ▪ August 22, 2024: LOC work meeting with DPW and ELA.
  - 38     ▪ August 23, 2024: LOC work meeting with LRO and Shannon Stone of DPW.
  - 39     ▪ September 5, 2024: LOC work meeting with DPW and ELA.
  - 40     ▪ October 24, 2024: LOC work meeting with DPW and ELA.
  - 41     ▪ December 4, 2024: LOC work meeting.
  - 42     ▪ January 28, 2025: LOC work meeting with DPW and ELA.
  - 43     ▪ March 5, 2025: LOC work meeting.
  - 44     ▪ March 31, 2025: LOC work meeting with DPW and ELA.
  - 45     ▪ April 21, 2025: LOC meeting with Ronald Vanschyndel of DPW.
  - 46     ▪ July 7, 2025: LOC work meeting with Ronald Vanschyndel of DPW.
  - 47     ▪ September 12, 2025: LOC work meeting with DPW and ELA.
  - 48     ▪ October 16, 2025: LOC work meeting with DPW and ELA where the LOC informally  
49 approved the final draft.
- 50

## 51 **SECTION 5. CONTENTS OF THE LEGISLATION**

- 52 **A. *Application of the Law.*** The proposed amendments improve the management of solid waste within  
53 the Reservation. [4 O.C. 405.4] The management of solid waste within the Reservation is clarified by  
54 defining “Customer” and “Service provider.” [4 O.C 405.3-1(a); (q)].
- 55     ▪ *Effect.* The proposed amendments clarify that this law covers all residential and commercial  
56 properties within the Reservation who use the Nation’s service provider. The Nation’s service  
57 provide is defined as the company with whom the Nation contracts to provide collection  
58 services for the solid waste to be collected within the Reservation. These proposed amendments  
59 clarify the scope of the Nation’s ability to regulate the management of solid waste within the  
60 Reservation which has a direct impact on the health, safety, and welfare of the community.
- 61 **B. *Defining “solid waste.”*** The proposed amendments expand the definition of solid waste to include  
62 various categories of materials. [4 O.C. 405.3-1(v)(a)-(e)].
- 63     ▪ *Effect.* The proposed amendments expand the definition of solid waste by including five  
64 separate categories. Rather than distinguishing solid waste and recyclable materials, the  
65 proposed definition includes recyclable materials as one category of solid waste. By expanding  
66 the definition of solid waste to include various and specific categories of waste materials,  
67 including recyclable materials which has previously been distinguished, the proposed  
68 amendments expand and clarify the application of this law and make it easier for the Nation,  
69 the service provider, and customers to identify its scope and application.
- 70 **C. *Applicable laws and policies.*** The proposed amendments clarify the proper handling, storage,  
71 collection, transportation, processing, recycling, and disposal of solid waste within the Reservation will  
72 be governed by this law, the Sustainable Materials Management Plan, and the applicable provision of  
73 the Resource Conservation and Recovery Act. [4 O.C. 405.4].
- 74     ▪ *Effect.* The proposed amendments clarify which laws and policies will govern, which expands  
75 the Nation’s ability to self-govern.
- 76 **D. *Duty to notify.*** The proposed amendments require DPW, ELA, and the service provider to take  
77 reasonable measures to notify the public about the requirements of the law and the SMMP. [4 O.C.

405.5(e)]. In order to make the public aware of the requirements of this law DPW, ELA, and the service provider may send new customers the collection requirements, notify the public through publication, and make materials available at the offices of DPW and ELA. *Id.*

- *Effect.* The proposed amendments clarify the Nation must notify all customers within the Reservation of the requirements of this law and the SMMP. This requirement will make it easier for the Nation and the service provider to identify and enforce and easier for customers to identify what is required of them.

**E. *Special Collections.*** The proposed amendments require the Nation to schedule special collections and post the schedule on the Nation's website. [4 O.C. 405.6-7].

- *Effect.* The proposed amendments clarify that although some items are considered non-collectable, the Nation will schedule and post on the Nation's website the collection of certain items.

**F. *Deer and large animal carcasses.*** The proposed amendments clarify the kinds of animal carcasses that are considered non-collectable. [4 O.C. 405.7(j)]. Rather than disallowing all dead animal carcasses the proposed amendment clarifies that deer carcasses and large animal carcasses weighing over one hundred (100) pounds would be considered non-collectable. *Id.*

- *Effect.* The proposed amendment clarifies the scope of dead animal carcasses that the Nation and its service provider will not accept as part of regular collections; allowing the Nation and its service provider more control over the types of materials it is required to collect and manage.

**G. *Prohibitions.*** The proposed amendments clarify prohibitions and what is not allowed by any person, not only customers of the Nation's service provider. [4 O.C. 405.9] It will be prohibited to:

- the burn solid waste [4 O.C. 405.9(a)];
- dump, dispose, throw, or leave solid waste
  - i. in any waterway [4 O.C. 405.9(c)];
  - ii. from a stopped or moving vehicle upon a highway, road, or right of way with the Reservation [4 O.C. 405.9(b)];
  - iii. in any dumpster or waste bin that does not belong to that customer and not authorized for that customer's use [4 O.C. 405.9(d)];
  - iv. within the Reservation in a location or manner not authorized by the SMMP or that would violate this law, the Public Peace law, or any other law of the Nation [4 O.C. 405.9(g)];
- store, handle, dump, deposit, leave, or throws solid waste in any way reasonably likely to cause a nuisance [4 O.C. 405.9(e)];
- neglect or refuse to clean up and remove from the premises any solid wastes that are stored in violation of this law and when ordered to do so by DPW, ELA, and the Oneida Police Department, or the Nation's Zoning Department. [4 O.C. 405.9(f)].
- *Effect.* The proposed amendments allow the Nation to further ensure the health and safety of the Nation and the Reservation by disallowing certain activities of all people, not only the customers of the Nation's service provider.

**H. *Right to Refuse Collection and Right to Reject.*** The proposed amendments include a new section allowing the Nation's service provider to refuse collection if solid waste is not properly handled, prepared, contained, stored, or located. [4 O.C. 405.10]. The proposed amendment further clarifies that the service provider may leave notice explaining the reason for not collecting and allowing the person time to correct. [4 O.C. 405.10-1(a)]. If the person has not corrected by the next collection cycle, the

proposed amendment authorizes the service provider to notify DPW for enforcement under the law. [4 O.C. 405.10-1(b)].

- *Effect.* The proposed amendment strengthens the Nation’s ability to enforce the collection and management of solid waste within the Reservation. The proposed amendments also require the Nation to notify all persons who use the Nation’s service provider of the requirements of collections. This proposed amendment then allows the Nation’s to enforce the requirements of collections.

I. **Other amendments.** Overall, a variety of other amendments and revisions were made to the law to address formatting, drafting style, and organization that did not affect the substance of the law.

## SECTION 6. EXISTING LEGISLATION

A. **Related legislation.** The following laws and policy of the Nation are related to the proposed amendments to this law:

- *Zoning and Shoreland Protection.* The purpose of the Zoning and Shoreland Protection law is to establish a zoning plan for tribal lands held in trust and fee, heirship lands, and individual trust and fee lands within the Reservation by dividing the Reservation into districts, regulate the use of land and buildings on lots and the density of the population, and provide for the administration and enforcement of this law, assist in guiding the future development of the Reservation and protect the character and stability of residential, commercial, industrial, agricultural, and other districts within the Reservation, and assure the orderly and beneficial development of such areas. [6 O.C. 605.1-1].
  - The Zoning and Shoreland Protection law defines “Public nuisance” as “a thing, act, occupation, condition, or use of property which continues for such length of time as to: (1) substantially annoy, injured, or endanger the comfort, health, repose, or safety of the public; (2) [i]n any way render the public insecure in life or in the use of property; or (3) [g]reatly offend the public morals or decency; or (4) [u]nlawfully and substantially interfere with, obstruct, or tend to obstruct or render dangerous for passage any street, alley, highway, navigable waters or other public way, or the use of public property.” [6 O.C. 605.3-1(iiii)].
  - According to the Zoning and Shoreland Protection law a person commits a public nuisance “by using or maintaining their property in any manner which endangers the public’s health, safety[,] or welfare, limits the use or enjoyment of neighboring property, or causes or tends to cause diminution of the value of the property of others in the are in which such property is located.” [6 O.C. 605.6-12].
  - According to the Zoning and Shoreland Protection law the Zoning Administrator is responsible for the administration and enforcement of this law and responsible for determining whether a public nuisance exists. [6 O.C. 605.3-1(yyyyy); 605.6-12(a)].
  - The Zoning and Shoreland Protection law categorizes public nuisances into the following categories:
    - Storage of Chemicals;
    - Outdoor Storage and Waste Disposal;
    - Noise;

- Emission Smoke;
  - Emission of Particulate Matter, Heat and Glare;
  - Toxic and Noxious Matter;
  - Radioactivity or Electrical Disturbance;
  - Vibration;
  - Storage of Vehicles;
  - Other Public Nuisances;
  - Weeds and Rank Growth;
  - Exterior Storage of Supplies;
  - Building Exteriors; and
  - Other Public Nuisances. [6 O.C. 605.6-12(b)-(p)].
- The proposed amendments align with the Zoning and Shoreland Protection law by strengthening the Nation's ability to monitor and enforce any activity identified as a nuisance; either through the Zoning and Shoreland Protection law or the proposed amendments to the Solid Waste Disposal law. [6 O.C. 605.6-12; 4 O.C. 405.5-1(g)].
  - *Public Peace Law.* The purpose of the Public Peace law is to set forth community standards and expectations which preserve the peace, harmony, safety, health, and general welfare of individuals who live within the boundaries of the Reservation. [3 O.C. 309.1-1]. The Public Peace law's underlying policy is to promote peace and order within the boundaries of the Reservation while also providing an orderly process for addressing civil infractions that occur. [3 O.C. 309.1-2].
    - According to the Public Peace law, a person commits the civil infraction of nuisance whenever they engage in a thing, act, occupation, condition, or use of property which continues for such length of time as to:
      - substantially annoy, injure, or endanger the comfort, health, repose, or safety of the public;
      - in any way render the public insecure in life or in the use of property; or
      - greatly offend the public morals or decency. [3 O.C. 309.6-6].
    - According to the Public Peace law a person commits the civil infraction of maintaining a chronic nuisance house if they have three (3) or more police contacts during a twelve (12) month period at the premises they own or occupy through a lease or rental agreement. [3 O.C. 309.6-7].
    - According to the Public Peace law a person can commit the following infractions against health and safety:
      - Littering: the depositing, throwing, dumping, discarding, and abandoning of litter.
        - Litter is defined as all rubbish, waste materials, refuse, garbage, trash debris, or other foreign substances, solid, liquid, or every form, size, and kind. [3 O.C. 309.10-1].
      - **Unightly** area: allowing any scrap, refuse, junk, salvage, rubbish or property within the exterior boundaries of the Reservation that created



unsightly areas or contributes to health and safety hazards. [3 O.C. 309.10-2].

- If the Oneida Police Department determines an individual has violated a provision of the Public Peace law, the individual may be subject to a citation, including fines and other penalties. [3 O.C. 309.11].
- The proposed amendments align with the Public Peace law by strengthening the Nation's ability to monitor and enforce any activity identified as a nuisance; either through the Public Peace law or the proposed amendments to the Solid Waste Disposal law. [6 O.C. 605.6-12; 4 O.C. 405.5-1(g)].
  - The proposed amendments align with the Public Peace law by prohibiting nuisance activities and requiring DPW and ELA to determine if the storage or disposal of solid waste has created a nuisance. [4 O.C. 405.1-1(g)].
  - The proposed amendments further align with the Public Peace law because like the Public Peace law, the Oneida Police Department and the Oneida Zoning Department to have the authority to investigate complaints and referrals, obtain search warrants and conduct inspections and issue citations. [4 O.C. 405.5-2].
- *Citations Law.* The purpose of the Citations law is to provide a process that governs all citations that fall under the jurisdiction of the Oneida Nation. [8 O.C. 708.1-1].
  - According to the Citations law an officer may issue a citation to any person they have reasonable grounds to believe has committed a violation of a law of the Nation that expressly permits the issuance of a citation. [8 O.C. 807.4-2].
  - When an officer issues a citation a civil action in the Oneida judiciary is commenced for the purposes of collecting a fine or penalty. [8 O.C. 807.4-1].
  - The Citations law requires the citation contain specific information, be served on the defendant, and be filed with the Oneida judiciary. [8 O.C. 807.4-3; 807.4-4; 807.4-5].
  - The Citations law contains the requirements of hearing procedures [8 O.C. 807.6].
  - The proposed amendments align with Citations law by enhancing the Nation's ability to monitor, investigate, and enforce violations of the Nation's law, especially violations that may impact the health, safety, and welfare of the Reservation. [8 O.C. 807.1-1].
- **Sustainable Materials Management Plan.** The purpose of this policy is to:
  - implement effective materials management practice, including source-reduction and recycling programs and planning and developing future materials management activities; and
  - describe the community and service areas, including demographic, geographic, and waste generation characteristics; and
  - describe the Nation's administrative structure, including its framework for implementing waste and recycling services and programs; and
  - document existing materials management programs and conditions; and

- present proposed materials management practice and alternatives to improve the performance of the Nation's materials management system; and
- identify the preferred short-term and long-term actions by the Nation to implement responsible and sustainable materials management practices, including strategies to address persistent materials management challenges; and
- guide planning decisions that improve the performance of the Nation's materials management system; and
- describe the Nation's process of adopting the plan. [cite?]
- This policy provide detailed information on how the Nation will manage all solid waste generated and collected within the Reservation. [cite?]
- The proposed amendments align with the Sustainable Materials Management Plan by creating an overarching framework for the management and collection of solid waste generated within the Reservation. The policy provides detailed information and guidance on how the Nation will manage and collect solid waste; the proposed amendments provide the larger framework of requirements. The proposed amendments require the SMMP to be amended at least once every five years and in a manner consistent with the Solid Waste Disposal Law. [cite?]

## SECTION 7. ENFORCEMENT AND ACCOUNTABILITY

- A. The Solid Waste Disposal law gives authority to the Nation's Department of Public Works and the Nation's Environmental Land & Agriculture Department to administer the provisions of the law, including the authority to make referrals to the Oneida Police Department and the Nation's Zoning Department for further investigation and enforcement. [4 O.C. 405.5].
- B. The Solid Waste Disposal law clarifies and enumerates the authority of DPW and ELA. [4 O.C. 405.5-1]. DPW and ELA shall be delegated the authority to administer the provisions of the law, including the authority to:
- oversee the implementation and enforcement of this law and the SMMP, including the authority to delegate certain of those duties to other agencies of the Nation or to third-party service providers for implementation;
  - follow the Nation's RFP process for the procurement of third-party service providers;
  - develop and amend the SMMP to be consistent with this law and at least once every five years and subject to approval by the Oneida Business Committee through resolution;
  - develop a fine and penalty schedule;
  - take reasonable measures to ensure that the public is aware and informed of the requirements of this law and the SMMP which may include sending new customers collection requirements, notifying the public through publication and making information available to the public for inspection at the offices of DPW or ELA during normal business hours;
  - conduct inspections and investigate complaints, to ensure that solid wastes are managed in accordance with this law and the SMMP;
  - determine if the storage or disposal of solid waste has created a nuisance;
  - issue a citation to persons found in violation of any provision of this law in an amount set forth in the fine and penalty schedule adopted by resolution of the Oneida Business Committee and pursuant to the Nation's Citation Law;

- make referrals to the Oneida Police Department, the Oneida Conservation Department, or the Zoning Department, when deemed necessary, for further investigation or enforcement consistent with this law.
  - notify all customers of the Nation of the terms and conditions for collection
  - make reasonable rules for the regulation and administration of this law as may be necessary for the proper storage, collection, removal, and disposal of solid waste within the Reservation.
- C. The Solid Waste Disposal law requires the Nation to handle, store, collect, transport, transfer, process, recycle, and dispose of solid waste generated and collected within the Reservation in accordance with the provisions of the law, the most current version of the SMMP, and applicable provisions of the Resource Conservation and Recovery Act, a Federal law. [4 O.C. 405.4].
- D. The Solid Waste Disposal law requires the SMMP to be interpreted in a manner consistent with the law to the greatest extent possible. [4 O.C. 405.4-1(b)].
- E. The Solid Waste Disposal law clarifies it will supersede the SMMP if there is an irreconcilable conflict between a provision of the Solid Waste Disposal law and the SMMP. [4 O.C. 405.4-1(b)(1)].
- F. The Solid Waste Disposal law delegates authority to the Oneida Police Department to enforce the provisions of the law, including:
- investigating complaints and referrals from DPW or ELA for suspected violations of this law;
  - obtaining a search warrant and conducting inspections if necessary to enforce the provisions of this law;
  - issuing citations consistent with the fine and penalty schedule developed by DPW and ELA. [4 O.C 405.5-2].
- G. The Solid Waste Disposal law authorizes the service provider to refuse collection if solid wastes are not properly handled, prepared, contained, stored, or located. [4 O.C. 405.10].
- H. If the service provider determines solid wastes have not been properly handled, prepared, contained, stored, or located and does not collect, the law requires the service provider to leave notice explaining the reason for non-collection and allowing the customer time to correct. [4 O.C. 405.10-1(a)].
- I. If the customer has not corrected, the law authorizes the service provider to notify DPW for further enforcement under the law. [4 O.C. 405.10-1(b)].

## SECTION 8. OTHER CONSIDERATIONS

**Fiscal Impact.** Under the Legislative Procedures Act, a fiscal impact statement is required for all legislation except emergency legislation [1 O.C. 109.6-1]. Oneida Business Committee resolution BC-10-28-20-A titled, “*Further Interpretation of ‘Fiscal Impact Statement’ in the Legislative Procedures Act,*” provides further clarification on who the Legislative Operating Committee may direct complete a fiscal impact statement at various stages of the legislative process, as well as timeframes for completing the fiscal impact statement.

- **Conclusion.** The Legislative Operating Committee has not yet directed that a fiscal impact be completed.

## Title 4. Environment and Natural Resources - Chapter 405

Tsi> Tetwatlahtste Kahle Tsi> Yeyakotyeh@khwa>  
*where the things are used over and where the garbage is kept*

### ~~RECYCLING AND~~ SOLID WASTE DISPOSAL

405.1	Purpose and Policy		
405.2	Adoption and Amendment	405.78	Non-collectable Solid Waste
405.3	Definitions	405.89	Non-residential facilities and Properties and Multi-family Dwellings
405.4	Application		
405.5	Authority	405.940	Prohibitions
405.6	Collection and Disposal of Solid Waste	405.104	Right to Refuse Collection
405.7	<del>Separation of Recyclable Materials</del>		

#### 405.1. Purpose and Policy

405.1-1. *Purpose.* The purpose of this law is to set forth the process by which the Oneida Nation will reduce, manage, and dispose of recyclable materials and solid waste within the jurisdictional boundaries of the Nation.

405.1-2. *Policy.* It is the policy of the Nation to protect the health, safety, and welfare of the community by prohibiting methods of ~~recycling and~~ solid waste disposal that could have an adverse impact on members of the community or the environment and by implementing a ~~recycling and~~ solid waste management program that emphasizes reducing, reusing, and recycling the majority of ~~recyclable materials and~~ waste within the Reservation.

#### 405.2. Adoption and Amendment

405.2-1. This law was adopted by the Oneida Business Committee by resolution BC-12-14-94-A and amended by resolutions BC-2-15-95-K, BC-11-9-98-A and BC-\_\_-\_\_-\_\_.

405.2-2. This law may be amended or repealed by the Oneida Business Committee or General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

405.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

405.2-4. In the event of a conflict between a provision of this law and a provision of another law, the provisions of this law shall control.

405.2-5. This law was adopted under the authority of the Constitution of the Oneida Nation.

#### 405.3. Definitions

405.3-1. This section shall govern the definitions of words and phrases used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

~~(a) "Bi-metal container" means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.~~

~~(b) "Container board" means a type of packaging material used in shipping containers and related products.~~

~~(ae)~~ "Customer" mean all residential and commercial properties within the Reservation who use the Nation's service provider and dumpsters and bins, authorized by the Nation or its service provider to collect solid waste.

~~(b)~~ "Designated Agent" means the person responsible for coordinating the collection ~~and separation of recyclable materials and~~ solid waste at a non-residential facility or property.

~~(cd)~~ "DPW" means the Oneida Nation Division of Public Works.

~~(de)~~ "ELA" means the Oneida Nation Environmental, Land & Agriculture Division.

(ef) “Explosive Material” means any material, mixture, or compound with explosive or flammable properties such as dynamite, dynamite caps, shotgun shells, rifle cartridges, gunpowder, fireworks, gasoline, or certain chemicals.

(fg) “E-waste” means a type of solid waste which contains large electronics and other hazardous waste including lead, mercury, cadmium, chromium, and other heavy metals and chemical flame retardants.

~~(h)~~ (g) “Hazardous Waste” means any solid waste defined as hazardous waste by the U.S. Environmental Protection Agency under the provisions of the Resource Conservation and Recovery Act of 1976 as amended.

(h) “Major appliances” means non-portable or semi-portable machines used for housekeeping tasks and maintenance like temperature control, cooking, food preparation and storage, and cleaning and include items such as a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, furnace, boiler, dehumidifier, water heater, or stove.

(i) “Medical waste” means solid waste that contains pathogens with sufficient virulence and in sufficient quantity that exposure could cause the human or animal exposed to contract an infectious disease; or any waste generated in the diagnosis, treatment, or immunization of humans or animals.

(j) “Multi-family dwelling” means a property containing five (5) or more residential units, including those which are occupied seasonally.

(k) “Nation” means the Oneida Nation.

(l) “Non-residential facilities and properties” means commercial, retail, industrial, institutional, and governmental facilities, or properties. This term does not include multi-family dwellings.

(m) “Nuisance” means a thing, condition, or use of property which continues for such length of time as to:

(1) substantially annoy, injure, or endanger the comfort, health, repose, or safety of the public;

(2) in any way render the public insecure in life or in the use of property; or greatly offend the public morals or decency; or

(3) unlawfully and substantially interfere with, obstruct, or tend to obstruct or render dangerous for passage any street, alley, highway, navigable waters or other public way, or the use of public property.

(n) “Person” means a natural person, as well as a business entity, corporation, partnership, association, governmental unit, or agency of any governmental unit.

~~(p) “Plastic container” means an individual, separate, rigid plastic bottle, can, jar or carton, that is used to contain a product that is the subject of a retail sale.~~

(oq) “Recyclable materials” means materials resulting from residential or commercial activities that can be recovered through processes to regain that material for human or animal use.

(p) “Reservation” means all property within the exterior boundaries of the reservation of the Oneida Nation, as created pursuant to the 1838 Treaty with the Oneida, 7 Stat. 566., and all lands added thereto pursuant to federal law.

(q) “Service provider” means the company contracted with the Nation to provide collection services for solid waste collected within the Reservation.

(r) “Sewage” means water-carried solid waste created in and to be conducted away from residences, industrial establishments, and public buildings.

(s) “Sharps” means an object with sharp points or edges that can puncture or cut skin.

(t) “Sludge” means any solid, semisolid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility.

(u) “SMMP” means the Sustainable Materials Management Plan developed and maintained by DPW and ELA to outline how the Nation will reduce, manage, and dispose of all ~~recyclable materials and~~ solid waste generated within the Reservation.

(v) “Solid waste” means solid, semi-solid, liquid, discarded, salvageable, and recyclable material. Solid waste may consist of the following categories:

(a) garbage, which is waste resulting from the handling, cooking, processing, preparing, serving, storing, and consuming food, including fish, fowl, fruits, vegetables, or other matter which is subject to decomposition and decay;

(b) waste material resulting from typical residential activity, public service activities, and manufacturing;

(c) construction or demolition waste, which is waste resulting from building construction or demolition, alteration, or repair, including excavated material, remodeling, and other waste such as windows, doors, drywall, framing and roofing material, flooring, cabinets and counter tops, concrete, stone, asphalt, sod, earth, dirt, and brick;

(d) refuse, which is all nonrecyclable waste resulting from industrial or commercial operations including but not limited to cans, bottles, plastic, paper, ashes, glass, lawn and garden waste, metal, rubber, street waste, wood, cloth, litter, leaves, shrubbery, brush, and cardboard; and

(e) recyclable materials, which are waste materials that can be recovered through processes to regain that material for human or animal use.

(w\*) “Yard waste” means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than six (6) inches in diameter. This term does not include trees, stumps, roots, or shrubs with intact root balls.

#### 405.4. Application

405.4-1. This law governs the management of ~~recyclable materials and~~ solid waste within the Reservation.

(a) ~~Recyclable materials and~~ Solid waste shall be handled, stored, collected, transported, transferred, processed, recycled, and disposed of in accordance with the provisions of this law, ~~and~~ the most current version of the SMMP, and the applicable provisions of the Resource Conservation and Recovery Act as amended.

(b) The SMMP shall be interpreted in a manner consistent with this law to the greatest extent possible.

(1) In the event there is an irreconcilable conflict between a provision of this law and a provision of the SMMP, the provision of this law shall govern.

#### 405.5 Authority

405.5-1. DPW and ELA shall be delegated the authority to administer the provisions of this law, which shall include, but not be limited to:



(a) overseeing the implementation and enforcement of this law and the SMMP, including the authority to delegate certain of those duties to other agencies of the Nation or to third-party service providers for implementation;

(b) following the Nation's RFP process for the procurement of third-party service providers;

(1) all third-party service providers shall be State licensed solid waste transporters.

(c) developing and amending the SMMP to be consistent with this law and at least once every five years and subject to approval by the Oneida Business Committee through resolution;

(d) developing a fine and penalty schedule, subject to approval by the Oneida Business Committee through resolution;

(e) DPW, ELA, and the service provider shall take reasonable measures to ensure that the public is aware and informed of the requirements of this law and the SMMP which may include sending new customers collection requirements, notifying the public through publication and making information available to the public for inspection at the offices of DPW or ELA during normal business hours.

(1) Any person in doubt as to the proper preparation, handling, and disposal of any type of solid waste should contact DPW, ELA, or the service provider for instruction.

(f) conducting inspections, as well as investigating complaints, to ensure that ~~recyclable materials and~~ solid wastes are managed in accordance with this law and the SMMP;

(1) no person may refuse access to any person authorized in this section who requests access for purposes of inspecting an alleged violation based on probable cause and who presents appropriate credentials;

(g) determining if the storage or disposal of solid waste has created a nuisance;

(h) issuing a citation to persons found in violation ~~of any provision~~ of this law in an amount set forth in ~~the~~ fine and penalty schedule adopted by resolution of the Oneida Business Committee and pursuant to the Nation's Citation Law;

(1) each day of a continuing violation may be charged as a separate violation and the officer may issue a separate citation;

(i) making referrals to the Oneida Police Department, the Oneida Conservation Department, or the Zoning Department, when deemed necessary, for further investigation or enforcement consistent with this law.

~~(g) taking reasonable measures to ensure that the public is aware and properly informed of the requirements of this law and the SMMP, which includes, but is not limited to, that such requirements be provided to the public through publication and made available to the public for inspection at the offices of ELA.~~

~~(1) Any person in doubt as to the proper preparation, handling, and disposal of any type of solid waste should contact ELA for instruction.~~

~~(j) notifying all customers of the Nation of the terms and conditions for collection; and ELA or its designated collection and transportation service reserve the right to refuse to collect any recyclable materials or solid waste that is not handled, prepared, contained, stored, or located in accordance with this law or the SMMP.~~

(k) making reasonable rules for the regulation and administration of this law as may be necessary for the proper storage, collection, removal, and disposal of solid waste within the Reservation.

405.5-2. The Oneida Police Department ~~and wardens from the Oneida Conservation Department~~ shall be delegated the authority to enforce the provisions of this law, which shall include, but not be limited to:

(a) investigate complaints and referrals from [DPW or ELA](#) for suspected violations of this law;

(b) obtain a search warrant and conduct inspections if necessary to enforce the provisions of this law;

(1) No person may refuse access to any person authorized in this section who requests access for purposes of inspecting an alleged violation based on probable cause and who presents appropriate credentials; [and](#)

(c) issue citations consistent with [the fine and penalty schedule developed by DPW and ELA and approved by the Oneida Business Committee](#);

(1) each day of a continuing violation may be charged as a separate violation and the officer may issue a separate citation.

#### **405.6 Collection and Disposal of Recyclable Materials**

~~405.6 1. Mandatory Curbside Collection. All recyclable materials shall be collected from all properties within the Reservation provided such materials are properly handled, prepared, contained, stored, and located.~~

~~405.6 2. Public Notice. DPW and ELA shall take reasonable measures to ensure that the public is aware and properly informed of the requirements of this section of the law and the SMMP, which may include notifying the public through publication or making information available to the public for inspection at the offices of DPW or ELA during normal business hours.~~

~~(a) Any person in doubt as to the proper preparation, handling, and disposal of any type of recyclable materials should contact the service provider, DPW or ELA for instruction.~~

~~405.6 3. Collection Preparation and storage requirements. Regardless of service provider, persons located within the Reservation must adhere to the following:~~

~~(a) only approved bins provided by the Nation or its service provider are acceptable for collection;~~

~~(b) all recyclable materials shall be maintained in such a manner as to prevent the creation of a nuisance to public health and safety;~~

~~—— (c) all recyclable materials shall be stored out of view from the roadway;~~

~~(d) when placed for curbside collection, containers shall not be placed in a manner that obstructs driveways, legally parked vehicles, and snow removal efforts;~~

~~(e) to the greatest extent practicable, recyclable materials shall be clean and kept free of hazardous waste or medical waste; —~~

~~—— (f) recyclable materials shall be stored in such a manner that protects it from ——— wind, rain, and other inclement weather conditions.~~

~~405.6 4. Collection Requirements. DPW shall provide a curbside collection service within the Reservation that includes, at a minimum:~~

~~(a) weekly collection of recyclable materials provided such materials are properly handled, prepared, contained, and stored in accordance with this law and the SMMP;~~

~~(b) the issuance of containers that are adequate for the storage of recyclable materials.~~

#### **405.6. Collection and Disposal of Solid Waste**



405.6-1. *Mandatory Curbside Collection.* All approved solid waste shall be collected from ~~all customers properties~~ provided such materials are properly handled, prepared, contained, stored, and located. Curbside collection is generally for residential customers.

405.6-2. *Collection Preparation and Storage Requirements.* ~~Regardless of service provider, persons~~ Customers located within the Reservation must adhere to the following:

(a) only approved bins provided by the Nation or its service provider are acceptable for collection;

(b) all solid waste shall be maintained in such a manner as to prevent the creation of a nuisance to public health and safety;

~~(c) all solid waste shall be stored out of view from the roadway;~~

~~(cd)~~ when placed for curbside collection, containers shall not be placed in a manner that obstructs driveways, legally parked vehicles, and snow removal efforts;

~~(de)~~ to the greatest extent practicable, solid waste should be clean and kept free of hazardous waste or medical waste; and

~~(ef)~~ solid waste shall be stored in ~~such~~ a manner that protects it from wind, rain, and other inclement weather conditions.

405.6-3. *Collection Requirements.* DPW shall provide a ~~curbside~~ collection service within the Reservation that includes, at a minimum:

(a) ~~weekly periodic~~ collection of solid waste, ~~including yard waste~~; provided, such waste is properly handled, prepared, contained, and stored in accordance with this law and the SMMP; and

(b) the issuance of containers that are adequate for the storage of collectable solid waste.

405.6-4. The following shall apply to the collection and disposal of all solid waste within the Reservation, regardless of the curbside service provider:

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

(b) No commercial solid waste transporter shall operate or conduct business within the Reservation without a solid waste transport license issued from the State of Wisconsin ~~the Oneida Nation Conservation Department.~~

405.6-5. *Separation.* Occupants of single and two-to-four-unit residences, multi-family dwellings, and the designated agent at non-residential facilities and properties shall separate certain items from solid waste in accordance with the terms and conditions of collection as provided by the service provider. Some items that must be separated from solid waste are likely not collectable and some are likely collectable only during a special collection.

405.6-6. *Right to Reject.* ELA or its designated collection and transportation service reserve the right to refuse to collect any solid wastes that are not handled, prepared, contained, stored, or located in accordance with this law or the SMMP.

405.6-7. *Special Collections.* The collection of some items will be scheduled annually and posted on the Nation's website.

## **405.7 Non-Collectable Solid Waste**

405.7-1. No person may place for curbside collection or deposit at any location within the Reservation any of the following types of ~~recyclable materials or~~ solid waste:

(a) hazardous waste;

(b) pesticides;

(c) medical waste;

- (d) asbestos;
- (e) sludge;
- (f) industrial or commercial waste from any industrial or commercial facility or operation;
- (g) residue or debris from the clean-up of a chemical discharge or chemical residue and debris from any facility or operation using chemicals in any commercial, agricultural, or industrial process;
- (~~h~~i) medical waste;
- (~~i~~j) sewage;
- (~~j~~k) ~~dead animal or~~ deer carcasses or other large animal carcasses weighing over one hundred (100) pounds; collection of which is subject to the terms and conditions of service agreements between the Nation, surrounding Counties and municipalities, and the State;
- (~~k~~l) trees or any other material that does not meet the definition of yard waste;
- (~~l~~m) wood treated with chemical preservatives;
- (~~m~~n) explosive material;
- (~~n~~o) material that would otherwise be recyclable material but is contaminated by hazardous or medical waste;
- (~~o~~p) e-waste;
- (~~p~~q) any other material expressly prohibited by the SMMP if DPW has provided adequate, advanced notice to the public; and
- (~~q~~r) any item expressly prohibited by the service provider.

#### **405.~~89~~. Non-Residential Facilities and Properties and Multi-FamilyDwelling Families Dwellings**

405.~~89~~-1. Owners of non-residential facilities and properties and multi-family dwellings or their designated agents shall do the following:

- (a) provide adequate, separate containers for ~~recyclable materials and~~ solid waste and provide a collection and delivery service of those ~~recyclable materials and~~ solid wastes s to a processing facility;
- (b) notify, in writing, at the time of signing the lease and annually thereafter, all users, tenants, and occupants of the property about this law and the SMMP; and
- (c) notify users, tenants, and occupants of which materials are collected, how to prepare the materials in order to meet the collection and processing requirements of this law and the SMMP, the collection methods, or sites, including address and hours of operation, and the contact person or company, including name, address, and telephone number.

~~405.9-2. Right to Reject. ELA or its designated collection and transportation service reserve the right to refuse to collect any recyclable materials or solid wastes that are not handled, prepared, contained, stored, or located in accordance with this law or the SMMP.~~

#### **405.~~911~~. Prohibitions**

405.~~911~~-1. Unless authorized, no person shall:

- (a) burn solid waste;
- ~~(a) dump, deposit, or leave recyclable materials or solid waste in a location or in a manner not authorized by this law or the SMMP;~~
- (b) dump, deposit, or throw ~~recyclable materials or~~ solid waste from a stopped or moving vehicle upon a highway, road, or right of way within the Reservation;
- ~~(c) burn recyclable materials or solid waste;~~

(d) ~~neglect or refuse to clean up and remove from the premises any recyclable materials or solid wastes that are stored in violation of this law and when ordered to do so by DPW, ELA, the Oneida Police Department, Oneida Conservation Department, or the Nation's Zoning Department.~~

(~~ce~~) dump, dispose, throw, or leave ~~of recyclable materials or~~ solid waste in any waterway located within the Reservation, at any time of the year; ~~or~~

(~~df~~) ~~dispose or~~ dump, dispose, or leave ~~recyclable materials or~~ solid waste within the Reservation in a dumpster or waste bin that does not belong to that customer and is not authorized for that customer's use;

~~a way that would violate this law or any other law of the Nation.~~

(e) store, handle, dump, deposit, leave, or throw solid waste in any way reasonably likely to cause a nuisance;

(f) neglect or refuse to clean up and remove from the premises any solid wastes that are stored in violation of this law and when ordered to do so by DPW, ELA, the Oneida Police Department, or the Nation's Zoning Department; and

(g) dump, dispose, or leave solid waste within the Reservation in a location or manner not authorized by the SMMP or that would violate this law, the Public Peace law, or any other law of the Nation.

#### **405.102. ~~Right to Cure~~ Right to Refuse Collection**

405.102-1. If ~~recyclable materials or~~ solid wastes are not properly handled, prepared, contained, stored, or located, the service provider may not collect.

(a) Instead of collecting, the service provider may leave a notice explaining the reason for non-collection and allowing the ~~person~~ customer time to correct, typically until the next collection.

(b) If the ~~person~~ customer has not corrected by the next collection, the service provider will notify DPW ~~or ELA~~ for enforcement under this law.

*End.*

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Adopted – BC-12-14-94-A

Amended – BC-2-15-95-K

Amended – BC-11-9-98-A (Emergency amendments – expired)

## **Title 4. Environment and Natural Resources - Chapter 405**

Tsi> Tetwatlahtste Kahle Tsi> Yeyakotyeh@khwa>  
*where the things are used over and where the garbage is kept*

### **SOLID WASTE DISPOSAL**

405.1	Purpose and Policy	405.7	Non-collectable Solid Waste
405.2	Adoption and Amendment	405.8	Non-residential facilities and Properties and Multi-family Dwellings
405.3	Definitions	405.9	Prohibitions
405.4	Application	405.10	Right to Refuse Collection
405.5	Authority		
405.6	Collection and Disposal of Solid Waste		

#### **405.1. Purpose and Policy**

405.1-1. *Purpose.* The purpose of this law is to set forth the process by which the Oneida Nation will reduce, manage, and dispose of recyclable materials and solid waste within the jurisdictional boundaries of the Nation.

405.1-2. *Policy.* It is the policy of the Nation to protect the health, safety, and welfare of the community by prohibiting methods of solid waste disposal that could have an adverse impact on members of the community or the environment and by implementing a solid waste management program that emphasizes reducing, reusing, and recycling the majority of waste within the Reservation.

#### **405.2. Adoption and Amendment**

405.2-1. This law was adopted by the Oneida Business Committee by resolution BC-12-14-94-A and amended by resolutions BC-2-15-95-K, BC-11-9-98-A and BC-\_\_-\_\_-\_\_-\_\_.

405.2-2. This law may be amended or repealed by the Oneida Business Committee or General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

405.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

405.2-4. In the event of a conflict between a provision of this law and a provision of another law, the provisions of this law shall control.

405.2-5. This law was adopted under the authority of the Constitution of the Oneida Nation.

#### **405.3. Definitions**

405.3-1. This section shall govern the definitions of words and phrases used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

(a) “Customer” means all residential and commercial properties within the Reservation who use the Nation’s service provider and dumpsters and bins, authorized by the Nation or its service provider to collect solid waste.

(b) “Designated Agent” means the person responsible for coordinating the collection of solid waste at a non-residential facility or property.

(c) “DPW” means the Oneida Nation Division of Public Works.

(d) “ELA” means the Oneida Nation Environmental, Land & Agriculture Division.

(e) “Explosive Material” means any material, mixture, or compound with explosive or flammable properties such as dynamite, dynamite caps, shotgun shells, rifle cartridges, gunpowder, fireworks, gasoline, or certain chemicals.

(f) “E-waste” means a type of solid waste which contains large electronics and other hazardous waste including lead, mercury, cadmium, chromium, and other heavy metals and chemical flame retardants.

(g) “Hazardous Waste” means any solid waste defined as hazardous waste by the U.S. Environmental Protection Agency under the provisions of the Resource Conservation and Recovery Act of 1976 as amended.

(h) “Major appliances” means non-portable or semi-portable machines used for housekeeping tasks and maintenance like temperature control, cooking, food preparation and storage, and cleaning and include items such as a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, furnace, boiler, dehumidifier, water heater, or stove.

(i) “Medical waste” means solid waste that contains pathogens with sufficient virulence and in sufficient quantity that exposure could cause the human or animal exposed to contract an infectious disease; or any waste generated in the diagnosis, treatment, or immunization of humans or animals.

(j) “Multi-family dwelling” means a property containing five (5) or more residential units, including those which are occupied seasonally.

(k) “Nation” means the Oneida Nation.

(l) “Non-residential facilities and properties” means commercial, retail, industrial, institutional, and governmental facilities, or properties. This term does not include multi-family dwellings.

(m) “Nuisance” means a thing, condition, or use of property which continues for such length of time as to:

(1) substantially annoy, injure, or endanger the comfort, health, repose, or safety of the public;

(2) in any way render the public insecure in life or in the use of property; or greatly offend the public morals or decency; or

(3) unlawfully and substantially interfere with, obstruct, or tend to obstruct or render dangerous for passage any street, alley, highway, navigable waters or other public way, or the use of public property.

(n) “Person” means a natural person, as well as a business entity, corporation, partnership, association, governmental unit, or agency of any governmental unit.

(o) “Recyclable materials” means materials resulting from residential or commercial activities that can be recovered through processes to regain that material for human or animal use.

(p) “Reservation” means all property within the exterior boundaries of the reservation of the Oneida Nation, as created pursuant to the 1838 Treaty with the Oneida, 7 Stat. 566., and all lands added thereto pursuant to federal law.

(q) “Service provider” means the company contracted with the Nation to provide collection services for solid waste collected within the Reservation.

(r) “Sewage” means water-carried solid waste created in and to be conducted away from residences, industrial establishments, and public buildings.

(s) “Sharps” means an object with sharp points or edges that can puncture or cut skin.

(t) “Sludge” means any solid, semisolid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility.

(u) “SMMP” means the Sustainable Materials Management Plan developed and maintained by DPW and ELA to outline how the Nation will reduce, manage, and dispose of all solid waste generated within the Reservation.

(v) “Solid waste” means solid, semi-solid, liquid, discarded, salvageable, and recyclable material. Solid waste may consist of the following categories:

(a) garbage, which is waste resulting from the handling, cooking, processing, preparing, serving, storing, and consuming food, including fish, fowl, fruits, vegetables, or other matter which is subject to decomposition and decay;

(b) waste material resulting from typical residential activity, public service activities, and manufacturing;

(c) construction or demolition waste, which is waste resulting from building construction or demolition, alteration, or repair, including excavated material, remodeling, and other waste such as windows, doors, drywall, framing and roofing material, flooring, cabinets and counter tops, concrete, stone, asphalt, sod, earth, dirt, and brick;

(d) refuse, which is all nonrecyclable waste resulting from industrial or commercial operations including but not limited to cans, bottles, plastic, paper, ashes, glass, lawn and garden waste, metal, rubber, street waste, wood, cloth, litter, leaves, shrubbery, brush, and cardboard; and

(e) recyclable materials, which are waste materials that can be recovered through processes to regain that material for human or animal use.

(w) “Yard waste” means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than six (6) inches in diameter. This term does not include trees, stumps, roots, or shrubs with intact root balls.

#### **405.4. Application**

405.4-1. This law governs the management of solid waste within the Reservation.

(a) Solid waste shall be handled, stored, collected, transported, transferred, processed, recycled, and disposed of in accordance with the provisions of this law, the most current version of the SMMP, and the applicable provisions of the Resource Conservation and Recovery Act as amended.

(b) The SMMP shall be interpreted in a manner consistent with this law to the greatest extent possible.

(1) In the event there is an irreconcilable conflict between a provision of this law and a provision of the SMMP, the provision of this law shall govern.

#### **405.5 Authority**

405.5-1. DPW and ELA shall be delegated the authority to administer the provisions of this law, which shall include, but not be limited to:

(a) overseeing the implementation and enforcement of this law and the SMMP, including the authority to delegate certain of those duties to other agencies of the Nation or to third-party service providers for implementation;

(b) following the Nation's RFP process for the procurement of third-party service providers;

(1) all third-party service providers shall be State licensed solid waste transporters.  
(c) developing and amending the SMMP to be consistent with this law and at least once every five years and subject to approval by the Oneida Business Committee through resolution;

(d) developing a fine and penalty schedule, subject to approval by the Oneida Business Committee through resolution;

(e) DPW, ELA, and the service provider shall take reasonable measures to ensure that the public is aware and informed of the requirements of this law and the SMMP which may include sending new customers collection requirements, notifying the public through publication and making information available to the public for inspection at the offices of DPW or ELA during normal business hours.

(1) Any person in doubt as to the proper preparation, handling, and disposal of any type of solid waste should contact DPW, ELA, or the service provider for instruction.

(f) conducting inspections, as well as investigating complaints, to ensure that solid wastes are managed in accordance with this law and the SMMP;

(1) no person may refuse access to any person authorized in this section who requests access for purposes of inspecting an alleged violation based on probable cause and who presents appropriate credentials;

(g) determining if the storage or disposal of solid waste has created a nuisance;

(h) issuing a citation to persons found in violation of this law in an amount set forth in the fine and penalty schedule adopted by resolution of the Oneida Business Committee and pursuant to the Nation's Citation Law;

(1) each day of a continuing violation may be charged as a separate violation and the officer may issue a separate citation;

(i) making referrals to the Oneida Police Department, the Oneida Conservation Department, or the Zoning Department, when deemed necessary, for further investigation or enforcement consistent with this law.

(j) notifying all customers of the Nation of the terms and conditions for collection; and

(k) making reasonable rules for the regulation and administration of this law as may be necessary for the proper storage, collection, removal, and disposal of solid waste within the Reservation.

405.5-2. The Oneida Police Department shall be delegated the authority to enforce the provisions of this law, which shall include, but not be limited to:

(a) investigate complaints and referrals from DPW or ELA for suspected violations of this law;

(b) obtain a search warrant and conduct inspections if necessary to enforce the provisions of this law;

(1) No person may refuse access to any person authorized in this section who requests access for purposes of inspecting an alleged violation based on probable cause and who presents appropriate credentials; and

(c) issue citations consistent with the fine and penalty schedule developed by DPW and ELA and approved by the Oneida Business Committee;

(1) each day of a continuing violation may be charged as a separate violation and the officer may issue a separate citation.

#### **405.6. Collection and Disposal of Solid Waste**

405.6-1. *Mandatory Curbside Collection.* All approved solid waste shall be collected from customers provided such materials are properly handled, prepared, contained, stored, and located. Curbside collection is generally for residential customers.

405.6-2. *Collection Preparation and Storage Requirements.* Customers located within the Reservation must adhere to the following:

(a) only approved bins provided by the Nation or its service provider are acceptable for collection;

(b) all solid waste shall be maintained in such a manner as to prevent the creation of a nuisance to public health and safety;

(c) when placed for curbside collection, containers shall not be placed in a manner that obstructs driveways, legally parked vehicles, and snow removal efforts;

(d) to the greatest extent practicable, solid waste should be clean and kept free of hazardous waste or medical waste; and

(e) solid waste shall be stored in a manner that protects it from wind, rain, and other inclement weather conditions.

405.6-3. *Collection Requirements.* DPW shall provide a collection service within the Reservation that includes, at a minimum:

(a) periodic collection of solid waste; provided, such waste is properly handled, prepared, contained, and stored in accordance with this law and the SMMP; and

(b) the issuance of containers that are adequate for the storage of collectable solid waste.

405.6-4. The following shall apply to the collection and disposal of all solid waste within the Reservation, regardless of the curbside service provider:

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

(b) No commercial solid waste transporter shall operate or conduct business within the Reservation without a solid waste transport license issued from the State of Wisconsin.

405.6-5. *Separation.* Occupants of single and two-to-four-unit residences, multi-family dwellings, and the designated agent at non-residential facilities and properties shall separate certain items from solid waste in accordance with the terms and conditions of collection as provided by the service provider. Some items that must be separated from solid waste are likely not collectable and some are likely collectable only during a special collection.

405.6-6. *Right to Reject.* ELA or its designated collection and transportation service reserve the right to refuse to collect any solid wastes that are not handled, prepared, contained, stored, or located in accordance with this law or the SMMP.

405.6-7. *Special Collections.* The collection of some items will be scheduled annually and posted on the Nation's website.

#### **405.7 Non-Collectable Solid Waste**

405.7-1. No person may place for curbside collection or deposit at any location within the Reservation any of the following types of solid waste:

(a) hazardous waste;



- (b) pesticides;
- (c) medical waste;
- (d) asbestos;
- (e) sludge;
- (f) industrial or commercial waste from any industrial or commercial facility or operation;
- (g) residue or debris from the clean-up of a chemical discharge or chemical residue and debris from any facility or operation using chemicals in any commercial, agricultural, or industrial process;
- (h) medical waste;
- (i) sewage;
- (j) deer carcasses or other large animal carcasses weighing over one hundred (100) pounds; collection of which is subject to the terms and conditions of service agreements between the Nation, surrounding Counties and municipalities, and the State;
- (k) trees or any other material that does not meet the definition of yard waste;
- (k) wood treated with chemical preservatives;
- (l) explosive material;
- (m) material that would otherwise be recyclable material but is contaminated by hazardous or medical waste;
- (n) e-waste;
- (o) any other material expressly prohibited by the SMMP if DPW has provided adequate, advanced notice to the public; and
- (p) any item expressly prohibited by the service provider.

#### **405.8. Non-Residential Facilities and Properties and Multi-Family Dwellings**

405.8-1. Owners of non-residential facilities and properties and multi-family dwellings or their designated agents shall do the following:

- (a) provide adequate, separate containers for solid waste and provide a collection and delivery service of those solid wastes to a processing facility;
- (b) notify, in writing, at the time of signing the lease and annually thereafter, all users, tenants, and occupants of the property about this law and the SMMP; and
- (c) notify users, tenants, and occupants of which materials are collected, how to prepare the materials in order to meet the collection and processing requirements of this law and the SMMP, the collection methods, or sites, including address and hours of operation, and the contact person or company, including name, address, and telephone number.

#### **405.9. Prohibitions**

405.9-1. Unless authorized, no person shall:

- (a) burn solid waste;
- (b) dump, deposit, or throw solid waste from a stopped or moving vehicle upon a highway, road, or right of way within the Reservation;
- (c) dump, dispose, throw, or leave solid waste in any waterway located within the Reservation, at any time of the year;
- (d) dump, dispose, or leave solid waste within the Reservation in a dumpster or waste bin that does not belong to that customer and is not authorized for that customer's use;

(e) store, handle, dump, deposit, leave, or throw solid waste in any way reasonably likely to cause a nuisance;

(f) neglect or refuse to clean up and remove from the premises any solid wastes that are stored in violation of this law and when ordered to do so by DPW, ELA, the Oneida Police Department, or the Nation's Zoning Department; and

(g) dump, dispose, or leave solid waste within the Reservation in a location or manner not authorized by the SMMP or that would violate this law, the Public Peace law, or any other law of the Nation.

**405.10. Right to Refuse Collection**

405.10-1. If solid wastes are not properly handled, prepared, contained, stored, or located, the service provider may not collect.

(a) Instead of collecting, the service provider may leave a notice explaining the reason for non-collection and allowing the customer time to correct, typically until the next collection.

(b) If the customer has not corrected by the next collection, the service provider will notify DPW for enforcement under this law.

*End.*

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Adopted – BC-12-14-94-A

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Amended – BC-11-9-98-A (Emergency amendments – expired)