

FOREST COUNTY POTAWATOMI COMMUNITY  
Solid Waste and Recyclables Ordinance  
Compliance Assurance Plan

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## **SOLID WASTE AND RECYLCABLES ORDINANCE**

### **COMPLIANCE ASSURANCE PLAN**

This plan will establish standard guidelines that will lead to compliance with the Forest County Potawatomi Community's Solid Waste and Recyclables Ordinance.

The Forest County Potawatomi Community's Public Works Division Administrator is responsible for enforcing the Forest County Potawatomi Community's Solid Waste and Recyclables Ordinance.

The Public Works Division Administrator's staff and personnel shall follow the guidelines identified in this Compliance Assurance Plan in response to issues associated with recycling and solid waste.

This plan is intended to meet the requirements of Forest County Potawatomi Community's Solid Waste and Recyclables Ordinance.

Included in this plan is a schedule detailing fines associated with violations of the Solid Waste and Recyclable Ordinance.

***Disclaimer: This document is solely intended as guide, please refer to the Solid Waste and Recyclables Ordinance for details.***

## Solid Waste and Recyclables Ordinance Violation Enforcement Options

Type of Violation	Level of Offense	Possible Solutions				
<i>Solutions generally progress from left to right columns; however, nothing requires all possible solutions to be attempted before progressing to the right, particularly in instances of more severe infractions.</i>		<i>No collection (hauler tags bag or tote)</i>	<i>Drop-off site attendant rejects materials</i>	<i>Provide educational materials</i>	<i>Warning letter</i>	<i>Issue citation</i>
<b>Cardboard not flattened</b>	1	X	X	X	X	X
<b>Collection tote(s) not cleaned properly</b>	1	X		X	X	X
<b>Improper storage of solid waste and/or recyclables</b>	1			X	X	X
<b>Recyclables not separated</b>	1	X	X	X	X	X
<b>Solid waste and/or recyclables not bagged</b>	1	X	X	X	X	X
<b>Yard waste mixed with solid waste and/or recyclables</b>	1	X	X	X	X	X
<b>Disposal of contractor construction/demolition waste</b>	2		X	X	X	X
<b>Disposal of medical/infectious waste</b>	2			X	X	X
<b>Hazardous waste mixed with solid waste and/or recyclables</b>	2	X	X	X	X	X
<b>Improper disposal of Sharps</b>	2			X	X	X
<b>Storing junk vehicles in plain sight</b>	2			X	X	X
<b>Burning solid waste or recyclables</b>	3			X	X	X
<b>Littering</b>	3			X		X
<b>Storing junk vehicles without draining fluids</b>	3			X	X	X
<b>Unauthorized non-Tribal Member disposing of solid waste and/or recyclables on Tribal Lands</b>	3					X

\*\*\*The above table may not be all inclusive. Please refer to the Solid Waste and Recyclables Ordinance for further details.

The Solid Waste and Recyclables Ordinance specifies that a violation of any provision may be subject to a civil forfeiture not to exceed \$500.00, including per day for continuing violations. For violations that

cause significant environmental harm, a civil forfeiture of up to \$25,000 may be imposed, including per day for continuing violations. Additionally, the violator may also be required to reimburse the Forest County Potawatomi Community for any damages incurred and/or the cost of removal and/or remediation.

For violations with the possible solution of tagging the bag or tote, a tag will be left 5 times prior to proceeding to a written warning. In most instances, a warning letter will be sent to the violator prior to the issuance of any citations. If, after giving a written warning, the non-compliance issue has not been resolved or continues to occur, the Tribal Public Works Division Administrator shall issue a citation. Nothing in this Compliance Assurance Plan shall be construed to require written notice prior to issuance of a citation for any serious or repeated violation of the Solid Waste and Recyclables Ordinance.

Repeated violations may also be punishable by termination of a residential lease, life estate, occupancy permit, or business lease.

## **Violations that Do Not Cause Significant Environmental Harm**

### **Fine Schedule**

#### ***Level 1 Offense***

1. \$25.00 Fine
2. \$50.00 Fine if the violation occurs again or is not corrected within 7 days.
3. \$75.00 Fine if the violation occurs again or is not corrected within 7 days.
4. \$100.00 Fine for all repeated violations or every 7 days the issue is not corrected.

#### ***Level 2 Offense***

1. \$50.00 Fine
2. \$100.00 Fine if the violation occurs again or is not corrected within 7 days.
3. \$150.00 Fine if the violation occurs again or is not corrected within 7 days.
4. \$200.00 Fine for all repeated violations or every 7 days the issue is not corrected.

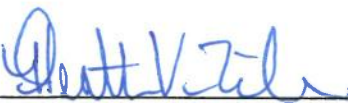
#### ***Level 3 Offense***

1. \$100.00 Fine
2. \$200.00 Fine if the violation occurs again or is not corrected within 7 days.
3. \$400.00 Fine if the violation occurs again or is not corrected within 7 days.
4. \$500.00 Fine for all repeated violations or every 7 days the issue is not corrected.

## **Violations that Cause Significant Environmental Harm**

For violations that cause significant environmental harm, the appropriate fine will be determined after consultation with the Executive Council, not to exceed \$25,000 per violation per day.

### **APPROVAL:**

 \_\_\_\_\_ 05/31/23

James Crawford, Chairman

Date

Or Heather VanZile, Vice Chairwoman