

## CHAPTER 12

### SOLID WASTE AND RECYCLING

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#### 12.1 SERVICES PROVIDED

- (1) The City shall provide for the collection of solid waste and recyclables within the corporate boundaries of the City.
- (2) The City may directly provide the collection services or contract for collection services to be provided by private firms licensed by the State of Wisconsin Department of Natural Resources.

#### 12.2 DEFINITIONS

- (1) Aluminum Container. A container used for carbonated or malt beverages or food and other non-hazardous materials that is made primarily of aluminum.
- (2) Approved Container. A container for storage and/or collection of recyclables, garbage, refuse and/or solid waste approved by the Director of Public Works.
- (3) Bi-Metal Container. A container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.
- (4) Cardboard. That portion of corrugated cardboard commonly used as packing boxes or containers that remain substantially in their original condition at the time of disposal such that the material is suitable for commercial grade recycling. "Cardboard" does not include the cardboard used in cereal boxes, cake mix boxes, etc., which is not suitable for recycling purposes or is in a state which makes separation unreasonable or unduly expensive, for reasons which include, but are not limited to, the follow:

- (a) The cardboard has been put to another use, such as a container for other wastes, and is thus rendered unfit for commercial recycling.
  - (b) The cardboard is mixed in with commercial or municipal litter or refuse as a result of the failure of citizen or business invitees to separate cardboard from other discarded materials outdoors or in publicly accessible areas of buildings.
  - (c) The cardboard has been damaged or altered by any other means so as to make recycling impossible or unduly difficult.
- (5) Container Board. Corrugated paperboard used in the manufacture of shipping containers and related products.
  - (6) Fiber Paper Product. Cardboard container board, corrugated paper, newspapers, magazines, news-print, office paper, cardboard cereal and dry goods boxes, waste paper, and other paper and card-board products.
  - (7) Foam Polystyrene Packaging. Packaging made primarily from foam polystyrene that satisfies the following criteria:
    - (a) Is designed for serving food or beverages.
    - (b) Consists of loose particles intended to fill space and cushion the packaged article in shipping container.
    - (c) Packaging material that consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.
  - (8) Garbage. Discarded materials resulting from the handling, processing, storage and consumption of food. (See Wis. Stat. Ch. 289).
  - (9) HDPE. High-density polyethylene, labeled by the SPI code #2.
  - (10) LDPE. Low density polyethylene, labeled by the SPI code #4.
  - (11) Magazine. Magazine and other material printed on similar paper.
  - (12) Major Appliance. A residential or commercial air conditioner, clothes dryer, dishwasher, freezer, microwave oven, oven, refrigerator, stove, furnace, boiler, dehumidifier and water heater.
  - (13) Multiple-Family Dwelling. A property containing 3 or more residential units, including those which are occupied seasonally.
  - (14) Newspaper. A newspaper and other materials printed on newsprint.
  - (15) Newsprint. That portion of newspapers or periodicals that remain substantially in their original condition at the time of disposal, such that the material is suitable for commercial grade recycling. "Newsprint" does not include the paper commonly used in the production of magazines, books and other physical media for written material, or paper which is not suitable for recycling purposes or is in a state which makes separation unreasonable or unduly expensive, for reasons which include, but are not limited to, the following:
    - (a) The paper has been put to another use, such as wrappings for other wastes, and is thus rendered unfit for commercial recycling.
    - (b) The paper is no longer flat and folded to the approximate dimensions of its original condition.
    - (c) The paper is in with commercial or municipal litter or refuse as a result of the failure of citizen or business invitees to separate newspaper from other discarded materials outdoors or in publicly accessible areas of buildings.
    - (d) The paper has been damaged or altered by any other means so as to make recycling impossible or unduly difficult.

- (16) Non-Residential Facilities and Properties. Commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple-family dwellings.
- (17) Office Paper. High-grade printing and writing papers from offices in non-residential facilities and property. Printed white ledger and computer printouts are examples of office paper generally accepted as high grade. This term does not include industrial process waste.
- (18) Other Resins or Multiple Resins. Plastic resins labeled by SPI code #7.
- (19) Person. Includes any individual, corporation, partnership, association, local governmental unit, as defined in Wis. Stat. 1§ 66.0131, state agency or authority or federal agency.
- (20) PETE. Polyethylene terephthalate, labeled by the SPI code #1.
- (21) Plastic Container. An individual, separate, rigid plastic bottle, can, jar or carton, except for a blister pack, that is originally used to contain a product that is the subject of a retail sale.
- (22) Post-Consumer Waste. Solid waste as defined herein, other than solid waste generated in the production of goods, hazardous waste as defined in Wis. Stat. Ch. 291, waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in Wis. Stat. Ch. 289.
- (23) PP. Polypropylene, labeled by the SPI code #5.
- (24) PS. Polystyrene, labeled by the SPI code #6.
- (25) PVC. Polyvinyl chloride, labeled by the SPI code #3.
- (26) Recyclables or Recyclable Material. Any container, paper product or other material or product designated for recycling by the Public Works Committee.
- (27) Refuse. Means all materials produced from industrial or community life, subject to decomposition, not defined as sewage. (Wis. Stat. Ch. 289).
- (28) Residential Building or Residence. A building or structure whose primary or principal design and use is for residential dwelling purposes.
- (29) Sewage. The meaning specified in Wis. Stat. Ch 289 shall apply.
- (30) Solid Waste. The meaning specified in Wis. Stat. Ch 289 shall apply.
- (31) Solid Waste Facility. The meaning specified in Wis. Stat. Ch 289 shall apply.
- (32) Steel Container. An individual, separate, rigid steel that is originally used to contain a product that is the subject of a retail sale.
- (33) Waste Paper Product. Reusable paper other than newsprint and shall include by way of example, but not by way of limitation, magazines, papers, food cartons, bags, wrapping paper.
- (34) Waste Tire. A tire that is no longer suitable for its original purpose because of wear, damage or defect.
- (35) Yard Waste. Such material, as by way of enumeration, but not limitation, branches, tree trunks, shrubs, grass clippings, yard and garden debris and brush, and any similar vegetative material or substance.

### **12.03 COLLECTION REGULATIONS**

- (1) The Director of Public Works shall have the authority to make regulations concerning the scheduling of collection, specifications and location of garbage, refuse and recyclable containers, and such other matters pertaining to the collection, conveyance and disposal of garbage, refuse and recyclables as necessary, and to change and modify the regulations. Any person aggrieved by a regulation made by the Director of Public Works shall have the right to appeal to the Public Works Committee which shall have the authority to confirm, modify or revoke such regulation.
- (2) No person and/or owner and/or occupant of a property may:
  - (a) Place any garbage, refuse or recyclable for City collection at any location not designated or approved by the Director of Public Works.
  - (b) Fail to promptly clean up and remove litter and loose material that has not been collected.
  - (c) Place any garbage, refuse or recyclable for collection on any street, alley or other public place or upon any collection site on private property before 3 PM of the day prior to the established collection day, except upon the prior express approval of the Director of Public Works.
  - (d) Throw, place or deposit any solid waste, garbage, refuse, rubbish or recyclables in any street, alley, public place, tree bank or private property within the City limits except in an approved container as provided in this chapter.
  - (e) Throw, place or deposit any solid waste, garbage or refuse in any garbage container or dumpster not owned by such person and without the permission or authorization of the owner of such container.

### **12.04 ITEMS NOT COLLECTED**

The following items shall not be placed for collection pursuant to this Chapter:

- (1) Hazardous waste as defined in Wis. Adm. Code Ch. NR 187, flash waste and other wastes generated primarily from the combination of coal or fossil fuels, foundry wastes, sludge, domestic waste from private sewage disposal systems, infectious wastes, free liquid wastes, etc.
- (2) Toxic wastes, chemicals, explosives and ammunition.
- (3) Drain or waste oil or flammable liquids.
- (4) Paint.
- (5) Tires and automobile parts.
- (6) Yard waste.
- (7) Demolition waste and construction debris including materials from remodeling, construction or removal of a building, roadway or sidewalk.
- (8) Tree trunks and stumps.
- (9) Household appliances and household furniture.
- (10) Dead animals.
- (11) Undrained food waste.
- (12) Industrial waste.

- (13) Garbage or refuse strewn by animals or vandals prior to collection.
- (14) Stone, rubble, earth and sod.

## 12.5 RECYCLING

- (1) Purpose and Authority. The purpose of this Section is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in Wis. Stat. Ch. 287 and Wis. Adm. Code Ch. NR 544. This Section is adopted as authorized under Wis. Stat. Ch. 287.
- (2) Abrogation and Greater Restrictions. It is not intended by this Section to repeal, abrogate, annul, impair or interfere with any existing rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, whenever this Section imposes greater restrictions, the provisions of this Section shall apply.
- (3) Interpretation. The interpretation and application of the provisions of this Section shall be minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any terms or requirements of this Section are inconsistent or conflict with each other, the more restrictive requirement or interpretation shall apply. Where a provision of this Section is required by Wisconsin Statutes, or by a standard in Wis. Adm. Code Ch. NR 544, and where the Section provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Wis. Adm. Code Ch. NR 544 standards in effect on the date of the adoption of this Section, or in effect on the date of the most recent text amendment to this Section.
- (4) Applicability. The requirements of this section apply to all persons within the City of Wisconsin Dells, Wisconsin, including, but not limited to, owner(s), occupant(s) of buildings not eligible for City collection.
- (5) Administration. Provisions of this Section shall be administered by the Director of Public Works.
- (6) Separation of Materials. (See Wis. Stat. Ch. 287). Occupants of single- and two-family residences, multiple-family dwellings, and non-residential facilities and properties shall separate the following materials from garbage, refuse and post-consumer waste:
  - (a) Lead acid batteries.
  - (b) Major appliances
  - (c) Waste oil.
  - (d) Yard waste.
  - (e) Aluminum containers.
  - (f) Bi-metal containers.
  - (g) Corrugated paper or other container board.
  - (h) Foam polystyrene packaging.
  - (i) Glass containers.
  - (j) Magazines.
  - (k) Newspaper.
  - (l) Office paper.
  - (m) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS and other resins or multiple resins.

- (n) Steel containers.
- (o) Waste tires.
- (p) Such other items as may be designated as recyclable by the Public Works Committee.

- (7) Separation Requirements Exempted. The separation requirements of Subsection (6) do not apply to the following:
- (a) Occupants of single- and two- family residences, multiple-family dwellings and non-residential facilities and properties that send their garbage, refuse and post-consumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in subsection (6) from solid waste in as pure a form as is technically feasible.
  - (b) Solid waste that is burned as a supplemental fuel at a facility if less than 30% of the heat input to the facility is derived from the solid waste burned as a supplemental fuel.
  - (c) A recyclable material specified pursuant to Subsection (6) for which a variance has been granted by the Department of Natural Resources under Wis. Stat. Ch. 287, or Wis. Adm. Code Ch. NR 544.14.
- (8) Care of Separated Recyclable Material. To the greatest extent practicable, the recyclable materials separated in accordance with Chapter (6) shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other non-recyclable materials, including but not limited to household hazardous waste, medical waste and agricultural chemical containers. Recyclable materials shall be stored in a manner that protects them from wind, rain and other inclement weather conditions.
- (9) Management of Lead Acid Batteries, Major Appliances, Waste Oil, and Waste Tires. Occupants of single- and two- family residences, multi-family dwellings and non-residential facilities and properties shall manage lead acid batteries, major appliances and waste oil as follows:
- (a) Lead acid batteries shall be delivered by the owner to any of the vendors in the City who will accept lead acid batteries for recycling. Vendors may impose a charge for this service.
  - (b) Waste oil shall be delivered by the owner to a waste oil facility at an approved reception site.
  - (c) Major appliances shall be returned or exchanged at a retail outlet where the replacement appliance is purchased or taken to an approved facility.
  - (d) Waste tires, less than 1,100 by 24.5 shall be delivered by the owner to an approved facility or to a vendor.
- (10) Responsibilities of Owners or Designated Agents of Multiple Family Dwellings and/or Non-Residential Facilities and Properties. Owners or designated agents of multiple family dwellings and non-residential facilities and property shall do all of the following:
- (a) Provide adequate, separate containers for recyclable materials.
  - (b) Notify tenants in writing at the time of renting or leasing the dwelling or non-residential facility and property and at least semi-annually thereafter about the established recycling program.

- (c) Provide for each tenant a specific placement location for collection of garbage and refuse and a separate and specific placement location for collection of recyclable materials.
  - (d) Notify tenants in writing at time of renting or leasing of reasons to reduce and recycle solid waste, which materials are recyclable materials, how to prepare recyclable materials in order to meet the processing requirements, collection methods and sites for placement for collection of recyclable materials separate from garbage and refuse, locations and hours of collection, and a contact person or company, including a name, address and telephone number.
  - (e) The owner of rental property shall be responsible for violations of this Chapter occurring on rental property.
- (11) Prohibitions on Disposal of Recyclable Materials Separated for Recycling. No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in Chapter (6) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.
- (12) Enforcement. For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the City of Wisconsin Dells may inspect recyclable materials separated for recycling, garbage, refuse and post-consumer waste intended for disposal, recycling collection sites and facilities and properties, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to any authorized officer, employee or authorized representative of the City of Wisconsin Dells.
- (13) Unlawful to Remove Recyclables. It shall be unlawful for any person to collect or remove recyclables that have been placed by any person at a designated collection site for collection. This Chapter shall not apply to a City employee acting within the scope of his/her employment, or to a person under contract with the City of Wisconsin Dells.

## **12.06 ALTERNATE NON-RESIDENTIAL COLLECTION**

- (1) Non-residential generators of garbage, refuse and recyclables may opt out of city collection or city contract collection if alternative arrangements for collection are made with a firm licensed by the State of Wisconsin Department of Natural Resources. Such arrangements shall be satisfactory to the City and shall be evidenced by an enforceable written contract between the generator and the alternate collector.
- (2) Generators which wish to opt out shall make application to the Director of Public Works before December 1. The election to opt out shall be effective beginning the following March 1.

**12.07 YARD WASTE AND COMMUNITY CLEAN-UP.** The City may provide for the periodic disposal and collection of yard waste and household appliances; and, for the collection of other designated items as part of the community clean-up programs. The Director of Public Works shall make regulations and provide for such special collections.

**12.08 ENFORCEMENT**

- (1) The Director of Public Works (DPW), or its designee, shall be authorized to make regulations, standards and schedules as necessary to make effective all provisions of this Chapter. Periodically, the DPW shall prepare notices and distribute other information to persons and entities generating solid waste, garbage, refuse and recyclables within the City for the purpose of informing the public about the requirements dictated by City ordinances.
- (2) In order to insure compliance with the laws of this state and rules and regulations required in this Chapter, the DPW is authorized to inspect at reasonable times all phases of solid waste, garbage, refuse and recyclable management within the City. No person may refuse access to the DPW or any authorized officer, employee or representative of the City who requests access for the purposes of inspection and who presents appropriate credentials. No person may obstruct, hamper or interfere with such inspection.
- (3) In all instances where such inspections reveal violations of this Chapter and regulations in this Chapter, or the laws of this State, the DPW shall issue written notice of each such violation, stating therein the violation found, the date and time of such violation, and the corrective measures to be taken, together with the time in which such correction shall be made. Time limits set for the correction of violations shall be reasonable and consistent. The DPW shall consider time needed for repairs or purchases to correct deficiencies, public health and consistent time limits for like violations. Time limits shall not be greater than ten working days nor less than 24 hours. All such notices shall be kept in a clearly marked file and shall be available for public inspection during regular business hours.
- (4) The DPW and any employee of the Public Works Department authorized to issue a citation to the violator. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Subsection shall prevent the City from maintaining any appropriate action to prevent or remove a violation of any provision of this Chapter. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceedings under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this Subsection. Whenever the court finds a defendant guilty of a violation of this Chapter, the court shall be authorized to grant judgment as provided by City Code.
- (5) If any person is found in violation of this Chapter and fails to comply with a notification and/or citation, the DPW shall further be authorized and empowered to order a special collection to remove such violation. In addition to the penalty provided herein, if the City makes a special collection, the actual cost of removal and disposal, together with an administrative fee equal to 10% of said cost shall be charged to the property owner. If such charges are not paid by November 15 of the



year in which they are billed, such charges, together with an additional administrative fee for collection equal to 10% of the total cost of such charges and fees shall be extended on the next succeeding tax roll as a special charge against the property affected and collected in the manner as are other taxes, pursuant to Wis. Stat. § 66.0627. No person shall use the special collection provisions of this Subsection to circumvent requirements for collection by a private firm.

- (6) Any person who shall violate any of the provisions of this Chapter shall, upon conviction thereof, forfeit not less than \$10.00 nor more than \$50.00, for the first offense and not less than \$25.00 nor more than \$100.00 for the second offense within one year. In addition to a forfeiture there shall be imposed the court costs and assessment. The one-year period shall be measured from the date of the first violation of this Chapter. In addition to the foregoing penalties, it shall be cause for the City to refuse to pick up any solid waste containing recyclables in violation of this Chapter.

## **12.9 COLLECTION COSTS**

- (1) City may establish by resolution fees for collection services provided pursuant to this Chapter.
- (2) The fees may be billed monthly on utility statements or annually on real estate tax statements.
- (3) If charges are billed monthly on utility statements, unpaid fees shall be collected as provided by state law and city code and practice.

## CHAPTER 12 REVISIONS

09-20-76	
12-18-86	A-173
05-23-88	A-200
02-20-89	A-220
04-18-89	A-225
11-18-91	A-299
08-30-95	A-368 Sidewalk litter and debris
11-17-97	A-417 Tax Exempt garbage. Fee to Schedule of Fees. 12.01(11)(a)
06-30-04	A-555 Public Works Committee replaces Health Committee.
11-21-09	A-666 Repeals and recreates Chapter 12. Moves Sidewalk Litter & Debris (12.02) to Chpt 6. (6.05).