

Chapter 102

SOLID WASTE*

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***Cross references:** Buildings and building regulations, ch. 18; health and sanitation, ch. 58; utilities, ch. 126; performance standards for liquid or solid wastes, § 130-235; manufactured homes and trailers, § 130-1241.

Sec. 102-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Chipboard means packaging normally utilized in lightweight boxes. Examples of current uses are cereal boxes, potato chip boxes, 12-pack beverage boxes and small toy packaging.

City appliance recycling sticker means a label or tag printed and distributed pursuant to city specifications by the city to assist in financing of the net cost of the city's major appliance collection program.

City disposal sticker means a label or tag printed and distributed pursuant to city specifications by the city to assist in financing the net cost of the city solid waste management program.

Collection point means any individual dwelling place or any discrete commercial, business, industrial or governmental establishment as determined by the number of water meters within the city by the city water and light utility.

Contractor means the person under contract with the city to collect and dispose of solid waste and recyclables.

Curbside recyclables means those recyclables designated by the city council under section 102-5(6)b to be collected on a weekly basis by the city or its contractor.

Dumpsters means large mechanical containers provided by the property owner or collector. Such devices must be adaptable to the mechanical dumping device currently in use on the refuse truck and kept clean and in a workable condition by the owner of the mechanical container.

Foam polystyrene packaging means packaging made primarily from foam polystyrene that satisfies one of the following criteria:

- (1) Is designed for serving food or beverages.
- (2) Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.
- (3) Consists of rigid material shaped to hold and cushion the packaged article in a shipping container.

Garbage means all organic refuse resulting from the preparation of food, and ordinary kitchen waste, including discarded, decayed or spoiled food products.

Large item means any item of solid waste which, because of its size, shape or weight, will not fit into a solid waste container. This would include but not be limited to bed frames, mattresses, strollers, tricycles, bicycles, furniture, televisions, stereos, rugs, rug pads, tires and similar items.

Lead acid battery means an automotive battery that is designed to produce or store direct current electricity and is no longer suitable for its original purpose.

Magazines and catalogs means any item produced on high-grade printing stock, usually multi-colored and glossy in appearance.

Major appliance means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, stove, hot water heater, water softener or similar equipment.

Newspaper means newsprint type paper normally received as an ordinary newspaper, advertising circular or supplement. Magazines are not included in this definition.

Office paper means white and colored paper, both regular and legal size, computer paper and similar papers.

Plastic container means an individual, separate, rigid plastic bottle, can, jar or carton that is originally used to contain a product that is subject to a retail sale, and includes the following:

- (1) *PET plastic container* means a plastic container manufactured of polyethylene terephthalate and that is marked by the manufacturer with the number "1."
- (2) *HDPE plastic container* means a plastic container manufactured of high-density polyethylene and that is marked by the manufacturer with the number "2."

Recyclable means any item of solid waste which is prohibited by law or ordinance from being disposed of in a solid waste disposal facility (landfill), and includes but is not limited to the following:

- (1) Corrugated paper or cardboard.
- (2) A glass bottle or jar.
- (3) Newspaper or other material printed on newsprint.
- (4) Any PET or HDPE plastic container.
- (5) An aluminum or ferrous metal can.
- (6) A waste tire.
- (7) Waste oil.
- (8) Lead acid batteries.
- (9) Major appliances.
- (10) Yard refuse material.
- (11) Chipboard.
- (12) Office paper.
- (13) Magazines and catalogs.

Recycling container means a solid waste container specifically designated by the city to be used exclusively for the storage and pickup of curbside recyclables.

Refuse from the remodeling or reconstruction of a home or building means that part of the home or building that is usually considered a permanent part of the home or building, including doors, windows, screens, cabinets, roofing materials, boards, plaster, lath, drywall, paneling and similar materials.

Rubbish means any inorganic waste material which is being discarded. The term "rubbish" does not include any waste material under the definitions of the terms "garbage," "recyclable," "uncollectible materials," "yard refuse material" or "refuse from the remodeling or reconstruction of a home or building."

Solid waste means any item of garbage or rubbish, recyclable or other discarded or salvageable material, including but not limited to waste materials resulting from industrial, commercial, agricultural, office, governmental, domestic use, construction or public service activities.

Solid waste container means a container of polyethylene or metal construction, watertight, with a close-fitting cover and two strong outside handles, not exceeding 30 gallons in capacity or 60 pounds in weight when full. The term "solid waste container" includes plastic bags having a maximum capacity of 30 gallons and a maximum weight of 60 pounds and designed and intended for such use, either alone or as an insert in a container, and securely fastened at the top by tying or taping or by the use of a plastic or metal tie designed for this purpose.

Uncollectible materials means earth, sod, rock, concrete, blacktop or refuse from the remodeling or reconstruction of a home or building.

Waste oil means automotive engine oil after it has been used and removed from the crankcase of a motor vehicle and contains no other contaminating substance.

Waste tire means a tire that is no longer suitable for its original purpose because of wear, damage or defect.

Yard refuse bag means any product designed to decompose within a reasonable time when exposed to weather elements, and so labeled by the manufacturer.

Yard refuse material means grass clippings, weeds, garden waste, leaves, bushes, branches, tree parts or similar material.

(Code 1986, § 11.03(1))

Cross references: Definitions generally, § 1-2.

Sec. 102-2. Enforcement; penalty.

Violators of this chapter shall be subject to the following procedures and penalties for violation of this chapter:

- (1) A violator shall receive a red violation tag at the location, the tag to be issued by the waste disposal or recyclable contractor or the department head of the public works department.
- (2) Following five such red violation tags to any location, a letter shall be sent to the violating location occupant by the department head for the public works department.
- (3) Should the violation, being one or more, not be corrected within two weeks from the date of the compliance letter, the police department shall be advised of the continuing violation, whether one or more, for further enforcement.
- (4) Should the police department determine a violation, whether one or more, exists, a standard ordinance violation citation, citing this chapter, shall be issued to the occupant of the violating location. Conviction of violation by the municipal court shall be punishable by a forfeiture according to the following schedule:
 - a. First offense . . . \$ 5.00
 - b. Second offense . . . 10.00
 - c. Third offense . . . 25.00
 - d. Fourth offense . . . 50.00
 - e. Five or more offenses (each offense) . . . 100.00
- (5) The solid waste collection and recyclable contractor shall have the authority to monitor compliance with this chapter and record violations for purposes of enforcement. The contractor shall maintain such records as the city may require as documentation of violations within the city.

(Code 1986, § 11.03(13))

Sec. 102-3. Separation of recyclables.

(a) No person may dispose of or participate in the disposal of recyclables generated from within the city in a solid waste disposal facility (landfill).

(b) No person shall, within the city, set out for collection and disposal to a solid waste disposal facility (landfill) any recyclables. This subsection does not apply to recyclables placed in recycling containers exclusively used for storing recyclables to be delivered to a recycling facility or otherwise collected pursuant to this chapter.

(Code 1986, § 11.03(2))

Sec. 102-4. Duties of operators of multi-unit residential and nonresidential facilities.

(a) The owner or occupant of a building with three or more residential dwelling units and the owner or occupant of every commercial, retail or industrial unit and every governmental unit within the city shall comply with the following:

- (1) Provide an adequate container for solid waste to be collected for disposal in a solid waste disposal facility (landfill).
- (2) In addition to the container described in subsection (a)(1) of this section, provide an adequate container for curbside recyclables. The volume of such a container shall not be less than 25 percent of the volume of the container provided under subsection (a)(1) of this section for the same unit or set of units.
- (3) Notify all tenants, users and occupants of the facilities or buildings of the requirements of this section and procedures promulgated under this section. In the case of a residential dwelling unit, such notice shall be given at the time the tenant first leases or rents the unit and semiannually thereafter.
- (4) Provide for the collection of recyclables separated from the solid waste by the tenants, users or occupants of the facility or building and delivery of the recyclables to a recycling facility.
- (5) Provide for the collection of solid waste, except as specified in subsection (a)(4) of this section, generated by the tenants, users or occupants of the facility or building and dispose of the materials collected in an approved manner.

(b) Residential units with two or less units and commercial or retail collection points which generate no more than four solid waste containers of nonrecyclable solid waste per week may be included with the city collection program, provided that they conform to all the recycling provisions of this chapter.

(Code 1986, § 11.03(3))

Sec. 102-5. Collection regulations.

Collection within the city shall be according to the following:

- (1) *Standards for containers.* Every person producing or accumulating solid waste or recyclable materials on premises under his charge or control shall provide and renew, when necessary, a sufficient number of suitable solid waste or recyclable containers to hold the materials without overloading. All containers shall be maintained in a good, clean and sanitary condition. Any defective container having ragged or sharp edges or any other defect which may injure or hamper the

person collecting or handling the container shall be replaced by a new container.

- (2) *Placement of containers.* Solid waste and recyclable containers as described in this section shall be placed within one foot of the curb or edge of the pavement not earlier than 5:00 p.m. on the day preceding the scheduled collection and not later than 6:00 a.m. of the scheduled day of collection and shall be returned by the occupant to the point of storage within 12 hours after the material in the container is emptied.
- (3) *Collection schedule.* Solid waste and recyclables, excepting major appliances and yard refuse materials, shall be collected once each week in the residential, commercial districts and business districts according to the schedule set by the public works committee in strict conformity with the provisions of this chapter and with such additional rules and regulations as may be made from time to time. However, any time the need for more or less frequency is indicated, such change in collections may be made by the director of publicworks with the approval of the public works committee and the collector.
- (4) *Maximum number of nonrecyclable containers.* A limit of one nonrecyclable solid waste container per week per each collection point shall apply. Additional nonrecyclable solid waste containers may be included in a weekly collection, provided that each additional container has a city disposal sticker attached to it.
- (5) *Number of recyclable containers.* There shall be no limit on the number of recyclable containers placed for collection per week. Each unit will receive the first recycling container free of charge. There will be a charge for additional or replacement containers regardless or whether the first container was damaged, lost, stolen, etc. All containers, including replacement containers, are the property of the city. Recycling containers provided to each unit should remain with the unit and residents or tenants should not take the containers with them when moving, even if they are moving to another unit within the city.
- (6) *Preparation of solid waste and recyclables.*
 - a. *Garbage.* To keep garbage containers reasonably clean and sanitary and to facilitate the dumping of the containers, all garbage shall be drained of excess water and then wrapped or enclosed in paper or plastic before depositing it in a container. The owner of the container shall be responsible for keeping the container reasonably clean and sanitary.
 - b. *Recyclables.* Recyclables may be commingled and placed in the recyclable containers, provided they have been prepared as follows:

1. All glass bottles and jars shall be rinsed clean and the caps removed. No type of glass other than glass bottles shall be included.
 2. All metal cans shall be rinsed clean and the labels removed. Miscellaneous metal shall not be included.
 3. PET and HDPE plastic bottles and containers shall be rinsed clean and the labels and caps removed. No other type of plastic material shall be included.
 4. Newspaper and anything that comes with it may be included.
 5. Corrugated paper and cardboard shall be flattened and bundled into bundles not exceeding 24 inches long by 24 inches wide and eight inches to ten inches in height. Bundles shall be tied with cord or string only and placed at the curb with the recycling bin.
 6. Chipboard shall be flattened and bundled into bundles not to exceed 24 inches long by 24 inches wide and eight inches to ten inches in height. Bundles shall be tied with cord or string only and placed at the curb with the recycling bin.
 7. Office paper is to be flattened and bundled in bundles not to exceed 24 inches long by 24 inches wide and eight inches to ten inches in height. Bundles shall be tied with cord or string only and placed at the curb with the recycling bin.
 8. Magazines and catalogs shall be flattened and bundled in bundles not to exceed 24 inches long by 24 inches wide and eight inches to ten inches in height. Bundles shall be tied with cord or string only and placed at the curb with the recycling bin.
- c. *Large items.* Large items shall be placed on the ground near the collection point, provided the appropriate city disposal sticker has been attached to each item and the collector can readily pick up the item and carry the item to the collection truck. The item shall not exceed 60 pounds in total weight.
- (7) *Appliances.* All appliances will be collected by the contractor with the city upon such terms and conditions as the contractor shall establish. Any person having an appliance to be removed shall arrange with the contractor for such removal. The contractor shall collect a fee from the person as established by the council from time to time by resolution. Each person with an appliance shall obtain an appliance recycling sticker from the city and have it attached to each appliance prior to removal by the contractor. The city shall make available to any person the appropriate contact at the contractor for removal of the appliance.

- (8) *Yard refuse material.* Yard refuse material will be collected by city personnel on a frequency not to exceed once per month. The collection day will be set by the director of public works with the approval of the public works committee. Any yard refuse material placed in a bag for collection must be placed in a yard refuse bag, and the manufacturer's label is to be visible to the collector.
- (9) *Ashes.* All ashes shall be placed in an acceptable plastic container and securely closed.

(Code 1986, § 11.03(4))

Sec. 102-6. Disposal stickers.

(a) *Generally.* The city shall sell city disposal stickers, in increments of not less than ten, at a cost as established by the council from time to time by resolution and as set forth in appendix A.

(b) *Availability.* The stickers may be obtained at city hall during normal business hours.

(c) *Mail orders.* Mail orders will be taken by the city on a prepaid basis, including postage.

(d) *Review of fees.* All user fees shall be reviewed at least annually by the public works committee and may be adjusted by a resolution of that committee at any time it is deemed necessary.

(e) *Sale of stickers by retailers.* The city may enter into agreements with persons to sell city disposal stickers to the public. The terms of such agreements shall be consistent with the following:

- (1) The city shall supply the retailer with stickers in increments of not less than 100.
- (2) The price charged the retailer shall be 85 percent of face amount per sticker.
- (3) The retailer may not sell any sticker at a rate greater than the city rate.
- (4) The retailer shall pay the price specified in subsection (e)(2) of this section before obtaining the stickers. If the retailer receives an order of 300 or more stickers, then the retailer shall pay the amount specified in subsection (e)(2) of this section no later than the 15th day after receipt of the stickers.
- (5) Once the stickers are in the possession of the retailer or his agent, the retailer shall bear all liability for any theft, loss, damage or destruction of the stickers.
- (6) The retailer shall be responsible for sales or use tax liability, if any, from the sale of the stickers to the public.

(Code 1986, § 11.03(5))

Sec. 102-7. Handling of uncollectible materials.

Uncollectible materials shall be removed by and at the expense of the owner or occupant, and such removal shall be arranged directly with the contractor.

(Code 1986, § 11.03(6))

Sec. 102-8. Access for unusual pickup points.

Where it is more economical and advisable to the city due to extreme building, where the property owners sign a waiver or release releasing the collector from property damage liability, the collector may go on private property with a vehicle to pick up solid waste and recyclables.

(Code 1986, § 11.03(7))

Sec. 102-9. Adjustment of collection schedule for holidays.

When the regularly scheduled day of collection is a legally designated holiday, the collection shall take place on the next regular business day.

(Code 1986, § 11.03(8))

Sec. 102-10. Use of garbage disposals.

Any person may dispose of garbage into the sanitary sewer system by the use of a garbage grinding device, provided that such device or discharge does not hamper or destroy the sanitary sewer system or the operation of the sanitary sewer wastewater treatment facility or in any way pollute the watercourse into which the wastewater treatment facility discharges and is installed in compliance with the Wisconsin Plumbing Code, latest edition.

(Code 1986, § 11.03(9))

Sec. 102-11. Prohibited disposal.

No material which may be collected as provided in this chapter shall be dumped or otherwise disposed of at any place within the city. No person shall bury or cause to be buried any solid waste within the corporate limits of the city. No person shall deposit any solid waste created, generated or collected outside of the city upon any premises owned either by him or others within the corporate limits of the city.

(Code 1986, § 11.03(10))

Sec. 102-12. Payment of costs of collection.

The expense of collecting solid waste from single-family or two-family residences shall be paid from city funds, except as noted in this chapter for the costs of city disposal stickers and appliance recycling stickers. Commercial establishments, factories or any type of collection point other than a single-family or two-family residence which produces more than the equivalent of four 30-gallon nonrecyclable solid waste containers per week or makes use of a dumpster for collection by a collector must obtain the services at an additional fee.

(Code 1986, § 11.03(11))

Sec. 102-13. Solid waste district.

A solid waste district is hereby established, which shall include all the territory within the corporate limits of the city.

(Code 1986, § 11.03(12))