

AN ORDINANCE RELATING TO REFUSE COLLECTION
AND RECYCLING MATERIALS AND COLLECTION

Introduced by Mayor Merkes

The Common Council of the City of Menasha does ordain as follows:

SECTION 1: Sections 8-3-1, 8-3-4, 8-3-5, 8-3-6, 8-3-7, and 8-3-9 are amended to read as provided in attached document:

SECTION 2: Section 8-3-10 is renumbered to Sections 8-4-1 through 8-4-12 and amended to read as provided in attached document:

This ordinance shall become effective upon its passage and publication as provided by law.

Passed and approved this 7th day of December, 2009.

Donald J. Merkes, Mayor

ATTEST:

Deborah A. Galeazzi, City Clerk

CHAPTER 3

Refuse Disposal and Collection

SEC. 8-3-1 TITLE; REFUSE COLLECTION SERVICE.

- (a) **TITLE.** This Chapter shall be known as the Solid Waste Management Ordinance of the City of Menasha, hereinafter referred to as Ordinance or Chapter.
- (b) **UNDER CONTROL OF DIRECTOR OF PUBLIC WORKS.** Except as exempted by this Chapter, the collection, removal and disposal of all garbage and rubbish shall be under the direction and control of the Director of Public Works and in strict conformity with the provisions of this Section and with such additional rules and regulations as may be made from time to time and may be deemed necessary or desirable to carry out the provisions of this Chapter and which are not inconsistent herewith.
- (c) **PERIODS OF COLLECTION.**
- (1) Residential. All garbage and rubbish ~~will~~ shall be collected once each week in accordance with a schedule fixed by the Director of Public Works.
 - (2) Commercial and Industrial Waste. Garbage from commercial establishments ~~will~~ shall be collected once each week up to 2 cubic yards per collection. Additional collections will be charged a fee to be determined by the Director of Public Works. Such fee shall be approved by the ~~Common Council~~ Board of Public Works by motion. No manufacturing or construction waste ~~will~~ shall be collected as part of the City general garbage collection.
 - (3) Multi-Family Residential Collection. Garbage and rubbish ~~will~~ shall be collected once each week up to 1/12th cubic yard per dwelling unit per collection. Additional collections ~~will~~ shall be charged a fee to be determined by the Director of Public Works. Such fee shall be approved by the ~~Common Council~~ Board of Public Works by motion.
 - (4) Industrial Waste. No manufacturing or construction waste ~~will~~ shall be ~~picked up~~ collected as part of the City general garbage collection. Waste from offices and lunch rooms ~~will~~ may be ~~taken~~ collected. No more than five (5) thirty-six (36) gallon containers ~~will~~ shall be taken from any one location in any one pickup.
 - (5) Department of Public Works personnel are directed to immediately report all violations to their Street/Sanitation Superintendent or his/her designee, who ~~will~~ shall in turn contact the City Attorney for ordinance enforcement.

SEC. 8-3-2 DECLARATION OF POLICY.

It is hereby declared to be the purpose and intent of this Chapter to enhance and improve the environment and promote the health, safety and welfare of the City by establishing minimum standards for the storage, collection, transport, processing, separation, recovery and disposal of solid waste.

SEC. 8-3-3 DEFINITIONS.

For the purpose of this Chapter, the following words and phrases shall have the meanings given herein unless different meanings are clearly indicated by the context.

- (a) **AGRICULTURAL ESTABLISHMENT** -- An establishment engaged in the rearing and slaughtering of animals and the processing of animal products or orchard and field crops.
- (b) **BULKY WASTE** -- Items whose large size precludes or complicates their handling by normal collection, processing or disposal methods.
- (c) **COLLECTION** -- The act of removing solid waste from the storage area at the source of generation.
- (d) **COMBUSTIBLE MATERIALS** -- Items which include but shall not be limited to the following: domestic garbage, newspapers, books, magazines, cards, wrappings, crates, leaves, lawn clippings, brush and tree limbs, wood chips, asphalt shingles, old roofing, boards and old furniture without metal frames, cartons, bottles and tin cans (except aerosol cans).
- (e) **COMMERCIAL UNIT** -- Commercial units shall be all property other than residential units and shall include boarding houses, motels and resorts.
- (f) **CONDOMINIUMS** -- A form of individual ownership within a building which may entail joint ownership and responsibility for maintenance and repairs of the land and other common property of the building.
- (g) **CURB** -- The back edge or curb and gutter along a paved street or where one would be if the street was paved and had a curb and gutter.
- (h) **DEMOLITION WASTES** -- That portion of solid wastes consisting of wastes from the repair, remodeling or reconstruction of buildings, such as lumber, roofing and sheathing scraps, rubble, broken concrete, asphalt and plaster, conduit, pipe, wire, insulation and any other materials resulting from the demolition of buildings and improvements.
- (i) **DISPOSAL** -- The orderly process of discarding useless or unwanted material.
- (j) **DNR** -- The Wisconsin Department of Natural Resources.
- (k) **DWELLING UNIT** -- A place of habitation occupied by a normal single family unit or a combination of persons who may be considered as equivalent to a single family unit for the purpose of this Chapter.
- (l) **GARBAGE** -- Includes every refuse accumulation of animals, fruit or vegetable matter, liquid or otherwise, that attends the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit or vegetables originally used for foodstuffs.
- (m) **HAZARDOUS WASTE** -- Those wastes such as toxic, radioactive or pathogenic substances which require special handling to avoid illness or injury to persons or damage to property and the environment.
- (n) **INDUSTRIAL WASTE** -- Waste material, except garbage, rubbish and refuse, directly or indirectly resulting from an industrial processing or manufacturing operation.
- (o) **LITTER** -- Solid waste scattered about in a careless manner, usually rubbish.
- (p) **NON-RESIDENTIAL SOLID WASTE** -- Solid waste from agricultural, commercial, industrial or institutional activities or a building or group of buildings consisting of four (4) or more dwelling units.
- (q) **PERSON** -- Individuals, firms, corporations and associations, and includes the plural as well as the singular.

- (r) **MULTI-FAMILY RESIDENTIAL DEVELOPMENT** -- A building or group of buildings consisting of 5 or more dwelling units.
- (s) **PRIVATE COLLECTION SERVICES** -- Collection services provided by a person licensed to do same by the DNR.
- (t) **RECYCLABLE WASTE** -- Waste material that can be remanufactured into usable products and shall include, by way of enumeration but not by way of limitation, glass, plastics, newspapers, cardboard, metals (aluminum, steel, tin, brass, etc.).
- (u) **REFUSE** -- Includes all waste material, including garbage, rubbish and industrial waste.
- (v) **REGULATED WASTE** -- Regulated waste means liquid or semi-liquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing any materials during handling; contaminated sharps; and pathological and microbiological wastes containing blood or other potentially infectious materials.
- (w) **RESIDENTIAL SOLID WASTE** -- All solid waste that normally originates in a residential environment from residential dwelling units.
- (x) **RESIDENTIAL UNIT** -- Residential unit shall mean an individual household capable of independent habitation by a family unit. A single family dwelling shall be considered to be one (1) residential unit; multi-family dwelling shall be considered to be multiple residential units, the number of residential units to equal the number of family units to be housed therein. Residential units shall not include boarding houses, motels or resorts.
- (y) **RUBBISH** -- Includes combustible and noncombustible waste material, except rocks, concrete, bricks and similar solid materials, plaster or dirt, that is incidental to the operation of a building.
- (z) **SCAVENGING** -- The uncontrolled removal of materials at any point in solid waste management.
- (aa) **SOLID WASTE** -- Garbage, rubbish and other useless, unwanted or discarded material from agricultural, residential, commercial, industrial or institutional activities. Solid waste does not include solid or dissolved material in domestic sewage.
- (bb) **STORAGE** -- The interim containment of solid waste in an approved manner after generation and prior to collection and ultimate disposal.
- (cc) **STORAGE AREAS** -- Areas where persons place containers during non-collection days as well as areas where containers are set out on collection day.
- (dd) **YARD WASTES** -- Deciduous materials including, but not limited to, grass clippings, leaves, garden wastes, prunings, tree trimmings and brush.

SEC. 8-3-4 REFUSE STORAGE AREAS.

Storage areas shall be kept in a nuisance- and odor-free condition. Litter shall not be allowed to accumulate. Collection crews ~~will~~ shall not be responsible for cleaning up loose or refuse materials from any containers which have become ruptured or broken due to wet conditions, animals, vandalism or other cause. The occupant and/or owner shall be responsible for cleaning up ~~this litter~~ and maintaining the refuse storage area. Litter not collected shall not be allowed to accumulate. ~~Violation will result in the occupant and/or owner being notified to clean up his area with continued violation resulting in the owner being prosecuted under the provision of this and other City Ordinances.~~ Any occupant or owner who is notified to clean up a refuse storage area

but fails to do so within 14 days shall be in violation of this Chapter. No occupant or owner may store ~~garbage~~ refuse containers in front of the nearest wall of the house or building to any street.

SEC. 8-3-5 APPROVED WASTE AND REFUSE CONTAINERS.

- (a) **GENERAL CONTAINER STANDARDS.** Suitable containers of a type approved by the City shall be provided by the property ~~owner or tenant~~ occupant or owner in which to store all ~~solid waste~~ refuse except for bulky or certain yard wastes as provided for herein. Containers, in order to be approved, shall provide for efficient, safe and sanitary handling of ~~solid wastes~~ refuse. They shall be maintained in a nuisance- and odor-free condition and shall be sufficient to prevent the scattering of contents by weather conditions or animals.
- (b) **APPROVED CONTAINERS.** Approved containers shall consist of the automated container issued by the City. Those containers shall be either ~~32,~~ 64 or 96 gallons. Any overflow shall be placed in a plastic garbage bag not greater than 33 gallons and may not exceed 30 pounds per bag. The bags must be closed so as to prevent refuse from spilling. The plastic bag shall be of sufficient strength to allow lifting and loading of contents without tearing. All other containers not specified shall be illegal.
- (c) **COMMERCIAL USERS.** All commercial users must purchase an approved refuse container. Ninety-six gallon containers may be purchased from the ~~City Garage~~ Public Works Facility at a cost to be established by the Department of Public Works and approved by the Common Council. Such fee may be changed from time to time. All containers greater than 96 gallons must be approved by the Department of Public Works.
- (d) **VOLUME BASED COLLECTION FEES.** To comply with legislative intent it is declared to be the policy of the City of Menasha that refuse collection fees be established on a volume basis.
 - (1) Fees shall be established by the Director of Public Works and approved by the Common Council for refuse in excess of 64 gallons ~~per~~ per week for residential users, 1/12th cubic yard per week per dwelling unit for multi-family residential users, and 2 cubic yards per week for commercial users. Such fee may be changed from time to time. A copy of the fee schedule shall be available from the Finance Department, City Clerk, or ~~City Garage~~ Public Works Facility.
 - (2) Condominiums are allowed a container approved by the Director of Public Works sufficiently large enough to contain the equivalent of not more than 64 gallons per dwelling unit per week without an additional fee. In the event that a condominium exceeds the allowed volume, the billing will be made to the condominium association.
 - (3) All residential users, excluding multi-family residential users, may receive up to 6 ~~tags~~ stickers per year for excess bags or bulky items at no additional cost. Such tags shall be delivered either to the property owner or resident in a manner determined by the Director of Public Works. Additional ~~tags~~ stickers may be purchased at the ~~City Garage~~ Public Works Facility or ~~Finance~~ Public Works/Engineering Department. The cost for additional bags may differ from the cost for bulky items.
 - (4) All fees shall be collected in a manner determined by the Comptroller and approved by the Common Council. Section 3-1-13 shall apply to any unpaid fees.

SEC. 8-3-6 COLLECTION OF REFUSE.

(a) PLACEMENT FOR COLLECTION.

- (1) Residential solid waste shall be accessible to collection crews. Residential ~~solid waste~~ refuse in approved containers shall be placed immediately behind the curb of the public street for collection. Yard and bulky wastes from residential units shall likewise be placed in neat, orderly fashion behind the curb. Collection crews will not collect residential solid waste unless it is placed at the curb of a public street. ~~Residential units~~ The occupant or owner shall bring the solid waste to the public right-of-way for collection. Should collection crews be unable to discharge contents of ~~garbage~~ refuse containers into collection vehicles using normal handling procedures, the containers, including contents, will be left at curb side. The occupant or owner shall make provisions to assure that the ~~solid waste~~ refuse therein can be collected on the next collection day. Collection crews will not empty ~~garbage~~ refuse containers by means other than dumping. All containers shall be placed at least 3 feet from any obstruction. Multiple containers shall be placed side by side, at least three feet apart.
- (2) No ~~garbage~~ refuse containers ~~or other containers for refuse~~ other than those of the City shall be placed, kept, stored or located within the right-of-way of a street or alley; provided, however, that the Board of Public Works Committee may authorize the location of such containers within the public right-of-way at specified places and times when such location is necessary for the expeditious collection and disposition of refuse.

- (b) RESTRICTION ON TIME OF PLACEMENT.** All ~~containers for refuse~~ refuse containers shall be placed in collection locations as designated in Subsection (a) above only after 4:00 p.m. on the evenings prior to the regular collection time the following day. All bags and containers for refuse disposal shall be removed from the curbside collection point within twenty-four (24) hours after the regular collection time. City employees will not enter any structures to remove any ~~garbage~~ solid waste or refuse, except by written agreement with the property owner.

- (c) YARD WASTES.** All yard wastes shall be separated from other refuse and placed or disposed of in such locations and at such times as established by the Director of Public Works. There will be no curbside collection of yard wastes other than prunings, tree trimmings and brush, except when the Director of Public Works declares there will be a special collection for leaves; then the leaves shall be placed in bulk within the terrace section of the street right-of-way. It is a violation of this section to place yard wastes or leaves in the street or curb.

(d) BRUSH.

- (1) All prunings, tree trimmings, brush, shrubbery, and tree limbs shall be placed at the curb and may not exceed ten (10) inches in diameter. Any prunings, tree trimmings, brush, shrubbery, and tree limbs in excess of five (5) inches in diameter may not exceed six (6) feet in length.
- (2) Prunings, tree trimmings, brush, shrubbery, and tree limbs shall be collected once per month on a date to be established by the Public Works Director. No prunings,

- tree trimmings, brush, shrubbery, or tree limbs may be placed on the curbside or public right-of-way more than forty-eight (48) hours before the pickup time.
- (3) Any collection of prunings, tree trimmings, brush, shrubbery, and tree limbs at any time other than the date designated will require the payment of a fee. Such fee will be established from time to time by the Board of Public Works to reflect the actual cost of pickup, including administrative costs, as close as possible. The method of collection of said fee shall be determined by the Comptroller.
 - (4) The Department of Public Works may declare an emergency and waive these regulations as circumstances require.
 - (5) The Department of Public Works ~~will~~ shall not collect any prunings, tree trimmings, brush, shrubbery, and tree limbs which ~~shall~~ have been placed on the curbside as the result of the work of a contractor or other commercial activity.
 - (6) Brush resulting from clearance of a lot for construction shall not be collected by the City.

SEC. 8-3-7 PROHIBITED ACTIVITIES AND NON-COLLECTIBLE MATERIALS.

- (a) **DEAD ANIMALS.** It shall be unlawful to place any dead animal, or parts thereof in a refuse container for collection provided, however, this Section shall not apply to animal parts from food preparation for human consumption.
- (b) **ASHES.** Ashes placed for collection shall be extinguished and completely cold. Ashes shall be wrapped and secured in a bag and then placed in an appropriate container to preclude the leakage of ashes and/or the rupture of the bag during handling.
- (c) **IMPROPER PLACEMENT.** It shall be unlawful to place, or allow to be placed, any solid waste upon the roads, streets, public or private property within the City contrary to the provisions of this Chapter.
- (d) **COMPLIANCE WITH CHAPTER.** It shall be unlawful to store, collect, transport, transfer, recover, incinerate or dispose of any solid waste within the boundaries of the City contrary to the provisions of this Chapter.
- (e) **IMPROPER TRANSPORTATION.** It shall be unlawful to transport any solid waste in any vehicle which permits the contents to blow, sift, leak or fall there from. If spillage does occur, the collection crew shall immediately return spilled materials to the collection vehicle and shall properly clean, or have cleaned, the area. All vehicles used for the collection and transportation of solid waste shall be durable, easily cleanable and leak proof, if necessary, considering the type of waste and its moisture content. Collection vehicles shall be cleaned frequently to prevent nuisances and insect breeding and shall be maintained in good repair.
- (f) **INTERFERENCE WITH AUTHORIZED COLLECTOR.** No person other than an authorized collector shall collect or interfere with any ~~garbage~~ refuse after it shall have been put into a ~~garbage receptacle~~ refuse container and ~~deposited~~ placed in the proper ~~place~~ area for the collector, nor shall any ~~authorized~~ person molest, hinder, delay or in any manner interfere with an authorized ~~garbage~~ refuse collector in the discharge of his/her duties.
- (g) **PRIVATE DUMPS.** It shall be unlawful for any person to use or operate a dump.
- (h) **BURNING OF WASTE.** It shall be unlawful for any person to burn solid waste in any manner, except as provided elsewhere in this Code of Ordinances.

- (i) **NON-COLLECTIBLE MATERIALS.** It shall be unlawful for any person to place for collection any of the following wastes:
 - (1) Hazardous waste;
 - (2) Toxic waste;
 - (3) Chemicals;
 - (4) Explosives or ammunition;
 - (5) Drain or waste oil or flammable liquids;
 - (6) Large quantities of paint;
 - (7) Tires.
- (j) **HOSPITAL WASTES.** It shall be unlawful for any person to place ~~of~~ for collection any pathogenic hospital, medical waste, or regulated waste. Such items as needles and syringes may be disposed of as long as they are packaged and contained to eliminate injury to collection crews.
- (k) **BUILDING WASTE.** All waste resulting from remodeling, construction or removal of a building, roadway or sidewalk shall be disposed of by the owner, builder or contractor, unless arrangements have been made with the Director of Public Works.
- (l) **ANIMALS INTERFERING WITH COLLECTION.** Dogs must not be tied within reach of ~~garbage cans~~ refuse containers.
- (m) **RESIDENCY.**
 - (1) ~~Rubbish, yard waste and garbage~~ Refuse and yard waste disposal, either at curb side or designated areas shall be for City residents only. Any other person, partnership or corporation who ~~does so will~~ violates this section shall be subject to the penalties of this ordinance, as well as any other person who knowingly permits non-residents to do so.
 - (2) Any person, partnership or corporation dumping yard waste, solid waste, rubbish or ~~garbage~~ refuse at any place other than an authorized drop-off site, shall be subject to the penalty provisions of this ordinance.
 - (3) Any person, firm or corporation mixing household refuse with yard waste or other defined recyclables, or any person permitting same to be done, shall be subject to the penalties of this ordinance.
- (n) **TIRE DISPOSAL FEES.**
 - (1) Residents disposing of tires at the authorized site (s) are subject to a fee which will be established by the Board of Public Works to reflect the actual cost of tire disposal.
 - (2) Method of collection of the fee established under section 8-3-7 (n)(2) shall be determined by the Board of Public Works. These fees may be changed from time to time as may be determined by the Board of Public Works, but not more than once each calendar year.
 - (3) Tires prohibited. No tires used by commercial or manufacturing establishments are permitted in the disposal areas.
- (o) **FREON CHARGED GOODS.**
 - (1) ~~Any items placed for collection which contain freon which needs to be disposed will be collected and the owner/owners/occupant of the building from which the item was collected~~ Any occupant or owner who places items that contain freon for collection and disposal shall be charged a fee which will shall be established by the Board of Public Works to reflect the actual cost of freon disposal.

- (2) The fee established in Section 8- 3- 7(0)(1) shall not be levied if the ~~owner/owners/occupant who places the item for collection~~ shows occupant or owner provides evidence to the ~~Street~~ Public Works Superintendent that freon ~~removal~~ has already been ~~done~~ removed by a Department of Natural Resources certified vendor.
- (3) The method of collection of the fee established under Section 8-3-7(0)(1) shall be determined by the Board of Public Works.

(p) **MICROWAVES.**

- (1) ~~Any microwaves placed for collection will be collected and the owner/owners/occupant of the building from which the item was collected~~ Any occupant or owner who places a microwave for collection and disposal shall be charged a fee which ~~will~~ shall be established by the Board of Public Works to reflect the actual cost of microwave disposal.
- (2) The method of collection of the fee established under Section 8-3-7(p)(1) shall be determined by the Board of Public Works.

(q) **PENALTIES.**

- (1) The Department of Public Works shall place a tag on all refuse placed in violation of the provisions of this chapter.
- (2) Failure to comply with any lawful directive of the Department of Public Works within 24 hours shall constitute a further violation. Each day of non-compliance shall constitute a new violation. Should the Department of Public Works be required to collect refuse which has been placed in violation of this chapter, the actual costs of collection, separation, and/or disposal shall be deemed to be a special charge and collected under Section 3-1-13. At least 48-hour actual notice, written or telephonically, shall be given to the occupant and or property owner prior to City collection and billing.
- (3) The provisions of Section 1-1-7 shall apply to any violations of this chapter.

SEC. 8-3-8 REFUSE FROM OUTSIDE THE MUNICIPALITY.

It is unlawful for any person, firm or corporation to place, deposit or cause to be deposited, for collection, any waste or refuse not generated within the corporate limits of the City of Menasha.

SEC. 8-3-9 COMPOST BOXES.

- (a) No occupant or owner may keep a ~~box for the storage of compost~~ compost box larger than 5 cubic yards.
- (b) No compost box may be placed in front of the nearest wall or the house or structure to any street.
- (c) All ~~occupants or owners of~~ compost boxes must be maintained ~~compost boxes~~ in such a fashion so as to not become unsightly nor to emit or cause any foul, offensive, nauseous, noxious, or other disagreeable odor, effluvia or stench.
- (d) Any violation of this section shall constitute a public nuisance whose abatement shall be subject to Sec. 11-7-5.

~~SEC. 8-3-10 RECYCLING.~~

SEC. 8-4-1 TITLE; RECYCLING MATERIALS AND COLLECTION SERVICE.

- (a) **TITLE.** This Chapter shall be known as the Recycling Materials and Collection Ordinance of the City of Menasha, hereinafter referred to as Ordinance or Chapter.
- (b) **PURPOSE.** The purpose of this ordinance is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in s. 159.11, Wis. Stats., and Chapter NR 544, Wis. Adm. Code.
- (c) **STATUTORY AUTHORITY.** This ordinance is adopted as authorized under s. 159.09(3)(b), Wis. Stats.
- (d) **ABROGATION AND GREATER RESTRICTIONS.** It is not intended by this ordinance 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 ordinance imposes greater restrictions, the provisions of this ordinance shall apply.
- (e) **INTERPRETATION.** In their interpretation and application, the provisions of this ordinance shall be held to be the 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 ordinance may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this ordinance is required by Wisconsin Statutes, or by a standard in Chapter NR 544, Wis. Adm. Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Chapter NR 544 standards in effect on the date of the adopted of this ordinance, or in effect on the date of the most recent text amendment to this ordinance.
- (f) **SEVERABILITY.** Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.
- (g) **APPLICABILITY.** The requirements of this ordinance apply to all persons within the City of Menasha and to all waste, refuse or recyclable materials generated within the City of Menasha.
- (h) **ADMINISTRATION.** The provisions of this ordinance shall be administered by the Department of Public Works.
- (i) **EFFECTIVE DATE.** The provisions of this ordinance shall take effect on January 1, 1995.

SEC. 8-4-2 DEFINITIONS.

- (a) "Bimetal container" means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.
- (b) "Container board" means corrugated paperboard used in the manufacture of shipping containers and related products.
- (c) "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 materials shaped to hold and cushion the packaged article in a shipping container.
- (d) "HDPE" means high density polyethylene, labeled by the SPI code #2.
- (e) "LDPE" means low density polyethylene, labeled by the SPI code #4.
- (f) "Magazines" means magazines and other materials printed on similar paper.
- (g) "Major appliance" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, oven, refrigerator, or stove, residential and commercial furnaces, boilers, dehumidifiers, water heaters and microwave ovens with intact capacitors.
- (h) "Multiple-family dwelling" means a property containing 5 or more residential units, including those which are occupied seasonally.
- (i) "Newspaper" means a newspaper and other materials printed on newsprint.
- (j) "Nonresidential facilities and properties" means commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.
- (k) "Office paper" means high grade printing and writing papers from offices in nonresidential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. This term does not include industrial process waste.
- (l) "Other resins or multiple resins" means plastic resins labeled by the SPI code #7.
- (m) "Person" includes any individual, corporation, partnership, association, local governmental unit, as defined in s. 66.299(1)(a), Wis. Stats., state agency or authority or federal agency.
- (n) "PETE" means polyethylene terephthalate, labeled by the SPI code # 1.
- (o) "Plastic container" means 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.
- (p) "Post-consumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in s. 144.61(5), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in s. 144.44(7)(a) 1., Wis. Stats.
- (q) "PP" means polypropylene, labeled by the SPI code #5.
- (r) "PS" means polystyrene, labeled by the SPI code #6.
- (s) "PVC" means polyvinyl chloride, labeled by the SPI code #3.
- (t) "Recyclable materials" includes lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines, newspaper; office paper; rigid plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins; steel containers; waste tires; and bimetal containers.
- (u) "Single-stream collection" means a system for commingled collection of recyclable fibers, containers or other recyclable materials in which the materials are separated from solid waste at the point of collection and are transported to a processing facility to be sorted into marketable commodities.
- (v) "Solid waste" has the meaning specified in s. 144.01 (15), Wis. Stats.

- (w) "Solid waste facility" has the meaning specified in s. 144.43(5), Wis. Stats.
- (x) "Solid waste treatment" means any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste. "Treatment" includes incineration.
- (y) "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
- (z) "Hard waste" means leave, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than 6 inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

SEC. 8-4-3 SEPARATION OF RECYCLABLE MATERIALS.

All occupants or owners of single-family residences, 2-4 unit residences, multifamily residences and nonresidential facilities and properties shall separate the following recyclable materials from post-consumer waste:

- (a) LEAD ACID BATTERIES. Lead acid batteries shall be taken to the City of Menasha dropoff site on Baldwin Street.
- (b) MAJOR APPLIANCES. Major appliances shall be collected curbside in accordance with Ordinance 0-24-92.
- (c) WASTE OIL. Waste oil shall be taken to the City of Menasha dropoff site on Baldwin Street.
- (d) YARD WASTE. Yard waste shall be collected curbside in accordance with Ordinance 0-22-90, or at times specified by the Director of Public Works, or taken to the City of Menasha dropoff site on Baldwin Street.
- (e) WASTE TIRES. Waste tires shall be taken to the City of Menasha dropoff site on Baldwin Street in accordance with Ordinance 0-1-90.
- (f) RECYCLABLE MATERIALS. Recyclable materials enumerated in Section 8-4-4.

The separation requirements of this section do not apply to any recyclable material specified in Sec. 8-4-4 for which a variance has been granted by the Department of Natural Resources under s. 159.11(2m), Wis. Stats., or s. NR 544.14, Wis. Adm. Code.

SEC. 8-4-4 SINGLE-STREAM RECYCLABLE WASTE COLLECTION.

The City of Menasha hereby adopts a single-stream recyclable waste curbside collection system, minimally once per month with a schedule fixed by the Director of Public Works, for the following recyclable materials:

- (a) Aluminum containers.
- (b) Corrugated paper or other container board.
- (c) Foam polystyrene packaging.
- (d) Glass containers.
- (e) Magazines or other material printed on similar paper.
- (f) Newspaper or other material printed on newsprint.
- (g) Office paper.

- (h) Plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS and other resins or multiple resins.
- (i) Steel containers.
- (j) Containers for carbonated or malt beverages that are primarily made of a combination of steel and aluminum.

SEC. 8-4-5 PREPARATION AND CARE OF SINGLE-STREAM RECYCLABLE WASTE.

To the greatest extent practicable, the recyclable materials shall be clean and kept free of contaminants such as food or product residues, oil or grease, or other nonrecyclable materials, including, but not limited to, household hazardous waste, medical waste or agricultural chemicals. Occupants or owners of single-family residences, including condominiums, and 2 to 4 unit residences shall prepare recyclable materials as follows:

- (a) Aluminum, bimetal and steel containers shall be clean, rinsed and free of product residue.
- (b) Rigid plastic containers shall be rinsed and free of product residue. Caps shall be removed and discarded.
- (c) Foam polystyrene packaging shall be clean, rinsed and free of product residue.
- (d) Glass containers shall be clean, rinsed and free of product residue.
- (e) Corrugated paper or other container board shall be free of debris.

SEC. 8-4-6 APPROVED RECYCLING CONTAINERS.

- (a) **RECYCLING CONTAINER STANDARD.** An approved recycling container shall be provided by the City in which to store all single-stream recycling materials. Approved containers shall be provided by the City to all single family, including condominiums, and up to four family unit residences.
- (b) **RECYCLING CONTAINER FEE.**
 - (1) An annual recycling container fee shall be established by the Director of Public Works and approved by the Common Council.
 - (2) All fees shall be collected in a manner determined by the Comptroller and approved by the Common Council Section 3-1-13 shall apply to any unpaid fees.

SEC. 8-4-7 RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF MULTIPLE FAMILY DWELLINGS.

- (a) Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in ~~s. 0)(5) through (15)~~ Section 8-4-4:
 - (1) Provide ~~adequate, separate~~ containers for the recyclable materials.
 - (2) Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
 - (3) Provide for the collection of the materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.
 - (4) Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.

- (b) The requirements specified in (1) do not apply to the owners or designated agents of multiple-family dwellings if the post-consumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in ~~s. 0)(5) through (15)~~ Section 8-4-4 from solid waste in as pure a form as is technically feasible.

**SEC. 8-4-8 RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF
NONRESIDENTIAL FACILITIES AND PROPERTIES.**

- (a) Owners or designated agents of nonresidential facilities and properties shall do all of the following to recycle the materials specified in ~~s. 0)(5) through (15)~~ Section 8-4-4:
- (1) Provide adequate, ~~separate~~ containers for the recyclable materials.
 - (2) Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.
 - (3) Provide for the collection of the materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility.
 - (4) Notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.
- (b) The requirements specified in (a) do not apply to the owners or designated agents of nonresidential facilities and properties of the post-consumer waste generated within the facility or property is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in ~~s. 0)(5) through (15)~~ Section 8-4-4 from solid waste in as pure a form as is technically feasible.

SEC. 8-4-9 UNLAWFUL REMOVAL OF RECYCLABLES.

It shall be unlawful for any person, corporation or other form of business entity unless under contract with or licensed by the City of Menasha, to collect or remove any recyclable material that has been deposited or placed at the curb or in a container adjacent to a home or nonresidential building for the purpose of collection of recycling. Recyclable materials, upon placement at the curb, shall become the property of the City of Menasha.

**SEC. 8-4-10 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 s. (j)(5) through (15) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

SEC. 8-4-11 AUTHORIZED DISPOSAL SITES FOR RECYCLABLES.

Hours of disposal at authorized sites shall be Saturdays from 8:00 a.m. to 1:00 p.m., except legal holidays; and the hours of 7:00 a.m. to 5:00 p.m. on weekdays, except legal holidays, or other hours as designated by the Board of Public Works based on the needs of the City. Disposal on unauthorized days or disposal at unauthorized hours shall be a violation of this Ordinance.

SEC. 8-4-12 ENFORCEMENT.

- (a) For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the City of Menasha may inspect recyclable materials separated for recycling, post-consumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and nonresidential 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 Menasha who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.
- (b) Any person who violates a provision of this ordinance may be issued a citation by the Director of Public Works or his/her designee or the Menasha Police Department to collect forfeitures. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under the paragraph.
- (c) Penalties for violating this ordinance may be assessed as follows:
 - (1) Any person who violates Section 8-4-9 may be required to forfeit \$50 for a first violation, \$200 for a second violation, and not more than \$2,000 for a third or subsequent violation.
 - (2) Any person who violates a provision of this ordinance, except Section 8-4-9 may be required to forfeit not less than \$10 nor more than \$1,000 for each violation.