

CHAPTER 4

Recycling Materials and Collection

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 Section 8-4-4:
 - (1) Provide 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 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 Section 8-4-4:
 - (1) Provide adequate 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 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.