

ORDINANCE NO. 2008-15

An Ordinance Relating to Refuse Collection and Disposal

The Common Council of the City of Cedarburg, Wisconsin, hereby ordains as follows:

SECTION 1. Section 8-3-1 through Section 8-3-14 of the Municipal Code of the City of Cedarburg are hereby amended as follows:

CHAPTER 3

Refuse Collection and Disposal

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8-3-2	Declaration of Policy
8-3-3	Definitions
8-3-4	Refuse Storage Areas
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SEC. 8-3-1 TITLE.

This Chapter shall be known as the Solid Waste Management Ordinance of the City of Cedarburg, hereinafter referred to as this "Ordinance" or "Chapter."

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) **Appliances, major** - Residential or commercial air conditioners, clothes dryers, clothes washers, dishwashers, freezers, refrigerators, microwave ovens, stoves, ovens, water

heaters and dehumidifiers.

- (b) **Building** - A single, occupied structure composed of single or multiple units.
- (c) **Bulky Waste** - Items whose large size precludes or complicates their handling by normal collection, processing or disposal methods (items larger than four (4) feet in any direction and/or weigh more than fifty (50) pounds).
- (d) **Commercial Unit** - Commercial units shall be all property other than residential units and shall include boarding houses, motels and resorts.
- (e) **Curb** - The back edge or curb and gutter along a paved street or where one would be if the street was paved and had curb and gutter.
- (f) **Deciduous Material** - Yard and garden wastes including leaves, grass clippings, flowers and similar vegetation, but specifically excluding sod, dirt, fruits, vegetables and other similar waste material.
- (g) **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.
- (h) **Disposal** - The orderly process of discarding useless or unwanted material.
- (i) **DNR** - The Wisconsin Department of Natural Resources.
- (j) **Dump** - A land site where solid waste is disposed of in a manner that does not protect the environment.
- (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 purposes 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) **Multi-family** - means a property containing four (4) or more residential units, including those which are occupied seasonally.
- (q) **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.
- (r) **Person** - Individuals, firms, corporations and associations, and includes the plural as well as the singular.
- (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 and shall, by way of enumeration but not by way of limitation, include stone, cement, boards,

- furniture or household appliances, garden debris.
- (v) **Residential Solid Waste** - All solid waste that normally originates in a residential environment from residential dwelling units.
 - (w) **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.
 - (x) **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.
 - (y) **Scavenging** - The uncontrolled removal of materials at any point in solid waste management.
 - (z) **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.
 - (aa) **Storage** - The interim containment of solid waste in an approved manner after generation and prior to collection and ultimate disposal.
 - (bb) **Storage Areas** - Areas where persons place containers during non-collection days as well as areas where containers are set out on collection day.

SEC. 8-3-4 REFUSE STORAGE AREAS.

Storage areas shall be kept in a nuisance- and odor-free condition. Litter and solid waste shall not be allowed to accumulate. Collection crews will not be responsible for cleaning up loose 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. 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 provisions of this and other City Ordinances.

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 in which to store all solid waste 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. 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. Dumpsters for commercial or multi-family properties shall be screened, subject to the approval of the Building Inspector.
- (b) **Approved Containers.**
 - (1) All garbage created, accumulated or produced shall be deposited in containers of a type approved by the Public Works Commission. Each container for a residential unit shall be equipped with suitable handles and tight fitting covers, shall be watertight and shall have the capacity of not less than twenty (20) nor

more than thirty-two (32) gallons if of a metal construction and not less than twenty (20) nor more than forty (40) gallons if of a plastic construction, and no single receptacle shall weigh more than fifty (50) pounds when filled. All garbage containers shall be kept in a neat, clean and sanitary condition at all times. All garbage containers for residential units shall be of metal, durable plastic or other suitable, moisture-resistant materials, including heavy-duty refuse disposal plastic bags.

- (2) Metal garbage cans shall be of sufficient thickness to resist denting during normal handling by collection crews. Plastic garbage bags must be closed with a tie and shall consist of plastic material not damaged by freezing and not susceptible to melting. They shall be capable of being handled during hot and cold weather without damage during normal handling by collection crews. Plastic bags shall be of sufficient strength to allow lifting and loading of contents without tearing.
- (3) ~~All boxes are to be recycled and not considered refuse containers. All boxes and cartons, when empty, must be collapsed. Should bundles, cardboard boxes and/or contents, because of weather conditions, become wet and soaked, they will not be collected, but must be stored by the owner in an approved container for collection on the next collection day. Cardboard boxes will be considered disposable and will not be emptied and returned to the curb.~~
- (c) **Householder to Provide Containers.** It shall be the duty of every occupant, tenant and proprietor of any residential unit to provide, and at all times keep in a suitable place readily accessible to the garbage collector, garbage containers capable of holding all garbage which would ordinarily accumulate on such premises between the times of successive collections. The owner of any multiple dwelling shall furnish or require the tenant thereof to furnish proper garbage containers. Garbage containers located at multiple dwellings shall be marked so as to indicate the residential unit to which they belong.
- (d) ~~**Ashes.** Cold, completely extinguished ashes may be left for collection in cardboard containers. Ashes shall be placed in metal containers of no more than one (1) bushel size, or in cans of the type as specified for garbage, provided that no receptacle shall weigh more than fifty (50) pounds when filled.~~
- (e) **Illegal Containers.** Containers not approved consist of metal barrels and drums, wooden or cardboard barrels, wheelbarrows and other such containers not approved by this Chapter. These containers will not be emptied regardless of contents or weight.
- (f) **Defective Containers.**
 - (1) All garbage cans incapable of continuing to meet the definition of an approved container because of damage, loss of handles, or other factors, shall be tagged by the collection crew. The collection crew will also leave notification of the defects on the premises. The next collection day the container appears it will be collected and disposed of. The Department of Engineering and Public Works or the private collection firm under contract with the City shall establish standards for the collection crews to use in the determination of whether a container is defective and the methods and procedures for tagging defective containers.

- (2) Where garbage cans from several residential units are placed for collection at the same location, the garbage cans shall be identified with the address number so ownership can be determined.

SEC. 8-3-6 COLLECTION OF REFUSE.

(a) Placement For Collection

- (1) Residential solid waste shall be accessible to collection crews. Collection by packer truck is limited to rubbish and garbage. Residential solid waste in approved containers shall be placed immediately behind the curb of the public street for collection. Bulky wastes will not be collected under the normal pickup. During winter months, solid waste shall not be placed on top of the snow bank nor shall it be placed in the roadway. The owner shall either shovel out an area behind the curb in which to place his wastes or he shall place it in his driveway. Collection crews will not collect residential solid waste unless it is placed at the curb of a public street. Residential units shall bring their solid waste to the public right-of-way for collection. Should collection crews be unable to discharge contents of garbage cans into collection vehicles using normal handling procedures, the cans, including contents, will be left at curb side. The owner shall make provisions to assure that the solid waste therein can be collected on the next collection day. Collection crews will not empty garbage cans by means other than dumping.
- (2) No garbage 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 Director of Engineering and Public Works 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.

- (1) The City shall provide facilities for the collection of residential garbage, ashes and rubbish once per week.
- (2) All receptacles and containers for refuse and rubbish and all bundles of rubbish shall be placed in collection locations as designated in Subsection (a) above only after 5:00 p.m. on the evenings prior to the regular collection time the following day and no later than 6:30 a.m. on the day of pickup. All receptacles, bags and containers for refuse ~~and garbage disposal~~ and recycling carts shall be removed from the curbside collection point within twenty-four (24) hours after the regular collection time. Refuse and recycling containers must be stored within a garage or accessory structure or in a location screened from street view. City employees or employees of licensed collectors will not enter any structures to remove garbage or refuse, except by written agreement with the property owner.

(c) Qualifications to Receive Municipal Refuse & Recyclable Collection Service.

Effective January 1, 2004 January 1, 2009, all occupied buildings are eligible to receive refuse and recyclable collection service, subject to the following limitations:

- (1) The base level of service per building for refuse will be up to the equivalent of six (6), thirty-two (32) gallon garbage containers per building per week. If a building

generates more refuse than this amount, the building would not be eligible for service through the City.

- ~~(2)~~ If a building generates more than six (6), thirty two (32) gallon garbage containers per building per week but less than one two (2) cubic yard dumpster per week, the building owner may elect to purchase said service through the City and receive collection at the group bid price provided to the City by the contractor. The billing means and methods are as established by the City Treasurer. The two (2) cubic yard dumpster must be provided by the owner. Buildings in residentially zoned districts Rs 1 through Rs 6 are not permitted to have dumpsters. Dumpsters other than two (2) cubic yards will not be eligible to receive collection through the City's group bid price.
- (3) The City shall collect up to two (2), eighteen (18) gallon recycling containers per building per week.
- ~~(2)~~ The base level of service per building for recycling will be one (1), sixty-four (64) gallon recycling cart per building biweekly (every two weeks). If a building generates more recycling than this amount, the building owner has the option to exchange the one sixty-four (64) gallon recycling cart for one ninety-six (96) gallon recycling cart upon paying a one-time non-refundable fee of \$25.00. Pickup would continue to be on a biweekly (every two weeks) basis. If additional carts are needed, the building owner may purchase an additional cart(s) and an invoice will be sent on a yearly basis for the actual cost of pickup. All recyclable material must be placed within the cart. Any recyclable material placed outside of the cart will not be picked up.
- ~~(4)~~ If a building generates more than two (2), eighteen (18) gallon recycling containers per building per week but less than two (2), ninety six (96) gallon container per week, the building owner may elect to purchase said service through the City and receive collection at the group bid price provided to the City by the contractor. The billing means and methods are as established by the City Treasurer. Recycling containers are provided by the contractor.
- ~~(5)~~(3) In order to receive municipal service (equivalent of six (6) thirty-two (32) gallon garbage containers or less weekly and up to two (2) 18-gallon recycling containers per week, one (1) sixty-four (64) gallon recycling cart biweekly (every two weeks)), commercial, business, industrial and multi-family building owners shall sign and return a service request form to the Department of Engineering and Public Works.
- ~~(6)~~ If the building owner elects to have their refuse and/or recyclables picked up under the group bid price, the property owner(s) shall sign and return a contract on a yearly basis with the Department of Engineering and Public Works.
- ~~(7)~~(4) Buildings regularly exceeding either of the described municipal service limits for refuse amounts shall have their service revoked. For the purpose of this ordinance, regularly exceeding shall mean having more garbage ~~or recyclables~~ than the described limits for two (2) consecutive weeks, or five (5) times in a calendar year.
- ~~(8)~~(5) The Director of Engineering & Public Works shall be responsible for making decisions regarding refuse and recycling service qualification. If a building is to have service revoked, such service shall cease no sooner than fourteen (14) days

following notice of the Director of Engineering & Public Works. Building owners who have had their service revoked may appeal this decision to the Public Works Commission. The Public Works Commission shall render a final decision regarding garbage and recyclable service appeals.

- ~~(9)~~(6) Buildings which have had service revoked may request restoration of the service no sooner than the beginning of the next calendar year following the year of their revocation. Such request must also include a statement from the building owner on how they reduced their volume to meet the prescribed limits.

SEC. 8-3-7 RECYCLING OF DECIDUOUS MATERIAL.

Every owner, occupant or person in charge of any lot, place or parcel of land within the limits of this City shall separate all deciduous material from all other garbage, rubbish and construction waste.

SEC. 8-3-8 SPECIAL COLLECTIONS FOR VIOLATIONS.

If any person, including those receiving collection from a private firm, is found in violation of the collection and storage requirements of this Chapter and fails to comply with a notification and/or citation, the Director of Engineering and Public Works shall be empowered to order a special collection to remove such violation. The person shall be notified of such special collection and the charges therefor. The special collection shall be made and if billing is unpaid, the bill shall be considered a lien on the property and shall be placed on the tax roll. A person shall not use the special collection provisions of this Chapter to circumvent requirements for collection by a private firm.

SEC. 8-3-9 TITLE TO WASTE.

In the absence of an agreement to the contrary, title to the solid waste placed for collection by the City of Cedarburg shall vest in the City of Cedarburg as soon as it is placed for collection.

SEC. 8-3-10 PROHIBITED ACTIVITIES AND NON-COLLECTABLE MATERIALS.

- (a) **Dead Animals.** It shall be unlawful to place any dead animal, or parts thereof, in a container for collection provided, however, this Section shall not apply to animal parts from food preparation for human consumption.
- (b) **Undrained Food Wastes.** It shall be unlawful to place any garbage or other food wastes in a container for collection unless it is first drained and wrapped.
- (c) **Ashes.** It shall be unlawful to place hot ashes for collection. (See Section 8-3-5(E)(d).
- (d) **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 to the provisions of this Chapter.
- (e) **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.
- (f) **Improper Transportation.** It shall be unlawful to transport any solid waste in any vehicle which permits the contents to blow, sift, leak or fall therefrom. 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 leakproof, 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.

- (g) **Interference With Authorized Collector.** No person other than an authorized collector shall collect or interfere with any garbage after it shall have been put into a garbage receptacle and deposited in the proper place for the collector, nor shall any authorized person molest, hinder, delay or in any manner interfere with an authorized garbage collector in the discharge of his duties.
- (h) **Scavenging.** No person except law enforcement personnel and authorized employees of the City of Cedarburg shall remove, take, or otherwise meddle or tamper with solid waste placed for collection.
- (i) **Private Dumps.** It shall be unlawful for any person to use or operate a dump.
- (j) **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.
- (k) **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 (paint which is dried out and lid removed is acceptable).
 - (7) Inoperable vehicles.
 - (8) Lumber which is not bundled, exceeds four foot in length, or exceeds 50 pounds in total.
 - (9) Trees and shrubbery.
 - (10) Lead acid batteries.
 - (11) Major appliances.
 - (12) Grass clippings, leaves, brush and organic garden and yard waste.
 - (13) Bulky wastes (items larger than four (4) feet in any direction and/or weighting more than fifty (50) pounds.
- (l) **Animal or Human Wastes.** It shall be unlawful for any person to place animal wastes and/or human wastes for collection. These wastes should be disposed of in plastic bags or in the sanitary sewer system. Such items as "kitty litter" may be placed for collection if animal wastes are removed prior to disposal.
- (m) **Hospital Wastes.** It shall be unlawful for any person to place for collection any pathogenic hospital wastes. Such items as needles and syringes may be disposed of as long as they are contained to eliminate injury to collection crews.
- (n) **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. (Acceptable amount per week is materials under four (4) feet in length and width which is tied or confined and under fifty (50) pounds.
- (o) **Unlawful Dumping.** No person shall dump any garbage, rubbish, ashes, refuse or

deciduous material anywhere in the City except in an approved private or public dump or refuse container at such times and places and conditions as designated by the Director of Engineering and Public Works and except where certain of these materials are used in a normal manner for improving property by grading, fertilizing or resurfacing.

SEC. 8-3-11 GARBAGE ACCUMULATION; WHEN A NUISANCE.

The accumulation or deposit of garbage, trash, bulky waste or putrescible animal or vegetable matter in or upon any lot or land or any public or private place within the City which causes the air or environment to become noxious or offensive or to be in such a condition as to promote the breeding of flies, mosquitoes or other insects, or to provide a habitat or breeding place for rodents or other animals, or which otherwise becomes injurious to the public health is prohibited and declared to constitute a nuisance.

SEC. 8-3-12 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 Cedarburg.

SEC. 8-3-13 RECYCLING

- (a) **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 § 287.11, Wis. Stats., and Chapter NR 544, Wis. Administrative Code.
- (b) **Statutory Authority:** This ordinance is adopted as authorized under §287.09(3)(b), Wis. Stats.
- (c) **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.
- (d) **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. Administrative Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Chapter NR 544, Wis. Administrative Code, standards in effect on the date of the adoption of this ordinance, or in effect on the date of the most recent text amendment of this ordinance.
- (e) **Administration.** The provision of this ordinance shall be administered by the Public Works Commission.
- (f) **Definitions.** For the purposes of this ordinance:
 - (1) "Bi-metal container" means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.

- (2) "Container board" means corrugated paperboard used in the manufacture of shipping containers and related products.
- (3) "Foam polystyrene packaging" means packaging made primarily from foam polystyrene that satisfies one of 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 a shipping container;
 - c. Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.
- (4) "HDPE" means high density polyethylene, labeled by the SPI (The Society of the Plastic Industry, Inc.) Code #2.
- (5) "LDPE" means low density polyethylene, labeled by the SPI Code #4.
- (6) "Local Authorized Dealer" means a business or individual that is authorized to accept for recycling or other processing any recyclable materials.
- (7) "Magazines" means magazines and other materials printed on similar paper.
- (8) "Major appliance" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator or stove.
- (9) "Multiple-family dwelling" means a property containing four (4) or more residential units, including those which are occupied seasonally.
- (10) "Newspaper" means a newspaper and other material printed on newsprint.
- (11) "Non-residential facilities and properties" means commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.
- (12) "Office paper" means high grade printing and writing papers from offices in non-residential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. The term does not include industrial process waste.
- (13) "Other resins or multiple resins" means plastic resins labeled by the SPI Code #7.
- (14) "Person" including any individual, corporation, partnership, association, local governmental unit, as defined in §287.01(5m), Wis. Stats., state agency or authority or federal agency.
- (15) "PETE" means polyethylene terephthalate, labeled by the SPI Code #1.
- (16) "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.
- (17) "Postconsumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in §291.01(7), Wis. Stats.; waste from construction and demolition of structures; scrap automobiles; or high-volume industrial waste, as defined in §289.01(17), Wis. Stats.
- (18) "PP" means polypropylene, labeled by the SPI Code #5.
- (19) "PS" means polystyrene, labeled by the SPI Code #6.
- (20) "PVC" means polyvinyl chloride, labeled by the SPI Code #3.
- (21) "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 bi-metal containers.

- (22) "Solid waste" has the meaning specified in §289.01(33), Wis. Stats.
 - (23) "Solid waste facility" has the meaning specified in §289.01(35), Wis. Stats.
 - (24) "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.
 - (25) "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
 - (26) "Yard waste" means leaves, grass clippings, yard and garden debris and brush, including clean wood vegetative material no greater than six (6) inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.
- (g) **Separation of Recyclable Materials.** Occupants of single family and two to four unit residences, multiple family dwellings and non-residential facilities and properties shall separate the following materials from postconsumer waste:
- (1) Lead acid batteries
 - (2) Major appliances
 - (3) Waste oil
 - (4) Yard waste
 - (5) Aluminum containers
 - (6) Bi-metal containers
 - (7) Corrugated paper or other container board
 - (8) Foam polystyrene packaging
 - (9) Glass containers
 - (10) Magazines
 - (11) Newspaper
 - (12) Office paper
 - (13) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS and other resins or multiple resins
 - (14) Steel containers
 - (15) Waste tires
- (h) **Separation Requirements Exempted.** The separation requirements of Section 8-3-13(g) do not apply to the following:
- (1) Occupants of single family and two to four unit residences, multiple-family dwellings and non-residential facilities and properties that send their postconsumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in Section 8-3-13(g) from solid waste in as pure a form as is technically feasible.
 - (2) Solid waste which 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 supplemental fuel.
 - (3) A recyclable material specified in Section 8-3-13(g)(5-15) for which a variance has been granted by the Department of Natural Resources under §287.07(7)(h), Wis. Stats. or NR544.14, Wis. Admin. Code.

- (i) **Care of Separated Recyclable Materials.** To the greatest extent practicable, the recyclable materials separated in accordance with Section 8-3-13(g) 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 between collection dates in a manner which protects them from wind, rain, and other inclement weather conditions.
- (j) **Management of Lead Acid Batteries, Major Appliances, Waste Oil and Yard Waste.** Occupants of single family and two to four unit residences, multiple-family dwellings and non-residential facilities and properties shall manage lead acid batteries, major appliances, waste oil, and yard waste as follows:
- (1) Lead acid batteries shall be taken to a local authorized dealer accepting this product.
 - (2) Major appliances shall be taken to a local authorized dealer accepting this product or picked up under the City of Cedarburg Appliance Pickup policy.
 - (3) Waste oil shall be taken to a local authorized dealer accepting this product. Waste oil may be taken to the Public Works Facility for acceptance during posted hours of operation.
 - (4) Yard waste, brush and grass clippings shall be handled in accordance with adopted City policies. (Policy PW-6)
- (k) **Preparation and Collection of Recyclable Materials.** Except as otherwise directed by the Director of Engineering & Public Works, occupants of single family and two to four unit residences and multiple families shall do the following for the preparation and collection of the separated materials specified in Section 8-3-13(g).
- (1) Aluminum containers shall be mixed together with other recyclables within the provided sixty-four (64) gallon recycling cart gallon and placed at the curb on the designated collection day.
 - (2) Bi-metal containers shall be mixed together with other recyclables within the provided sixty-four (64) gallon recycling cart gallon and placed at the curb on the designated collection day.
 - (3) Corrugated paper or other container board, magazines, newspapers and office paper shall be ~~bundled (no larger than eight inches high) and placed at the curb on the designated collection day.~~ mixed together with other recyclables within the provided sixty-four (64) gallon recycling cart gallon and placed at the curb on the designated collection day.
 - ~~(4) Foam polystyrene packaging shall be mixed together with other recyclables and placed at the curb on the designated collection day.~~
 - ~~(5)~~(4) Glass containers shall be mixed together with other recyclables within the provided sixty-four (64) gallon recycling cart gallon and placed at the curb on the designated collection day.
 - ~~(6) Magazines shall be bundled or put in a brown grocery bag and placed at the curb on the designated collection day.~~
 - ~~(7) Newspapers shall be bundled or put in a brown grocery bag and placed at the curb on the designated collection day.~~
 - ~~(8) Office paper shall be bundled or put in a brown grocery bag and placed at the curb on the designated collection day.~~

- ~~(9) Rigid plastic containers shall be prepared and collected as follows:~~
- ~~a. Plastic containers made of PETE (#1) shall be mixed together with other recyclables and placed at the curb on the designated day of collection.~~
 - ~~b. Plastic containers made of HDPE (#2) shall be placed together with other recyclables and placed at the curb on the designated day of collection.~~
 - ~~c. Plastic containers made of PVC shall be collected as #1 and #2 plastics unless excluded by the DNR.~~
 - ~~d. Plastic containers made of LDPE shall be collected as #1 and #2 plastics unless excluded by the DNR.~~
 - ~~e. Plastic containers made of PP shall be collected as #1 and #2 plastics unless excluded by the DNR.~~
 - ~~f. Plastic containers made of PS shall be collected as #1 and #2 plastics unless excluded by the DNR.~~
 - ~~g. Plastic containers made of other resins or multiple resins shall be collected as #1 and #2 plastics unless excluded by the DNR.~~

(5) Rigid plastic containers including PETE (#1), HDPE (#2), PVC (#3), LDPE (#4), PP (#5), PS (#6), and other resins or multiple resins (#7) shall be mixed together with other recyclables within the provided sixty-four (64) gallon recycling cart gallon and placed at the curb on the designated collection day.

~~(10)~~(6) Steel containers shall be mixed together with other recyclables within the provided sixty-four (64) gallon recycling cart gallon and placed at the curb on the designated day of collection.

~~(14)~~(7) Waste tires shall be disposed at designated local authorized dealer accepting this product.

(8) All recyclable material must be placed within the cart. Any recyclable material placed outside the cart will not be picked up.

~~(12) Multiple family residences shall:~~

- ~~a. mix materials listed in items 1,2,4,5,9 and 10 in the designated container at the designated location~~
- ~~b. mix materials listed in items 3,6,7 and 8 in the designated container at the designated location.~~

(1) Responsibilities of Owners or Designated Agents of Multi-Family Dwellings.

(1) Owners or designated agents of multi-family dwellings shall do all of the following to recycle the materials specified in Section 8-3-13(g)(15):

- a. Provide adequate separate containers for the recyclable materials.
- b. Notify tenants in writing at the time of renting or leasing the dwelling at least semi-annually thereafter about the established recycling program.
- c. 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.
- d. Notify tenants of reasons to reduce and recycle solid waste, 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

(2) **The requirements specified in (1) do not apply to the owners or designated agents of multi-family dwellings if:**

- a. The postconsumer 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 8-3-13(g)(5-15) from solid waste in as pure a form as is technically feasible.
- b. Solid waste which is burned as a supplemental fuel at a facility if less than 30% of the heat input of the facility is derived from the solid waste burned as a supplemental fuel at that facility.
- c. Items have been granted a separation variance by the Department of Natural Resources under §287.07(7)(h), Wis. Stats. Currently the items which need not be separated from solid waste are foam polystyrene packing and rigid plastic containers made of PVC (#3), LDPE (#4), PP (#5), PS (#6), and other resins or multiple resins (#7).

(m) **Responsibilities of Owners or Designated Agent of Non-Residential Facilities and Properties.**

- (1) Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in Section 8-3-13(g)(5-15):
 - a. Provide adequate separate containers for the recyclable materials.
 - b. Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.
 - c. 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.
 - d. 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.
- (2) The requirements specified in (1) do not apply to the owners or designated agents of non-residential facilities and properties if the postconsumer waste generated within the facility or property is treated at a processing facility licenses by the Department of Natural Resources that recovers for recycling the materials specified in Section 8-3-13(g)(5-15) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

(n) **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 Section 8-3-13(g)(5-15) which may have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

(o) **Enforcement.**

- (1) For the purpose of ascertaining compliance with the provisions of this ordinance, the Director of Engineering & Public Works or his or her designee may inspect recyclable materials separated for recycling, postconsumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and non-residential 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 the Director of Engineering & Public Works or his or her designee, who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper or interfere with such an inspection.(2) Any person who violates a provision of this ordinance may be issued a citation by the City of Cedarburg 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 this paragraph.

- (3) Any person who violates a provision of this Ordinance may be required to forfeit not less than \$50 or more than \$1,000 for each violation.

SECTION 2. This ordinance shall take effect on January 1, 2009.

Passed and adopted this 29th day of September, 2008.

Gregory P. Myers, Mayor

Countersigned:

Constance K. McHugh, City Clerk

Approved as to form:

Kaye K. Vance, City Attorney