

CHAPTER 13

SANITATION AND RECYCLING

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13.01 Solid Waste Recycling and Disposal.

(1) **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. Administrative Code.

(2) **Statutory Authority.** This ordinance is adopted as authorized under s. 159.09(3)(b), Wis. Stats.

(3) **Applicability.** The provisions of this ordinance shall be applicable to all persons who generate or possess solid waste in the City of Manitowoc, whether or not such waste is disposed of in the City of Manitowoc.

(4) **Administration.** The provisions of this ordinance shall be administered by the Department of Public Works, which may request the assistance of the Manitowoc Police Department, where necessary, and by any other City officials or departments as may be directed by the Streets Committee of the Common Council.

(5) **Definitions.** For the purposes of this ordinance:

(a) "Bi-metal 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 packaged articles in a shipping container.

3. Consists of rigid materials shaped to hold and cushion packaged articles 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, microwave oven, oven, refrigerator, furnace, boiler, dehumidifier, water heater or stove.

(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.

(im) "Nonrecyclable solid waste" means solid waste which is not required to be separated under (8) and which is not hazardous waste.

(j) "Non-residential 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 non-residential 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) "Postconsumer 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" include 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; steel containers; waste tires; and bi-metal containers.

(u) "Solid waste" has the meaning specified in s. 144.01(15), Wis. Stats.

(v) "Solid waste facility" has the meaning specified in s. 144.43(5), Wis. Stats.

(w) "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.

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

(y) "Yard debris" means clean woody vegetative material which is greater than 6 inches in diameter, including stumps, roots or shrubs with intact root bulbs.

(z) "Yard waste" means leaves, grass clippings, yard and garden wastes 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.

(6) Disposal of Solid Waste. All persons who generate solid waste in the City of Manitowoc shall dispose of such solid waste as required in this ordinance and as otherwise required by law. 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 this §13.15(8)(e) through (o) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility, and except that a person may dispose of a microwave oven in a solid waste disposal facility if the capacitor has been removed and disposed of in accordance with Wis. Stat. §144.79(7), if applicable.

(7) Nonrecyclable Solid Waste. **(a) Storage.** All persons who generate nonrecyclable solid waste shall store such waste in nonrusting, watertight, rodent proof containers made of galvanized metal or other substantial material. As far as possible, these containers shall be placed out of public view, except that they may be placed at the street for collection within 24 hours preceding the time for pick up. It shall be permissible within this 24 hour period to place closed plastic garbage can liners or bags of sufficient strength to hold their contents.

(b) Removal. Persons who generate nonrecyclable solid waste shall be required to remove such waste themselves or have

such waste removed by a licensed garbage hauler at least once a week, except in the case of hotels, motels, boarding houses and restaurants, where garbage shall be removed semi-weekly or more often, if directed by the Manitowoc County Health Department or the City of Manitowoc Department of Public Works.

(8) Separation of Recyclables. Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties shall separate the following materials from postconsumer waste:

- (a) Lead acid batteries
- (b) Major appliances
- (c) Waste oil
- (d) Yard waste
- (e) Aluminum containers
- (f) Bi-metal containers
- (g) Corrugated paper or other container board
- (h) Foam polystyrene packaging, effective January 1, 1996
- (i) Glass containers
- (j) Magazines
- (k) Newspaper
- (l) Office paper
- (m) Rigid plastic containers made of PETE, HDPE and, effective January 1, 1996, PVC, LDPE, PP, PS, and other resins or multiple resins
- (n) Steel containers
- (o) Waste tires.

It shall be unlawful for any person who generates these materials to deposit such materials or place them for collection to be deposited in a licensed landfill.

(9) Separation Requirements Exempted. The separation requirements of (8) do not apply to the following:

(a) Occupants of single family and 2 to 4 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 (8) 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 to the facility is derived from the solid waste burned as supplemental fuel.

(c) A recyclable material specified in (8) and (e) through (o) 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. Administrative Code.

(10) Care of Separated Recyclable Materials. To the greatest extent practicable, the recyclable materials separated in accordance with (8) 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, and agricultural chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions.

Persons who hire a licensed garbage hauler for the removal of their solid waste shall, in the removal of recyclables which their hauler is required to or is willing to accept, be required to use a container acceptable to the hauler when placing such recyclables for collection, except for yard waste or other recyclables which are too large for such containers. Such persons shall follow other rules of their hauler relating to the handling of recyclables for collection.

(11) Management of Lead Acid Batteries, Major Appliances, Waste Oil, Yard Waste and Tires. Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties shall manage lead acid batteries, major appliances, waste oil, yard waste and tires by delivering such recyclables to another person who will process them in compliance with State law, including applicable Department of Natural Resources regulations, and the provisions of this ordinance. Some suggested methods of management are as follows:

(a) Lead acid batteries may be delivered to a battery dealer willing to accept such batteries, delivered to a salvage yard willing to accept such batteries, or left for pick up by a licensed commercial garbage hauler willing to accept and properly dispose of such batteries.

(b) Major appliances may be disposed of by delivery to and acceptance by an appliance dealer, or left for pick up by a licensed commercial garbage hauler willing to accept such and properly dispose of such appliances.

(c) Waste oil may be brought to the collection station at the Public Safety Building during operating hours, or left for pick up by a licensed commercial garbage hauler willing to accept and properly dispose of such waste oil.

(d) Yard waste may be delivered to an authorized Manitowoc County compost site or disposed of on the site where generated. The City's Department of Public Works will continue to collect designated yard waste at no charge to residents during the Spring cleanup and the Fall leaf program. These programs shall be subject to such regulations as are approved by the Streets and Sanitation Committee. No yard waste shall be placed for collection by the City's Department of Public Works more than two weeks before a scheduled pick up. Any yard waste placed for collection by a licensed garbage hauler shall be placed in a manner acceptable to the hauler. If yard waste is to be picked up by a licensed garbage hauler, it shall not be placed for collection more than 72 hours before scheduled pick up.

(e) Tires may be taken to tire dealers or others willing to accept them for proper disposal.

(12) Yard Debris. Any person generating yard debris shall either (a) process it into a form of yard waste to be disposed of as are other yard wastes, or (b) be required to pay the tipping fee for disposal of such yard debris if it is delivered to a landfill with which the City has a disposal agreement. The Department of Public Works will not collect yard debris. If the yard debris is delivered to such landfill by a licensed garbage hauler, the hauler shall be responsible for payment of the fee and its collection from the person generating such yard debris.

(13) Preparation and Collection of Recyclable Materials. Except as otherwise directed by the Department of Public Works, occupants of single and 2 to 4 unit residences shall do the following for the preparation and collection of the separated materials specified in (8)(e) through (o) which are placed for collection by a licensed garbage hauler:

(a) Aluminum containers shall be rinsed out clean and placed in an approved recycling container.

(b) Bi-metal containers shall be rinsed out clean and placed in an approved recycling container.

(c) Corrugated paper or other container board shall be flattened and either bundled or packed in a paper bag or other corrugated material and placed in an approved recyclable container.

(d) Foam polystyrene packaging shall, effective January 1, 1996, be secured and placed in an approved recycling container.

(e) Glass containers shall be rinsed, caps removed, and placed in an approved recycling container.

(f) Magazines shall be bundled or bagged and placed in an approved recycling container.

(g) Newspapers shall be bundled or placed in a paper bag and placed in an approved recycling container.

(h) Office paper shall be bundled or placed in a paper bag and placed in an approved recycling container.

(i) Rigid plastic containers shall be prepared and collected as follows:

1. Plastic containers made of PETE (#1) shall be rinsed thoroughly, caps removed and be placed in an approved recycling container.

2. Plastic containers made of HDPE (#2), which are blow molded, shall be rinsed thoroughly, caps removed and placed in an approved recycling container.

3. Effective January 1, 1996, plastic containers made of PVC (#3) shall be rinsed thoroughly, caps removed and be placed in an approved recycling container.

4. Effective January 1, 1996, plastic containers made of LDPE (#4) shall be rinsed thoroughly, caps removed and placed in an approved recycling container.

5. Effective January 1, 1996, plastic containers made of PP (#5) shall be rinsed thoroughly, caps removed and be placed in an approved recycling container.

6. Effective January 1, 1996, plastic containers made of PS (#6) shall be rinsed thoroughly, caps removed and placed in an approved recycling container.

7. Plastic containers made of other resins or multiple resins shall be handled per the direction of the Streets and Sanitation Committee.

(j) Steel containers shall be placed in an approved recycling container.

Occupants of single and 2 to 4 unit residences who do not hire a licensed garbage hauler to collect the recyclable materials described in this (13) shall be required to deliver such recyclable materials to another person who will process them in compliance with State law, including applicable Department of Natural Resources regulations, and any other provisions of this ordinance.

(14) 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 (8)(e) through (o):

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 (a) do not apply to the owners or designated agents of multiple-family dwellings if 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 (8)(e) through (o) from solid waste in as pure a form as is technically feasible.

(15) Responsibilities of Owners or Designated Agents of Non-Residential Facilities and Properties. (a) Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in (8)(e) through (o):

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 non-residential facilities and properties if the postconsumer 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 (8)(e) through (o) from solid waste in a pure a form as is technically feasible.

(16) Theft of Recyclables. Recyclable materials, upon placement at the curb or other collection site, shall become the property of the licensed garbage hauler. No person, other than a licensed garbage hauler, shall take or remove any recyclable materials which have been placed for collection by such licensed garbage hauler.

(17) Regulations. The Director of Public Works is authorized to establish and promulgate reasonable regulations to effectuate the implementation of the City's recycling program which shall be effective following approval by the Streets and Sanitation Committee and reasonable notice to the public.

(18) Conflict with Other Laws. 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.

(19) 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 standards in effect on the date of the adoption of this ordinance, or in effect on the date of the most recent text amendment to this ordinance.

(20) Enforcement and Penalties. (a) Investigation.

For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of City of Manitowoc 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 any authorized officer, employee or authorized representative of City of Manitowoc who requests access for purpose of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.

(b) Forfeitures. 1. Any person who violates (6) shall forfeit not less than \$50 for a first violation, not less than \$200 for a second violation, and not more than \$2,000 for a third or subsequent violation.

2. Any person who violates any provision of this Ordinance other than (6) shall forfeit not less than \$10 nor more than \$1,000 for each violation.

(c) Nuisance. In addition to any forfeiture penalties, violation of any provision of this Section 13.15 which constitutes a nuisance under §13.05 shall be subject to the abatement procedures of that section."

(d) In addition to other enforcement measures provided for herein, the City may remove or cause to be removed any recyclable or nonrecyclable solid waste which is not disposed of as required by this Ordinance and charge the cost of such removal as a special charge against the property pursuant to Wis. Stat. §66.60(16).

13.02 Interference with Garbage Containers. No person other than the owner, occupant, tenant or their agents, shall deposit any article or thing in any garbage container, nor remove, displace, injure, deface, destroy, uncover or disturb such container or the contents. In the case of garbage containers owned by a governmental body, no person shall be permitted to deposit any article or thing in any such garbage container except garbage generated on the property in which the container is located or garbage otherwise authorized by the governmental unit to be placed in such container.

13.03 Regulation of Commercial Garbage Haulers.

(1) License Required. All commercial garbage haulers, as defined in Section 11.09 (1), shall be licensed as required by Section 11.09 (1) and (2) of the Municipal Code. Violation of any of the provisions of this section may be cause for suspension, revocation or refusal to renew such license. This shall not be interpreted to mean that such license may not be suspended, revoked or refused renewal for other reasons.

(2) Vehicle Requirements. All vehicles used by commercial garbage haulers to collect or haul garbage or refuse, shall be covered over the part of the vehicle which contains the
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garbage or refuse and shall be so constructed that no garbage can spill or leak. Such vehicles shall be kept clean and as free from offensive odors as possible. While any garbage is contained in any such vehicle, the vehicle shall not be kept on any street, alley or public place, or upon any private premises longer than is reasonably necessary to collect the garbage and transport it for disposal. A licensed vehicle may not be kept overnight with any garbage stored in the vehicle, unless the vehicle does not cause any offensive odors and is removed by 8:00 a.m. the following morning. No licensed vehicle may be parked at any time in any area not zoned to permit the location of a garbage hauling business, whether loaded or unloaded, except while making garbage collections.

(3) Collection and Disposal. (a) Collection of Recyclables. As a condition of receiving a commercial garbage haulers license, each commercial garbage hauler must provide sufficient staff and equipment to collect and properly deliver or process recyclables. Recyclables shall be kept separate from other solid waste collected by the licensed garbage hauler and the recyclables shall not be disposed of at a licensed landfill.

(am) Hours of Residential Collection. As a condition of receiving and maintaining a Commercial Garbage Hauler's License, any commercial garbage hauler shall not attempt collection of recyclables and/or residential waste, which is waste as defined under Section 13.03(3)(c), from residential property, between the hours of 9:00 p.m. and 4:30 a.m. and day of the week, except in the event of an emergency, and then only after approval from the City Engineer. All streets defined and listed as arterial streets under Ordinance Section 10.06 shall not be subject to the above time restrictions. Violation of established hours of collection will result in a \$100 forfeiture for a first offense, \$150 forfeiture for a second offense within a 12 month period, and a forfeiture of \$200 for any subsequent offenses within a 12 month period.

(b) Pricing. Commercial garbage haulers shall adopt and utilize a volume based rate structure for the collection of solid waste from occupants of single family and 2 to 4 unit residences. The rate structure shall provide a flat base charge for weekly nonrecyclable garbage which is placed in a single container of 45 gallons or less, except as may otherwise be permitted by the Streets Committee and the Department of Natural Resources. The rate structure shall meet the requirements of Wis. Stat. §159.23(5s) and any other Department of Natural Resources requirements for a volume based recycling program. The rate structure shall provide that recyclables will be collected at no additional charge to that made for the collection of solid waste to residential customers residing in buildings with four or less dwelling units, except that haulers may make a separate charge for the collection of yard waste and yard debris."

(c) Mixed Load Prohibited. The contents and municipality of origin of each load or garbage or refuse shall be reported accurately to the operators of the landfill in which the garbage is disposed of. In reporting the contents of each load originating in the City of Manitowoc, the hauler shall also report whether the contents consist entirely of residential waste from residential properties with four or less dwelling units, or any other types of waste. As used in the preceding sentence, "residential waste" shall exclude any waste collected in containers of more than 100 gallons, as well as any demolition, building or remodeling waste. When the garbage or refuse is disposed of at a landfill where the City has assumed liability for all or part of the cost of disposal, no hauler shall mix garbage, refuse or other waste in any one load, part of which is compensable by the City and part of which is not compensable by the City. Exceptions may be granted to this provision when the hauler submits a plan for apportioning the mixed load to the City of Manitowoc and the other jurisdictions involved in the plan is approved in writing by the Director of Public Works and an authorized representative of the other jurisdictions, and the hauler complies with any conditions required in the grant of such permission. Any violation of these

mixed load requirements shall be cause for immediate revocation of the license issued to such hauler.

(d) Cooperation with Recycling Program. Commercial garbage haulers shall be required to take other measures, such as preparing reports and providing equipment compatible with available recycling facilities, as the City may require for the successful operation of its recycling program. This obligation shall extend to any requirements placed on the City by the State of Wisconsin or any of its agencies, as well as any measures approved by the City's Streets and Sanitation Committee which are reasonably necessary for the effective operation of the City's recycling program.

13.05 Removal of Noxious Weeds. (1) "Noxious Weeds" Defined.

(a) In addition to those noxious weeds listed in §66.0407 of the Wisconsin Statutes, the following are hereby declared to be noxious weeds in the City of Manitowoc:

1. Perennial sow thistle,
2. Wild and Indian mustard,
3. Quack grass, and
4. Ragweed.

(b) In addition, any grasses, lawns or weeds of any kind over eight (8") inches in height are declared to be noxious weeds, unless no portion of the tax parcel on which they are located lies within two hundred feet (200') of any other owner's dwelling unit or commercial building. In the case of property adjacent to a street right-of-way, any grasses, lawns or weeds of any kind over eight (8") inches in height are declared to be noxious weeds if they are located in either of the following areas:

1. In areas where there is no sidewalk, within ten (10') feet from the curb or other termination of the edge of the roadway, or
2. In areas with sidewalk, between the sidewalk and the curb and within ten (10') feet from the inside portion of the sidewalk.

(2) Cost of Removal. In the event the Department of Public Works removes noxious weeds which have not been removed by the property owner, the owner shall be assessed a base charge in all cases of \$40, plus (a) \$40 per hour for jobs done by hand, or (b) \$60 per work hour for weed cutting done by a tractor. The minimum assessment for any weed cutting against any property shall be \$75. Charges will be collected as a tax pursuant to Wis. Stat. §66.0517.

13.31 Penalties. Except as otherwise provided herein, violation of any provision of Chapter 13 shall be punishable by a forfeiture of not less than \$20.00 nor more than \$500.00. Each day of a violation shall be deemed as a separate offense.