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7.01 DEFINITIONS.

Unless otherwise indicated, the following terms used in this ordinance shall be deemed to have the meaning hereinafter set forth:

- (1) Business: A for-profit enterprise. Any business that occupies a separate building or which has a separate personal property tax account shall be classified as a separate business.
- (2) Cart: City of Wisconsin Rapids containers made available by the Department of Public Works which are collected by automated collection vehicles. All carts shall remain the property of the City.
- (3) Collector: Any city employee, licensed hauler, or individual engaged in collecting or transporting of recyclables or landfillable waste to either a processing center or landfill.
- (4) Commercial Waste: Any waste material that accumulates in or upon property used for wholesale or retail purposes.
- (5) Dead Animals: All dead animals and parts thereof.
- (6) Demolition and Construction Wastes: Scrap lumber, pipes, brick, masonry, rock, concrete, roofing materials, doors, windows, and similar materials.
- (7) Drop-off Site: Any location where recyclable materials may be deposited in approved containers for the purpose of collection and/or transportation to a processing site.
- (8) Electronic Waste: Non-landfillable waste products identified as an "eligible electronic device" under State Statute or similar products. Said products include, but are not limited, to: computers; facsimile machine; digital video disc player; digital video player that does not use a disc that is not a camera; video cassette recorder; video recorder that does not use a cassette and that is not a camera; consumer video display device (television or monitor); and consumer printer.
- (9) Governmental: Any federal, state, or county owned facility, building, or structure.
- (10) Household: A family unit or a person or persons living in a structure designed for a single-family residence.
- (11) Household Rubbish: Discarded furniture, rugs, and carpeting. Household rubbish shall not include major appliances or items identified as recyclable under Wisconsin Recycling Law. Household rubbish shall be six feet or less in length and weigh no more than 75 pounds.
- (12) Institutional: A not-for-profit organized society, element, or corporate body established for the purpose of providing educational, religious, training, health, or similar services to the public.
- (13) Landfillable Waste: Waste products not identified as recyclable by Wisconsin Recycling law or not otherwise prohibited from being disposed of in any landfill by this ordinance.
- (14) Major Appliances: Any household appliance; dishwashers, dryers, freezers, furnaces, microwave ovens, ovens, refrigerators, stoves, washers, water heaters, air conditioners, dehumidifiers, etc.
- (15) Metal Products or Automotive Parts: Any parts from cars, trucks, bicycles, snowmobiles, or machinery including doors, frames, hoods, wheels, fenders, motors, transmissions, axles, etc., and all metal products used in construction, such as iron, steel, aluminum, cast iron, etc., to include metal roofing, or siding used in building construction.
- (16) Multi-family: A property containing five or more residential units, including those which are occupied seasonally.
- (17) Packaging: Wrapping or otherwise enclosing landfillable waste in plastic, metal, wood, or other containers for the purpose of containing material to be recycled or landfilled. For the purposes of this ordinance, the containers of landfillable material shall not be considered as recyclable and may be deposited in an approved landfill.
- (18) Processing Center: Any location where recycled material is assembled or converted into a salable product.
- (19) Recycling Law: Wisconsin Act 335 as signed into law on April 27, 1990 and/or any future modifications or revisions of said law.
- (20) Recycling Material: Any material identified as recyclable under current or future Wisconsin recycling law. Presently, this includes lead-acid batteries, major appliances, waste oil, aluminum containers, corrugated

paper and container board, glass containers, magazines and similar material, newsprint, office paper, plastic #1-7, , steel containers (cans), waste tires, foam, and bi-metal steel/aluminum containers.

- (21) Vehicle Unit: Any vehicle used in the collection or transportation of recyclables or landfillable waste.
- (22) Yard Waste: Grass, leaves, pine needles, garden plants and brush under 6" in diameter. Yard waste does not include building material or household rubbish.

#### 7.02 RECYCLING REQUIRED

- (1) Yard waste may be deposited at a drop-off site approved by the city or burned in accordance with the provisions of Chapter 18. Major appliances and waste oil shall not be deposited in any landfill but shall be deposited at designated waste oil stations and the appliances at metal recyclers or scrap dealers. Brush may be hauled and deposited at sites designated by the city and/or will be collected by the city on a schedule established by the public works superintendent.
- (2) All occupants of buildings, both residential and non-residential, shall prepare for collection and separate from landfillable waste and other recyclable materials, the following recyclable materials:
  - (a) Corrugated paper and other container board
  - (b) Magazines and other material printed on similar paper
  - (c) Newspaper and other material printed on newsprint
  - (d) Office paper
  - (e) Aluminum containers
  - (f) Steel containers
  - (g) Bi-metal containers
  - (h) Glass Containers
  - (i) Plastic #1 thru #7
- (3) Care of separated recyclable materials. Recyclable materials separated in accordance with 7.02(2) 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 in a manner which protects them from wind, rain, and other inclement weather conditions.

#### 7.03 ACCUMULATION OR DEPOSITING OF SOLID WASTE

- (1) Accumulation of waste. If the owner, occupant or lessee of any premises shall neglect or refuse to clean up and remove from the premises any solid waste when ordered to do so by the county health department, the city building inspector or his/her designee, or the Public Works Superintendent or his/her designee, the owner, occupant or lessee shall be liable for the penalty provided for violation of this chapter. The waste may be collected by the Public Works Department and the entire cost assessed against the owner, occupant, or lessee.
- (2) It shall be unlawful for any person, persons, business, firm, agency, or institution not residing or located within the City of Wisconsin Rapids to deposit any solid waste at any City demolition site and further, it shall be unlawful for any city resident, business, firm, agency, or institution to deposit any such material generated outside of the corporate limits of the city in said city sites. Penalty for such offense shall be \$100 for the first offense, and \$200 for each subsequent offense.

#### 7.04 RECYCLABLE COLLECTION BY THE CITY

- (1) The City shall collect recyclables as defined in 7.02(2) from households and properties that have 4 or less residential units. Any apartments, townhouses, and multifamily dwellings having more than 4 units must contract with a licensed collector for recycling. Subject to (2) herein, all commercial, governmental, institutional, business, and industrial properties must contract with a licensed collector for the collection of recyclables,
- (2) A commercial property may enter into an agreement with the City to provide recycling collection, for an annual collection fee to be determined by the Common Council. The commercial property owner shall for the cost of a recycling cart. There is a limit of one recycling cart per commercial property.
- (3) The recyclable collection schedule shall provide for one collection of recyclables bi-weekly.
- (4) Recyclables waste shall not be permitted to accumulate longer than from one collection period to the next collection period for any class of residence, business, governmental agency, institution, or industry.

#### 7.045 LANDFILL WASTE COLLECTION BY THE CITY

- (1) The City shall collect landfill waste from
- (2) The city shall collect commercial and multi-family landfillable waste (maximum three 32-gallon cans or the volume equivalent per unit in dumpsters per week). Dumpsters shall not exceed two cubic yards in capacity.
- (3) All apartments, townhouses, and multifamily dwellings having more than 4 units must contract with a collector for landfill waste collection.
- (4) The landfillable waste collection schedule shall provide for one collection of landfillable wastes per week.
- (5) Landfillable waste shall not be permitted to accumulate longer than from one collection period to the next collection period for any class of residence, business, governmental agency, institution, or industry.

#### 7.05 SEPARATION

- (1) Separation of recyclable waste from landfillable waste shall be done at the home, business, institution, industry or governmental agency.
- (2) Landfillable wastes shall be separated from recyclable wastes and placed into a container approved for landfillable wastes or into plastic bags. 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 7.02(2).

#### 7.06 RECEPTACLES

- (1) Recycling Carts.
  - (a) Receptacles for comingled recyclables shall be a cart provided, owned, and approved by the City. One 95 gallon cart will be issued to all new residential dwellings and existing developed and occupied

residential dwellings as of May 1, 2016. If a resident moves from one City residence to another, the resident must leave their cart behind at the residence they are leaving. Upon request, residential property owners may request one additional cart. Residents shall be charged for the additional cart and will be charged an annual collection payment, as set by the Council. If a resident who paid for an additional cart moves to another area in the City and wishes to have a second cart at the new residence, the resident does not have to pay for the additional cart, provided the property owner gives the City notice of the move, and the property owner takes the second cart with them to the new residence.

- (b) Prior to initial issuance of a cart, property owners may request, in writing, a 48 gallon cart in lieu of a 95 gallon cart. Dwelling owners or occupants shall be responsible for the care and security of carts.
  - (c) Carts have an expected life of more than 10 years. Normal wear and tear damage to wheels or covers may be repaired by the City at no cost to the property owner at the discretion of the Public Works Superintendent.
  - (d) Replacement. Property owners are responsible for the care and protection of recycling carts provided by the City. Residents requiring a replacement cart will be responsible for the cost of said replacement. Residents requesting a change in size of cart shall return their existing cart and will be charged for the cost of the replacement cart.
  - (e) The City will provide one recycling cart per 5 mobile homes in a mobile home park. Additional carts may be requested and will be provided at the discretion of the Public Works Superintendent. Mobile park owners will be charged the fees for the carts, and will be responsible therefore.
  - (f) For duplexes, the property owner may use only one cart if desired. The property owner must notify the City and the City will pick up the extra cart. There will be no charge if the property owner desires to return to using two carts.
  - (g) For residential properties above commercial businesses, there will be a two cart maximum per parcel.
- (2) Landfillable Waste Receptacles
- (a) Receptacles for landfillable waste shall be of a type approved by the city. Residential receptacles for landfillable waste shall not exceed 33 gallons in size. In addition to approved receptacles, plastic bags may be used for landfillable waste only.
- (3) Location and Placement for collection. Prior to the scheduled time of collection, landfillable waste containers shall be placed adjacent to the alley or street. Recycling carts shall be placed within 1 foot of the curb or edge of pavement with the arrow on the lid facing the street and 3 feet from another cart or object. Areas that have no terrace shall place their cart at the house edge of the sidewalk. Placement of containers will only be allowed within 24 hours prior to the scheduled time of collection with required removal of containers within 24 hours after the scheduled collection.
- (4) Storage location of household and residential carts and receptacles. Carts may be stored along primary and accessory structures and may be in public view. Storage of carts and receptacles shall be prohibited in any street yard.

#### 7.07 BURNING.

No person shall burn or bury any landfillable waste or recyclables on private or public property, but shall cause the same to be collected and disposed of in a manner herein provided. Firewood resulting from the removal of trees may be stored and burned as fuel.

#### 7.08 DEPOSIT ON PRIVATE/PUBLIC PLACE.

No person shall deposit, throw, or place any landfillable wastes, yard waste or recyclable wastes on or within any public street, alley, park, sidewalk, or other public place, or within or upon any private property or premises whether owned by, kept, or controlled by such person or not, unless the same shall be placed in containers as herein provided or disposed of through a mechanical disposal unit connected to a sanitary sewer.

#### 7.09 COMMERCIAL, INDUSTRIAL, INSTITUTIONAL, AND MULTI-FAMILY COLLECTION

- (1) Licensed haulers shall not accept recyclable material for transportation to any landfill except as provided under Section 7.03 of this ordinance. Failure to comply with this regulation shall result in a fine as set in Section 7.20 of this ordinance.
- (2) Governmental, commercial, institutional, and industrial agencies and businesses may elect to transport their own recyclables and landfillable wastes to an approved processing center or landfill. Such agencies shall not transport recyclables to any landfill except as provided under Section 7.02(3) of this ordinance. Failure to comply will result in a fine as set in Section 7.20 of this ordinance.
- (3) Commercial, industrial, institutional, governmental, and multi-family receptacles shall be placed on hard surfaced pads (concrete pads) in an easily accessible location for collection by haulers. Concrete pads shall extend 1-1/2 feet beyond the container on all sides and be level. Receptacles shall be screened from public view.

#### 7.10 HOME COLLECTION REGULATIONS

- (1) Recyclables. Recyclables shall be placed in carts as described in 7.06(1)
- (2) All landfillable waste shall be placed in approved Landfillable Waste containers or in plastic bags. Liquid and semi-liquid landfillable wastes such as cooking oil or grease shall be placed in a leak-proof container and said container placed in a tightly secured plastic bag, the contents of which may not exceed 25 pounds. Containers for landfillable waste may not exceed 32 gallons and must not exceed 75 pounds in weight. Residential landfillable waste collection shall be limited to a maximum of three 32 gallon containers, or the volume equivalent per week.
- (3) Containers for landfillable waste shall be kept closed with a tight-fitting cover and shall be vermin- and fly-proof, and shall be maintained in good, clean and sanitary condition. All containers shall be equipped with suitable handles, and shall have no ragged or sharp edges or other defects which could injure or hamper the person collecting the waste. Defective or hazardous receptacles shall be replaced immediately by the owner. Failure to place Landfillable Waste in approved covered containers will result in a written warning from the city. Upon the second written warning, the property owner may be subject to a fine as set forth in Section 7.20 of this ordinance. Recycling carts are the property of the City of Wisconsin Rapids and are to be left at the residence in the event of sale of property or moving of the tenant. Replacement carts shall be at the expense of the owner.

- (4) Christmas trees will be collected by the city. The city will not collect logs, brush, or stumps generated by the clearing of land.
- (5) The city will not collect automobile parts as defined by Section 7.01(13) or metal products other than containers.
- (6) The city may elect to provide special pickups for Christmas trees, storm damaged materials, recyclables, or landfillable wastes. Also, the city will conduct special spring and fall collection of yard wastes. In this event, appropriate notices will be placed in the local paper advising the public.
- (7) Any material resulting from the removal of trees, larger than six inches in diameter, may not be deposited at any site other than a site specifically designated by the city for limbs, trees, etc.
- (8) Disposal of major appliances shall be the responsibility of residents/property owners. Until such items can be disposed of, they must remain stored so as not to be a nuisance to the public.
- (9) Disposal of electronic waster shall be the responsibility of residents/property owners. Until such items can be disposed of, they must remain stored so as not to be a nuisance to the public (MC1199).

#### 7.11 COMPOSTING.

- (1) The city has constructed drop-off sites for yard waste and hours of operation are posted at the sites. This compost material shall be available for residents' use and use on city projects.
- (2) Home composting is encouraged by the city. Bins, compost piles, etc., shall be located in a rear yard, screened from the view of neighbors' living areas, and maintained in a clean odor-free condition.
- (3) No compost materials shall be deposited at the compost drop-off sites or outside of the facility fence and/or gates except in the areas and/or containers designated for compost. Persons depositing unauthorized material or material in areas not specifically designated for compost material shall be subject to the penalties as provided in Section 7.20 of this ordinance.

#### 7.12 REJECTION OF RECYCLABLES AND LANDFILLABLE WASTE

- (1) Any landfillable wastes containing recyclables other than those provided for in Section 7.02(3) of this ordinance shall be rejected by the collector. Collectors accepting recyclables for placement in any landfill, except as provided for in 7.02(3), may be fined in accordance with Section 7.20 of this ordinance.
- (2) Any Landfillable Waste or recyclables not placed in accordance with the provisions of this ordinance may be rejected by the collector, in which case, Landfillable Waste or recyclables not picked up on a scheduled pickup, must be removed within 24 hours of the time said Landfillable Waste was scheduled to be picked up. A property owner or tenant failing to remove said Landfillable Waste or recyclables as outlined above, shall be subject to a fine or forfeiture in accordance with Section 7.20.

#### 7.13 SCAVENGING AND THEFT

- (1) It shall be unlawful for any person, firm, or corporation to disturb, remove, or carry away any Landfillable Waste or recyclable material that has been placed by the curb for collection by the city or by a licensed collector.
- (2) It shall be unlawful for any person, firm, or corporation to disturb, remove, or carry away any material or things from any landfill owned or operated under the jurisdiction of the city without written approval of the public works superintendent.
- (3) It shall be unlawful for any person, firm, or corporation to deposit any waste or material in any container without authorization from the party responsible for said container.

#### 7.14 SUPERVISION.

The collection and transportation of all Landfillable Waste and recyclables shall be under the supervision, direction, and control of the public works superintendent in strict conformity with the provisions of this ordinance and with such additional rules and regulations as may be made from time to time by the common council upon recommendation by the public works committee.

#### 7.15 DEMOLITION AND CONSTRUCTION WASTES.

The City of Wisconsin Rapids will not collect demolition or construction wastes for landfilling or recycling.

#### 7.16 DEAD ANIMALS.

Disposal or collection of dead animals will not be provided by the City of Wisconsin Rapids. Disposal must be in accordance with the Department of Natural Resources standards and must take place at the sanitary landfill serving the City of Wisconsin Rapids.

#### 7.17 TRANSPORTATION.

All landfillable waste and recyclable material including those from industrial, commercial, governmental and institutional sources, whether hauled by the city, an individual, a licensed collector, a firm or corporation shall be hauled in such a manner so as to insure that it is not blown or dropped from the vehicle on the public street or right-of-way.

#### 7.18 COLLECTION REGULATION AND LICENSES

- (1) No person, firm, or corporation shall engage in, exercise, or carry on a trade or business of picking up and hauling Landfillable Waste and/or recyclable material in the city of Wisconsin Rapids without first obtaining a license therefore, as provided herein, nor continue in such a business after such license has been revoked.
- (2) All vehicles used for the transportation of Landfillable Waste and recyclables shall be of substantial construction and the body shall be water tight or of a design approved by the public works committee as acceptable for transporting recyclables and/or Landfillable Waste. All vehicles used in the transportation of recyclables or Landfillable Waste shall be constructed and loaded in such manner as to prevent the contents from blowing or falling from said vehicle while either moving or standing.
- (3) License fee and Number Issued. The fee for any person, firm, or corporation engaging in the trade or business of picking up or hauling Landfillable Waste and/or recyclables shall be \$50 per vehicle unit per year. Said license shall expire on July 1 of each year, and no reduction shall be made in the fee for a period of less than one year. Said fee shall be paid to the city treasurer prior to the issuance or renewal of any such license. Licenses for persons, clubs, or organizations engaged in transporting material to the compost center for residents shall be free of charge.

- (4) Applications for the license required by this section shall be reviewed by and approved by the public works committee. Application shall be made on forms furnished by the city clerk. The license may be issued by the city clerk upon approval of the applicant by the public works committee and the filing of the necessary bond.
- (5) Every person desiring a license required by this section shall, prior to the issuance thereof, enter into a bond to the City of Wisconsin Rapids with such sureties as may be approved by the public works committee in a penal sum of \$200 conditioned for the observance of all ordinances of the City of Wisconsin Rapids now in force or hereafter passed regulating or pertaining to such business. Proof of insurance shall be required.
- (6) The license issued pursuant to this section shall state the name of the licensee, and the fee, address of the place of business, type of business carried on, and the name or names of the bondsmen.
- (7) No license shall be transferred from the licensee to any other person, firm, or corporation without the approval of the public works committee.
- (8) Failure to comply with the following operational rules and regulations will result in the revocation of the license to operate in the City of Wisconsin Rapids:
  - (a) The licensee must be properly licensed by the Department of Natural Resources of the State of Wisconsin and must display a Wisconsin state permit/license number on his vehicle.
  - (b) All containers placed at a commercial, industrial, governmental, institutional, or multi-family account of the licensee shall have the name of the licensee displayed on the containers.
  - (c) Licensees shall be responsible for cleaning up any debris spilled, dumped, or blown from his collection vehicle while traveling or collecting within the city limits.
  - (d) The licensee shall pay the city for depositing any solid waste in the landfill owned and operated by the city. The rate shall be determined by the public works committee and common council.
- (9) Commercial, institutional, governmental, or industrial firms or agencies may transport Landfillable Waste and/or recyclables generated by their own firm without a license, but may not engage in picking up or transporting the recyclables or Landfillable Waste generated by another firm, agency, or corporation without obtaining a license regardless of whether or not there is a monetary exchange for the service.

#### 7.19 DISPOSAL OF SOLID WASTES NOT COLLECTED BY THE CITY

- (1) It shall be the responsibility of the resident, business, institution, or governmental agency to dispose of all solid waste generated by them and not collected by the city. All such material must be recycled, hauled to the compost drop-off site, or hauled to the sanitary landfill serving the City of Wisconsin Rapids. Clean concrete, tree trunks, stumps, bituminous pavement, dirt, or sand may be deposited at either Arneson Hill or the city pit only after making appropriate arrangements through the Public Works Superintendent. A charge as approved by the public works superintendent may be made for the disposal of such material. Any material resulting from the removal of trees, or brush larger than six inches in diameter, shall be deposited at a site specifically designated by the city.
- (2) Yard waste will not be accepted nor can it be taken to a sanitary landfill for disposal. Such material must be taken to one of the city drop-off sites for composting or it may be composted on private property provided it is nuisance free, does not create offensive odors, and does not attract vermin or undesirable animals.

#### 7.20 ENFORCEMENT PROVISIONS AND PENALTIES.

- (1) Enforcement by Public Works Department. For the purpose of ascertaining compliance with the provisions of this chapter in regard to recyclables, any authorized officer, employee or representative of the Public Works Department may inspect recyclable materials separated for recycling, Landfillable 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 Public Works Department who requests access for purposes of inspection and who presents appropriate credentials. No person may obstruct, hamper or interfere with any such inspection. The Public Works Superintendent or his designee may issue citations for violations of this chapter.
- (2) Failure to comply. The Public Works Superintendent may refuse to furnish collection service to any person not complying or refusing to comply with this chapter or the rules and regulations made by the public works committee or other orders of the Public Works Superintendent or health department for the collection or disposal of solid wastes.
- (3) Prosecution. When services for collection of solid waste have been withdrawn by the Public Works Superintendent from any person for failure to comply with such rules and regulations resulting in the accumulation of Landfillable Waste or other solid wastes on his premises, which is offensive or a public nuisance, that person may be prosecuted under any ordinance of the city regulating the same.
- (4) Penalty. Any person who violates the provisions of this ordinance or who refuses to obey any order issued under this ordinance shall be subject to a forfeiture collected by municipal citation. The issuance of the citation shall not preclude proceeding under any other ordinance or law relating to the same matter. Proceeding under any other ordinance or law relating to the same matter shall not preclude the issuance of a citation under this subsection. Penalties for violating this ordinance, except as specifically provided elsewhere in this ordinance, shall be \$25 for a first offense, \$50 for a second offense, and \$100 for each subsequent offense, together with the costs of the action. Upon default or refusal to pay such forfeiture, the person may be imprisoned for not more than 60 days or may have motor vehicle operating privileges revoked as provided by law. Each 24-hour period of violation, disobedience, omission, neglect or refusal to obey this ordinance or any order in accordance therewith shall be deemed a separate offense.