

ORDINANCE NO. 2013-05

Amendment to Chapter 38 of City Ordinances

Chapter 38 of the Peshtigo Municipal Code is amended to read in its entirety as follows:

Chapter 38

SOLID WASTE*

Article I. In General

Sec. 38-1 – 38-18. Reserved.

Article II. Refuse Disposal and Collection

- Sec. 38-19. Declaration of policy.
- Sec. 38-20. Definitions.
- Sec. 38-21. Refuse storage areas.
- Sec. 38-22. Approved waste and refuse containers.
- Sec. 38-23. Collection of refuse.
- Sec. 38-24. Prohibited activities and non-collectible materials.
- Sec. 38-25. Garbage accumulation; when a nuisance.
- Sec. 38-26. Refuse from outside the municipality.
- Sec. 38-27. Improper use of
trash receptacles.
- Sec. 38-28. Drop off Site
- Secs: 38-29 – 38-57. Reserved.

Article III. Recycling

- Sec. 38-58. Recycling
- Sec. 38-59. Items acceptable for recycling
- Sec. 38-60. Preparation of items for recycling

***State law references** – Municipal powers and duties for solid waste reduction, recovery, and recycling, Wis. Stats. § 287.09; solid waste management, Wis. Stats. § 59.70.

ARTICLE I. IN GENERAL

Secs. 38-1 – 38-18. Reserved

ARTICLE II. REFUSE DISPOSAL AND COLLECTION

Sec. 38-19. Declaration of policy.

It is hereby declared to be the purpose and intent of this article 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.

(Code 1991, § 8-3-2)

Sec. 38-20. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Agricultural establishment means an establishment engaged in the rearing and slaughtering of animals and the processing of animal products or orchard and field crops.

Bulky waste means items whose large size precludes or complicates their handling by normal collection, processing or disposal methods.

Commercial unit means all property other than residential units and shall include boardinghouses, motels and resorts.

Curb means 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.

Demolition wastes means 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, insulation and any other materials resulting from the demolition of buildings and improvements.

Disposal means the orderly process of discarding useless or unwanted material.

DNR means the Wisconsin Department of Natural Resources.

Dump means a land site where solid waste is disposed of in a manner that does not protect the environment.

Dwelling unit means 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 article.

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.

Hazardous waste means 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.

Industrial waste means waste material, except garbage, rubbish and refuse, directly or indirectly resulting from an industrial processing or manufacturing operation.

Clutter means solid waste scattered about in a careless manner, usually rubbish.

Nonresidential solid waste means solid waste from agricultural, commercial, industrial or institutional activities or a building or group of buildings consisting of four or more dwelling units.

Person means individuals, firms, corporations and associations, and includes the plural as well as the singular.

Private collection services means collection services provided by a person licensed to do same by the DNR.

Recyclable waste means 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.).

Refuse includes all waste material, including garbage, rubbish and industrial waste and shall, by way of enumeration but not by way of limitation, include grass, leaves, sticks, tree branches and logs, stumps, stone, cement, boards, furniture or household appliances, garden debris.

Residential solid waste means all solid waste that normally originates in a residential environment from residential dwelling units.

Residential unit means an individual household capable of independent habitation by a family unit. A single-family dwelling shall be considered to be one residential unit; multifamily 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 boardinghouses, motels or resorts.

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 and shall include, by way of enumeration but not by way of limitation, tin cans, bottles, rags, paper, cardboard, sweepings.

Scavenging means the uncontrolled removal of materials at any point in solid waste management.

Solid waste means 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.

Storage means the interim containment of solid waste in an approved manner after generation and prior to collection and ultimate disposal.

Storage areas mean the areas where persons place containers during non-collection days as well as areas where containers are set out on collection day.

(Code 1991, § 8-3-3)

Sec. 38-21. Refuse storage areas.

Storage areas shall be kept in a nuisance- and odor-free condition. Litter shall not be allowed to accumulate. Collection crews will 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 regulations.

(Code 199.1, § 8-3-4)

Sec. 38-22. 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-free and odor-free condition and shall be sufficient to prevent the scattering of contents by weather conditions or animals.
- (b) *Approved containers.* Approved residential solid waste containers shall consist of metal or plastic containers with tight fitting covers and suitable handles, commonly referred to as garbage cans, or plastic garbage bags which are closed by means of a tie. Approved containers shall be maximum 32 gallon size. Container including contents shall not exceed in weight that which one person can safely lift 50 pounds. Metal garbage cans shall be of sufficient thickness to resist denting during normal handling by collection crews. Plastic garbage cans 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. Each unit will be allowed to dispose of rubbish (not garbage) in small cardboard boxes (no more than nine cubic feet in volume) provided the contents therein are covered and secured. Cardboard boxes will be considered disposable and will not be emptied and returned to the curb.
- (c) *Defective containers.* 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. 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.
- (d) *Illegal containers.* Containers not approved consist of metal/plastic barrels and drums, wooden or cardboard barrels, wheelbarrows and other such containers not approved by this article. These containers will not be emptied regardless of contents or weight.

(Code 1991, § 8-3-5)

Sec. 38-23. Collection of refuse.

- (a) *Placement for collection; residential.* The following shall be the residential placement of collection for refuse:

- (1) Residential solid waste shall be accessible to collection crews. Residential solid waste in approved containers shall be placed immediately behind the curb of the public street for collection. Yard and bulky wastes from residential units shall likewise be placed in neat, orderly fashion behind the curb. 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 terrace adjacent to the street curb for collection. Should collection crews be unable to discharge contents of garbage cans into collection vehicles using normal handing procedures, the cans, including contents, will be left at curb side. The owner shall make provisions to ensure 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 Common Council 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.* The following shall be the time limits and time for placement of refuse receptacles:
- (1) Receptacles and containers for refuse and rubbish shall be placed in collection locations as designated in Subsection (a) of this section prior to 6:00a.m. of the scheduled collection day, but not more than 24 hours prior to such time.
 - (2) All receptacles, bags and containers for refuse and garbage disposal shall be removed from the curbside collection point within 24 hours after the regular collection time.
 - (3) Employees of licensed collectors will not enter any structures to remove garbage or refuse, except by written agreement with the property owner.

(Code 1991, § 8-3-6)

Sec. 38-24. Prohibited activities and non-collectible 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 38-22(c)).
- (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 contrary to the provisions of this article.
- (e) *Compliance.* 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 article.
- (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 leak proof, if necessary, considering the type of waste and its moisture content. Collection vehicles shall be cleaned frequently to prevent nuisances and insect breeding and shall be maintained in good repair.

- (g) *Interference with authorized collector.* No person other than an authorized collector shall collect or interfere with any garbage after it has 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.* It shall be unlawful for any person to scavenge any solid waste or refuse placed for collection on the terrace without the permission of the owner.
- (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.
- (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;
 - (7) Tires;
 - (8) Trees and stumps, except as provided in Section 38-23(d).
- (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 the sanitary sewer system.
- (m) *Hospital wastes.* It shall be unlawful for any person to place for collection any pathogenic hospital wastes.
- (n) *Disposal of Medical Sharps Prohibited.* It shall be unlawful for any person to place used or unused medical sharps into refuse, garbage, or recyclables for collection by the City of Peshtigo. Medical sharps shall be defined as any sharp pointed medical instrument including, but not limited to, hypodermic needles, syringes with needles, scalpel blades and lancets.
- (o) *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. Building materials of any kind will not be collected. Building materials shall not be burned at the construction site.

(Code 1991, § 8-3-7)

Sec. 38-25. Garbage accumulation; when a nuisance.

The accumulation or deposit of garbage, trash 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.

(Code 1991, § 8-3-8)

Sec. 38-26. Refuse from outside the municipality.

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

(Code 1991, § 8-3-9)

Sec. 38-27. Improper use of trash receptacles.

No person shall place in or on any garbage can, dumpster or other trash receptacle not belonging to or assigned by the owner of such receptacle to such person any garbage, refuse or trash without the permission of the owner or designated assignee of such receptacle, unless such receptacle is designated expressly or implicitly for use by the general public.

(Code 1991, § 8-3-10)

Sec. 38-28. Drop off site.

- (a) The City shall operate a dumpster disposal area at the Department of Public Works garage for disposal of large rubbish. This dumpster disposal area is intended to offer an opportunity for disposal of items that are too large to fit in a garbage can or bag. Items accepted at the facility include upholstered furniture, tables, chairs, desks, bedroom furniture, mattresses, windows, doors, carpet, clothing, toys, lamps, athletic equipment and other large cast off goods.
- (b) No residential building contractors, commercial contractors, commercial businesses or industrial facilities generated wastes shall be permitted.
- (c) Items not accepted at dumpster include building demolition debris, roofing, plaster or sheetrock, concrete, asphalt, bricks or blocks, floor tile, paint, brush or stumps, and propane tanks.
- (d) The disposal of recyclable material is prohibited at the dumpster disposal area. Recyclable items include aluminum cans, metal cans, paper, magazines, newspaper, cardboard, #1 plastics, #2 plastics, and glass containers.
- (e) Any fees for disposal shall be established by the Common Council as indicated in a separate fee schedule. Fees for payment shall be collected at the City Clerk/Treasurer at City Hall, 331 French Street, Peshtigo, Wisconsin. Receipts of payment shall be required to be presented at the disposal area along with identification for establishment of city residency.
- (f) The hours of operation shall be established by the Director of Public Works.

Secs. 38-29.-38-57. Reserved.

ARTICLE III. RECYCLING*

Sec. 38-58. Recycling.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Bi-metal container means a container for carbonated or malt beverages that are made primarily of a combination of steel and aluminum.

Container board means corrugated paper board used in the manufacture of shipping containers and related products.

Foam polystyrene packaging means packaging made from foam polystyrene that satisfies one of the following criteria:

- (1) Is designed for serving food or beverages.
- (2) Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.
- (3) Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.

HOPE means high density polyethylene, labeled by the SPI Code #2.

LOPE means low density polyethylene, labeled by the SPI Code #4.

Magazines means magazines and other materials printed on similar paper.

Major appliance means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, or stove.

Multiple-family dwelling means a property containing five or more residential units, including those which are occupied seasonally.

Newspaper means a newspaper and other material printed on newsprint.

Nonresidential facilities and properties mean commercial, retail, industrial, institutional, and governmental facilities and properties. This term does not include multiple-family dwellings.

Office paper means high grade printing and writing papers from offices in nonresidential facilities and properties. Printed white ledger and computer printouts are examples of office paper generally accepted as high grade. This term does not include industrial process waste.

Other resins or multiple resins mean plastic resins labeled by the SPI Code #7.

Person includes any individual, corporation, partnership, associate, local governmental unit, as defined in Wis. Stats. § 66.0131, State agency or authority or Federal agency.

PETE means polyethylene terephthalate, labeled by the SPI Code #1.

***State law references** - Solid waste reduction, recovery, and recycling, Wis. Stats. § 287.01 et seq.; authority for municipal recycling or resource recovery facilities, Wis. Stats. § 62.225; municipal powers and duties for solid waste reduction, recovery and recycling, Wis. Stats. § 287.09.

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 subject to retail sale.

Post-consumer waste means solid waste other than solid waste generated in the production of goods, hazardous waste, and waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in Wis. Stats. § 291.01.

PP means polypropylene, labeled by the SPI Code #5.

PS means polystyrene, labeled by the SPI Code #6.

PVC means polyvinyl chloride, labeled by the SPI Code #3.

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.

Scrap metal means all other metal except "major appliances." The term "scrap metal" does not include auto/truck bodies and/or parts or wire products.

Solid waste has the meaning specified in Wis. Stats. § 291.01.

Solid waste facility has the meaning specified in Wis. Stats. § 291.01.

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. The term "treatment" includes incineration.

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

Yard waste means leaves, grass clippings, yard and garden debris, and brush, including clean woody vegetative material no greater than six inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

- (b) *Purpose.* The purpose of this section is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in Wis. Stats. § 287.11 and Wis. Admin. Code Ch. NR 544.
- (c) *Statutory authority.* This section is adopted as authorized under Wis. Stats. §§ 287.09 and 62.04.
- (d) *Abrogation and greater restrictions.* It is not intended by this section to repeal, abrogate, annul, impair, or interfere with any existing rules, regulations, ordinance or permits previously adopted or issued pursuant to the law. However, whenever this section imposes greater restrictions, the provisions of this section shall apply.
- (e) *Interpretation.* In their interpretation and application, the provisions of this section shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the State statutes. Where any terms or requirement of this section may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this section is required by

the State statutes, or by a standard in Wis. Admin. Code Ch. NR 544, and where the provision is unclear, the provisions shall be interpreted in light of the Wisconsin Statutes and the Wis. Admin. Code Ch. NR 544 standards in effect on the date of the adoption of the Ordinance from which this section is derived, or in effect on the date of the most recent text amendment of this section.

(f) *Severability.* Should any portion of this section be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this section shall not be affected.

(g) *Applicability.* The requirement of this section shall apply to all persons within the City.

(h) *Administration.* The provisions of this section shall be administered by the Department of Public Works.

(i) *Separation of recyclable materials.* Occupants of single-family and two to four unit residences, multiple-family dwellings and nonresidential facilities and properties shall separate the following materials from post-consumer 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, HOPE, PVC, LOPE, PP, PS and other resins or multiple resins.
- (14) Scrap metals.
- (15) Steel containers.
- (16) Waste tires.

(j) *Separation requirements exempted.* The separation requirements of Subsection (i) of this section do not apply to a recyclable material specified in Subsection (i)(5) through (16) of this section for which a variance has been granted by the Department of Natural Resources under Wis. Stats. § 287.11 and Wis. Admin. Code § NR 544.14.

(k) *Care of separated recyclable materials.* To the greatest extent practicable, the recyclable materials separated in accordance with Subsection (i) of this section shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other non-recyclable material, 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.

(l) *Management of lead acid batteries, major appliances, scrap metal, waste oil, fluorescent bulbs, electronics, waste tires, and yard waste.* Occupants of single-family and two to four unit residences, multiple-family dwellings and nonresidential facilities and properties shall manage these items as follows:

- (1) Lead acid batteries shall not be disposed of as "Solid Waste" nor be otherwise discarded. It is recommended that batteries be recycled within the market place such as garages or buy-back locations. Where markets are not available, batteries may be dropped off at the

Department of Public Works.

- (2) Major appliances shall not be disposed of as "Solid Waste" nor be otherwise discarded. Major appliances shall be dropped off at the City Department of Public Works. Appliances shall be free of any contaminants. Refrigerators, freezers, window air conditioners, and dehumidifiers should be delivered intact. Curb side pick-up of appliances is available for a fee as established by the Common Council as indicated in the separate fee schedule.
- (3) Scrap metal shall not be disposed of as "Solid Waste" nor be otherwise discarded. Scrap metal shall be dropped off at the City of Department Public Works. All metals as defined will be accepted. Such metal shall be free of contaminants.
- (4) Waste oil shall not be disposed of as "Solid Waste" nor be otherwise discarded. Waste oil shall be dropped off at the City Department of Public Works Garage and placed in the appropriate containers provided. Waste oil shall be free from any other material. Other liquids such as transmission fluid, paint thinners, etc., are prohibited.
- (5) Fluorescent Bulbs, compact and tubular, shall not be disposed of as "Solid Waste" nor otherwise discarded. Fluorescent bulbs may be dropped off at the City Department of Public Works. Any fees for disposal shall be established by the Common Council as indicated in the separate fee schedule.
- (6) Waste Tires shall not be disposed of as "Solid Waste" nor otherwise discarded. Waste tires may be dropped off at the City Department of Public Works. Any fees for disposal shall be established by the Common Council as indicated in the separate fee schedule.
- (7) Electronic items shall not be disposed of as "Solid Waste" nor otherwise discarded. The following items may be dropped off at the City Department of Public Works: televisions, computers, laptops, printers, monitors, cell phones, keyboards, and microwaves. Any fees for disposal shall be established by the Common Council as indicated in the separate fee schedule.
- (8) Yard Wastes and lawn clippings in the spring and fall of each year shall be separated and placed in piles at the alley where available and on the tree lawn in other areas. Yard waste and lawn clippings may also be dropped off at the City Department of Public Works. The City of Peshtigo operates a license compost facility for processing the material.
- (9) Leaf disposal is provided in the spring and fall each year at the street side. Leaves may be raked into the street gutter at these times for pick up by the city street sweeper. Schedules for collection shall be noticed bi-annually. Leaves may be dropped off at the City Department of Public Works Department at any time of the year.
- (10) Brush shall be separated and placed in stacked piles at the alley where available and on the tree lawn in other areas. The brush shall be no longer than eight feet in length and eight inches in diameter. Brush shall be neatly piled with butt ends toward the alley or street.
- (11) Stumps shall be separated and placed at the alley where available and on the tree lawn in other areas. Stumps shall be picked up from residential areas only.
- (12) Pallets and bare wood boards shall not be disposed of as "Solid Waste" nor otherwise discarded. Pallets and bare wood boards may be dropped off at the City Department of Public Works.

(m) *Preparation and collection of recyclable materials.* Occupants of single-family and two to four unit residences shall separate the materials specified in Subsection (i)(5) through (16) of this section and prepare said materials in accordance with the following separate directives, which may be amended separately as required for the proper collection and handling of recyclable material:

- (1) City Recycling Guide which is available in the City Clerk-Treasurer's office.
- (2) Paint will be collected at each City Recycling Center during the nonfreezing months. Paint shall be placed in the designated containers. Paint shall not be contaminated with other material.

(n) *Responsibilities of owners or designated agents of multiple-family dwellings.* The following shall be responsibilities of owners or designated agents of multiple-family dwellings. Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in Subsection (i)(5) through (16) of this section:

- (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 an appropriate City drop-off center.
- (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.

(o) *Responsibilities of owners or designated agents of nonresidential facilities and properties.* The following shall be the responsibilities of owners or designated agents of nonresidential facilities and properties:

- (1) Owners or designated agents of nonresidential facilities and properties shall do all of the following to recycle the materials specified in Subsection (i)(5) through (16) of this section:
 - a. Provide adequate separate containers for the recyclable materials.
 - b. Notify employees at the time of hiring, and at least semi-annually thereafter, about the established recycling program.
 - c. Provide for the collection and disposal of the recyclable materials.
 - d. Notify employees of reasons to reduce and recycle solid waste, which materials are recyclable, how to prepare the materials, processing requirements, location and contact person of recycling company selected by the owner or designated agent.
- (2) The requirement specified in Subsection (n) of this section does not pertain to a recyclable material for which a variance has been granted by the Department of Natural Resources under Wis. Stats. § 287.11 or Wis. Admin. Code § NR 544.14.

(p) *Prohibitions on disposal of recyclable materials 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

Subsection (i)(5) through (16) of this section, or otherwise dispose of recyclable materials in an unauthorized or illegal manner. Exception: Waste tires will be processed separately and may be burned within an energy recovery facility or otherwise used in a recycled product.

(q) *Enforcement.* The following shall be the enforcement of these provisions:

- (1) For the purpose of ascertaining compliance with the provisions of this section, employees of the Department of Public Works of the City may inspect recyclable material separated for recycling, post-consumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and nonresidential facilities and properties, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to said employee who requests access for the 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 section may be cited upon complaint of the Director of Public Works to the City Police Department who will issue a citation and 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 subsection.
- (3) Penalties for violating this section may be assessed as follows:
 - a. Any person who violates Subsection (o) of this section may be required to forfeit \$50.00 for a first violation, \$200.00 for a second violation, and not more than \$2,000.00 for a third or subsequent violation.
 - b. Any person who violates a provision of this section, except Subsection (o) of this section, may be required to forfeit not less than \$25.00 or more than \$500.00 for each violation.

Sec. 38-59. Items acceptable for recycling.

The following materials will be accepted by the City for recycling:

- (1) *Paper products.* Paper products, including newsprint, catalogs, magazines, paper bags, cereal and other food boxes, 12 pack boxes, shoe and clothing boxes, junk mail, computer paper, construction paper, stationery and books (hard and soft cover) will be accepted for recycling.
- (2) *Cardboard; cardboard boxes.* Only corrugated cardboard boxes are acceptable for recycling. No paper juice or beverage containers will be accepted.
- (3) *Glass.* Transparent glass jars and bottles are acceptable for recycling. No light bulbs, dishes or glasses, window glass or mirrors will be accepted.
- (4) *Cans.* Steel and tin food cans will be accepted for recycling. No aerosol cans or cans that contained paint or other chemicals will be accepted.
- (5) *Plastic.* Only Type 1 and Type 2 plastics will be accepted for recycling. The type number of plastics may be found on the bottom of the container.
- (6) *Waste oil.* Only used motor oil that is not mixed with gas, antifreeze, grease, or other compounds

(1) will be accepted for recycling. No industrial oils will be accepted.

(2) *Batteries.* Only vehicle batteries will be accepted for recycling. Batteries must have caps on all openings and must be dropped off for recycling only at the place indicated for batteries.

(8) *Scrap metal.* All scrap metal is acceptable including stoves, refrigerators, brass, copper, and other metals. Televisions, microwaves, and chemical aerosol cans are not considered scrap metal and are not acceptable.

Sec. 38-60. Preparation of items for recycling.

- (a) *Generally.* Materials offered for recycling must be dry and placed loosely in containers with no ties.
- (b) *Bottles, jars, and cans.* All food residue and any plastic liners must be removed. All bottle or jar caps and rings must be removed, and the container rinsed clean and dried. Paper labels must be removed. Glass recyclables must be sorted by color (clear, brown, and green).
- (c) *Boxes; paper containers.* All boxes must be flattened and stacked in the indicated recycling area. The ends of paper containers must be cut and the container flattened.

Adopted this 4th day of June, 2013.

OFFERED BY:

Bryan J. Smith
Aldersperson

SECONDED BY:

Tom Guyon
Aldersperson

APPROVED:

Allan J. Kriznesky
Allan J. Kriznesky, Mayor

I hereby certify that the foregoing ordinance was duly adopted by the City of Peshtigo at a legal meeting on this 4th day of June, 2013.

Mary Ann Wilks
Mary Ann Wilks
City Clerk-Treasurer