

Chapter 12

SOLID WASTE DISPOSAL AND RECYCLING

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Article I. In General

Sec. 12-01. Garbage and refuse disposal.

(1) *Findings and declaration of purpose.* The council of the City of Marshfield hereby finds and determines that there is an increasing necessity to conserve natural resources and landfill space and to promote recycling as mandated by state law. It is the purpose of this chapter to promote recycling, composting and resource recovery through the administration of a mandatory recycling program, as provided in § 287.11 Wis. Stats., and chapter NR 544, Wisconsin Administrative Code, by the city in order to protect and promote the public health, safety and welfare.

(2) *Supervision.* The collection of garbage, recyclable materials and refuse as defined in this section shall be under the supervision of the board of public works which shall make such regulations as are necessary regarding the time and method of collection of garbage and recyclable materials. The enforcement of health regulations relating to garbage and refuse disposal shall be designated as the responsibility of the director of public works or his designee.

(3) *Statutory authority.* This chapter is adopted as authorized under § 287.09(3)(b) Wis. Stats.

(4) *Abrogation and greater restrictions.* It is not intended by this chapter to repeal, abrogate, annul, impair or interfere with any existing rules, regulations, codes or permits previously adopted or issued pursuant to law. However, whenever this chapter imposes greater restrictions, the provisions of this chapter shall apply.

(5) *Interpretation.* In their interpretation and application, the provisions of this chapter 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 chapter may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this chapter is required by Wisconsin Statutes, or by a standard in chapter NR 544, Wisconsin Administrative Code, and where the chapter provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes or chapter NR 544 standards in effect on the date of the adoption of the ordinance from which this chapter derives or in effect on the date of the most recent text amendment to this chapter.

(6) *Applicability.* The requirements of this chapter shall apply to all occupants of single family and two- to four-unit residences, multiple-family dwellings and nonresidential facilities and properties within the corporate boundaries of the city.

(7) *Administration.* The provisions of this chapter shall be administered by the council.

(8) *Definitions.* For the purpose of this chapter the following words and phrases shall have the meanings ascribed to them in this section:

Aluminum cans shall include used beverage cans only.

Bags shall be clear, plastic bags designated for refuse, with sufficient wall strength to maintain physical integrity when lifted by the top and with a capacity not to exceed a loaded weight of more than 50 pounds.

Bimetal container means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.

Container glass shall include container glass only. The term "contain glass" does not include ceramic cups, dishes, ovenware, plate glass, safety and window glass, heat-resistant glass such as Pyrex, lead-based glass such as crystal or TV tubes.

Corrugated cardboard shall include corrugated cardboard only and does not include waxed cardboard or chipboard such as cereal boxes, shoe boxes and similar materials.

HDPE means high-density polyethylene plastic containers marked by the SPI code #2.

LDPE means low-density polyethylene plastic containers marked by the SPI code #4.

License committee means the judiciary, license and cemetery committee.

Magazines means magazines and other materials printed on similar paper.

Major appliances means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, oven, microwave oven, refrigerator, furnace, boiler, dehumidifier, water heater or stove.

Mixed papers shall include all grades of papers including white, colored, ledger, shiny, coated, carbonless or NCR papers; envelopes including window, labeled and kraft; magazines; catalogs; phone books; computer printout paper; glued pads and tablets; file folders; keypunch cards; spiral notebooks; cereal boxes; shoe boxes; etc., and can include clips and staples, but may not include hand towels or other paper products from restrooms or soiled napkins and paper plates. The term "mixed papers" also does not include carbon paper, cellophane or any waxed paper.

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

Newspapers shall include newspapers and newspaper advertisements only. The term "newspapers" does not include mixed paper as defined in this subsection.

Nonresidential facilities and properties means commercial, retail, industrial, institutional and governmental facilities and properties. The term "nonresidential facilities and properties" does not include multiple-family dwellings.

Office paper means high grade printing and writing papers from office in nonresidential facilities and properties.

Person includes any individual, corporation, partnership, association, or local governmental unit as defined in § 66.0825(3)(f) Wis. Stats., state agency or authority or federal agency.

PETE means polyethylene terephthalate plastic containers marked by the SPI code #1.

Plastic bottles shall include only plastic bottles clearly marked with the recycling emblem, encircling the #1 (PET or PETE) or the #2 (HDPE). This does not include motor oil bottles, even if they are labeled #1 or #2.

PS means polystyrene chloride plastic containers marked by the SPI code #6.

PVC means polyvinyl chloride plastic containers marked by the SPI code #3.

Post-consumer waste means solid waste other than solid waste generated in the production of goods or hazardous waste as defined in § 291.01(7) Wis. Stats. or waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in § 289.01(17) Wis. Stats.

Recyclable materials includes lead acid batteries, major appliances, waste oil, yard waste, aluminum cans, container glass, corrugated cardboard, mixed papers, newspapers, #1 through #7 plastics, tin cans and waste tires.

Solid waste means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility and other discarded or salvageable materials, including solid, liquid, semisolid or containing gaseous materials resulting from industrial, commercial mining and agricultural operations and from community activities, but does not include solids or dissolved material in domestic sewage or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under ch. 283 Wis. Stats., or source material, as defined in § 254.31(10), Wis. Stats., special nuclear material, as defined in § 254.31(11) Wis. Stats. or byproduct materials, as defined in § 254.31(1) Wis. Stats.

Solid waste facility means a facility for solid waste treatment, solid waste storage or solid waste disposal and includes commercial, industrial, municipal, state and federal establishments or operations such as, without limitation because of enumeration, sanitary landfills, dumps, land disposal sites, incinerators, transfer stations, storage facilities, collection and transportation services and processing treatment and recovery facilities using large machines to produce a principal product of scrap metal for sale or use for remelting purposes. The term "solid waste facility" includes the land where the facility is located. The term "solid waste facility" does not include a facility for the processing of scrap iron, steel or nonferrous metal. The term "solid waste facility" does not include a facility which uses large machines to sort, grade, compact or bale clean wastepaper fibers or plastics, not mixed with other solid waste, for sale or used for recycling purposes. The term "solid waste facility" does not include an auto junkyard or scrap salvage yard.

Tin cans includes tin-coated metal cans and steel containers.

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. The term "yard waste" does not include stumps, roots or shrubs with intact root balls.

(Code 1982, § 11.09)

Sec. 12-02. Containers.

(1) *Required.* Occupants of single-family, two- to four-unit residences and owners of multiple-family dwellings and nonresidential facilities and properties within the City of Marshfield are required to use clear, plastic garbage bags as defined in this chapter for the collection of solid waste. The purpose of the clear bags is for determining compliance with this chapter. Waste not contained in clear plastic bags, or spills from broken bags, will not be picked up by collection crews. Each person occupying and dwelling in a house or other building or portion thereof and producing garbage for city collection shall provide and renew, when necessary, a sufficient number of plastic bags to hold the garbage accumulating between collections. Before placing any solid waste in a clear plastic bag for collection, every occupant of a residential unit shall drain the solid waste free of water so that the bags of solid waste containers shall contain relatively dry packages of nonrecyclable solid waste. Bags shall not be filled to exceed 50 pounds per bag.

(2) *Garbage cans.* Garbage cans, if used, shall be made of metal, fiberglass or plastic and of substantial construction with strong handles on the outside. Each can shall have a capacity not to exceed 30 gallons or less than 15 gallons. All cans shall be maintained by the user in reasonably good, clean and sanitary condition. Any defective can or any receptacles having ragged or sharp edges or any defects which might injure or hamper the person collecting the waste shall be replaced immediately by a new can. Any defective can, when used, may be confiscated by the city.

(3) *Storage and collection.* The garbage can or plastic bag and other refuse can or container shall be set out on the scheduled collection days at an easily accessible place on the premises at ground level as directed by the board of public works. The containers shall be easily accessible during winter months. Such containers for any street collection shall not be set out more than 12 hours prior to the day of collection and shall be removed no later than 24 hours after collection. Except when set out for street collection, no waste containers of any type shall be located at any time in any required front yards or corner side yards. No refuse containers of any type shall be located so they are visible from the front of the property, except in cases of scheduled pickup.

(4) *Contents of containers.* No hot cinders or ashes or any smoldering embers shall be set out or placed in a refuse container of any kind on the day of collection. Covers to containers in accordance with subsection (2) of this section should be provided or containers should be so protected as to prevent the admission of snow and water. Frozen contents which are difficult to remove without possible damage to the containers will not be collected.

(Code 1982, § 11.10)

Sec. 12-03. Additional regulations.

(1) *Charges for collection service.* A reasonable charge may be made for any collection service given by the City of Marshfield under this section whether such charge is based upon the time, method or manner of such collection or upon the kind of garbage or refuse when such collection service consists of special services. The board of public works shall determine what collection service shall be a special service and shall also set the fee to be charged in each case. Such regulations shall be published in the same manner as codes and shall have equal effect.

(2) *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.

(3) *Nonresident disposal.* No person shall bring waste for disposal into the City of Marshfield or to its dumping ground unless such person is authorized to do so by the board of public works.

(4) *Noncollectible materials.* Animal offal, pet droppings and manure shall not be collected by the city collection service, and the owner of such animals shall dispose of such wastes in a sanitary manner. Any exception to this subsection must meet with the approval of the committee of health.

(5) *Storage of waste material.* Storage of waste material shall be in accordance with the following:

- (a) *Ownership.* All combustible and noncombustible matter collected by city trucks or authorized vehicles shall be the property of the city. Transfer of ownership is completed upon disposition into the trucks by the collection personnel. Every owner, tenant or person occupying any building is responsible for the proper storage of all waste materials.
- (b) *Storing of refuse.* Any accumulation of refuse, garbage or building waste on any premises in the city is a nuisance and is prohibited. The owner of the premises upon which the accumulation takes place shall be responsible for removal of the accumulation, and upon failure to remove it after written notice by the fire chief or the building services supervisor, the city shall cause the removal of the accumulation and place the cost thereof on the tax roll of the property upon which the accumulation takes place.
- (c) *Dumping solid waste and yard waste.* No person shall rake, deposit, throw, place or leave any solid waste or yard waste upon any highway, street, court, lane, alley or other public way, park, vacant lot, yard, body of water or any other place except in an appropriate solid waste or recycling container required in this chapter for those purposes.

(Code 1982, § 11.18)

Sec. 12-04. Enforcement and penalty.

(1) Any authorized officer, employee or representative of the city, including the hauler, may inspect recyclable materials separated for recycling, post-consumer waste intended for disposal, collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and nonresidential facilities and properties, solid waste disposal facilities and solid waste treatment facilities, and any records relating to recycling activities, for the purpose of ascertaining compliance with the provisions of this chapter. No person may refuse access to any authorized officer, employee or authorized representative of the city or licensed hauler who requests access for purposes of inspection and who presents appropriate credentials. No person may obstruct, hamper or interfere with such an inspection.

(2) Any person who violates a provision of this chapter may be issued a citation by the city police. The issuance of a citation shall not preclude proceeding under any other code or law relating to the same or any other matter. Proceeding under any other code or law relating to the same or any other matter shall not preclude the issuance of a citation under this subsection.

(3) Any person who shall violate any section of this chapter shall be subject to a penalty as provided in section 1-05 of this Code.

(Code 1982, § 11.19)

Secs. 12-5—12-60. Reserved.**Article II. Recycling****Sec. 12-61. Separation of recyclable materials.**

(1) *Required.* 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:

- (a) Aluminum containers;
- (b) Corrugated paper or other container board;
- (c) #1 and #2 plastic containers;
- (d) Glass containers;
- (e) Magazines or other material printed on similar paper;
- (f) Newspaper or other material printed on newsprint;
- (g) Office paper;
- (h) Steel containers;
- (i) Waste tires, as defined in § 289.55(1)(c) Wis. Stats.;

- (j) Containers of a combination of steel and aluminum;
- (k) Major appliances;
- (l) Waste oil;
- (m) Foam polystyrene packaging and aluminum containers;
- (n) Plastic containers made of PETE #1 and HDPE #2; and
- (o) Plastic containers or bottles made of PVC #3, LDPE #4, PP #5, PS #6 and mixed or other plastic resin types #7.

(2) *Designation of recyclable materials.* The council reserves the right to designate additional solid waste materials as recyclable, or currently collected materials as no longer recyclable in accordance with state law and to either add or delete them from any collection services provided by the city or its contractors. The City of Marshfield shall provide written notice to service recipients of any additional designation or deletion.

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

(Code 1982, § 11.11)

Sec. 12-62. Preparation and collection of recyclable materials.

(1) Except as otherwise directed by the council, occupants of single-family and two- to four-unit residences shall do the following for the preparation and collection of the separated materials specified in section 12-61(1)(a)—(1)(f) of this Code:

- (a) Aluminum cans shall be empty and shall include used beverage cans only.
- (b) Container glass shall be cleaned labels can remain on glass. Glass should not be broken. Glass does not include ceramic cups, dishes, ovenware, plate glass, safety and window glass, heat-resistant glass such as Pyrex, lead-based glass such as crystal or TV tubes.
- (c) Corrugated cardboard, not to exceed 24 inches by 36 inches, shall be clean and must be flattened and tied into bundles. This does not include waxed cardboard or chipboard such as cereal boxes, shoe boxes and similar materials.
- (d) Mixed papers shall be tied into bundles or placed in a recycling bin. This includes all grades of paper such as white, colored, ledger, shiny, coated, carbonless and NCR papers; envelopes including windowed, labeled and kraft; magazines; phone books; computer printout paper; glued pads and tablets; file folders; keypunch cards; post-it notes; spiral notebook; cereal boxes; shoe boxes; etc. Mixed papers can include paper clips and staples, but may not include hand towels or other paper products from

restrooms or soiled napkins and paper plates. This also does not include carbon paper, cellophane or any waxed paper.

- (e) Newspaper shall be tied into bundles or placed in a recycling bin. This includes newspaper and newspaper advertisements only and does not include catalogs, magazines or other paper.
- (f) Plastic bottles #1 and #2 shall be clearly marked with the recycling emblem encircling the #1 (PET or PETE) or the #2 (HDPE). This does not include motor oil bottles, even if they are labeled #1 or #2. Caps must be removed; labels can remain on plastic. All bottles must be cleaned and flattened.
- (g) Tin cans shall be clean, and labels must be removed. Tin cans with molded or round bottoms can be recycled without the molded or round bottom removed, provided the can has been rinsed and labels have been removed. This includes tin-coated metal cans and steel containers.

(2) The hauler has the right to reject or leave at the curb any recyclable material or solid waste that is not prepared according to the specifications of subsection (1) of this section, or in the regulations provided by the contractor or the City of Marshfield to the service recipients. Materials may also be rejected if not separated from solid waste, placed in the proper container or are not designated recyclable materials or solid waste for collection. The hauler also has the right to refuse to pick up any solid waste if it contains recyclable containers and materials. In such cases, the hauler shall notify the generator of materials in writing by means of putting a red tag on it listing the reasons for rejecting the items.

(Code 1982, § 11.12)

Sec. 12-63. Management of lead acid batteries, major appliances, waste oil and yard waste.

Occupants of single-family and two- to four-unit residences, multiple-family dwellings and nonresidential facilities and properties shall manage lead acid batteries, major appliances, waste oil, yard waste and waste tires as follows:

(1) Major appliances shall be recycled at a retail business that sells appliances and accepts used appliances for the purpose of recycling, at a scrap metal dealer or at a solid waste facility that accepts appliances for the purpose of recycling. Any fee imposed for the recycling of used appliances shall be the responsibility of the generator.

(2) Lead acid batteries shall be recycled at a retail business that sells lead acid batteries and accepts used batteries for the purpose of recycling or at a solid waste facility. Any fee imposed for the recycling of used batteries shall be the responsibility of the generator.

(3) Waste oil shall be recycled at a retail business that sells oil or automotive products and accepts oil for the purpose of recycling, at an oil refinery or at a solid waste facility. Any fee imposed for the recycling of used oil shall be the responsibility of the generator.

(4) Yard waste shall either be home-composted using an effective back yard compost system or transported to the city compost site. There shall be curbside pickup of yard waste in the spring and in the fall, at such times as are established by the board of public works. All such materials shall be contained in recyclable paper bags called "kraft" bags or reusable cans. Bulky limbs and cuttings from trees, shrubs and the like must be cut in lengths of less than four feet and securely and compactly tied in bundles of less than one foot in diameter, weighing no more than 50 pounds. No yard waste shall be disposed of as general waste.

(5) Christmas trees shall be recycled during a two-week curbside pickup schedule established by the board of public works. All Christmas trees are to be free of bags, wires and stands.

(6) Waste tires shall be recycled at a retail business that sells tires or automotive products or at a solid waste facility. Any fee charged for the recycling of used tires shall be the responsibility of the generator.

(Code 1982, § 11.13)

Sec. 12-64. Responsibilities of owners or designated agents of multiple-family dwellings and

Owners or designated agents of multiple-family dwellings and nonresidential facilities and properties shall do all of the following to recycle the materials specified in ss. 12-62(1)(a)—(1)(g) and 12-63 of this Code:

- (1) Provide adequate, separate containers for the recyclable materials.
- (2) Notify in writing, at least semiannually, all users, tenants and occupants of the properties about the 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 and 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.

(Code 1982, § 11.14)

Sec. 12-65. Prohibitions on disposal of recyclable materials.

(1) *Generally.* 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 12-61(1)(a)—(1)(k) or (3) which have been separated for recycling.

(2) *Unlawful burning.* It shall be unlawful for persons to burn or bury solid waste and recyclable materials on residential or nonresidential properties. Burning shall be permitted only of clean wood and combustible material which can be used to ignite clean wood, subject to the provisions

of section 6-31 of this Code.

(Code 1982, § 11.15)

Sec. 12-66. Unlawful removal of recyclable materials (antiscavenging).

It shall be unlawful for any person, unless under contract with or licensed by the City of Marshfield, to collect or remove any recyclable material that has been deposited or placed at the curb for the purposes of collection for recycling.

(Code 1982, § 11.16)