

CHAPTER 9

HEALTH, SANITATION, AND RECYCLING

9.01 **ABROGATION AND GREATER RESTRICTIONS**

- (1) **Abrogation and Greater Restrictions.** It is not intended by this ordinance to repeal, abrogate, annul, impair, or interfere with any existing rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, whenever this ordinance imposes greater restrictions, the provisions of this ordinance shall apply.
- (2) **Interpretation.** In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any terms or requirements of this ordinance may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this ordinance is required by Wisconsin Statutes, or by a standard in the Wisconsin Administrative Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Wisconsin Administrative Code standards in effect on the date of adoption of this ordinance, or in effect on the date of the most recent text amendment of this ordinance.
- (3) **Severability.** Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.
- (4) **Applicability.** The requirements of this ordinance apply to all persons and organizations within the City of New Holstein city limits.
- (5) **Administration.** The provisions of this ordinance shall be administered by the City of New Holstein Public Works Director.

9.02 **SOLID WASTE DISPOSAL**

- (1) **DEFINITIONS.**
 - (a) **Automated Container** means containers provided by the City of New Holstein for use in curbside collection of garbage and recyclables.
 - (b) **Bi-metal Container** means a container for carbonated or malt beverages that is made primarily of steel and aluminum.

- (c) **Building Debris** means all waste resulting from construction, repair, or demolition of structures or buildings, exclusive of recyclables.
- (d) **Container Board** means corrugated paperboard, cardboard used in the manufacture of shipping containers and related products.
- (e) **Contractor** means a person or company that undertakes a contract to provide materials or labor to perform a service or do a job. Can include, but not limited to: Lawn or garden general contractor, land care or landscape contractor, tree trimming or tree removal contractor.
- (f) **Foam Polystyrene Packaging** means packaging made primarily from foam polystyrene that satisfies one of the following criteria:
 1. Is designed for serving food or beverages.
 2. Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.
 3. Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.
- (g) **Garbage** Any solid waste not defined as a recyclable, yard waste, brush, building debris or hazardous waste, which waste can be put into a landfill under applicable Wisconsin law.
- (h) **Glass Container** means a glass bottle, jar or other packaging container used to contain a product that is the subject of a retail sale and does not include ceramic cups, dishes, oven ware, plate glass, safety and window glass, heat resistant glass such as dishes, oven ware, plate glass, safety and window glass, heat resistant glass such as Pyrex, lead based glass such as crystal, or TV tubes.
- (i) **HDPE** means high density polyethylene plastic containers marked by the SPI code No. 2.
- (j) **LDPE** means low density polyethylene plastic containers marked by the SPI code No. 4.
- (k) **Magazines** means magazines and other materials printed on similar paper.
- (l) **Major appliances** means a residential or commercial air conditioner, clothes dryer clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, stove, furnace, boiler, dehumidifier, or water heater.
- (m) **Mixed or plastic resin types** means plastic containers marked by the SPI code No. 7.
- (n) **Multiple family dwelling** means a property containing five or more residential units, including those which are occupied seasonally.
- (o) **Newspaper** means a newspaper and other materials printed on newsprint.

- (p) **Non-residential facilities and properties** means commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.
- (q) **Office paper** means high grade, staple free, printing and writing papers from offices in non-residential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. This term does not include industrial process waste.
- (r) **Other resins or multiple resins** means plastic resins labeled by SPI code #7.
- (s) **Person** includes any individual, corporation, partnership, association, local government unit, as defined in Wisconsin State Statutes, state agency or authority or federal agency.
- (t) **PETE or PET** means polyethylene terephthalate plastic containers marked by the SPI code No. 1.
- (u) **Plastic Container** means an individual, separate, rigid plastic bottle, can, jar or carton, except for a blister pack, that is originally used to contain a product that is the subject of a retail sale.
- (v) **Postconsumer waste** means solid waste other than solid waste generated in the production of goods, hazardous waste as defined in Wisconsin State Statutes, waste from construction and demolition of structures, scrap automobiles, or high volume industrial waste, as defined in Wisconsin State Statutes.
- (w) **PP** means polypropylene plastic container labeled by SPI code No. 5.
- (x) **PS** means polystyrene plastic containers labeled by SPI code No. 6.
- (y) **PVC** means polyvinyl chloride plastic containers labeled by the SPI code No. 3.
- (z) **Recyclable materials** include lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass container; magazines; newspapers; office paper; plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS and mixed or other plastic resin types; steel containers; waste tires; and bi-metal containers.
- (aa) **Solid waste** has the meaning specified in Wisconsin State Statutes.
- (bb) **Solid waste facility** has the meaning specified in Wisconsin State Statutes.
- (cc) **Solid Waste Generator** means any person, organization or entity that generates solid waste, including both owners, tenants, or other occupants of residential, commercial, industrial or other property within the City of New Holstein.
- (dd) **Solid waste treatment** means any method, technique or process which is designed to change the physical, chemical, or biological character or composition of solid waste. "Treatment" includes incineration.

- (ee) **Tires** means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
 - (ff) **Yard waste** means leaves, grass clippings, yard and garden debris and brush, including woody vegetative material no greater than 6 inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.
 - (gg) **Brush and branches** means clean woody vegetative material no greater than six inches in diameter. This term does not include stumps, roots, or shrubs with intact root balls.
- (2) **BURNING OF GARBAGE PROHIBITED.** No person other than the city or its agents shall set fire to or burn any garbage on any street or on any public or private premises.
 - (3) No person shall dump any garbage or debris on any public or private property without the permission of the property owner.
 - (4) **GARBAGE DISPOSAL.** Garbage shall be disposed of in one of the two following described methods:
 - (a) **AUTOMATED CONTAINERS** The City will provide weekly curbside collection of garbage. Any solid waste generator who desires to use curbside collection must subscribe to an approved container provided by the City. A user fee shall be paid by the subscriber to the City, the method and amount of billing to be determined by the City. Only garbage may be placed in the automated containers and disposed of through curbside. The automated containers will be emptied once per week by the City's licensed waste hauler. The automated container shall be placed at the curb line in the direction indicated on the container after 2:00 p.m. on the day before collection and before 5:00 a.m. on the collection day. All automated containers shall be removed from the street right-of-way prior to 12:00 midnight the day of collection. If the subscriber has not removed the containers from the right-of-way, the Director of Public Works shall contact the property owner to inform him/her that if the containers are not removed within 24 hours, the Director of Public Works shall have the containers relocated or removed at the owner's expense. Unacceptable materials and discarded possessions shall not be placed on the right-of-way which does not fit into the containers for disposal. If any unacceptable materials or discarded possessions have been placed in the right-of-way the Director of Public Works shall contact the property owner to inform him/her that if the materials are not removed within 24 hours, the Director of Public Works shall have the materials relocated or removed at the owner's expense. If the owner is notified once during any given year of noncompliance of the City Code concerning automated containers, unacceptable materials, or discarded possessions, no further

notification shall be required upon subsequent occurrence. The expense thereof shall be charged to the property owner based at a rate as set by resolution of the Common Council and the actual cost to the City for removal and disposal of such materials, which ever cost is greater. The Director of Public Works shall keep an accurate account of the expenses for relocating and/or removing containers or unacceptable materials and discarded possessions and shall report the same to the City Administrator, who shall annually prepare a statement of the expense so incurred which shall be entered in the tax roll as a special tax against said property and the same shall be collected in all respects like any other taxes upon real estate.

(b) **PRIVATE HAULING AND COLLECTION OF GARBAGE REGULATION.**

No person other than the City and its agents, approved waste haulers, licensed contractors, or property owners that have signed and have had a City of New Holstein, Waste Container Exemption Form, shall collect or transport any garbage over city streets.

- (5) **METHODS OF HANDLING AND DISPOSING OF VARIOUS WASTE.** The city shall provide an explanation on how the property owner is required to handle and dispose of various types of waste.

9.03 PROPERTY TO BE KEPT SANITARY The owners or occupants of any property within the City shall at all times keep the same in a clean and sanitary condition and free from filth of all descriptions whatever, and from foul odors which might generate or spread disease, germs, and contaminate the ground, air and water of the place under control of said owner or occupant or of the premises joining the same. Pursuant to the authority granted to the City under Wisconsin State Statute the abatement or removal of human health hazards on private premises is incorporated herein by reference.

9.04 SEPARATION OF RECYCLABLE MATERIALS Occupants of single family and two-to-four-unit residences, multiple family dwellings, non-residential facilities, place of business, industry or commerce, farms, and governmental facilities shall separate the following materials from postconsumer waste:

- (a) Lead acid batteries.
- (b) Major appliances.
- (c) Waste oil.
- (d) Yard waste.
- (e) Aluminum containers.
- (f) Bi-metal containers.
- (g) Corrugated paper or other container board.
- (h) Foam polystyrene packaging.
- (i) Glass Containers.

- (j) Magazines or other materials printed on similar paper.
- (k) Newspapers or other materials printed on newsprint.
- (l) Office paper.
- (m) Plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and mixed or other plastic resin or multiple resins.
- (n) Steel containers.
- (o) Waste tires.

(1) **SEPARATION REQUIREMENTS EXEMPTED.** The separation requirements of s. 9.05 do not apply to the following:

- (a) Occupants of single family and two-to-four-unit residences, multiple-family dwellings and non-residential facilities and properties that send their postconsumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in s. (9.04) from solid waste in as pure a form as is technically feasible.
- (b) Solid waste which is burned as a supplemental fuel at a facility if less than 30% of the heat input to the facility is derived from the solid waste burned as supplemental fuel.
- (c) A recyclable material specified in s. 9.05(e) through (o) for which a variance has been granted by the Department of Natural Resources under Wisconsin State Statute or Wisconsin Administrative Code.

(2) **CARE OF SEPARATED RECYCLABLE MATERIALS.** To the greatest extent practicable, the recyclable materials separated in accordance with s. 9.05 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.

(3) **MANAGEMENT OF LEAD ACID BATTERIES, MAJOR APPLIANCES, WASTE OIL, TIRES AND YARD WASTE.** Occupants of single and two-to-four-unit residences, multiple-family dwellings, and non-residential facilities and properties shall manage lead acid batteries, major appliances, waste oil, waste tires and yard waste as follows:

- (a) **Lead acid batteries** shall be disposed of properly. Disposal costs and options for disposal are the responsibility of the generator.

- (b) **Major appliances** shall be disposed of properly. Any major appliance containing Freon (refrigerators, freezers, air conditioners, etc.) must have the Freon removed by a responsible vendor. Microwave ovens must have the capacitor removed and then can be disposed of in the landfill. Pickup and disposal costs are the responsibility of the generator.
- (c) **Yard Waste, Brush, Branches, and Compost Site Use. (Ord 691)** Yard waste, brush, and branches shall be disposed of by composting the material on the site at which it is produced or, when allowed under this subsection, at the City of New Holstein Compost Site located at 1320 Taft Avenue.

1. Origin restriction. It is unlawful for any person to place, deposit, or cause to be placed or deposited at the City of New Holstein Compost Site any yard waste, brush, branches, limbs, wood chips, or other compostable material that was not generated within the corporate limits of the City of New Holstein.

2. Authorized users. The Compost Site is intended for use by City residents and City property owners only for material generated within the City. No contractor, paid hauler, commercial operator, landscaping service, tree service, property maintenance service, or similar entity may use the Compost Site except as expressly authorized by administrative rule established by the City Administrator.

3. Acceptable materials. Acceptable materials include leaves, grass clippings, garden waste, weeds, vines, flowers, brush and branches less than six (6) inches in diameter, limbs, wood chips, and similar yard and garden materials capable of natural decomposition, provided such materials were generated within the City and are not otherwise prohibited by this subsection or administrative rule. Brush, branches, limbs, and other woody material shall be deposited only in the areas designated by the City and shall be separated by type, size, or other category as directed by posted signage or administrative rule.

4. Use of wood chips and finished compost. Wood chips and finished compost, when available, may be provided at no cost to City residents and City property owners for personal, non-commercial use. No non-resident or any fee for service contractor may remove wood chips, finished compost, or other processed material from the Compost Site except as authorized by the City Administrator. The City may limit quantities, restrict access, or suspend availability by administrative rule or posted signage.

5. Prohibited materials. No person may deposit prohibited or contaminated materials, including garbage, refuse, recyclables, construction or demolition material, treated wood, painted wood, pallets, stumps, stump grindings, root balls, animal waste, food waste, plastic bags, containers, or any non-organic material at the Compost Site. No garbage or non-organic material may be mixed with grass, leaves, brush, branches, limbs, or other yard waste. Materials shall be deposited only in the designated location for that material type.

6. Administrative rules and site management. The City Administrator may establish reasonable administrative rules for Compost Site use, including but not limited to hours of operation, unloading procedures, separation of materials, designated disposal areas, separation of brush and branches by size or type, load size limits, proof of residency, proof of property origin, temporary closures, rejection of loads, suspension of site privileges, signage, and other measures necessary to protect the Compost Site, control costs, prevent abuse, and maintain lawful composting operations.

7. Inspection, documentation, and enforcement. Any person using the Compost Site shall, upon request by the City, provide proof of residency, property ownership, property origin of the material, or other information reasonably necessary to determine compliance with this subsection. The City may use site inspections, vehicle information, license plate information, video surveillance, witness statements, load documentation, and other available evidence to enforce this subsection.

8. Violations and penalties. Each unlawful deposit, load, or act of causing material to be deposited in violation of this subsection constitutes a separate violation. A violation of this subsection shall be subject to a penalty of \$1,000 for a first offense, \$1,500 for a second offense within a twelve-month period, and \$2,000 for a third or subsequent offense within a twelve-month period.

- (d) **Waste Oil** shall be disposed of properly. Disposal costs are the responsibility of the generator. The City of New Holstein accepts used waste oil from residents and non-residents in the designated area at the City of New Holstein Compost Site located at 1320 Taft Avenue.
- (e) **Tires** shall be disposed of by hauling them to a responsible vendor or arranging for a pickup. Pickup and disposal costs are the responsibility of the generator.

- (4) **PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS.**
Recyclable materials shall be placed co-mingled in the automated containers for curbside collection. Recyclables are subject to the same curbside placement and removal provisions as provided in 9.03.

(5) **RESPONSIBILITY OF OWNERS OR DESIGNATED AGENTS OF MULTIPLE FAMILY DWELLINGS.**

- (a) Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials as specified in s. 9.04(a) through (o):

- (1) Provide adequate, separate containers for the recyclable materials.
- (2) Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
- (3) Provide for the collection of materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.
- (4) Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including name, address, and telephone number.

- (b) The requirements specified in (a) do not apply to the owners or designated agents of multiple-family dwellings if the postconsumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials as specified in s. 9.05(a) through (o) from solid waste in as pure a form as technically feasible.

(6) **RESPONSIBILITY OF OWNERS OR DESIGNATED AGENTS OF NON-RESIDENTIAL FACILITIES AND PROPERTIES.**

- (a) Owners or designated agents of non-residential facilities and properties shall do all of the following for recycling the materials specified in s. 9.05(a) through (o):

- (1) A person in the City of New Holstein owning or occupying a new building or a building that is remodeled or expanded by 50% or more in

floor area, shall provide a designated area for separation, temporary storage, and collection of solid waste and recyclables either within or adjacent to the building.

- (2) Provide adequate, separate containers for the separated recyclable materials.
 - (3) Notify tenants in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.
 - (4) Provide for the collection of materials separated from the solid waste by the users, tenants and occupant and the delivery of the materials to a recycling facility.
 - (5) Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including name, address, and a telephone number.
- (b) The requirements specified in (a) do not apply to the owner or designate agents of non-residential facilities and properties if the postconsumer waste generated within the facility or property is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling of the materials specified in s. 9.05(a) through (o) from solid waste in as pure a form as is technically feasible.

(7) **OWNERSHIP OF RECYCLABLE MATERIALS.** Recyclable materials, upon placement at the curb or collection site, shall become the property of the hauler. Recyclable materials, upon collection by any permitted collector, shall become the property of the contractor.

(8) **EXEMPTIONS, VARIANCES, AND TEMPORARY SUSPENSIONS.**

- (a) The City of New Holstein 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 of New Holstein or its contractors. The City of New Holstein shall provide written notice to its service recipients of this declaration.

(9) **PROHIBITIONS ON DISPOSAL OF RECYCLABLE MATERIALS SEPARATED FOR RECYCLING.** No person may dispose of in a solid waste

disposal facility or burn in a solid waste treatment facility any of the materials specified in s. 9.05(a) through (o) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

9.05 ENFORCEMENT

- (1) For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the City of New Holstein may inspect recyclable materials separated for recycling, postconsumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and non-residential facilities and properties, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to any authorized officer, employee or authorized representative of the City of New Holstein who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.

9.06 PENALTY Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in Section 20.04 of this Code.