

TITLE V: PUBLIC WORKS

Chapter

50. SOLID WASTE AND RECYCLING

CHAPTER 50: SOLID WASTE AND RECYCLING

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§ 50.01 TITLE.

The title of this chapter is Solid Waste and Recycling Ordinance for the City of Mineral Point. (Ord. 516, passed 1-4-1994)

§ 50.02 PURPOSE AND AUTHORIZATION.

(A) *Purpose.* The purpose of this chapter 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. Adm. Code, Chapter NR 544.

(B) *Statutory authority.* This chapter is adopted and authorized under Wis. Stats. § 287.09.

(C) *Abrogation and greater restrictions.* It is not intended by this chapter 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 chapter imposes greater restrictions, the provisions of this chapter shall apply.

(D) *Interpretation.* In its 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

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granted by the Wisconsin Statutes. Where any terms or requirements of this chapter may be inconsistent or conflicting, the more restrictive requirements or interpretations shall apply. Where a provision of this chapter is required by Wisconsin Statutes, or by a standard in Wis. Adm. Code, Chapter 544, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and Chapter 544 standards in effect on the date of the adoption of this chapter, or in effect on the date of the most recent text amendment to this chapter.

(Ord. 516, passed 1-4-1994)

§ 50.03 APPLICABILITY AND ADMINISTRATION.

(A) *Applicability.* The requirements of this chapter shall apply to all persons within the city.

(B) *Administration.* The provisions of this chapter shall be administered by the Mineral Point Common Council, the Mayor of the city, and the City Clerk-Treasurer of the city.

(C) *Collection schedule.* The following provisions shall govern collection of solid wastes and recyclables for the city:

(1) All refuse and garbage from single-family and 2- to 4-unit residences, exclusive of those materials listed in § 50.05(A), shall be collected weekly and shall be placed at the curbside by 7:00 a.m. on the day of collection.

(2) All refuse and garbage from multi-family dwellings and nonresidential facilities and properties, exclusive of those materials listed in § 50.05(A), shall be collected weekly and shall be placed either at the curbside by 7:00 a.m. on the day of collection or in an approved dumpster.

(3) All recyclables listed in § 50.05(A)(5) through (14) shall be collected every week and shall be placed at the curbside in approved recycling bins by 7:00 a.m. on the day of collection.

(4) The recycling bins shall remain the property of Faherty Recycling (private contractor). It shall be the responsibility of all users of the bins to maintain the bins, and if lost or damaged, the user shall be responsible for replacing the recycling bins.

(5) (a) Each residential dwelling is entitled to two 35-gallon containers or two 35-gallon bags of garbage waste to be serviced by the residential garbage contractor, 2-family dwellings are entitled to 4 containers or 4 bags of garbage waste. Each additional container or bag must have a City of Mineral Point collection tag attached to it. Should additional tags be required, they will be made available by the city at a cost of \$1 per tag and can be picked up at City Hall.

(b) The city or its contract shall not be obligated to pick up garbage containers weighing over 50 pounds each, but the contract shall be required to attach a tag to the container stating the reasons for refusing collection.

(Am. Ord. 542, passed 11-7-1995)

(D) *Local government purchasing.* The city shall, to the extent practicable, make purchasing decisions to maximize the purchasing of products made from recycled and recovered materials. The city shall, to the extent practicable, award contracts for equipment and supplies on the basis of recyclability and ultimate disposition of products to discourage the purchase of single-use disposable products and require purchase of multiple-use, durable products.

(E) *Unauthorized garbage.*

(1) No person shall dispose of or dump garbage in any street, alley or public place within the city or in any receptacles or private property without the owner's consent unless it is placed in bags or containers in the manner and in the time specified by this chapter.

(2) No person shall place for collection any garbage or recyclables at the curb not owned or occupied by that person.

(3) No person shall bring refuse for disposal (and recyclables) from outside the corporate limits into the city unless authorized by agreement by the city.

(4) It shall be unlawful to burn or bury solid waste or recyclables by residential and nonresidential sectors and at construction sites, the only exception being an allowance for open burning which shall be permitted only of clean wood and paper products.
(Ord. 516, passed 1-4-1994) Penalty, see § 50.99

§ 50.04 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BI-METAL CONTAINER. A container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.

CONTAINER BOARD. Corrugated paper board used in the manufacture of shipping containers and related products.

FOAM POLYSTYRENE PACKAGING. 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; or

(3) Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.

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HDPE. High density polystyrene, labeled by the SPI Code #2.

LDPE. Low density polystyrene, labeled by the SPI Code #4.

MAGAZINES. Magazines and other materials printed on similar paper.

MAJOR APPLIANCE. A residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, residential furnace, commercial furnace, boiler, dehumidifier, water heater or stove.

(Am. Ord. 526, passed 8-2-1994)

MULTIPLE-FAMILY DWELLING. A property containing 5 or more residential units, including those which are occupied seasonally.

NEWSPAPER. A newspaper or other materials printed on newsprint.

NONRESIDENTIAL FACILITIES AND PROPERTIES. Commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple-family dwellings.

OFFICE PAPER. High grade printing and writing papers from offices and nonresidential 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 processed waste.

OTHER RESINS or *MULTIPLE RESINS.* Plastic resins labeled by **SPI** Code #7.

PERSON. Includes any individual, corporation, partnership, association, local governmental unit, as defined in Wis. Stats. Ch. 66, state agency or authority or federal agency.

PETE. Polyethylene terephthalate labeled by the **SPI** Code #1.

PLASTIC CONTAINER. An individual, separate, rigid plastic bottle, can, jar or carton, except for a blister pack, that is ordinarily used to contain a product that is the subject of a retail sale.

POST-CONSUMER WASTE. Solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in Wis. Stats. § 289.01, waste from construction and demolition of structures, scrap automobiles, or high-volume industrial wastes, as defined in Wis. Stats. § 289.01.

PP. Polypropylene, labeled by the SPI Code #5.

PS. Polystyrene, labeled by the SPI Code #6.

PVC. 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; newspapers; 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.

SOLID WASTE. The meaning specified in Wis. Stats. § 289.01.

SOLID WASTE FACILITY. The meaning specified in Wis. Stats. § 289.01.

SOLID WASTE TREATMENT. Any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste. **TREATMENT** includes incineration.

SPI CODE #. Refers to the material being identified by the Society of the Plastics Industry, Inc., a specific resin identification code.

WASTE TIRE. A tire that is no longer suitable for its original purpose because of wear, damage or defect.

YARD WASTE. Leaves, grass clippings, yard and garden debris and brush, including cleaned woody vegetative material no greater than 6 inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.
(Ord. 516, passed 1-4-1994)

§ 50.05 MANDATORY RECYCLABLE MATERIALS.

(A) *Separation of recyclable materials.* Occupants of single-family and 2- to 4-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;

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(8) Foam polystyrene packaging;

(9) Glass containers;

(10) Magazines;

(11) Newspapers;

(12) Office paper;

(13) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS and other resins or multiple resins;

(14) Steel containers; and

(15) Waste tires.

(B) *Separation requirements exempted.* The separation requirements of division (A) of this section do not apply to the following:

(1) Occupants of single-family and 2- to 4-unit residences, multiple-family dwellings and nonresidential facilities and properties that send their post-consumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in division (A)(5) through (15) from solid waste in as pure a form as is technically feasible;

(2) 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; or

(3) Recyclable materials specified in division (A)(5) through (15), for which a variance has been granted by the Department of Natural Resources under Wis. Stats. § 287.11, or Wis. Adm. Code, § 544.14.

(C) *Care of separated recyclable materials.* To the greatest extent practicable, the recyclable materials separated in accordance with division (A) above shall be free and kept free of contaminants such as food or product residue, oil or grease, or other 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.

(D) *Non-disposable materials.* No person shall place for disposal any of the following wastes: hazardous and toxic wastes, chemicals, explosives, flammable liquids, paint, trees and stumps (except Christmas trees) construction debris, carcasses, medical waste (unless personal needles which shall be contained in cardboard to eliminate injury to collection personnel).

(E) *Special materials.*

(1) Materials such as couches and bulky items shall be disposed of semiannually during the special collection days. Any City of Mineral Point resident or business can bring such items to the collection site on the collection day and place in the designated area, unless the city designates that the materials shall be picked up by curbside by city personnel.

(2) At any other times during the year, residents shall contact the hauler when they have couches and bulky materials and arrangements for collection shall be made between resident and hauler. Construction materials from household remodeling or repair shall be handled pursuant to this division. (Ord. 516, passed 1-4-1994)

§ 50.06 PREPARATION, COLLECTION AND MANAGEMENT OF RECYCLABLE MATERIALS.

(A) *Management of lead acid batteries, major appliances, waste oil and yard waste.* Occupants of single-family and 2- to 4-unit residences, multiple-family dwellings and nonresidential facilities and properties shall manage lead acid batteries, major appliances, waste oil and yard waste as follows:

(1) Lead acid batteries shall be taken to a retail business which sells vehicle batteries. NAPA Auto Parts in Dodgeville or Mineral Point will accept any lead acid battery. There may be a charge for this service.

(2) Major appliances shall be taken to the semi-annual collection date and set in the designated area or, if allowed, placed by the curb for pickup. In the alternative, residents can contact R Country Recycling in Dodgeville or Faherty, Inc., in Platteville, as these businesses will take major appliances. There may be a charge for this service.

(3) Waste oil, being defined as motor oil, transmission oil or dirty fuel oil, free of water or other contaminants, shall be taken to a facility which collects waste oil. Wayne's Amoco of Mineral Point will accept waste oil products. There may be a charge for this service.

(4) Yard waste shall be bagged or bundled and placed by the curb on collection days as designated semiannually by the city. Leaves, grass clippings and yard and garden debris should be in bags with tops left open. Brush should be tied in bundles with a length of 4 feet or less.

(B) *Preparation and collection of recyclable materials.* Except as otherwise directed by the Common Council for the City of Mineral Point, occupants of single-family and 2- to 4-unit residences shall do the following for the preparation and collection of the separated materials specified in § 50.05(A)(5) through (15):

(1) Aluminum containers shall be rinsed free of product residue and placed in the approved recycling bin and placed upon the curb on the day designated for collection.

(2) Bi-metal containers shall be rinsed free of product residue and placed in the approved recycling bin and placed upon the curb on the day designated for collection.

(3) Corrugated paper or other container board shall be free of debris, flattened, stacked and tied to a size no larger than 3 feet by 3 feet, and placed upon the curb on the day designated for collection.

(4) Foam polystyrene packaging shall be rinsed free of product residue, placed in a plastic or paper sack, placed in the approved recycling bin and placed upon the curb on the day designated for collection.

(5) Glass containers shall be rinsed free of product residue and lids shall be removed. Labels do not have to be removed. Containers shall be placed in the approved recycling bin and placed upon the curb on the date designated for collection.

(6) Magazines shall be bundled or bagged separately from other paper products and placed upon the curb on the day designated for collection.

(7) Newspapers shall be bundled or bagged separately from other paper products and placed upon the curb on the day designated for collection.

(8) Office paper shall be bundled or bagged separately from other paper products and placed upon the curb on the day designated for collection.

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

(a) Plastic containers made of PETE, including clear and green soda and liquor bottles, shall be rinsed free of product residue and caps shall be removed and discarded. The containers shall be placed in the approved recycling bin and placed upon the curb on the day designated for collection.

(b) Plastic containers made of **HDPE**, including milk and detergent bottles, shall be rinsed free of product residue and caps shall be removed and discarded. The containers shall be placed in the approved recycling bin and placed upon the curb on the day designated for collection.

(c) All other plastic containers shall be rinsed free of product residue and caps shall be removed and discarded. The containers shall be placed in the approved recycling bin and placed upon the curb on the day designated for collection.

(10) Steel containers shall be rinsed free of product residue and labels shall be removed. The containers do not need to be flattened. The containers and lids shall be placed in the approved recycling bin and placed upon the curb on the day designated for collection.

(11) Waste tires shall be taken to Dodgeville Tire and Service Center in Dodgeville, Wisconsin, for disposal. There will be a charge for this service.

(C) Responsibilities of owners or designated agents of multi-family dwellings.

(1) Owners or designated agents of multi-family dwellings shall do all of the following to recycle the materials specified in § 50.05(A)(5) through (15):

- (a) Provide adequate, separate containers for the recyclable materials;
- (b) Notify in writing, at the time of renting or leasing, and at least semiannually, all users, tenants and occupants of the properties about the established recycling program;
- (c) Provide for collection of the materials separated from the solid waste by the users, tenants and occupants of the delivery of the materials to a recycling facility; and
- (d) Notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.

(2) The responsibility specified in this division (C) does not apply to the owners or designated agents of multi-family dwellings if the post-consumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling materials specified in § 50.05(A)(5) through (15) from solid waste in as pure a form as is technically feasible.

(D) Responsibilities of owners or designated agents of nonresidential facilities or properties.

(1) Owners or designated agents of nonresidential facilities or properties shall do all of the following to recycle the materials specified in § 50.05(A)(5) through (15):

- (a) Provide adequate, separate containers for the recyclable materials;
- (b) Notify in writing, at the time of renting or leasing, and at least semiannually, all users, tenants and occupants of the properties about the established recycling program;
- (c) Provide for collection of the materials separated from the solid waste by the users, tenants and occupants of the delivery of the materials to a recycling facility; and
- (d) Notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.

(2) The responsibility specified in this division (D) does not apply to the owners or designated agents of nonresidential facilities and properties if the post-consumer waste generated within the facility or property is treated at a processing facility licensed by the Department of Natural Resources that

recovers for recycling materials specified in § 50.05(A)(5) through (15) from solid waste in as pure a form as is technically feasible.

(E) *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 § 50.05(a)(5) through (15), which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

(F) *Anti-scavenging of recyclables.* No person, unless under contract with the city, shall collect or remove any recyclable materials that have been deposited or placed at the curb for purpose of collection of recycling.

(G) *Specified containers:*

(1) Solid waste shall be placed for collection in containers as designated by the city, not to exceed 50 pounds per container or 35 gallons, and contained in a manner to avoid litter.

(2) Recyclables will be placed in the containers as designated by the city. If there is a greater amount of recyclables than can be contained in the designated bin, those excess materials can be contained in clear plastic bags, marked cardboard boxes, opened containers, or any other appropriate container where waste can be determined, and placed on top or adjacent to the recycling container clearly separated from the garbage.

(3) All solid waste and recyclables shall be placed as herein required at the specified collection point no sooner than 12 hours prior to the regularly scheduled collection time or be allowed to remain at the curb longer than 12 hours thereafter.

(4) Except as otherwise specifically directed or authorized by the city, solid waste and recycling containers shall be placed at the curblines, adjacent to the premises owned or occupied by the person, of the street designated in the published collection schedule for collection. Materials shall be placed out for collection according to the scheduled days established and published by the city.

(H) *Exemptions.* The city 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. The City Clerk-Treasurer shall provide written notice to its service recipients of this declaration through official publication. (Ord. 516, passed 1-4-1994)

§ 50.07 HAULER SPECIFICATIONS.

(A) *Hauler licensing.* No person or corporation shall engage in the business of hauling recyclables within the city without being licensed by the Department of Natural Resources under Wis. Adm. Code, § 502.06.

(B) Hauler restriction. Haulers may not dispose in a landfill or burn in a solid waste facility any recyclable materials generated in the city that have been separated for recycling, except waste tires which may be burned with energy recover in a solid waste treatment facility. Hauler shall not compact glass with paper during collection and transport of recyclables to a processing facility or market, and shall maintain materials in a marketable condition.

(C) Right to reject materials. The hauler has the right to leave at the curb any recyclable material that is not prepared according to the specifications of § 50.06(B). Materials may also be left if not separated from solid waste, placed in the proper container or are not designated recyclable materials for collection. The hauler also has the right to refuse to pick up any solid waste if it contains recyclable containers and material. In such cases, the hauler shall notify the generator of the materials about the reasons for rejecting the items in writing. The hauler shall also keep a list of repeat offenders and provide it to the city on a quarterly basis.

(D) Reporting requirements. The recycling hauler operating in the city is required to maintain records and reports in writing to the City of Mineral Point at least twice each year. Reports shall include: the amount of solid waste and recyclables collected and transported for the city; the amount of solid waste and recyclables processed and/or marketed by item type for the city; and the final disposal location of a solid waste and recyclable material. Failure to report shall be cause for the city to sever any contract with the hauler.

(Ord. 516, passed 1-4-1994)

§ 50.08 SOLID WASTE RECYCLING COLLECTION FEE.

The cost requirements under this recycling chapter will be borne by taxpayer dollars, and shall be placed as a budget item on the annual budget for the city.

(Ord. 516, passed 1-4-1994)

§ 50.09 ENFORCEMENT.

(A) Authorized inspection. For the purpose of ascertaining compliance with the provisions of this chapter, any authorized officer, employee or representative of the city may inspect recyclable materials separated for recycling, post-consumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas in 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, employer or authorized representative of the city, the Common Council, the Mayor, or the City Clerk-Treasurer who requests access for purposes of inspection and who presents appropriate credentials. No person may obstruct, hamper or interfere with an inspection.

(B) Violation. Any person who violates a provision of this chapter may be issued a citation by the Mineral Point Police Department to collect forfeitures. The issuance of a citation shall not preclude proceedings 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 division.

(Ord. 516, passed 1-4-1994) Penalty, see § 50.99

§ 50.10 EFFECTIVE DATE.

The provisions of this chapter shall take effect on January 1, 1995.

(Ord. 516, passed 1-4-1994)

§ 50.99 PENALTY.

Penalties for violation of this chapter may be assessed as follows:

(A) Any person who violates a provision of this chapter, except § 50.06(B) may be required to forfeit not less than \$10 nor more than \$1,000 for each violation.

(B) Any person who violates § 50.06(B) may be required to forfeit not less than \$10 nor more than \$1,000 for each violation.

(C) Collection for any penalties shall be handled in the same manner that any violation of a city ordinance is handled, i.e., by order of the Iowa County Circuit Court.

(Ord. 516, passed 1-4-1994; Am. Ord. 543, passed 11-7-1995)