

## CHAPTER 12 - SOLID WASTE DISPOSAL AND RECYCLING

### CITY OF FENNIMORE

(repealed and recreated 06/11/2007- Ord.# 247)

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##### (1) GENERAL PROVISIONS

(a) 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. Stat. sec. 287.11 and Chapter NR 544, Wis. Admin. Code.

(b) This section is adopted as authorized under Wis. Stat. sec. 287.09(3)(b).

(c) In their interpretation and application, the provisions of this section shall be held to be 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 section may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this section is required by Wisconsin Statutes, or by a standard in Chapter NR 544, Wis. Admin. Code, and where the section provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Chapter NR 544 standards in effect on the date of the adoption of this section, or in effect on the date of the most recent text amendment to this section.

(d) The requirements of this section apply to all persons within the City of Fennimore, Grant County, Wisconsin.

(e) The provisions of this section shall be administered by the Common Council with the assistance of the City Clerk, the Director of Public Works, the City Police Department and other City personnel when required.

(f) The provisions of this section shall take effect on January 1, 1995. Any and all prior ordinances of the City relating to recycling shall be and hereby are repealed as of the effective date of this section.

##### (2) DEFINITIONS

For the purposes of the section:

(a) "Bi-metal container" means a container for carbonated or malt beverages

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that is made primarily of a combination of steel and aluminum.

(b) “Container board” means corrugated paperboard used in the manufacture of shipping containers and related products.

(c) “Foam polystyrene packaging” means packaging made primarily from foam polystyrene that satisfies one of the following criteria:

(i) Is designed for serving food or beverages.

(ii) Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.

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

(d) “HDPE” means high density polyethylene, labeled by the SPI code #2.

(e) “LDPE” means low density polyethylene, labeled by the SPI code #4.

(f) “Magazines” means magazines and other materials printed on similar paper.

(g) “Major appliance” means a residential or commercial air conditioner, boiler, clothes dryer, clothes washer, dehumidifier, dishwasher, freezer, furnace, microwave oven, oven, refrigerator, stove or water heater.

(h) “Multiple-family dwelling” means a property containing 5 or more residential units, including those which are occupied seasonally.

(i) “Newspaper” means a newspaper and other materials printed on newsprint.

(j) “Non-residential facilities and properties” means commercial, retail, industrial, institutional and governmental facilities and properties. The term does not include multiple-family dwellings.

(k) “Office paper” means high grade 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.

(l) “Other resins or multiple resins” means plastic resins labeled by the SPI code #7.

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- (m) “Person” includes any individual, corporation, partnership, association, local governmental unit, as defined in Wis. Stat. sec. 66.0301(1)(a), state agency or authority or federal agency.
- (n) “PETE” means polyethylene terephthalate, labeled by the SPI code #1.
- (o) “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.
- (p) “Postconsumer waste” means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in Wis. Stat. sec. 291.01(7), waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in Wis. Stat. sec. 289.01(17).
- (q) “PP” means polypropylene, labeled by the SPI code #3.
- (r) “PS” means polystyrene, labeled by the SPI code #6.
- (s) “PVC” means polyvinyl chloride, labeled by the SPI code #3.
- (t) “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.
- (u) “Solid waste” has the meaning specified in Wis. Stat. sec. 289.01(33).
- (v) “Solid Waste facility” has the meaning specified in Wis. Stat. sec. 289.01(35).
- (w) “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.
- (x) “Waste tire” means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
- (y) “Yard waste” means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than 6 inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

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### (3) SEPARATION OF RECYCLABLE MATERIALS

Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties 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
- (k) Newspaper
- (l) Office paper
- (m) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins
- (n) Steel containers
- (o) Waste tires

### (4) SEPARATION REQUIREMENTS EXEMPTED

The separation requirements of s. (3) do not apply to the following:

- (a) Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties that send their postconsumer waste

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to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in s. (3) 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 a supplemental fuel.

(c) A recyclable material specified in s. (3)(e) through (n) for which a variance has been granted by the Department of Natural Resources under Wis. Stat. sec. 287.11(2m) or Wis. Admin. Code sec. NR 544.14.

### (5) CARE OF SEPARATED RECYCLABLE MATERIALS

To the greatest extent practicable, the recyclable materials separated in accordance with s. (3) 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.

### (6) MANAGEMENT OF LEAD ACID BATTERIES, MAJOR APPLIANCES, WASTE OIL AND YARD WASTE

Occupants of single family and 2 to 4 unit residences as well as occupants of multiple-family dwellings and non-residential facilities and properties shall manage lead acid batteries, major appliances, waste oil and yard waste as follows:

(a) Lead acid batteries shall be taken to a business which is qualified to accept such batteries for disposal.

(b) Major appliances shall be tagged through the purchase of a disposal tag from the City Clerk's office and placed at the curb on the date designated for pick-up by the City.

(c) Waste oil may be taken to the waste motor oil container located at the Street Department garage at 945 7th Street. This container may not be used for the disposal of other materials such as gasoline, diesel fuel or hazardous waste chemicals. Waste oil may also be taken to a business which is qualified to accept such waste oil for disposal.

(d) Yard waste shall be separated from recyclables and other refuse and shall be placed at the curb for collection from time to time for pick-up at such times as shall be designated by the Common Council. Yard waste may also be composted on site or at such site as the Common Council may designate from time to time.

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### (7) PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS

Except as otherwise directed by the Common Council or the Director of Public Works, 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 s. (3)(e) through (o).

(a) Aluminum containers shall be rinsed free of product residue, have labels, if any, removed, and shall be flattened and placed in the approved recycling bin and placed at or near the curb or street line on the day designated for collection.

(b) Bi-metal containers shall be rinsed free of product residue, have labels, if any, removed, and shall be flattened and placed in the approved recycling bin and placed at or near the curb or street line on the day designated for collection.

(c) Corrugated paper or other container board shall be free of debris and flattened and either tied in bundles or placed in the approved recycling bin and placed at or near the curb or street line on the day designated for collection.

(d) Foam polystyrene packaging shall be placed in the approved recycling bin and placed at or near the curb or street line on the day designated for collection.

(e) Glass containers shall be rinsed free of product residue, labels, lids, caps, tags, etc. shall be removed and the containers placed in the approved recycling bin and placed at or near the curb or street line on the day designated for collection.

(f) Magazines shall be either tied in bundles or placed in the approved recycling bin and placed at or near the curb or street line on the day designated for collection.

(g) Newspaper shall be tied in bundles, kept dry, and either placed in the approved recycling bin or placed at or near the curb or street line on the day designated for collection.

(h) Office paper shall be free of debris, kept dry, and placed in the approved recycling bin at or near the curb or street line on the day designated for collection.

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

(i) Plastic containers made of PETE shall be rinsed free of product residue, caps, if any, shall be removed and discarded, and the containers placed in the approved recycling bin and placed at or near the curb or street line on the day designated for collection.

(ii) Plastic containers made of HDPE shall be rinsed free of product residue, caps, if any, shall be removed and discarded, and the containers placed in

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the approved recycling bin and placed at or near the curb or street line on the day designated for collection.

(iii) Plastic containers made of PVC shall be rinsed free of product residue, caps, if any, shall be removed and discarded, and the containers placed in the approved recycling bin and placed at or near the curb or street line on the day designated for collection.

(iv) Plastic containers made of LDPE shall be rinsed free of product residue, caps, if any, shall be removed and discarded, and the containers placed in the approved recycling bin and placed at or near the curb or street line on the day designated for collection.

(v) Plastic containers made of PP shall be rinsed free of product residue, caps, if any, shall be removed and discarded, and the containers placed in the approved recycling bin and placed at or near the curb or street line on the day designated for collection.

(vi) Plastic containers made of PS shall be rinsed free of product residue, caps, if any, shall be removed and discarded, and the containers placed in the approved recycling bin and placed at or near the curb or street line on the day designated for collection.

(vii) Plastic containers made of other resins or multiple resins shall be rinsed free of product residue, caps, if any, shall be removed and discarded, and the containers placed in the approved recycling bin and placed at or near the curb or street line on the day designated for collection.

(j) Steel containers shall be rinsed free of product residue, labels shall be removed, the containers shall be flattened and placed in the approved recycling bin and placed at or near the curb or street line on the day designated for collection.

(k) Waste tires shall be disposed of at qualified sites accepting such items and will not be picked up by the City.

### (8) RESPONSIBILITIES 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 assist the City in recycling the materials specified in s. (3)(e) through (n):

(i) Provide space for adequate, separate containers for the recyclable materials furnished by the City.

(ii) Advise the City at the time new tenants rent or lease the dwelling so that the City may notify tenants at the time of renting or leasing the dwelling

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and at least semi-annually thereafter about the established recycling program.

(iii) Provide sufficient space for the collection of the materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility by the City.

(iv) Advise the City at the time new tenants rent or lease the dwelling so that the City may notify the tenants of reasons to reduce and recycle, 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.

(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 material specified in s. (3)(e) through (n) from solid waste in as pure a form as is technically feasible.

### (9) RESPONSIBILITIES 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 to recycle the materials specified in s. (3)(e) through (n):

(i) Provide adequate, separate containers for the recyclable materials.

(ii) Advise the City at the time new tenants or occupants use, rent or lease the properties so that the City may notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.

(iii) 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.

(iv) Advise the City at the time new tenants or occupants use, rent or lease the properties so that the City may notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods of sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.

(b) The requirements specified in (a) do not apply to the owners or designated agents of non-residential facilities and properties if the postconsumer waste

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generated within the facility or property is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the material specified in s. (3)(e) through (o) from solid waste in as pure a form as is technically feasible.

(c) In the event a non-residential facility or property is not served by the City's recycling or waste disposal program, owners or designated agents of such non-residential facilities and properties shall do all of the following to recycle the materials specified in s. (3)(e) through (n):

(i) Provide adequate, separate containers for the recyclable materials.

(ii) Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.

(iii) 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.

(iv) Notify users, tenants and occupants of reasons to reduce and recycle, 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.

(d) The requirements specified in (c) do not apply to the owners or designate agents of non-residential facilities and properties described in (c) 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 the material specified in s. (3)(e) through (n) from solid waste in as pure a form as is technically feasible.

### (10) 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. (3)(e) through (o) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility and microwave ovens may be disposed of in a solid waste treatment facility in this state if the capacitor has been removed and disposed of in accordance with Wis. Stats. sec. 299.45(7), if applicable.

## 12.02 WASTE DISPOSAL AND FEES

### (1) GENERAL PROVISIONS

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The purpose of this section is to ensure effective collection of solid waste and to further ensure that solid waste collection and disposal does not interfere with the collection of recyclable material under section 12.01.

### (2) DEFINITIONS

For the purpose of this section, the definitions provided in sec. 12.01(2) of this Chapter shall apply. In addition, the following definitions shall apply in this section:

(a) “Bulk items” include furniture, mattresses, box springs, appliances, carpeting, bulk metal, stereos, computers and similar items. Bulk items do not include any major appliance as defined in s. 12.01(2), any item containing freon or any television or computer monitor.

(b) “Garbage” means discarded materials resulting from the handling, processing, storage and consumption of food exclusive of recyclable materials.

(c) “Refuse” means combustible and noncombustible rubbish including but not limited to soiled paper, cloth and products thereof and street litter and rubbish exclusive of recyclable materials.

(d) “Demolition material” means materials resulting from the construction, demolition or razing of buildings and other structures. This definition includes wood, glass, roofing, siding and plaster, concrete, bricks, bituminous concrete and masonry but specifically excludes asbestos, waste paints, solvents, sealers, adhesives and similar materials and further excludes recyclable materials.

(e) A "residential unit" as used herein shall be defined as a building or portion of a building used for human habitation, residency and / or domicile and separately billed by the City for utility service.

(f) A "commercial unit" as used herein, shall be defined as a building or portion of a building used for any purpose other than human habitation, and is separately billed by the City for utility service.

### (3) APPLICABILITY

The requirements of this section apply to all residents in the City of Fennimore utilizing the City’s trash, refuse and/or recyclable collection programs.

### (4) WASTE DISPOSAL REQUIREMENTS

(a) Except as otherwise provided by the Common Council, garbage, refuse and solid waste containers shall be placed at or near the curb or street line for collection no later than 7:00 a.m. on the day designated by the City for collection. All garbage,

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refuse and solid waste shall be placed in clear plastic bags or other appropriate collection containers or tied in bundles in such a manner that permits the City to determine visually that solid waste has been separated from recyclable material, facilitates loading into the garbage truck and avoids littering or blowing of the contents of the container.

(b) Containers used for collection and disposal of garbage, refuse or solid waste shall not be larger than 30 gallon containers. The container and contents thereof used for disposal and collection of garbage, refuse or solid waste shall not exceed 40 pounds. Containers and boxes used for containers shall be in good and suitable condition to be lifted into the garbage truck without breaking or spilling. Containers shall be equipped with handles in good condition suitable for lifting and dumping the contents in the container onto the garbage truck. Items may not exceed the rim of the garbage container by more than 6 inches and individual bags must be tied. A maximum of two 30-gallon bags or containers will be picked up each week for each residential unit or commercial unit contracting for weekly curbside service. Tags may be purchased for additional containers.

(c) Garbage, refuse and solid waste will be picked up by the City in accordance with a schedule to be set by the City from time to time. When a collection day falls on a holiday, trash will be picked up on the preceding day.

### (5) DISPOSAL OF OTHER MATERIALS

#### (a) Bulk Items.

(i) Residents may haul bulk items to the demolition dumpster at the Recycling Center on Mondays from 9:00 a.m. to noon and 1:00 p.m. to 4:00 p.m. and on Tuesdays and Fridays from 9:00 a.m. to noon.

(ii) In the alternative, residents may call or stop by the City Clerk's office to arrange for curbside pickup of bulk items. Based on the volume of items on Friday of each week, the Street Department will pick up bulk items on the third Monday of each month or during regularly scheduled weekly garbage pickup.

#### (b) Major Appliances, Items Containing Freon, Televisions and Computer Monitors.

(i) Residents may haul major appliances, any item containing freon or any television or computer monitor to the demolition dumpster at the Recycling Center on Mondays from 9:00 a.m. to noon and 1:00 p.m. to 4:00 p.m. and on Tuesdays and Fridays from 9:00 a.m. to noon.

(ii) In the alternative, residents may call or stop by the City Clerk's office to arrange for curbside pickup of major appliances, any item containing freon or any television or computer monitor. Based on the volume of items on Friday of each week, the Street Department will pick up bulk items on

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the third Monday of each month or during regularly scheduled weekly garbage pickup.

(c) Demolition materials shall be collected by the owner and placed in an approved disposal container provided by the City. The container shall be available to residents of the City near the Recycling Center. The City will operate a rubble disposal site for stone, brick, masonry, blacktop, concrete, dirt and similar items. Residents must arrange to haul large amounts of these materials to the site.

(d) The City will operate a burning site for “clean” woods such as brush and unpainted or untreated wood or wood by-products. Residents may haul these items to the site for burning. Igniting or burning materials at the burning site by any person other than authorized City employees is prohibited.

(e) As provided in sec. 12.01, the City will operate a compost site for grass clippings, garden waste, leaves, fruit tree products and similar yard waste. Residents must haul these items to the site for composting. Bags and/or boxes used to transport compost materials to the site shall not be left at the compost site.

(f) As used in this subsection, “resident” shall mean any person who owns or leases real estate within the City limits of the City of Fennimore regardless of whether the real estate is used for residential or commercial purposes. The disposal of materials at the rubble disposal site, burning site or compost site by nonresidents is prohibited.

(6) FEES. The City has established the following fees to pay the cost of garbage and recycling collection within the City:

(a) Base Residential Rate: Each residential unit shall pay a base rate of **\$8.75** per month. Said fee shall include the pickup of two (2) 30 gallon containers or two (2) 30 gallon trash bags (or one of each) weighing no more than 40 pounds each, one bulk item weighing no more than 40 pounds and any quantity of recyclables.

(b) Base Commercial Rate: Each commercial, industrial or other nonresidential unit may enter into a contract with the City for disposal of garbage and recycling materials. The fee schedule for commercial pick-up shall be as follows:

(i) The curbside monthly rate for commercial units shall be **\$10.75**. Said fee shall include the pickup of two (2) 30 gallon containers or two (2) 30 gallon trash bags (or one of each) weighing no more than 40 pounds each, one bulk item weighing no more than 40 pounds and any quantity of recyclables (including small amounts of cardboard) each week.

**12.02(6)(a)and  
(6)(b)(i)-(iii)  
Amended  
11/24/2014  
Ord#302**

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(ii) The garbage dumpster monthly rate for commercial units shall be **125.32** for a 4-yard dumpster and **\$184.30** for a 6-yard dumpster if picked up once a week and **\$213.80** for a 4-yard dumpster and **\$287.52** for a 6-yard dumpster if picked up twice a week. Said fee shall include the pickup of any quantity of recyclables (including small amounts of cardboard).

(iii) The recycling dumpster monthly rate for commercial units shall be **\$36.86** for a 4-yard dumpster and **\$51.51** for a 6-yard dumpster picked up once a week. Only cardboard may be placed in the recycling dumpster.

**12.02(6)(c)  
Amended  
12/10/2012  
Ord#283**

(c) Additional fees: In addition to the base fee, residents may pay the following fees for disposal of additional bulk items, major appliances, any item containing freon or any television or computer monitor and/or additional garbage containers:

<b>Item</b>	<b>Fee for Curbside Pickup</b>	<b>Fee for Items Delivered to Demolition Site</b>
Mattress (any size)	\$4.00	NA
Box Spring (any size)	\$4.00	NA
Appliance without freon (any size)	\$15.00	NA
Appliance with freon (any size)	\$20.00	NA
Couch	\$5.00	NA
Chair	\$3.00	NA
Other furniture	\$5.00 per 100 lbs	NA
Carpeting	\$5.00 per 100 lbs	NA
Bulk metal	\$4.00 per 100 lbs	NA
Construction/Other Material		
Shingles or Sheetrock	NA	\$ 15.00 minimum \$40.00 per cubic yard or \$65 per ton
Other Construction Material	NA	\$30.00 per cubic yard
Non-construction Material	NA	\$30 per cubic yard
TV (under 27 inches)	\$15.00	NA
TV (over 27 inches)	\$20.00	NA
Console TVs/ Big Screen	\$25.00	NA
Computer monitor (any size)	\$15.00	NA
<b>Tags</b>		\$
Additional 30-gallon container/bag	10 for \$10.00	
Additional 13-gallon container/bag	10 for \$5.00	

(d) Fee Reduction. Owners and occupants of residential units may be

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eligible for reduced fees as follows:

(i) Unoccupied Residential Units. When a residential unit will be unoccupied for a period of no less than a month, the owner or occupant of the residential unit may apply for a reduction of the fee as to that residential unit for each month during which the unit will remain unoccupied. Applications shall be filed no less than ten (10) days prior to the period for which reduction is sought. The fee shall not be reduced if the residential unit is occupied during any part of a month. Eligible applicants shall receive a 50% reduction in the residential base fee for each month the unit is unoccupied. For purposes of this paragraph, a "month" shall be deemed to start on the 15<sup>th</sup> of any month and end on the 14<sup>th</sup> of the following month.

(ii) Low-Income Residents. Any resident who qualifies for participation in the Fennimore Municipal Utilities public benefit program shall receive a 50% reduction on the residential base fee for any period in which he or she is qualified to participate in the public benefit program. Qualifying residents shall file an application for the fee reduction with the City Clerk in order to be eligible for the fee reduction.

### (7) BILLING AND DELINQUENCIES

(a) Bills for base fees shall be sent as part of monthly utility billing and shall be due and payable at the same time utility charges are due. Interest at the rate of 1% per month shall be charged for each month or part of a month a bill is delinquent. Additional fees for disposal of items other than those included in base charges shall be prepaid.

(b) Delinquent fees and accrued interest may be imposed against the property served as a special charge using the procedure described under Wis. Stat. sec. 66.0627. Notice of any special charge shall be provided to the property owner in the same manner and at the same time as delinquent utility notices are given under Wis. Stat. sec. 66.0809(3).

## 12.03 RECYCLING AND OTHER WASTE - MISCELLANEOUS PROVISIONS

### (1) DEFINITIONS

For the purpose of this section, the definitions provided in sec. 12.01(2) and 12.02(2) of this Chapter shall apply.

### (2) UNAUTHORIZED DISPOSAL OR SCAVENGING OF SOLID WASTE AND RECYCLABLES

(a) No person shall dispose of or dump solid waste or recyclables in any street, alley or public place within the City of Fennimore or in any receptacles or

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on private property without the owner's consent.

(b) No person shall place for collection any solid waste or recyclables at the curb or street line if he or she does not own or occupy the abutting property.

(c) No person shall bring or permit to be brought any item solely for disposal or recycling from outside the corporate limits into the City of Fennimore unless authorized by the Common Council.

(d) No person shall burn or bury solid waste or recyclable material (including paper products other than small amounts used as a fire starter). No person shall burn yard waste (other than clean wood). Open burning of clean, dry wood in defined firepits or fireplaces is allowed.

(e) No person, unless under contract with the City of Fennimore, shall collect or remove any recyclable materials which have been set out for the purpose of collection of recycling.

### (3) SPECIAL MATERIALS

(a) Hypodermic syringes and needles must be kept separate from recyclable material and other waste. Residential owners and occupants shall place syringes and needles in a separate bag or box labeled accordingly and place the labeled container beside other items set out for collection. Doctors, dentists, veterinarians and other health care providers and personnel must dispose of waste syringes and needles through proper certified means.

(b) The City will make available to residents disposal barrels for ashes, including charcoal ashes from barbecue grills. Ashes shall be emptied into the disposal barrels and containers used to transport ashes shall not be left at the site.

### (4) HAULER SPECIFICATIONS

(a) No person or corporation shall engage in the business of hauling recyclables within the City of Fennimore without being licensed by the Department of Natural Resources under Wis. Admin. Code sec. NR 502.06.

(b) Haulers may not dispose in a landfill or burn in a solid waste facility any recyclable materials generated in the City of Fennimore that have been separated for recycling except waste tires which may be burned with energy recovery in a solid waste treatment facility. Haulers 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) Haulers have the right to leave at the curb or otherwise reject any recyclable material that is not prepared according to the specifications of this

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Chapter. Materials may also be left if not separated from solid waste, placed in the proper container or are not designated recyclables for collection. Haulers also have the right to refuse to pick up any solid waste if it contains recyclable material. In such case, the hauler shall notify the generator of the materials and the Common Council about the reasons for rejecting the items.

(d) Any recycling hauler contracted to the City of Fennimore is required to maintain records and report in writing to the City of Fennimore at least twice a year. Reports shall include: the amount of solid waste and recyclables collected and transported for the City of Fennimore, the amount of solid waste and recyclables processed and/or marketed by item type for the City of Fennimore and the final disposal location of solid waste and recyclable material. Failure to report shall be cause for the City of Fennimore to sever any contract with the hauler.

### 12.04 COLLECTION RULES

(1) Garbage will be collected throughout the residential and commercial areas on the east side of Lincoln Avenue on Tuesdays and on the west side of Lincoln Avenue on **Fridays**.

(2) Garbage must be placed in clear trash bags or other appropriate containers. No recyclable materials are allowed in the trash. If recyclable materials are found within trash, it will be tagged and not picked up.

(3) All containers must be placed at the curb by 7 a.m. for collection. If garbage is not out when the crew goes by, it will not be picked up. Garbage cannot be placed at the curbside earlier than 5:00 p.m. the previous evening.

(4) Residents are required to rent a dumpster for a fee for disposal of large amounts of trash and garbage, such as when moving out.

(5) If residents wish to dispose of their leaves, they may haul them to the compost site in the old landfill located at the intersection of Bronson Boulevard and County Q. Bags or boxes used to transport leaves may not be left at the site.

(6) A container for waste motor oil only is available to residents of the City. The container is located at the Street Department garage at 945 7th Street. This container is not for disposal of any other materials such a gasoline, diesel fuel or hazardous waste chemicals.

(7) Lead acid batteries used for cars, trucks, recreational equipment, garden tractors and lawn mowers, etc., will not be picked up or accepted by the City.

(8) CRT'S and fluorescent bulb and lamps must be kept separate from garbage and placed with recyclables and will be picked up at the same time as recyclables.

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- (9) Tires will not be picked up or accepted by the City.

### 12.05 ENFORCEMENT AND PENALTIES

(1) For the purpose of ascertaining compliance with the provisions of this chapter, any authorized officer, employee or representative of the City of Fennimore may inspect recyclable materials separated for recycling, solid waste separated for recycling, postconsumer waste intended for disposal, recycling and solid waste collection sites and facilities, collection vehicles, collection areas, including those of multiple-family dwellings and non-residential facilities and properties, and any records relating to recycling or solid waste collection or disposal 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 who requests access for the purpose 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 forfeiture citation by any member of the Police Department of the City of Fennimore. The issuance of a citation shall not preclude proceeding under any other section or law relating to the same or any other matter. Proceeding under any other section or law relating to the same or any other matter shall not preclude the issuance of a citation under this paragraph.

- (3) Penalties for violating this chapter may be assessed as follows:

(a) Any person who violates s. 12.01, except 12.01(10), may be required to forfeit not less than \$10.00 nor more than \$1,000.00 for each violation together with the costs of prosecution.

(b) Any person who violates s. 12.01(10) 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 together with the costs of prosecution.

(c) Any person who violates s. 12.02 or 12.03 may be required to forfeit not less than \$10.00 nor more than \$1,000.00 for each violation together with the costs of prosecution.

(c) Any person who violates s. 12.04 may be required to forfeit not less than \$10.00 nor more than \$1,000.00 for each violation together with the costs of prosecution.

(4) In addition to the foregoing penalties, the City may refuse to provide service to any person violating any provision of this ordinance until the condition or act creating such violation has been cured.

To ensure uniformity and equal treatment of all persons who violate any provision of this Chapter, the forfeitures set forth in the following Schedule of Penalties shall be the penalty imposed unless, in the opinion of the official issuing the citation, the City Attorney or the Court, unusual circumstances exist which justify a different penalty.

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### SCHEDULE OF PENALTIES FOR CHAPTER 12 VIOLATIONS

(Add all court costs and surcharges to amounts listed)

SECTION	FIRST OFFENSE	SECOND AND SUBSEQUENT OFFENSES WITHIN 12 MONTHS
12.01 (except 12.01(10))	\$20.00	\$100.00
12.01(10)	\$50.00	\$200.00*
	*third and subsequent offenses	\$2,000.00
12.02	\$20.00	\$100.00
12.03	\$20.00	\$100.00
12.04	\$20.00	\$100.00