

Chapter 413. Solid Waste

**§ 413-1. Title.**

This chapter shall be known as the "Solid Waste and Recycling Management Ordinance of the City of Oconto Falls," hereinafter referred to as "this chapter."

**§ 413-2. Purpose and intent.**

Solid Waste

Whereas § 287.13, Wis. Stats., requires compliance with the various requirements related to landfills, incineration and recycling, it is hereby declared to be the purpose and intent of this chapter to enhance and improve the environment and promote the health, safety and welfare of the City by establishing minimum standards for the storage, collection, transport, processing, separation, recovery and disposal of solid waste and recycling materials in compliance with Wisconsin law.

Recycling

The purpose of this article is to promote recycling, composting and resource recovery through the administration of an effective recycling program, as provided in W.S.A. s. 287.11 and Chapter NR 544 of the Wisconsin Administrative Code.

**§ 413-3. Applicability.**

The requirements of this article apply to all persons within the City of Oconto Falls.

This chapter shall apply to all persons, entities and waste-generating activities within the corporate limits of the City. Curbside pickup does not apply to multifamily units five or more, commercial and industrial generators of solid waste and recyclables that contract with a private collector/hauler.

**§ 413-4. Definitions.**

For the purpose of this chapter, the following words and phrases shall have the meanings given herein unless different meanings are clearly indicated by the context:

**BAG or SOLID WASTE BAG**

A thirty-three-gallon or fifteen-gallon translucent tinted plastic bag with the words "Oconto Falls" printed on the bag.

**GARBAGE & RECYCLING BINS FOR CURBSIDE COLLECTION**

90-gallon garbage & recycling containers provided for residential garbage & recycling curbside collection by city or by private collector/hauler under contract with the City to all qualified residential, properties within the corporate limits of the City of Oconto Falls.

**BRUSH**

Woody material such as branches, twigs, etc., longer than 18 inches in length originating from trees or shrubbery.

**BUILDING DEBRIS or DEMOLITION WASTES**

Wastes from the repair, remodeling or reconstruction of buildings, such as lumber, roofing and sheathing scraps, rubble, broken concrete, asphalt and plaster, conduit, pipe, wire, insulation and any other materials resulting from the demolition of buildings and improvements.

**BULKY WASTE**

Items whose large size precludes or complicates their handling by normal collection, processing or disposal methods. Bulky waste may include white goods, furniture, appliances, scrap, building debris, etc.

#### **CENTER**

The Solid Waste Transfer and Recycling Center operated by the City of Oconto Falls for the drop off of solid wastes and recyclables and presently located on Pioneer Drive.

#### **COLLECTOR/HAULER**

The contractor or entity chosen by the City to handle, transport, and dispose of the community's solid waste, recyclables and nonrecyclables, or the person or persons contracting with waste generators for these services, who will enforce preparation standards for recyclable materials as well as ensure community compliance with this chapter.

**Commercial:** A "commercial use" is that use of land by commercial, retail, industrial, benevolent, nonprofit, charitable, professional, service, institutional, and/or governmental facilities and operations, but excluding single-family, two-family, three-family and four-family residential uses.

This definition is limited to the applicability of the curbside pickup of garbage & recycling

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

#### **CURB**

The back edge of curb and gutter along a paved street or where one would be if the street or alley was paved and had curb and gutter.

#### **CURBSIDE COLLECTION**

The pickup of solid waste or recyclables at that location on a person's property bordering a public street or alley designated by the City Administrator - Clerk/Treasurer or designee as a route of the City's collector/hauler.<sup>[1]</sup>

**DELINQUENT PAYMENTS.** If any payment is not made as required, interest on the amount due shall accrue from the date of the required submittal at an annual rate of 10%. The grantee shall pay an additional compensation to the City if the payment is late by 45 days or more. Delinquent collection or remittance of surcharges to the City shall be deemed just cause for termination of the hauling license. The license holder is responsible for all costs of collection, including attorneys' fees and costs.

#### **DUMP**

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

#### **DUMPSTER**

~~Any refuse container larger than 55 gallons.~~ A large metal or plastic bin for refuse designed to be hoisted onto a specially equipped truck for emptying or hauling away.

#### **DWELLING UNIT**

A place of habitation occupied by a normal single-family unit or a combination of persons who may be considered as equivalent to a single-family unit for the purposes of this chapter.

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

#### **GARBAGE**

A constituent of solid waste.

#### **HAZARDOUS/TOXIC WASTE**

Any substance or combination of substances, including any waste of a solid, semisolid, liquid or gaseous form, which may cause or significantly contribute to any increase in mortality or an increase

in serious irreversible or incapacitating reversible illness or which may pose a substantial present or potential hazard to human health or the environment because of its quantity, concentration or physical, chemical or infectious characteristics. This term includes, but is not limited to, substances which are toxic, corrosive, flammable, irritants, strong sensitizers or explosive as determined by the Department of Natural Resources.

**INDUSTRIAL WASTE**

A constituent of solid waste. **Waste resulting from industrial processes and operations.**

**LANDFILL**

A land site where solid waste is disposed of in a manner to provide protection for the environment, in accordance with state regulations.

**LITTER**

Solid waste scattered about in a careless manner, usually rubbish **as defined herein and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety, and welfare.**

**MAGAZINES** means periodicals and other materials printed on similar paper.

**MAJOR APPLIANCE** means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator or stove

**MANUFACTURING WASTE.** Waste resulting from manufacturing processes and operations.

**MULTIFAMILY RESIDENTIAL**

Any building containing ~~two or more dwelling units.~~ **means a building containing five or more residential units, including those which are occupied seasonally**

**NAUSEOUS AND/OR OFFENSIVE WASTES.** Those wastes that are unwholesome or have an unpleasant smell or are otherwise nauseous and/or offensive, such as manure, filth, slops, carcasses, carrion, meat, fish, entrails, hides and hide scrapings, paint, kerosene, oily or greasy substances, and objects that may cause injury to any person or animal or damage to vehicles such as barbed wire, briar thorns, or similar materials.

**NEWSPAPER** means a publication that is printed on newsprint and that is published, printed or distributed, and includes shoppers guides which are printed on newsprint.

**NONRESIDENTIAL FACILITIES AND PROPERTIES** means commercial, retail, industrial, institutional and governmental facilities and properties, excluding multiple-family dwellings

**NONRESIDENTIAL SOLID WASTE**

Solid waste from agricultural, commercial, industrial or institutional activities or a building or group of buildings consisting of five or more dwelling units.

**OFFICE PAPER** means high grade printing and writing papers from offices in nonresidential facilities and properties, such as printed white ledger and computer printout but excluding industrial process waste.

**OTHER RESINS OR MULTIPLE RESINS** means plastic resins labeled by the SPI code #7.

**PERSON**

Includes any individual, corporation, organization, or association, including condominium owner associations [as identified by § 703.15(1), Wis. Stats.], a local governmental unit [as identified by § 66.0131(1)(a), Wis. Stats.], a state agency or authority or a federal agency.

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

**Plastic container** means an individual, separate, rigid plastic bottle, can, jar, except for a blister pack, that was used to contain a product that was the subject of a retail sale.

**Postconsumer waste** means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in Wis. Stats. § 144.61(5), waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in Wis. Stats. § 144.44(7)(1).

**PP** means polypropylene, labeled by the SPI code #5.

**PS** means polystyrene, labeled by the SPI code #6.

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

**Recyclable materials** include 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 bimetal containers.

**Solid waste** has the meaning specified in Wis. Stats. § 144.01(15).

#### **QUALIFIED**

All single-family residential and any commercial or industrial waste generator producing fewer than 10 bags of solid waste per week and any multifamily residential property under 5 units generating no more than two bags of solid waste per unit per week.<sup>[2]</sup>

Includes the following but is not limited to:<sup>[3]</sup>

**Recyclable waste.** That portion of miscellaneous combustible and noncombustible waste material resulting from residential and commercial activities that can be recovered through processes to regain that material for human use including, but not limited to, the following:

- A. **Co-mingled containers.** Glass bottles and jars which contain a food or beverage product, aluminum beverage cans, plastic containers made of polyethylene terephthalate (PET) or high-density polyethylene (HDPE), and steel and bi-metal cans which contained a food or beverage product.
- B. **Major appliances.** Residential or commercial air conditioners, clothes dryers, clothes washers, dishwashers, freezers, microwave ovens, ovens, refrigerators, stoves, furnaces, boilers, dehumidifiers, or water heaters
- C. **Paper.** That portion of paper which remains in substantially original condition at the time of disposal so that material is suitable for commercial-grade recycling. The term "paper" does include the paper commonly used in the production of newsprint, magazines, books, and other physical media for written materials, cardboards, and other container boards. Paper is not suitable for recycling purposes when in a state which makes separation unreasonable or unduly expensive because the paper has been put to another use, such as wrappings for items that soiled the paper, thus rendering it unfit for commercial recycling.
- D. **Waste tire.** A tire that is no longer suitable for its original purpose because of wear, damage or defect.
- E. **Batteries:** car, truck, motorcycle, and snowmobile.
- F. **Used motor oil.**

A.

Aluminum container made entirely of aluminum.

B.

Glass: clear, brown, and green, rinsed empty with covers and bands removed.

C.

Tin: steel containers rinsed empty.

D.

Plastic bottles: PETE (1) and HDPE (2), rinsed clean with caps and rings removed.

E.

Newspaper, corrugated cardboard and magazines.

F.

Batteries: car, truck, motorcycle, and snowmobile.

G.

Appliances: stoves, refrigerators, washers, dryers, and water heaters.

H.

Used motor oil.

**RECEPTACLES, PRIVATE AND PUBLIC.** Public receptacles are litter containers which are placed on City streets or fastened to poles and maintained by the City and marked as litter receptacles.

### **REFUSE**

A constituent of solid waste. Includes all putrescible and nonputrescible solid wastes including ashes, street cleanings, dead animals, and all other abandoned personal property and solid market and industrial wastes.

**RESIDENTIAL:** A "residential use" is that use of land which contains a dwelling unit or units designed for permanent living quarters, to include single-family dwellings, duplexes, and triplexes only. All apartment buildings and other residential housing comprised of five or more dwelling units shall be considered multiple-family dwellings.

The per-curbside garbage and recycling, per-residential-unit surcharge on solid waste and recycling collection and disposal shall be as set forth in the fee schedule adopted as part of the annual budget document and shall be collected by either the City or the collector as the contract or this section may provide.

A structure which provides habitation for a single-family unit.

### **RESIDENTIAL SOLID WASTE**

All solid waste that normally originates in a residential environment from residential dwelling units.

### **RESPONSIBLE PARTY**

The person who caused a provision of this chapter to be violated or the property owner of the property on which the violation occurred.

### **RUBBISH**

A constituent of solid waste. Includes all nonputrescible and solid wastes, both combustible and noncombustible, including, but not limited to, circulars, leaflets, pamphlets, wrappers, handbills, newspapers, and all and any other printed or non-printed paper material, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, and other similar materials.

### **SCAVENGING**

The uncontrolled and unauthorized removal of materials from curbside collection points or the Center.

### **SOLID WASTE**

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 contained gaseous materials resulting from residential, 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.

**SOLID WASTE DISPOSAL OPERATION** means the site, facility, operating practices, and maintenance thereof for the utilization, processing, or final disposal of solid waste including, but not limited to, sanitary landfill, incineration, composting, reduction, shredding, compression, salvage, and resource recovery. The meaning specified in W.S.A. s. 289.01(35).

#### **STORAGE**

The interim containment of solid waste or recyclables in an approved manner after generation and prior to collection and ultimate disposal.

#### **STORAGE AREAS**

Areas where persons place solid waste or recyclables during noncollection days as well as areas where containers are set out on collection day.

#### **UNQUALIFIED**

Any commercial or industrial property generating 10 or more bags of solid waste per week and any multifamily residential property generating three or more bags of solid waste per unit week.<sup>[4]</sup> with 5 units or more.

#### **WASTE GENERATOR**

Any person who creates solid waste or recyclables.

#### **YARD WASTE**

Grass trimming, grass raking, leaves, garden debris and clean woody vegetative material no greater than six inches in diameter, shrubby cuttings less than 18 inches long and fruits and vegetables. The term "yard waste" does not include stumps, roots, or shrubs with intact root balls.

[1]

*Editor's Note: The definition of "disposal" which immediately followed this definition was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

[2]

*Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

[3]

*Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

[4]

*Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

#### **§ 413-5. Mandatory separation, collection and disposal.**

**A. CURBSIDE COLLECTION.** Curbside solid waste and recyclable collection service will be provided by City personnel or by private collector/hauler under contract with the City to all qualified residential, multifamily residential properties, small business, commercial and industrial properties within the corporate limits of the City of Oconto Falls.

**B. RESIDENTIAL WASTE COLLECTION** shall be provided once per week for a maximum of one 96-gallon container per residential property or residential dwelling unit, whichever is greater. The garbage bins must be one which was purchased from the City or contracted provider. All refuse must fit inside the garbage bins with the lid fully closed. Residential waste placed outside the garbage bins will not be collected.

**C. RECYCLABLE WASTE COLLECTION** to include co-mingled containers and paper shall be collected by the City or contracted collector for all residential properties, up to and including four dwelling units, provided such waste is properly separated, handled, prepared, contained, stored, and located in conformance with this chapter and rules and regulations established and publicized by the City Administrator or designee.

**Recycling is mandatory, and residents will be required to comply with recycling regulations.** Curbside recycling waste collection shall be provided once every two weeks to each household. The recycling curbside bins must be one which was purchased from the City or contracted provider. Recycling waste shall be placed out for collection separate from other residential waste on the regular collection day. All recycling waste must fit inside the recycling bins with the lid fully closed. Recycling waste placed outside the recycling bins will not be collected.

#### **D. SEPARATION OF RECYCLABLE WASTE.**

(1) The following recyclable materials from single-family and two- to four-unit residences, multifamily dwellings and nonresidential facilities and properties shall be separated from other solid 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. Newspapers.
- l. Office paper.
- m. Rigid plastic containers made of PETE and HDPE.
- n. Rigid plastic containers made of PVC, LDPE, PP, PS and other resins, or multiple resins.
- o. Steel containers.
- p. Tires.
- q. Electronic waste or E-waste.

(2) Separation requirements exempted. The separation requirements of subsection (d)(1) of this section do not apply to the following:

a. Occupants of single-family and two- to six-unit residences, multiple-family dwellings and nonresidential facilities and properties that send their solid waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in subsection (d)(1) of this section 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 percent of the heat input to the facility is derived from solid waste burned as supplemental fuel.

c. A recyclable waste item specified in subsection (d)(1)a through o of this section for which a variance has been granted by the Department of Natural Resources under Wis. Stats. § 287.11(2m) or Wis. Admin. Code § NR 544.14.

(1)

Qualified: Single-family and multifamily dwellings up to 4 residential units and small businesses qualified commercial or industrial waste generators utilizing City-provided curbside collection services shall prepare and place for pickup all solid waste and recyclables as required by this chapter.<sup>[1]</sup>

[1]

*Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

(2)

Curbside collection is intended only for nonbulky solid waste and recyclables, including garbage, refuse, yard waste, etc., generated on the premises. Brush may be placed at curbside in accordance with the limitations specified in this chapter.

**~~B. Responsibilities of owners or designated agents of nonresidential facilities or properties not receiving solid waste collection services from the city.~~**

~~Unqualified properties. Owners and occupants of five units or more multifamily dwellings, commercial and industrial properties not qualifying for curbside collection services shall be required to separate recyclable materials, as defined and required herein, from all other solid waste and shall be additionally required to make arrangements for the disposal and/or collection of the same by a private collector/hauler at no cost to the City.<sup>[2]</sup>~~

[2]

*Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

**E. MULTIPLE-FAMILY DWELLINGS**

Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in § 413-5. 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 semiannually thereafter about the established recycling program.

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

(4) Notify tenants which materials are to be 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.

The requirements specified in Subsection E 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 specified in § 413-5 A through O from solid waste in as pure a form as is technically feasible. In accordance with *Wisconsin State Statutes § 287.11, Wis. States Effective recycling programs.*

C.

~~Tenant notification required. Owners of all single-family and multifamily dwelling units shall notify all tenants upon moving in, and on an annual basis thereafter, of the City, county and state recycling requirements.~~

D.

**F.-Commercial and industrial properties**

(1)

Commercial and industrial users that generate 10 or more bags of waste per week shall contract with a private collector/hauler. The user will enter into an agreement with the private collector/hauler for the rental or purchase of the dumpster, the collection, hauling, and disposal or landfilling of the solid waste. All fees will be established in the agreement and billed to the user by the private collector/hauler.

(2)

The City shall in no way be responsible for the cost incurred by the owners and/or operators of commercial, industrial, or unqualified multifamily residential properties for the collection and/or disposal of solid waste by private collectors/haulers. These generators of solid waste and recyclables shall be solely responsible for the costs incurred in meeting the requirements of this chapter.

#### **§ 413-6. Preparation of solid waste and recyclables.**

A.

Recyclables prohibited from solid waste, **recycles for residential curbside pickup shall be placed in recycle bins, commercial, industrial and multifamily shall contract** recyclable items, as defined in this chapter, are prohibited from being commingled in regular garbage bags and/or **garbage bins**, solid waste dumpsters and must be handled separately and in compliance with this chapter. If for any reason curbside recycling pickups are interrupted or discontinued, qualified properties are required to dispose of recyclables at the Center.

#### **Preparation.**

1. Residential waste including miscellaneous refuse may be mixed and placed in a common container. Yard waste and recyclables are prohibited from being mixed with other waste.

2. Residential or commercial refuse and garbage shall be wrapped, packaged, and/or bundled and drained of any liquid.

3. Recyclable material such as glass, plastic bottles, tin, paper, cardboard and aluminum cans shall be co-mingled and placed in one container.

4. To the greatest extent practicable, the recyclable materials separated from solid waste shall be clean and kept free of contaminants such as food, product residue, oil or grease, or other nonrecyclable materials.

5. Branches, limbs, and cuttings from trees shall be cut in three-foot to eight-foot lengths and must be at least one-half inch in diameter when set out for collection. No brush will be picked up by the City when generated from vacant property or new building construction or from any

contracted job. If said brush is not disposed of properly by the owner or contractor, the City will dispose of it and charge the property owner the actual cost.

#### B.

~~Approved solid waste bags—garbage and recycle bins. No solid waste shall be placed for pickup by municipal collectors/haulers or disposed of at the Center except within approved solid waste bags and containers.~~

### **B. GARBAGE AND REFUSE CONTAINERS**

#### **Curbside 96 Gallon Bins—Garbage and refuse.**

1. The cost of all garbage curbside bins provided by the City shall be at a charge established by resolution. One curbside bins shall be provided to each property with a maximum capacity of 96 gallons. All curbside bins must be purchased from the City or contracted provider.
2. All curbside bins for the storage of solid waste shall be maintained in such a manner as to prevent the creation of a nuisance to public health and safety.
3. Any curbside recycling bins deemed defective or otherwise inadequate by the City shall be replaced by contacting the contracted provider. Bins need to be repaired or replaced within two weeks' time following notification by the City..

### **C. RECYCLING CONTAINERS**

#### **Curbside 96 Gallon Bins—Recycling.**

1. The cost of all curbside recycling bins provided by the City shall be at a charge established by resolution. A minimum of one recycling bin is required at each residential unit as long as there are no more than four such units in a building. All curbside recycling bins must be purchased from the City or by contracted provider.
2. All curbside recycling bins for the storage of recyclable waste shall be maintained in such a manner as to prevent the creation of a nuisance to public health and safety.
3. Any curbside recycling bins deemed defective or otherwise inadequate by the City shall be replaced by contacting the contracted provider. Bins need to be repaired or replaced within two weeks' time following notification by the City.

#### (1)

~~Approved bags. an approved solid waste bag can be purchased at the Oconto Falls Municipal Building or any other commercial location designated by the City at a price that will be established from time to time by the Common Council. The Common Council shall establish the minimum quantity of solid waste bags that will be sold at any one time at the Municipal Building.  
[Amended 8-8-2006 by Ord. No. 06-007]~~

### **D. Dumpsters**

Containers. Other containers for industrial, commercial, and multifamily residential units (such as dumpsters) may be used with the express approval of the City Administrator - Clerk/Treasurer or designee.

1. (a)

The user of the container (dumpster) may enter into an agreement with a private contractor for the rental or purchase of the container (dumpster). Garbage to be disposed of into the dumpster, or separately, must be placed in a clear or translucent solid waste bag. The user will enter into an agreement with the private contractor to collect, haul, and dispose of the solid waste, and all fees will be established in the agreement and billed to the user by the private contractor.

(b)

2. All containers (dumpsters) utilized in the City for solid waste collection, except for bulky materials, shall contain covers that will only be opened when solid waste is being dumped into the container.

3.

~~-(C)~~ All containers (dumpsters) utilized in the City for solid waste collection shall be emptied regularly and before the solid waste within them becomes a nuisance, creates odors, or becomes a breeding ground for insects and rodents.

(3)

4.

Illegal containers. Containers not approved consist of metal barrels and drums, wooden or cardboard barrels, wheelbarrows and other such containers not approved by this chapter. These containers will not be emptied regardless of contents or weight. The collector/hauler shall not be obligated to pick up any solid waste, garbage, recyclables, rubbish or trash in open boxes or paper bags. The responsible party will be required to prepare and/or dispose of solid waste placed in illegal containers in accordance with § **413-5B** of this chapter.

G.

5. Preparation standards for solid waste.

(1)

~~a. Weight. No solid waste bag shall exceed 35 pounds in weight.~~

(2)

6. Materials deposited in solid waste bags ~~then deposited into curbside garbage bins~~. Solid waste shall be prepared for collection by draining and/or wrapping waste and placing it in ~~approved solid waste bags~~ ~~then into curbside Garbage bins~~. Garbage, rubbish and trash shall only be collected ~~in curbside garbage bins-provided by city or approved solid waste bags, and~~ the collector/hauler or City employee shall not be obligated to pick up any refuse or trash not in approved ~~curbside garbage bins-solid waste bags~~. Liquid garbage shall not be deposited in such bags. Kitchen garbage shall be drained of all moisture and completely wrapped in paper or plastic before it is placed or deposited in garbage bags, ~~then placed in curbside garbage bins~~.

(3)

7. Ashes. Cold, completely extinguished ashes may be left for collection in approved solid waste bags.

(4)

8. Brush.

**A.** Brush limbs must be piled with all cut ends facing in one direction (preferably directed to the public right-of-way). Tree limbs must be five inches in diameter or less. Tree branch clumps must be cut narrow enough to go through an eighteen-inch clipper chute. Leaves and grass clippings placed in closed garbage containers must be taken to a City compost area for disposal. All brush and limbs harvested by professional landscape companies,

arborists and/or foresters, not under contract to the City, shall be disposed of by those practitioners.

- B. The City will not collect brush cut or harvested by practicing landscapers, arborists, or foresters not employed by, or under contract to, the City.
- C. The property owner shall be responsible for making arrangements for the disposal of brush and limbs accumulated in this manner with the property owner's contractor.
- D. The City shall charge for all brush removal requiring an excess of 15 minutes of municipal staff time at rates established from time to time by the Common Council. The 15 minutes of disposal time shall be cumulative, biweekly for all lots and property having common ownership. The City Administrator - Clerk/Treasurer or designee shall keep track of the staff time incurred for brush chipping for each property and shall issue invoices for brush disposal time.
- E. Any brush disposal bill remaining outstanding and unpaid, **after 30 days shall incur interest of 10% and incur additional fees for collection. Any brush disposal bill remaining outstanding and unpaid on November 1 of each year shall be placed on the tax bill of the property(ies) as a special assessment.**

D.

9. Preparation standards for recyclables.

(1)

- A. Acceptable recyclable materials shall be prepared in accordance with the standards established from time to time by the Oconto County Recycling Program. **The Program details are posted on the City website.**

(2)

- B. Bulky materials, white goods, appliances, furniture, etc., cannot be placed at the curb until arrangements have been made with the City Administrator - Clerk/Treasurer or designee. Bulky materials, white goods, furniture, etc., may be taken to the Center.

(3)

- C. Refrigeration units and air conditioners will only be picked up and allowed at the Center when chlorofluorocarbon (CFC or Freon) refrigerants have been properly removed by an individual in compliance with Wisconsin Statutes and Chapter NR 488, Wisconsin Administrative Code.

(4)

- D. All refrigerators and freezers shall have the doors removed and/or door latches rendered inoperable prior to disposal.

**§ 413-7. Refuse Storage areas.**

Storage areas shall be kept in a nuisance- and odor-free condition. Litter shall not be allowed to accumulate. Collection crews will not be responsible for cleaning up loose materials from any containers which have become ruptured or broken due to wet conditions, animals, vandalism or other cause. The occupant and/or owner shall be responsible for cleaning up this litter. Litter not collected shall not be allowed to accumulate. Violation will result in the occupant and/or owner being notified to clean up his area, with continued violation resulting in the owner being prosecuted under provisions of § **413-15**.

1. The owner and/or occupant of any premises shall be responsible for proper and sanitary storage, separation and preparation of all solid waste accumulated at that premises until collected by the collecting and transporting service.

2. If waste stored on private property is not disposed of properly, the City will notify property owner to dispose of waste. If proper disposal is not made a citation will be issued and charge the property owner the disposal and citation, penalties and fees for the time complete the required disposal.

4. **RESIDENTIAL WASTE.** Waste materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions. Residential waste shall be placed in a garbage bin and placed at the curb a minimum of four feet from regular recycling waste for collection.

5. **RECYCLABLE WASTE.** Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions. Recyclable wastes shall be placed in a recycling bin and placed at the curb a minimum of four feet from regular solid waste for collection. Recyclable waste collection dates shall be established by the city.

7. Items too large or otherwise unsuitable for storage containers shall be stored in a nuisance-free manner consistent with regulations established by the Director of Public Works.

8. All solid waste placed out for collection becomes City property upon being collected.

9. Garbage, recycling, or refuse containers shall be stored during the time period between collection days in the following locations:

- a). Curbside bins shall not be stored within 15 feet of the public right-of-way.
- b). Curbside bins shall not be stored on any street side or alongside of a street within the right away
- c). Curbside bins shall be stored in the backyard, garage, or any other convenient discreet location.
- d). All curbside bins must be stored with the lids completely closed.
- e). Curbside bins shall not be stored near a furnace, grill or any other heat source.

## **10. NONRESIDENTIAL FACILITIES AND PROPERTIES SOLID WASTE AND RECYCLEABLES STORAGE**

### **1. Commercial, Industrial and Multifamily Properties Dumpster Storage**

There shall be no variance from this section without the prior approval of the City therefore. Any garbage, recycling, yard waste, or refuse container stored in violation of this chapter, irrespective of the provisions of this section, shall be subject to the following:

- a) The City shall have the authority to order that any exterior storage of garbage, recyclables, or refuse be enclosed in a structure if, in their determination, the storage of such garbage, recyclables, or refuse is unsanitary or creates or tends to create a nuisance to public health or safety.

- b) In determining whether an exterior storage structure shall be required under this section for nonresidential facilities, the City shall take into account the location of the waste storage, its proximity to residential areas, the likelihood of human exposure or contact with the waste storage areas, and the type of waste being stored. These considerations are to be deemed illustrative and not exclusive.
- c) All structures ordered under this section shall be at least three-sided and constructed of opaque materials sufficient to ensure the waste is concealed from view from the exterior of the three sides. The walls of the structure shall be of a height equal to one foot taller than the garbage or refuse receptacle, but in no event in excess of six feet in height, and shall be maintained in a neat and orderly manner.
- d) New construction of nonresidential facilities or remodel of existing facilities shall include storage structure for storage of solid waste and recyclables.
- e) Any appeal by such an order by the City to enclose said waste containers shall have the opportunity to bring such order to the City Administrator for its review within 30 days of the issuance of the order.

**§ 413-8. Curbside collection of solid waste and recyclables.**

**(1) SOLID WASTE AND RECYCLABLES:**

**(a)**

~~Shall be prepared for placement as described in this chapter.~~

- (a) Curbside solid waste and recycling shall be collected from single-family residences, and on-street small businesses, provided such waste is properly handled, prepared, contained, stored and located in conformance with this chapter and the rules and administrative regulations established by the City Administrator.

Solid waste and Recycling shall not be collected by the City from industrial properties, commercial business properties, or multiple-family premises with five units or more.

No person, unless granted a permit from the city allowing for the collection and removal of solid waste, or unless a city employee acting under the direction of the City Administrator, shall collect or remove any solid waste which has been deposited or placed by any person on the parkway or alleyway adjoining such person's premises for collection by the city. For purposes of this section, recyclable material deposited upon the parkway or alleyway for collection by the city shall be considered solid waste and shall be the sole property of the city.

**(b)**

- (b) Placement for collection: Shall be placed in a manner that is accessible to collection crews. Private Alley Collections City/contracted provider collection vehicles must be able to enter and leave the private property while proceeding in a forward motion, the private driveways or streets are of an adequate width to safely accommodate City/ contracted provider collection vehicles and the solid waste is placed out for collection in an open area readily accessible for collection.

**(c)**

Placed in a manner that jeopardizes the health and safety of the collector shall not be picked up by collection crews.

(d)

Shall be placed immediately back of curb of the public street for collection. Yard wastes shall be taken in neat, orderly fashion to the City's compost pile located at the Recycling Center. Leaves are not to be raked past the back of curb during fall leaf pickup.

(2)

During the weekdays, the City crew will remove brush that is placed at the back of curb. **All brush, wood, or woody debris under 6-inch diameter and 18 inch in length placed at the back of the curb shall be included in pickup.** Brush shall not be placed in the traveled portion of any street, alley or public way. In no circumstance is brush to be placed in a manner that obstructs the public sidewalk.

City employees or employees of licensed collectors/haulers under contract with the City will not:

(a)

Enter any structure to remove solid waste or recyclables.

(b)

Enter private property to remove solid waste nor recyclables.

B.

1. Restriction on time of placement.

(1)

(a) **SOLID WASTE.** All solid waste shall be placed in ~~approved bags~~ **garbage curbside bins** at the back of curb by ~~7:00~~ **6:00 a.m.** on the day of collection ~~but not before 7:00 p.m. on the eve of the day of collection.~~ **Bins shall not be placed out more than 12 hours before collection day and shall be removed not more than 12 hours after collection day. Solid waste for collection shall be placed along the curb line immediately adjacent to the property which has generated the solid waste. Failure to comply may result in garbage not being collected.**

(2)

**(b) RECYCLABLES**

**Recycling stored in recycling containers shall not be bagged. Plastic bags shall not be placed into recycling containers for recycling.**

**Recyclables.** All recyclables shall be placed at curbside by ~~7:00~~ **6:00 a.m.** on the day of collection ~~but not before 7:00 p.m. on the eve of the day of collection.~~ **but shall not be placed out more than 12 hours before collection day and shall be removed not more than 12 hours after collection day. Solid waste for collection shall be placed along the curb line immediately adjacent to the property which has generated the solid waste. Failure to comply may result in the issuance of a citation.**

(3)

2. **Removal.** All solid waste and recyclables that are not picked up are regarded to be in violation of this chapter. Solid waste and recyclables tagged in violation of this chapter shall be removed from the curbside collection point within 12 hours after the regular collection time.

C.

(a) **Litter control.** The individual placing solid waste and/or recyclables at curbside shall be responsible for ensuring that the placement of such materials does not become a public nuisance. The individual placing solid waste and/or recyclables at curbside shall be

responsible for removal of materials not picked up and the cleanup and disposal of litter resulting from such placement caused by any reason, including but not limited to overloaded solid waste bags, animals, wind, vandals, etc. Should the person placing the material at curbside decline from resolving the nuisance, the property owner shall resolve the nuisance.

D.

(b) Collection schedule.

(1)

Designation of collection days. The designation of the day or days of curbside solid waste and recycling collection shall be made by the City Administrator - Clerk/Treasurer or designee, and such information shall be advertised so that all occupants, tenants and proprietors of all residential units will be advised of the correct collection schedule. Unless hardship is shown, caused by extreme weather conditions or other hazardous situations, solid waste and recyclables shall be collected from all qualified properties.

(2)

Notification. The occupant, tenant or proprietor of a new residential unit shall notify the City administrative offices that collection of solid waste and recyclables from such place is required.

(C).

Spring cleanup.

(1)

The City will provide for a special collection of solid waste each Spring. **Residents can bring designated items to the Recycling Center for disposal.**

(2)

The collection will be scheduled by the City Administrator - Clerk/Treasurer or designee to fit into employee schedules while meeting the needs of City residents. The collection will be undertaken in such a manner as to minimize overtime.

E.

(D) Collection and disposal of refuse other than by City. Refuse which is not collected by the City, its agents, employees or collectors/haulers under contract with the City may be collected and disposed of by private collector/haulers. All vehicles used to transport solid waste and recyclables shall be provided with equipment to prevent solid waste and recyclables from blowing out of, falling from, or otherwise escaping from such vehicle. All collectors/haulers shall comply with all applicable rules and regulations established by the Common Council, committee thereof, and Wisconsin law.

**§ 413-9. Solid Waste Transfer and Recycling Center.**

A.

Operation and hours.

(1) The City shall operate the Solid Waste Transfer and Recycling Center (Center) for the benefit and convenience of the residents, property owners and businesses located within the City of Oconto Falls who shall be permitted the use of the Center in compliance with the rules established and amended from time to time for the use and operation of the Center.

(2) Hours of the operation of the Center shall be as established and revised from time to time by the Common Council.

(3) **Stickers required to Utilize the Center**



- a) **City Residents:** The Center shall be made available to all residents, property owners, and businesses of the City of Oconto Falls, for recycling, large item disposal and yard waste. A red Sticker is required to be displayed on the resident's vehicle to access the Center.
- b) **Town of Residents:** Residents of Town(s) will be provided a Blue Sticker, by their town. Town residents that have current agreement with the City of Oconto Falls are granted access to the Recycle Center only. Town residents are prohibited from utilizing the large item disposal or yard waste.
- c) **Agreement Changes:** The City agreement (s) with the town(s) for access to the Center may change the access for town residents. The terms of access will be amended at that time.

#### B.

Establishment of Center rules and fees.

(1) Rules. Rules for the operation of the Center shall be established and amended from time to time by the Common Council.

(2) Whereas § 66.06, Wis. Stats Lien of Recycling Fees.

**Fees.** Fees may be imposed for the pickup and/or disposal of selected items of solid waste and recyclables as established from time to time by the Common Council and/or county.

The cost of solid waste and recyclables disposal and associated cost will be added to annual property tax billing.

(3) Any recycling fee which remains unpaid is a lien on the property against which it is levied or made on behalf of the responsible unit or person charging the recycling fee, from the date of the charge, to the same extent as a lien for a tax levied upon real property.

#### C.

Violation of Center rules. Violators of the rules of the Center will be fined in accordance with § **413-15C**. Attendants shall enforce the rules for the operation of the Center as established by the Common Council. The attendant shall record and log the vehicle license number of all violators of the rules and shall immediately communicate such information to the Police Department for follow-up.

[Amended 8-8-2006 by Ord. No. 06-007<sup>[1]</sup>]

[1]

*Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II). Original § 56.09D, Use of Center by Town of Oconto Falls residents, which immediately followed this subsection, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

#### D.

**Use of approved bags required.**

(1)

~~Household solid waste. All household solid waste disposed of at the Center shall be in approved solid waste bags. Center attendants shall prohibit the disposal of household solid waste at the Center in other than approved bags.~~

(2) Bulky waste. Bulky solid waste may be deposited **brought to** at the Center **during operation hours** without the use of approved bags at the discretion of the City Administrator, Clerk/Treasurer or designee, **fees will apply according to the fee schedule.**

#### E.

Unlawful use of Center. It shall be unlawful to:

(1) Dispose of any solid waste, recyclables, refuse, garbage, oil, metal or tires at the Center contrary to this chapter, county ordinances and state statutes.

(2) Deposit any solid waste, recyclables, refuse, garbage, oil, metal or tires at times other than the official operating hours of the Center or outside of the gates or fence of the Center.

(3)

Scavenge at the Center. Recyclables deposited at the Center are, by agreement between the City and county, property of Oconto County. It shall be unlawful for any person or municipal employee to scavenge any materials from the Center. Any employee scavenging from the Center shall be subject to immediate discharge.

**§ 413-10. Prohibited activities and noncollectible materials.**

**A. Proper disposal of solid waste.** No person shall deposit **throw, place, or leave** any litter, **solid waste** household, commercial, or industrial waste, brush, solid waste, bulky waste, demolition debris, refuse, garbage, recyclables, or garbage of any kind whatsoever on upon **any street, court, lane, alley, business, square, public enclosure, vacant lot, house yard, body of water, or any public place,** public lands, lawns, terraces, dumpsters, or refuse containers in or on any residential, commercial, industrial, or public property without the permission of the owner or lessee of said property **except in a container herein required .**

For the purpose of this section, the deposit of incidental litter within appropriate receptacles on public streets and in parks and public buildings and facilities shall be exempt from the prohibitions listed. This exemption does not permit waste receptacles along public streets or within public parks, buildings or facilities to be utilized for the deposit of household, commercial or industrial solid waste or recyclables.

**No person shall upset or turn over the contents of any waste containers in any street, alley, and other public place. No person shall remove any waste from containers on private premises without the consent of occupant, owner, or lessee of the premises, and no person shall remove any waste from a container which has been set out on a public right-of-way for collection. No person shall remove any waste from public trash receptacles placed on public property.**

**B.**

Unlawful activities.

**(1) Dead animals.** It shall be unlawful to place any dead animal, or parts thereof, in a container for collection; provided, however, that this subsection shall not apply to animal parts from food preparation for human consumption.

**(2) Undrained food waste.** It shall be unlawful to place any garbage or other food waste in a container for collection unless it is first drained and wrapped.

**(3) Ashes.** It shall be unlawful to place hot ashes for collection.

**(4) Improper placement.** It shall be unlawful to place, or allow to be placed, any solid waste upon the roads, streets, or public or private property within the City contrary to the provisions of this chapter.

**(5.) Compliance with chapter.** It shall be unlawful to store, collect, transport, recover, incinerate or dispose of any solid waste within the boundaries of the City contrary to the provisions of this chapter.

**(6) Improper transportation.** It shall be unlawful to transport any solid waste in any vehicle which permits the contents to blow, sift, leak or fall therefrom. If spillage does occur, the responsible party shall immediately return spilled materials to the collection vehicle and shall properly clean, or have cleaned, the area of spillage. All vehicles used for the collection and transportation of solid waste shall be durable, easily cleaned and leakproof, if necessary, considering the type of waste and its moisture content. Collection vehicles shall be cleaned frequently to prevent nuisances and insect breeding and shall be maintained in good repair.

**(7) Interference with authorized collector/hauler.** No person, other than an authorized collector/hauler, shall collect solid waste or recyclables after they have been placed at the proper collection location. No person shall interfere with a collector/hauler in the discharge of his duties.

(8) Scavenging. It shall be unlawful for any person to scavenge any solid waste or recycling placed at curbside for collection.

(9) Private dump. It shall be unlawful for any person to use or operate a dump or solid waste landfill within the corporate limits of the City of Oconto Falls or any territory annexed to the City of Oconto Falls.

Dumping prohibited. No person shall place or dump solid waste on any property, unless such person owns, controls, or leases such property, or is otherwise authorized by the property owner, and such person does so in a manner consistent with other provisions of this Code.

Penalty. The forfeiture for violating this section shall not be less than \$500.00, nor more than \$1,000.00.

(10) Burning of waste. It shall be unlawful for any person to burn solid waste in any manner, except as provided elsewhere in this Code.

(11) Noncollectibles. It shall be unlawful for any person to place hazardous or toxic waste, as defined in Wisconsin Statutes, for collection at curbside or deposit the same at the Center. These substances include, but are not limited to, any of the following wastes:

(a)  
Hazardous waste.

(b)  
Toxic waste.

(c)  
Chemicals.

(d)  
Explosives or ammunition.

(e)  
Petroleum products or flammable liquids.

(f)  
Liquid paint.

(g)  
Tires.

(h)  
Refrigeration units and air conditioners that contain ozone-depleting refrigerants.

(12) Animal or human wastes. It shall be unlawful for any person to place human wastes for collection. Animal waste or kitty litter waste should be disposed of in approved solid waste bags for collection.

(13) Sharps and biohazardous waste. It shall be unlawful for any person to place for collection, or dispose at the Center, any pathogenic medical or biohazard wastes. It shall be unlawful for any person to place for collection, or dispose at the Center, sharps that are not in approved sharps disposal containers.

(14) Building debris. The City will not collect building materials. All building debris and waste resulting from remodeling, construction or removal of a building or roadway shall be the responsibility of the owner, builder and/or contractor to contract with, and properly dispose of, through a private collector/hauler.

(15) **Waste motor oil recycling.** No person shall dispose of any waste motor oil by placing it with refuse for regular collection by the City or pouring it on the ground, into storm sewers, ditches or waterways, or into gutters or City streets. Any person wishing to dispose of waste motor oil shall utilize the City recycling tank maintained at the site of the Center or at any other legal waste motor oil site.

#### **§ 413-11. Dumpsters.**

[Added 8-8-2006 by Ord. No. 06-007]

**A.**

**Trash pickup.** It is unlawful for any person in a noncommercially zoned area (R-1 Single-Family Residence and R-2 Multiple-Family Residence) to whom trash pickup is available to use a dumpster unless a permit is obtained before use. Dumpsters are allowed by permit for apartment buildings with four or more units but the dumpster must be enclosed on all sides by a solid fence. No dumpster is allowed on any part of a public street from November 1 to April 1.

**B.**

**Streets.** It shall be unlawful to place any dumpster on any part of a public street in the City without first obtaining a permit for such placement. Permits shall be issued in the name of the property owner of the property where the dumpster is to be used. Permits shall be conditioned upon compliance by the permittee with such safety precautions and other conditions as shall be set forth in the permit. Failure to comply with the terms of the permit or failure to remove the dumpster upon expiration of the permit shall be grounds for the City to remove the dumpster from the public street and charge the permittee the reasonable costs of such removal, as well as any storage costs. The permit issued under this section shall not exceed 30 days.

**C.**

**Construction/remodeling.** The use of a dumpster for the purpose of disposing of waste created during the construction/remodeling process shall be allowed only if a proper construction/remodeling dumpster permit is obtained first. This permit shall be valid as long as the building permit obtained for the construction/remodeling is valid. If the Building Inspector determines that the project is substantially finished, the permit may be terminated.

**D.**

**Permits.** All dumpster permits can be obtained at the Municipal Building of the City of Oconto Falls. A fee may be required to obtain a permit.

#### **E. Dumpster Disposal**

If the City is forced to dispose of the contents of a dumpster, due to a health hazard or other cause, the person responsible for the dumpster shall also be responsible for all costs of said disposal, fines and penalties.

**F. Illegal Dumping/Use.** No person shall place, leave, or dump any solid waste in or near a mechanical dumpster unless they have permission to use the dumpster or is a tenant of the building providing the dumpster facilities. Violations shall result in fines, forfeiture and fees according to the offense of the illegal dumping. Violations may be the Chief of Police according to the offense.

#### **§ 413-12. Solid waste from outside City.**

**A. Non-City waste.** It is unlawful for any person to place, deposit or cause to be deposited for collection any solid waste not generated within the corporate limits of the City of Oconto Falls. Fines and penalties shall apply according to the offense.

**B. Town of Oconto Falls.** In accordance with agreements with the Town of Oconto Falls. Solid waste and Town of Oconto Falls residents may acquire Blue Sticker from the Town in order to deposit recyclables generated within the Town of Oconto Falls may be deposited, in accordance with this chapter, at the Center, during hours of operation. Failure to follow the Center rules could result in a violation incurring fines or penalty.

#### **§ 413-13. City Operations.**

All operations of the City of Oconto Falls shall be bound by and shall comply with the provisions of this chapter.

#### **§ 413-14. Interpretation.**

The provisions of this chapter are the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by Wisconsin Statutes or pertinent Oconto County ordinance in their interpretation and application.

In their interpretation and application, the provisions of this article 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 article may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this article is required by Wisconsin statutes or by a standard in Chapter NR 544 of the Wisconsin Administrative Code and where the ordinance 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 article or in effect on the date of the most recent text amendment to this article.

#### **§ 413-15. Enforcement; violations and penalties.**

[Amended 8-8-2006 by Ord. No. 06-007]

If the owner, occupant, or lessee of any premises neglects or refuses to clean up and remove from such premises all solid waste when so ordered by the City, such owner, occupant, or lessee shall be liable to maximum penalty as provided by Section 413-15 (c).

If such accumulation occurs on any street, alley, or public thoroughfare, such solid waste may be collected under the direction of the Street Department, and the entire cost thereof shall be assessed against the abutting property. If said cost is not paid within 30 days, it will be added to the taxes as a lien on the property according to Wis. Stats. § 66.0627.

**A.**

Administration and enforcement. ~~It shall be the responsibility of the City Administrator - Clerk/Treasurer or designee to administer this chapter.~~ It shall be the responsibility of Street Department employees and the Police Department to enforce this chapter. The Chief of Police shall give attention throughout the City of any violation of this chapter and promptly report to the Director of Public Works in writing every violation within the City which comes to their knowledge.

Items not specifically covered in this chapter shall be handled by the City Administrator - Clerk/Treasurer or designee based upon common municipal practices. If the ~~City Administrator - Clerk/Treasurer's or designee's decision~~ Street Department decision is not acceptable to the property owner, the Street Department, Public Property and Public Works Committee and the City Administrator - Clerk/Treasurer shall review complaints as requested and make a determination.

B.

Collector/hauler compliance. Any collector/hauler which provides service to the City of Oconto Falls shall comply with City Code Chapter 365-10 to ensure all containers and loads transport garbage, rubbish, trash or waste material of any kind or description upon any street, alley, or public way of any kind within the limits of the City of Oconto Falls without providing adequate coverage for containers or loads so transported, it being the specific purpose of this section to prevent the littering of the public streets, alleys, sidewalks or public ways in any manner. Shall comply with all Wisconsin Statutes and Administrative Codes or be subject to statutory and municipal penalties for any violation.

C.

Penalty

Any person who violates any provision of this chapter, or any regulations promulgated pursuant to this chapter, shall forfeit upon conviction thereof not less than \$50 nor more than \$1,000 for each separate offense, and each day or part thereof during which a violation occurs, or continues to occur, shall be deemed a separate offense.

All forfeitures shall be double the listed amount if the violation involves hazardous waste as defined by Chapter NR 187, Wisconsin Administrative Code (including all amendments existing or subsequently adopted thereto) and § 291.01(7), Wis. Stats.

(1)

Graduated enforcement shall be used as follows:

(a)

First offense (within a year): forfeiture of not less than \$50 nor more than \$100 together with the cost of prosecution and cost of disposal (if applicable).

(b)

Second offense (within a year): forfeiture of not less than \$100 nor more than \$150 together with cost of prosecution and cost of disposal (if applicable).

(c)

Third offense (within a year): forfeiture of not less than \$150 nor more than \$1,000 together with the cost of prosecution and cost of disposal (if applicable).

(2)

Graduated enforcement may be waived for gross intentional violations. The amount of forfeiture will double for subsequent violations after the third offense.

**§ 413-16. FEES.**

**A. Residential.**

**(1)** Residential charges for garbage and recycling collection and disposal shall be determined by the City Administrator and approved by Common Council of the City of Oconto Falls annually and shall be billed in advance of the service to each residential unit and small business with curbside pickup on the annual property tax bill. Each residential unit, and small business with curbside pickup as defined in this article, shall receive one monthly bill for collection and disposal based upon the number of curbside bins. The cost as determined by City Administrator and approved by Common Council is calculated by it's the costs for contracts with the garbage hauler and the landfill disposal site and curbside bin costs.

(2) Any charges for garbage collection and disposal which shall become delinquent by 60 days shall be made a special assessment and lien against the real property to which the service was provided and 10% interest penalty and administrative cost. When an account becomes 30 days' delinquent, the Clerk-Treasurer's office shall send a thirty-day delinquency notice both to the resident and the property owner, if they are different, advising them that failure to pay within 30 days of the notice shall result in assessment and penalty against the real property as set forth above. The 10% interest penalty and administrative cost of the delinquency notice sent by the Clerk-Treasurer shall be added to the delinquent bill.

#### **§ 413-17. STATUTORY AUTHORITY**

This article is adopted as authorized under W.S.A. s. 287.09(3)(b) and Chapter NR 544 of the Wisconsin Administrative Code.

#### **§ 413-18. ABROGATION AND GREATER RESTRICTIONS.**

It is not intended by this article 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 article imposes greater restrictions, the provisions of this article shall apply.

#### **§ 413-19. Administration.**

The provisions of this article shall be administered by the Administrator of the City of Oconto Falls.

~~Strike Through~~ is removing existing text in Ordinance

**Red** letters are new language for the ordinance

Amended 9-14-2022