

## **Wauwatosa Recycling Ordinance – 2026 Proposed Updates (Track Changes Version)**

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#### **8.25.010 Purpose**

The purpose of this chapter is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in Section 287.11, Wisconsin Statutes and Chapter NR 544, Wisconsin Administrative Code.

(Ord. O-07-24 § 2, 2007)

#### **8.25.020 Statutory Authority**

The ordinance codified in this chapter is adopted as authorized under Sections 66.0415, 287.11(2)(b), and 289.01 of the Wisconsin Statutes.

(Ord. O-07-24 § 3, 2007)

#### **8.25.030 Abrogation And Greater Restrictions**

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

(Ord. O-94-48 § 1 (part), 1994)

#### **8.25.040 Interpretation**

In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any terms or requirements of this chapter may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this chapter is required by Wisconsin Statutes, or by a standard in Chapter NR 544, Wisconsin Administrative Code, and where the chapter provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Chapter NR 544 standards in effect on the date of the adoption of the ordinance codified in this chapter, or in effect on the date of the most recent text amendment to this chapter.

(Ord. O-94-48 § 1 (part), 1994)

#### **8.25.050 Severability**

Should any portion of this chapter be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected.

(Ord. O-94-48 § 1 (part), 1994)

#### **8.25.060 Applicability**

The requirements of this chapter apply to all persons within the city of Wauwatosa, as well as occupants and owners or designated agents of multiple-family dwellings and nonresidential facilities and properties.

(Ord. O-94-48 § 1 (part), 1994)

#### **8.25.070 Administration**

The provisions of this chapter shall be administered by the city of Wauwatosa and its designated agents.

(Ord. O-94-48 § 1 (part), 1994)

#### **8.25.080 (Reserved For Future Use)**

#### **8.25.090 Definitions**

A. Words, phrases, or other expressions used in this chapter shall have meanings as follows:

"Appliance (major appliance)" means those which are considered to contain freon, PCB-containing capacitors, and mercury-containing switches or timing devices, including, but not necessarily limited to: air conditioners, clothes dryers and washers, dehumidifiers, dishwashers, fluorescent lighting fixtures with ballasts, freezers, forced air furnaces, garbage disposals and compactors, heat pumps, mercury vapor lamps, microwave ovens, ranges and stoves, refrigerators, and water heaters.

"Bi-metal container" means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.

~~"Blue bag program" means the city's first curbside recycling co-collection program which operated from 1994 through 2007, using city-approved blue plastic bags for curbside collected recyclables.~~

"City" means the city of Wauwatosa, Wisconsin.

~~"Co-collection," for the city's blue bag program, means the combined collection of bagged curbside recyclables together with solid waste in the same compartment of a collection vehicle.~~

"Composting" means the controlled biological decomposition and conversion of solid organic material into a humus-like substance called compost. The process is aerobic, meaning that it requires the presence of oxygen. The process uses various natural microorganisms such as bacteria and fungi to break down the complex organic compounds into simpler substances.

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

"Contractor" means the entity named and designated in the contract(s) the city has entered into to provide recycling, solid waste, yard waste and/or street cleaning services.

"Department" means the city of Wauwatosa department of public works, or its designee.

"DNR" means the Department of Natural Resources of the state of Wisconsin and its various bureaus and specialized management sections.

"Drop-off center" means the site operated by the city at the public works yard at 11100 W. Walnut, Wauwatosa, Wisconsin, where residents of the city can deposit recyclables, yard waste and residential refuse.

"EPA" means the United States Environmental Protection Agency.

"E-Waste" includes all covered electronic devices including a consumer video display device, consumer computers and related accessories (such as hard drives/towers, printers, keyboards, mice, and monitors), cell phones and televisions.

"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.

"Fully automated collection" means curbside pickup of recycling cart materials by use of dedicated recycling trucks with robotic arms to lift and empty the contents of the cart into the body of the truck(s) or their attached collection equipment.

"HDPE" means high density polyethylene, currently labeled by the Society of the Plastics Industry, Inc. (SPI) code number 2.

"Holidays" mean New Year's Day (January 1st); Good Friday; Memorial Day (Last Monday in May); Independence Day (July 4th or if on a weekend, the day so designated by the city); Labor Day (first Monday in September); Thanksgiving Day (fourth Thursday in November or the day designated by the Governor of Wisconsin); Christmas Day (December 25th or, if on a weekend, the day so designated by the city); and the last normal workdays before Christmas Day and before New Year's Day; or as otherwise designated now or in the future in the agreement between the city and Local 305 AFSCME AFL-CIO District Council 48.

~~"IPF" means intermediate processing facility or facilities used for sorting the recyclables from the solid waste in the city's blue bag program, and for preparing those recyclables for further processing at MRF.~~

"Landfill" means a location used for the burial of solid waste and process residue in accordance with all applicable local, state, and federal laws, rules and regulations.

"LDPE" means low-density polyethylene, currently labeled by the SPI code number 4.

"Magazines" mean magazines and other materials printed on similar paper.

"MRF" means material recovery facility or facilities which receives commingled ~~nonpaper~~ recyclables ~~and commingled paper of various grades~~, and separates and processes these recyclables for sale to end-user markets.

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

"Newspaper" means newspaper and other materials printed on newsprint.

"Nonresidential facilities and properties" mean commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple-family dwellings. Non-residential facilities and properties includes any location at which goods or services are provided or manufactured, including locations under construction, demolition, or remodeling, or used for special events such as fairs, festivals, sport venues, conferences, and exhibits.

"Office paper" means high grade printing and writing papers from offices in nonresidential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. This term does not include industrial process waste, but can include mixed paper if high grade office paper is included in the mixed paper pack.

"Operating hours" means normal hours of operation of the drop-off center ~~and IPF,~~ and/or for providing other services to the city.

"Other resins" or "multiple resins" mean plastic resins currently labeled by the SPI code number 7.

"Person" means any individual, corporation, limited liability company, partnership, association, local governmental unit, as defined in Section 66.0131(1)(a) Wisconsin Statutes, state agency or authority or federal agency.

"PETE" or "PET" means polyethylene terephthalate, currently labeled by the SPI code number 1.

"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.

"Postconsumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in Section 291.01(7), Wisconsin Statutes, waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in Section 291.01(17), Wisconsin Statutes.

"PP" means polypropylene, currently labeled by the SPI code number 5.

"Process residue" or "residue" means the unusable material, excepting rejects, generated in processing of recyclables at the MRF or elsewhere and which requires disposal in a landfill.

"Processing" means preparation of source-separated or commingled recyclables for market; ~~with co-collection processing occurs after sorting of recyclables from solid waste.~~

"PS" means polystyrene, currently labeled by the SPI code number 6.

"PVC" means polyvinyl chloride, currently labeled by the SPI code number 3.

"Recyclables" mean materials in the waste stream that can be remanufactured into useful products; specifically those materials described under Wisconsin Statutes 287.07. "Curbside and drop-off collected recyclables" are recyclables currently collected or collected in the future by city forces or contractor(s). These materials may include aluminum beverage containers, steel and bimetal cans, newspaper, magazines, corrugated paper or other container board, office paper, plastic containers, and glass containers. This list may be expanded or revised to comply with state of Wisconsin landfill disposal bans.

"Recycling" means the series of activities involving the recovery of recyclables from solid waste and returning them to productive use through reprocessing or remanufacture.

"Recycling cart" means the two-wheeled cart provided by the city dedicated to the storage and collection of recyclables; and designated as being not for garbage or yard materials.

"Rejects" mean solid waste materials not included under the definition of curbside and drop-off collected recyclables and inadvertently set out for collection, or dropped off, by residents, and material which the contractor demonstrates, to the satisfaction of the city, to be unusable because of its nature or condition at the time of delivery to the MRF.

"Single stream recycling" (also known as "fully commingled" or "single sort") means a system in which all recyclables are mixed together in the recycling cart and a dedicated collection truck, instead of being separated and packaged separately by type of recyclables by the residents and handled separately throughout the collection process. In the city's single stream recycling program, both the collection and processing systems are to be designed to handle this fully-commingled mixture of recyclables.

~~"Solid waste" means all domestic wastes including street sweepings and catchbasin cleanings, except abandoned motor vehicles, sewage treatment residues, liquid or industrial wastes, and hazardous wastes including pathological wastes, explosives, and toxic chemicals or other wastes which according to existing or future laws or regulations require special handling in their collection and disposal.~~

~~"Solid waste" has the meaning specified in s. 289.01(33), Wis. Stats.~~

~~"Solid waste facility" has the meaning specified in s. 289.01(35), Wis. Stats.~~

~~"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.~~

"State" means the state of Wisconsin.

"Subcontractor" means a corporation, partnership or individual having a direct contract with the contractor for performing any work or services for the city on behalf of the contractor.

"Tires (or scrap tires or waste tires)" mean ~~waste~~ vehicle tires from passenger cars and light trucks that are no longer suitable for their original purpose because of wear, damage, or defect.

~~"Transfer station" means the transfer station owned by the city at the public works yard at 11100 W. Walnut, Wauwatosa, Wisconsin.~~

"Unacceptable waste" means any explosives, biomedical waste, radioactive waste, or hazardous waste. The definition of what constitutes hazardous waste shall be determined according to Wisconsin NR 600 (Note: Wisconsin NR 605.05 exempts household hazardous wastes from regulation as hazardous waste)

"Vehicle batteries" mean lead acid batteries used in motor powered vehicles. Batteries in electric vehicles should be managed according to manufacturer instructions.

"Waste oil (or oil)" means any waste oil used in the engine or crankcase of a motor vehicle.

"Yard waste" or "yard materials" mean leaves, yard and garden debris (except grass in the city of Wauwatosa), and brush, including clean woody vegetative material no greater than six inches in diameter. This term does not include stumps, roots or shrubs with intact root balls or fruit from fruit-bearing trees.

(Ord. O-07-24 § 5, 2007; Ord. O-10-02, §§ VI—VIII, 3-2-2010)

### 8.25.100 Separation Of Recyclables

Occupants of single-family and two- to four-unit residences, multiple-family dwellings and nonresidential facilities and properties shall separate for recycling the following materials from postconsumer waste:

Acceptable recycling methods for the below materials vary and several materials listed are not accepted in curbside recycling carts. Refer to appropriate sections below for specific instructions for materials listed and refer to the City website for updated information on materials accepted in curbside carts.

- A. Yard materials;
- B. Major appliances;
- C. Waste oil;
- D. Lead acid and all other vehicle batteries;
- E. Scrap tires;
- ~~E.F.~~ Foam polystyrene packaging;
- ~~F.G.~~ Aluminum containers;
- ~~G.H.~~ Bi-metal containers;
- ~~H.I.~~ Corrugated paper and other container board;
- ~~I.J.~~ Glass containers;
- ~~J.K.~~ Magazines;
- ~~K.L.~~ Newspaper;
- ~~L.M.~~ Office paper;
- ~~M.N.~~ Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins; and
- ~~N.O.~~ Steel containers.

(Ord. O-07-24 § 6, 2007)

### **8.25.110 Separation Requirements Exempted**

The separation requirements of Section 8.25.100 do not apply to the following:

- A. Occupants of single-family and two- to four-unit residences, multiple-family dwellings and nonresidential facilities and properties that send their postconsumer waste to a processing facility licensed by the DNR that recovers the recyclables specified in Section 8.25.100 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 thirty percent of the heat input to the facility is derived from the solid waste burned as supplemental fuel;

- C. A recyclable(s) specified in Section 8.25.100 for which a variance has been granted by the DNR under Section 287.07(7), Wisconsin Statutes, or Section NR 544.14, Wisconsin Administrative Code.

(Ord. O-07-24 § 7, 2007)

#### **8.25.120 Care Of Separated Recyclables**

To the greatest extent practicable, the recyclables separated in accordance with Section 8.25.100 shall be cleaned and kept free of contaminants such as food or product residue, oil or grease, or other nonrecyclable materials, including but not limited to containers for household hazardous waste, medical waste, and agricultural chemicals.

Recyclables shall be stored in a manner which protects them from inclement weather, and prevents their scattering and contribution to other nuisance conditions. Plastic bags are not accepted in curbside recycling and recyclables cannot be collected in plastic bags. Recyclables may be placed loose into recycling carts or in open paper bags within recycling carts. Recyclables prepared for city curbside collection shall be placed in the dedicated recycling carts separate from other refuse containers for collection according to the provisions of Chapter 8.24 of this code for solid waste collection and disposal.

(Ord. O-07-24 § 8, 2007)

#### **8.25.125 City-Furnished Recycling Cart**

A city-furnished recycling cart shall be delivered to each eligible residence and used exclusively for recyclables generated by this residence. Recycling carts remain the property of the city of Wauwatosa and shall be used in accordance with the applicable provisions of this chapter.

- A. The owner of the property to which a recycling cart is furnished, shall be responsible for exercising normal care in its use. Any damage due to negligence, exclusive of normal wear and tear, on the part of the property owner, his tenants, or agents for failure to exercise such care, shall be the responsibility of the affected property owner, including reimbursement to the city for the cost of repair or replacement as required.
- B. The city recycling cart, by use of a unique serial identification number is permanently assigned to residential property receiving service by the city. Such cart shall remain on the premises at all times, regardless of ownership or change of ownership of the property.
- C. The recycling cart shall be set out for collection at the curb or alley where the garbage is normally collected, except for "hardship cases" which may be in the backyard. [Subscribers to this optional backyard service shall provide and maintain a clear and unobstructed thirty-six-inch pathway at all times on collection days, which is free of snow and ice accumulation and clear of other obstructions such as vehicles from the public roadway or alley to the on-premise storage site for recycling carts.](#)
- D. Recycling carts placed out for curbside or alley pickup shall be located in the area between the sidewalk and curb and as near the street curb or edge of alley as practical. Placement on or as close as possible to drive approaches, if existing, is preferred. All recycling carts shall be at least

three feet from all other carts and at least three feet from any other object, such as a tree, mailbox, sign post, fence, utility pole or parked vehicle. Carts should be positioned with the front (lid opening) facing the street or alley. Access to recycling containers by city forces on the day of collection must be maintained in all conditions, particularly free of snow and ice accumulation in winter months. The recycling cart must be placed at a minimum of three feet away from other objects such as garbage carts/containers, trees and parked vehicles, and have a fourteen foot clearance overhead, violation of which shall be subject to penalty under Section 8.25.250.

E. Items that are placed outside of recycling carts and carts with excess material preventing the lid from closing cannot be collected.

1. Access to all recycling containers by city forces on the day of collection must be maintained under all conditions, and particularly such containers must be stored in a clear area, free of snow and ice accumulation in winter months.

(Ord. O-07-24 § 9, 2007; Ord. O-10-02, § IX, 3-2-2010)

### **8.25.130 Management Of Yard Materials**

Occupants of single-family and two- to four-unit residences, multiple-family dwellings, and nonresidential facilities and properties shall manage yard waste as follows:

- A. Residential yard materials curbside collection is done by the city for single-family and two- to four-unit residences in two phases under the following conditions:
  1. ~~From mid-April to mid-October~~During curbside collection season (schedule can be found on the City's website and newsletter), leaves and brush (excluding grass clippings, root balls, vegetables, stumps, or branches over six inches in diameter) must be separated from other household garbage, and are collected according to published schedules with the following requirements: and are collected every other week at curbside normally on the same day as garbage, according to "A" and "B" schedules published in the city newsletter every Spring; with the following requirements applying to curbside collection of yard waste:
    - i. ~~Resident-supplied~~ reusable containers must be used marked with the words "yard materials" or "yard waste" in letters at least two inches high, and one and a half inches wide; or approved paper yard waste bags may be used; but plastic bags are strictly prohibited;
    - ii. It is prohibited to put more than two hundred pounds of yard waste in a city yard waste cart, or more than fifty pounds in a reusable yard waste container or paper yard waste bag; brush and branches must be cut to less than four-foot lengths and tied with string or twine (not wire or plastic strapping) into bundles under fifty pounds; ~~no more than eight such bundles may be collected from any residence in a given week;~~
    - iii. Containers must be placed at the curb or alley before seven a.m. the day of pick-up, but no sooner than two-thirty p.m. the day prior to collection; and they

must be returned to storage as soon as possible, but no later than eight a.m. the day after collection.

2. ~~From mid-October to mid-November~~During leaf collection season (schedule can be found on the City's website and newsletter), leaves may be raked into city street gutters for curb collection by city crews; during that time brush and branches under six inches diameter may only be brought to the drop-off center at the public works yard because there is no curbside collection except for "special pick-ups" as covered under Section 8.24.070 of this chapter; ~~after mid-November until mid-April~~outside of the curbside collection season the yard waste drop-off at the public works yard shall be the only available city yard waste service.
- B. Residential yard materials drop-off center at the public works yard, 11100 W. Walnut, accepts leaves and brush (excluding grass clippings, root balls, vegetables, stumps, or branches over six inches in diameter) under the following conditions from single-family and two- to four-unit residences:
1. Year round requirements:
    - i. Yard materials are to be deposited loose only (not in plastic bags);
    - ii. If brush and branches are bundled, it must be with string or twine (not with wire, cloth or plastic strapping);
    - iii. Rocks, metal, garbage and other debris must be kept out of the yard waste, and is subject to the penalties listed in Section 8.25.250.
- C. Grass clippings are not allowed at the city drop-off center or in the curbside yard waste collection. Management of grass clippings shall be done at each single-family and two- to four-unit residence, multiple-family residence, and nonresidential facility and property by: (1) using a mulching mower and keeping the clippings on the lawn for a soil enhancer; (2) collecting and spreading the clippings in gardens or flower beds to act as mulch; (3) collecting and composting clippings in accordance with Section 15.32.030(J) of the property management code to produce usable compost; (4) using the services of a commercial landscaper or yard keeper to manage lawn and grass clippings; and/or (5) other appropriate individual management program which does not create blighted or nuisance conditions contrary to the city property management code.
- D. Multiple-family dwellings and nonresidential facilities and properties shall manage grass clippings as per subsection C above, and shall manage other yard waste privately according to all applicable local and state laws and regulations.

(Ord. O-07-24 § 10, 2007)

#### **8.25.140 Management Of Major Appliances**

Occupants of single-family and two- to four-unit residences, multiple-family dwellings, and nonresidential facilities and properties shall manage major appliances by separating them for recycling and delivering them to private appliance dealers or scrap yards that may accept them for a fee. Single family and two to four unit residences may also place the appliances at the curb for special city pick-up,

which must be scheduled in advance by calling the public works department; or may deliver the appliances to the drop-off center at the public works yard. The city curbside and drop-off collections of appliances are subject to recycling fees established by the city and identified in Section 8.25.250.

(Ord. O-94-48 § 1 (part), 1994)

#### **8.25.150 Management Of Waste Motor Oil, Vehicle Batteries, ~~And Scrap Tires~~, and E-Waste**

Occupants of single-family and two- to four-unit residences, multiple-family dwellings, and nonresidential facilities and properties shall manage waste motor oil, lead acid and all other vehicle batteries, ~~and scrap tires~~, and electronic waste (or e-waste) as follows.

- A. Waste motor oil is not collected by the city at the curb; yet waste oil must be separated for recycling and delivered to private collectors or service stations that accept waste oil; or occupants of single family and two to four unit residences may deposit waste oil in collection containers at the city oil drop-off centers at the public works yard ~~or Fire Station # 2 at 4187 N. Mayfair Road~~. It is unlawful to mix any other substance with waste oil for recycling, and such action is subject to penalties delineated in Section 8.25.250.
- B. Lead acid vVehicle batteries are not collected by the city either by curbside or drop-off; instead such batteries shall be recycled by delivering them to vehicle battery retailers, commercial installers, auto salvage yards or scrap dealers, some of whom may charge a fee for accepting them. Electric vehicle batteries shall be managed according to manufacturer instructions.
- C. Scrap tires are not collected curbside by the city; but waste tires shall be recycled by delivering them to private tire dealers or scrap yards that may accept them for a fee; or occupants of single family and two to four unit residences may deliver them to the tire drop-off center at the public works yard, where they shall be subject to tire recycling fees established by the city and identified in Section 8.25.250.
- ~~C.D.~~ E-waste including items like small appliances, laptops, desktop computers, monitors, and televisions are not accepted in the curbside recycling program but may be brought to the Drop Off Center at the public works yard for a fee. The Wisconsin Department of Natural Resources also maintains a list of registered electronics recyclers.

(Ord. O-94-48 § 1 (part), 1994)

#### **8.25.160 Management Of Other Residential Recyclables**

Except as otherwise directed by the department, occupants of single-family and two- to four-unit residences shall do the following for the preparation and collection of the separated recyclables specified in Section 8.25.100(F) through ~~(NO)~~ for the single stream recycling program.

Specific recyclable materials and proper preparation of recyclables can change based on commodity market conditions and available recycling equipment. The City's website is kept up-to-date with relevant recycling guidance and allowable material. Recyclables shall be placed loose into the recycling cart or within an open paper bag, materials bagged in plastic are not permitted.

- ~~1. Paper recyclables shall include the following, and shall be placed together in the recycling cart:~~

- ~~1.—Corrugated paper and other container board includes brown corrugated cardboard, as well as gray chipboard such as cereal boxes, shoe boxes and the like, that will fit in blue recycling bags when flattened or cut to size; and shall be empty and free from food residues and other contaminants (e.g., no pizza boxes, tissues, sanitary napkins, disposable diapers, etc.).~~
- ~~2.—Magazines and catalogs shall be kept loose or placed in brown paper bags, and free of nonpaper contaminants.~~
- ~~3.—Newspaper shall be kept loose or placed in brown paper bags, and free of nonpaper contaminants.~~
- ~~4.—Office paper shall include junk mail, envelopes, flyers, computer paper, white or colored office paper, notebooks, file folders, books and the like; and shall be kept loose or placed in brown paper bags; and shall be free of nonpaper contaminants.~~
- ~~2.—Nonpaper recyclables shall include the following, and shall be placed together with the paper recyclables in the recycling cart:~~
  - ~~1.—Aluminum beverage and food containers shall be emptied of contents, and shall not include aluminum foil, plates, siding, chairs or other aluminum products or waste.~~
  - ~~2.—Bi-metal beverage and food containers shall be emptied of contents and rinsed clean of food residue; labels need not be removed.~~
  - ~~3.—Glass containers shall be emptied of contents, rinsed clean, with caps and neck rings discarded, but labels need not be removed; it shall not include plate glass, crystal, light bulbs, ceramics, TV tubes, "milk (e.g., Malibu Rum) glass," and other noncontainer glass.~~
  - ~~4.—Plastic rigid containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins shall be emptied and rinsed clean, with caps and neck rings discarded; labels need not be removed.~~
  - ~~5.—Steel containers shall be emptied of contents and rinsed clean of food or other product residue; labels need not be removed; paint cans, aerosol cans, silverware, or other scrap metal shall not be included.~~

(Ord. O-07-24 § 11, 2007)

#### **8.25.170 Residential Curbside Recycling**

Separated recyclables prepared according to Section 8.25.160 above shall be placed in the recycling cart for fully automated curbside collection. Provisions which govern curbside collection of recyclables include the following.

- A. Only recyclables in the recycling cart shall be picked up for curbside collection year round, every other week according to schedules published by the city.
- B. Recycling carts shall only be filled to a maximum weight of two hundred pounds of recyclables.

- C. Recycling carts are to be handled separately from garbage carts and containers according to the provisions of Chapter 8.24 of this code for solid waste collection and disposal.
- D. Failure to comply with the city's curbside recycling program shall be subject to the penalties established by the city and identified in Section 8.25.250.

(Ord. O-07-24 § 12, 2007)

#### **8.25.180 Ownership Of Recyclables And Scavenging Prohibition**

Residential recyclables and refuse, upon placement at the curb, shall become the property of the city. Recyclables collected by a hauler under contract with the city, multiple-family dwelling or nonresidential facility, shall become the property of the hauler/contractor once collected.

It is unlawful for any person, unless under contract with or licensed by the municipality or state, to collect or remove any recyclable material that has been deposited or placed at the curb for recycling, or placed in a recycling container adjacent to a home, multiple-family dwelling, or nonresidential building, including city drop-off center containers; and such action will be subject to the penalties established by the city and identified in Section 8.25.250 below.

(Ord. O-94-48 § 1 (part), 1994)

#### **8.25.190 Hauling, Sorting And Processing Recyclables And Solid Waste**

- A. Any person who collects, hauls, sorts, processes, markets, or disposes of solid waste and/or recyclables in the city shall obtain and maintain all necessary municipal and state permits, licenses and approvals prior to engaging in any such activities in the city; including but not limited to:
  - 1. DNR licensing for hauling of recyclables under NR 502.06, Wisconsin Administrative Code;
  - 2. DNR certification for processing recyclables under NR 544.16, Wisconsin Administrative Code; and
  - 3. City approval for use of city recycling, yard waste and solid waste facilities; which use shall be limited to city of Wauwatosa residents showing proper identification of city residence, or other persons showing proof of owning and/or operating a nonresidential facility within the city and who pay corresponding user fee(s).

Any hauler, including the city collection crews, has the right to refuse to collect and leave at the curb or collection site any recyclable or waste material that is not prepared according to the specifications of this chapter, especially Sections 8.25.130 through 8.25.210, or according to corresponding recycling educational materials provided by the city or hauler to service recipients. In such cases, the city or hauler shall provide written notification to the generator of the materials about the reason(s) for refusal to collect the materials. All haulers, including city crews, shall provide a list of such occurrences to the department so that the city may take such corrective and/or punitive actions as delineated in Section 8.25.250.

(Ord. O-94-48 § 1 (part), 1994)

### 8.25.200 Multiple-Family Dwelling Recycling

- A. Owners or designated agents of multiple-family dwellings in the city shall do all of the following to recycle the materials specified in Sections 8.25.100(F) through (~~NO~~), or be subject to the penalties specified in Section 8.25.250:
1. Provide adequate, separate containers for the recycling program~~ables~~; established in compliance with the ordinance. The number of recycling containers shall equal or be greater than the number of trash containers and at least one of the following shall be met:
    - i. The minimum total volume of recycling container space is equal to 24 gallons per week per dwelling unit (for reference, City of Wauwatosa recycling carts are 96 gallon size and a 2-yard container is about 404 gallons);
    - ii. The ratio of trash container volume to recycling container volume is at most 2:1;  
or
    - iii. An alternative method that does not result in the overflow of a recycling container during the time period between collection of materials and delivery to a recycling facility. Alternative plans that do not meet the above criteria must be submitted to the Wauwatosa Department of Public Works for approval in advance of implementation.
    - ~~iv.~~ For all above options, the Wauwatosa Department of Public Works reserves the right to require increased capacity in the case of recycling overflows.
  2. Notify tenants in writing at the time of renting or leasing the dwelling and at least twice annually ~~least semi-annually~~ thereafter about the established recycling program;
  3. Provide for the collection of the recyclable materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility; ~~this may include delivering and depositing such recyclable materials at the city IPF if prepared similar to Section 8.25.160;~~ and
  4. Notify tenants of reasons to reduce and recycle solid waste, which recyclable 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 locations of drop-off collection sites to recycle materials not collected on-site ~~a contact person or company, including a name, address and telephone number.~~
- B. The requirements specified in subsection (A) of this section 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 DNR that recovers for recycling the materials specified in Sections 8.25.100(F) through (~~NO~~) from solid waste in as pure a form as is technically feasible.

(Ord. O-94-48 § 1 (part), 1994)

### 8.25.210 Nonresidential Facility And Property Recycling

- A. Owners or designated agents of nonresidential facilities and properties in the city shall do all of the following to recycle the materials specified in Sections 8.25.100(F) through (NO), or be subject to the penalties specified in Section 8.25.250:
1. Provide adequate, separate containers for the recycling program established under this section. The total volume of recycling containers shall be sufficient to avoid an overflow during the time period between collection of materials and delivery to a recycling facilityables;
  2. Notify in writing, at least twice annually, all users, tenants and occupants of the properties in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program;
  3. Provide for the collection of the recyclable materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility; this may include delivering and depositing such recyclable materials at the city IPF if prepared similar to Section 8.25.160; and
  4. Notify users, tenants, and occupants of reasons to reduce and recycle solid waste, which recyclable materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, and locations of drop off collection sites to recycle materials not collected on-site. and hours of operation, and a contact person or company, including a name, address and telephone number.
- B. The requirements specified in subsection (A) of this section do not apply to the owners or designated agents of nonresidential facilities and properties if the postconsumer waste generated within the dwelling is treated at a processing facility licensed by the DNR that recovers for recycling the materials specified in Sections 8.25.100(F) through (NO) from solid waste in as pure a form as is technically feasible.

(Ord. O-94-48 § 1 (part), 1994)

#### **8.25.220 Prohibitions On The Disposal Of Recyclables 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 Sections 8.25.100(F) through (NO) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility. Violations of this provision are subject to the penalties specified in Section 8.25.250.

(Ord. O-94-48 § 1 (part), 1994)

#### **8.25.230 Hazardous Wastes**

"Deleterious Hazardous substances" delineated in Section 8.24.030(H), including as examples, acids, blasting materials, ammunition, paints, lacquers and varnishes, combustible alloys or chemicals and/or radioactive materials; shall not be included with collection of refuse and/or recyclables. Such unacceptable wastes should be managed in the following manner.

- A. Household hazardous wastes should be handled according to EPA safe management methods:

1. Products containing hazardous substances should be used and stored carefully to prevent accidents; such products should be stored in their original containers with original labels; corroding containers should be repackaged and clearly and accurately labeled; products containing hazardous substances should never be repackaged or stored in food containers;
  2. Products containing hazardous substances should never be mixed with other products; users of such products should follow product label instructions for proper use and disposal;
  3. Waste products containing hazardous substances should be taken to an area household hazardous waste collection program when available.
- B. Nonresidential hazardous wastes shall be handled and disposed of according to all applicable state and federal laws and regulations.

(Ord. O-94-48 § 1 (part), 1994)

#### **8.25.240 Information, Inspection, Enforcement And Appeal**

- A. Inspection. For the purpose of ascertaining compliance with the provisions of this chapter, any authorized officer, employee or representative of the city may inspect and/or request information about recyclable materials separated for recycling, postconsumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of single and multiple-family dwellings and nonresidential facilities and properties, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to any authorized officer, employee or representative of the city who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection and/or information gathering.
- B. Order to Correct Conditions and Appeal.
1. Order to Correct Conditions. Whenever the city, its agents or employees shall do an inspection within the city as per above, and finds conditions in violation of this code, an order shall be issued to the owner and/or occupant of the premises or vehicle to correct said conditions.
  2. Contents. The order shall specify a time within which the owner and/or occupant shall comply therewith, and any corresponding fees and/or penalties. It shall also provide that if the owner and/or occupant is aggrieved by the order they may appeal to the board of public works and request a hearing as hereinafter provided.
  3. Service. The order shall be served on the owner and/or occupant, by delivering a copy of same to such occupant personally; or by delivering the same to and leaving it with any adult, competent person in charge of the premises or vehicle; or in case no such person is found upon the premises, by affixing a copy thereof in a conspicuous place near the entrance to the premises or vehicle, or by certified mail with return receipt requested.

4. Appeal Request. If the owner and/or occupant feels aggrieved by the order as provided in this chapter, he or she may appeal to the board of public works within fifteen days after service of the order upon them and request a hearing.
5. Appeal Hearing. The board of public works shall conduct a hearing in connection therewith ~~within fifteen days~~ at the next scheduled board of public works meeting after request for an appeal is submitted, and shall notify the appellant, director of public works, operations superintendent, operations supervisor, and any other person interested in the matter to be present. After the hearing, the board of public works shall submit its findings and recommendations within five days thereafter and ~~serve~~ provide copies on all persons who appeared at the hearing.

C. Failure to Comply.

1. Citation. Any person violating any provision of this chapter shall be subject to the fees and penalty provisions of this code specified in Section 8.25.250. A citation may be issued pursuant to Section 1.24.010 of this code and Wisconsin Statute Ch. 800. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this section.
2. Cause Discontinuation of Service and/or Special Charge. Upon failure to comply with an order within the time specified on it, where there is proof of service of said order, which requires that any corrective action be taken to comply with any provision of this chapter, and that corresponding fees and/or penalties be paid, city garbage and recycling collection service may be discontinued until the fee and/or penalty is paid and corrective action taken, and the fee and/or penalty may be levied as a special charge against the premises as authorized by Section 66.0627 and/or Section 287.093 of the Wisconsin Statutes.

(Ord. O-94-48 § 1 (part), 1994; Ord. O-02-1 § 1 (part), 2002; Ord. O-10-02, § X, 3-2-2010)

### 8.25.250 Fees And Penalties

1. Fees. Upon the effective date of the 2007 amendments to the ordinance codified in this chapter, the recycling shall be collected by the city of Wauwatosa in the amounts set out in the consolidated fee schedule.
2. Penalties. Upon the effective date of the ordinance codified in this chapter, and after inspection and sufficient notification by representatives of city public works ~~operations~~, the following penalties shall be allowed to be cited and collected by the city; subject to change, addition, or deletion at any time by the city without notice.
  1. If as prohibited in Section 8.25.130 yard waste deposited at the drop-off center is contaminated with rocks, metal, garbage and/or other debris:
    1. One hundred dollars first violation,

2. Five hundred dollars second and subsequent violations;
2. If as prohibited in Section 8.25.150 any other substance is mixed with waste oil for recycling:
  1. One hundred dollars first violation,
  2. Five hundred dollars second and subsequent violations;
3. Failure to comply with the city's residential curbside recycling program as required in Section 8.25.120 or 8.25.170:
  1. Fifty dollars first violation,
  2. One hundred dollars second and subsequent violations;
4. If as prohibited in Section 8.25.180 any person not under contract with or licensed by the municipality or state, collects or removes any recyclable material that has been deposited or placed at the curb for recycling, or placed in a recycling container adjacent to a home, multiple-family dwelling, or nonresidential building, including city drop-off center containers:
  1. Two hundred fifty dollars first violation,
  2. Five hundred dollars second and subsequent violations;
5. If as required in Section 8.25.190 any person generating solid waste and/or recyclable materials fails to comply with city or hauler written notification about the reason(s) for refusal to collect the materials:
  1. Fifty dollars first violation,
  2. One hundred dollars second and subsequent violations;
6. Failure of multiple-family dwelling or nonresidential facility or property to comply with recycle according to Section 8.25.200 or 8.25.210:
  1. Two hundred fifty dollars first violation,
  2. Five hundred dollars second and subsequent violations;
7. Illegal disposal of recyclables as prohibited in Section 8.25.220:
  1. Fifty dollars first violation,
  - ~~2. Two thousand five hundred~~ Two hundred dollars second ~~and subsequent~~ violation,<sup>s</sup>
  - ~~2-3.~~ Two thousand dollars third and subsequent violations;
8. Penalties for violation of any other provision(s) of this chapter not specified in subsections (B)(1) through (7) of this section:
  1. Fifty dollars first violation,

2. One hundred dollars second and subsequent violations;
9. Other penalties to be established by the city as needed.

(Ord. O-07-24 § 13, 2007)

**8.25.260 Space For Recycling In Public Buildings**

~~Per ILHR 54-62 Administrative Rule, any person in Wauwatosa owning or occupying a new building or a building that is remodeled or expanded by fifty percent or more in floor area, shall provide a designated area for the separation, temporary storage and collection of solid waste and recyclables either within or adjacent to the building. All solid waste and recyclables shall be handled as per Chapters 8.24 and 8.25 of this code.~~

~~(Ord. O-94-48 § 1 (part), 1994)~~

**8.25.270 Procurement Of Recycled Products**

~~According to Wisconsin Statute 16.72(2)(e) and (f), the city shall, to the extent practicable, make purchasing decisions to maximize the purchasing of products made from recycled and recovered materials; and such purchases shall include forty percent content of all paper by 1995. The city shall, to the extent practicable, award contracts for equipment and supplies on the basis of recyclability and ultimate disposition of products to discourage the purchase of single-use disposable products and require purchase of multiple-use, durable products. All persons residing in, doing business in, or otherwise occupying nonresidential facilities and properties in the city of Wauwatosa are encouraged to do the same, for that is how waste reduction, reuse and recycling succeeds.~~

~~(Ord. O-94-48 § 1 (part), 1994)~~