



211 Walnut Street
Neenah, WI 54956

AN ORDINANCE: By Public Services & Safety
Committee

Re: Repealing and Recreating Chapter 12 of
the Code of Ordinances, Solid Waste

ORDINANCE NO. 2018-14

Introduced: September 19, 2018

Committee/Commission Action:

RECOMMENDED FOR PASSAGE

AN ORDINANCE

The Common Council of the City of Neenah, Wisconsin, do ordain as follows:

Section 1. Chapter 12 of the Code of Ordinances of the City of Neenah is repealed and recreated to read as follows:

CHAPTER 12 SOLID WASTE COLLECTION AND DISPOSAL

- 12-1 Definitions
- 12-2 Legislative Intent
- 12-3 Implementation
- 12-4 Recycling Required
- 12-5 Separation Requirements Exempted
- 12-6 Care of Separated Recyclable Materials
- 12-7 Prohibition on Disposal of Recyclable Materials Separated for Recycling
- 12-8 Standards of Service
- 12-9 Point of Storage and Point of Collection
- 12-10 General Requirements
- 12-11 Responsibilities of Owners or Designated Agents of Multi-Family Dwellings
- 12-12 Responsibilities of Owners or Designated Agents of Non-Residential Facilities and Properties
- 12-13 Littering Prohibited
- 12-14 Private Collection
- 12-15 Non-Resident Refuse Disposal Prohibited
- 12-16 Inspection Authority
- 12-17 Dumping Grounds Regulations
- 12-18 Enforcement

SEC. 12-1 Definitions.

The following definitions shall apply unless a different meaning appears from the context.

Approved means approved by the Director of Public Works unless specifically stated otherwise.

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

Brush means trimmings from shrubs and trees, tree limbs less than six (6) inches in diameter and stalks from garden plants. Brush does not include stumps, root balls or logs greater than six (6) inches in diameter.

Bulky wastes/Large Items means discarded articles of such dimension as are not normally collected with domestic waste including, but not limited to, items of applicant, furniture, plumbing fixtures, windows and doors, but would be considered domestic wastes. In general, bulky wastes are those wastes too large to be placed in a cart.

Bundle means to securely tie with string or twine.

Cart means a plastic container issued by the City of Neenah for the storage and collection of solid waste or recyclables.

City shall mean the City of Neenah and/or its designated agent.

Collecting and transporting service means a municipal or privately operated agency, business or service for the collecting or transporting of solid waste for disposal or recycling purposes.

Commercial wastes means wastes resulting from the operation of business enterprises including, but not limited to offices, stores, restaurants and similar businesses.

Commingled recyclables means a mixture of several recyclable materials placed in one container.

Composting means the process of decaying organic matter, such as leaves, garden debris, grass clippings, raw kitchen scraps and other vegetative materials capable of natural decomposition.

Construction and/or demolition waste means waste resulting from building construction, demolition, alteration, repair or remodeling, including excavated material and waste such as concrete, stone, asphalt, sod, earth, dirt and brick.

County shall mean Winnebago County unless specifically stated otherwise.

Department means the City of Neenah Department of Public Works.

Domestic waste means garbage, refuse, ashes and other waste including, but not limited to metal, glass, paper, wood, rags, plastic, rubber, cloth, cans, bottles, litter, and small quantities of construction and/or demolition wastes, and limited nauseous and/or offensive wastes, with the understanding that these wastes resulting from human habitation and the usual routine of housekeeping of residential units or incidental to its operation. Domestic waste does not include grass clippings, leaves, tree waste, or yard waste.

Dwelling unit shall be as defined in Section 21-19 of this code.

Electronic waste includes televisions, computers (desktop, laptop, netbook and tablet computers), desktop printers (including those that scan, fax and/or copy), computer monitors, other computer accessories (including keyboards, mice, speakers, external hard drives and flash drives), DVD players, VCRs and other video players (i.e., DVRs), fax machines, and cell phones. Electronic waste shall also include microwave

ovens. The definitions found in Wisconsin Statutes §287.17 shall be incorporated into 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 shall be as defined in Wisconsin Statutes §289.01(9).

Hazardous waste shall be as defined in Wisconsin Administrative Code NR 661.03.

Household Hazardous Waste means those wastes resulting from products purchased by the general public for household use which, because of their quantity, concentration, or physical, chemical, or infectious characteristics, may pose a substantial known or potential hazard to human health or the environment when improperly treated, disposed of, or otherwise managed.

Industrial waste shall be as defined in Wisconsin Statutes §281.01(5).

Liquid waste shall include drain oil, dirty or waste grease, paints, lacquers, varnishes, thinners, cleaning agents or solvents and other similar waste materials.

Major appliance containing Freon means refrigerator, freezer, air conditioner, or dehumidifier.

Major appliance not containing Freon means a hot water heater, oven, range, stove, microwave oven, dishwasher, clothes washer and dryer, furnace or boiler.

Medical waste means infectious waste and those containers, packages and materials that contain infectious waste or that are from a treatment area and are mixed with infectious waste.

Metal means those metal materials that can be recycled but does not include major appliances or metal containers like steel or aluminum cans.

Multiple dwelling means residential structures with more than four dwelling units located within a structure or a complex of structures with at least one structure in the complex consisting of more than four dwelling units.

Nauseous or offensive materials are those which are unwholesome in nature or have an unpleasant smell or are otherwise nauseous or offensive, such as manure, filth, carcasses, meat, fish, entrails, hides and hide scrapings, paint, kerosene, oily or greasy substances and also object that may cause injury to any person or animal, or damage to vehicle tires such as nails, tacks, pieces of metal, wire, briar thorns, broken glass and other similar materials or substances.

Nonrecyclable material means material not capable of being recycled or used again.

Plastic container means an individual, separate, and rigid bottle, can, jar, or carton, made from plastic, except for a blister pack as defined in Wis. Stat. § 100.33(1)(c), as may be amended from time to time, that is originally used to contain a product that is the subject of retail sales defined in Wis. Stat. §100.30(2)(h), as may be amended from time to time.

Premises shall mean platted lot or part thereof or unplatted lot or parcel of land or plot of land, either occupied or unoccupied by any dwelling or non-dwelling structure. Premises include the following categories:

- (1) *Single-family premises.* Any housing building containing a single-family dwelling unit. For the purposes of this chapter, any housing building with less than five (5) dwelling units shall fall in this category. Each unit shall be regarded as a single-family dwelling unit.
- (2) *Multi-family premises.* All housing buildings having five (5) or more dwelling units.
- (3) *Commercial or business premises.* Any public or private place, building and/or enterprise devoted in whole or in part to a business enterprise whether non-profit or profit making in nature.
- (4) *Institutional premises.* Any institutional enterprise, including, but not limited to, hospitals, churches, schools, nursing homes, motels and homes for the aging.

Recyclable material means material in solid waste for which there exists a commercially demonstrated processing or manufacturing technology which uses the material as a raw material.

Refuse means all matters produced from industrial or community life, subject to decomposition, not defined as sewage or wastewater. This term does not include appliances, stones, concrete, dirt, plaster, tires, batteries, antifreeze, automotive engine waste oil, yard waste, building demolition materials, and recyclables.

Residential includes the following categories:

- (1) a structure consisting of no more than four dwelling units as that term is defined within Chapter 21 of this code.
- (2) a complex of structures with each structure in the complex consisting of no more than 4 dwelling units.
- (3) a condominium association.

Rubbish means that portion of the solid waste remaining when garbage, hazardous waste, recyclable material and yard waste have been removed.

Solid waste shall be as defined in Wis. Stat. §289.01(33).

Solid waste disposal facility shall be as defined in Wis. Stat. §289.01(35).

Solid waste collection system or "System", shall mean the method for collection of Solid Waste in the City by the Department as outlined in this Chapter and any rules or regulations issued by the Department to implement the System as intended by the Common Council.

Tree waste shall mean waste resulting from the care of trees, shrubs and brushes by pruning and/or wind and storm damage and/or trimming including branches, limbs, trunks and stumps.

Vehicle waste shall mean waste resulting from discarded items of a vehicle, including but not limited to, tires, mufflers, exhaust pipes, engine parts, and could include whole vehicles.

Waste engine oil means any oil, which was used in an internal combustion engine.

Yard waste means leaves, yard and garden debris, and brush including clean woody vegetative material no greater than three (3) inches in diameter. This term does not include yard and garden debris and brush in excess of three (3) inches in diameter, grass clippings stumps, roots, or shrubs with intact root balls.

SEC. 12-2 Legislative Intent.

It is intended by this article to establish regulations that reduce the amount of solid waste and other disposables in landfills and thus protect the public health and welfare and the

environment. It is further intended by this article to comply with mandatory recycling legislation and implement regulations enacted by the State, including Wis. Stats. ch. 289. To the extent permitted by law, this article is intended to serve as a municipal solid waste flow control ordinance in conjunction with program activities of Winnebago County and its Solid Waste Management Board.

(Code 1977, § 10.08(2))

SEC. 12-3 Implementation.

The collection, removal and disposal of solid waste in the City shall be conducted under the supervision, direction and control of the Director of Public Works. The Director of Public Works is authorized to establish and enforce such rules and regulations deemed necessary for solid waste collection and storage.

(Code 1977, § 10.08(1); Ord. No. 2011-5, § 2, 4-6-2011)

SEC. 12-4 Recycling Required.

All occupants of buildings, both residential and non-residential, shall separate for recycling the following materials as designated and publicized for recycling by the Director of Public Works:

Single Stream Cart Items

- (1) Aluminum containers
- (2) Bi-Metal containers
- (3) Corrugated paper or other container board
- (4) Glass containers
- (5) Magazines
- (6) Newspapers
- (7) Office paper
- (8) Plastic containers labeled by SPI (Society of the Plastics Industry) except those previously used for storage of hazardous chemicals, motor oil, transmission fluid, or brake fluid products.
- (9) Steel containers

Recyclable Items — Special Collection and/or Disposal Required

- (1) Waste Oil - see Section 12-10(L)(2)
- (2) Lead Acid Batteries - see Section 12-10(L)(3)
- (3) Waste Tires - see Section 12-10(L)(3)
- (4) Electronics - see Section 12-10(L)(4)
- (5) Yard Waste - see Section 12-10(M)
- (6) Major Appliance - see Section 12-10(O)

SEC. 12-5 Separation Requirements Exempted

The separation requirements of Section 12-4 do not apply to the following:

- (A) Owners and Occupants of properties that send their post-consumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in Section 12-4 from solid waste in as pure a form as is technically feasible.
- (B) Solid Waste which is burned as a supplemental fuel at a facility if less than 30% of the heat input to the facility is derived from the solid waste burned as a supplemental fuel.
- (C) A recyclable material specified in Section 12-4 for which a variance has been granted by the Department of Natural Resources under s. 159.11(2m), Wis Stats. or s. NR 544.14 Wis Admin. Code

SEC. 12-6 Care of Separated Recyclable Materials.

To the greatest extent practicable, the recyclable materials separated in accordance with Section 12-4 shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other non-recyclable materials, including but not limited to household hazardous waste, medical waste, and agricultural chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions.

SEC. 12-7 Prohibition on Disposal of Recyclable Materials Separated for Recycling.

No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in Section 12-4 which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

SEC. 12-8 Standards of Service.

(A) Single Family Premises

- (1) Solid waste, with the exception of recyclable materials, shall be collected once a week from single family premise dwelling units according to a schedule set by the City. The maximum volume of refuse/garbage collected per dwelling unit shall be 95 gallons per week.
- (2) Recyclable materials shall be collected from single family premise dwelling units according to a schedule set by the City. The maximum volume of recycling collected per dwelling unit shall be 95 gallons bi-weekly. The owner of each residential dwelling unit will be charged a fee billed annually, established on an annual basis by the city council, for the collection of recyclables.
- (3) Condominium associations and owners of residential structures containing up to four (4) dwelling units may elect not to have solid waste and recyclables collected by the City for the entire condominium association or structure. Elections by condominium associations and owners of residential structures containing up to four (4) dwelling units are applicable to the entire condominium association or structure and may not be made on an individual basis by dwelling unit.

If the condominium association or the owner of a residential structure containing up to four (4) dwelling units elects not to have solid waste and recyclables collected by the City, the association or the owner of the residential structure shall notify the Director of Public Works by October 1 of the current year of their election not to receive collection.

If a condominium association or the owner of a residential structure containing up to four (4) dwelling units who has previously made an election not to have solid waste and recyclables collected by the City elects to have collection of solid waste and recyclables by the City for the following year, the association or owner of the structure shall notify the Director of Public Works by October 1 of the current year of their election to have collection done by the City for the following year(s).

(B) Multi-Family Premises

- (1) The City shall collect no solid waste or recyclable materials from multi-family premises or complexes.
- (2) Recyclable materials shall be kept separate from other solid waste.

(C) Commercial Premises

- (1) Refuse/garbage shall be collected once a week from commercial premises according to a schedule set by the City. The maximum volume of refuse/garbage

collected per dwelling unit shall be 95 gallons per week. Commercial premises generating more than 95 gallons of refuse/garbage per week shall contract for private refuse collection service.

- (2) Recyclable materials shall be collected from commercial premises according to a schedule set by the City. The maximum volume of recycling per dwelling unit shall be 95 gallons bi-weekly. The owner of each commercial premise will be charged a fee billed annually, established on an annual basis by the city council, for the collection of recyclables. Commercial premises generating more than 95 gallons of recycling material bi-weekly shall contract for private recycling collection service.

(D) Institutional and Industrial Premises

- (1) The City shall collect no solid waste or recyclable materials from institutional or industrial premises.
- (2) Recyclable materials shall be kept separate from other solid waste.

(E) Exclusion for Central Business District

- (1) Properties served by the three City-maintained dumpster corrals located in the 100 and 200 blocks of W. Wisconsin Avenue must deposit all refuse and garbage in dumpsters located in those corrals that are designated for that purpose.
- (2) Properties served by the three City-maintained dumpster corrals located in the 100 and 200 blocks of W. Wisconsin Avenue must deposit all recycling materials in dumpsters located in those corrals that are designated for that purpose.
- (3) Recyclable materials shall be kept separate from other solid waste.

SEC. 12-9 Point of Storage and Point of Collection.

- (A) Solid Waste Carts. Containers utilized for storage and collection of Solid Waste and Recyclable Material by the City shall be limited to solid waste carts designated by the City for use in the System. Solid Waste left for collection in receptacles or garbage bags other than the Solid Waste Carts approved by the City shall not be collected by the City.

- (1) Solid Waste Carts shall be provided, owned and maintained by the City.
- (2) The City may establish a Solid Waste Cart replacement and maintenance charge for the City's curbside solid waste collection customers.
- (3) The City may establish a fee to curbside solid waste collection customers who wish to change carts solely due to cart size.
- (4) The City may establish a replacement fee for replacement of Solid Waste Carts that are damaged, lost or destroyed.
- (5) Customers using City solid waste carts may mark the property address on the carts for their property. Said marking may only be done with the use of adhesive stickers. Paint, marker or other marking materials are not allowed.

(B) Storage

No person shall store or permit to be stored upon property owned by them any garbage, recycling, yard waste, refuse, or any container for any of these items in violation of this section.

- (1) Storage shall be prohibited in the front yard of any building as defined by Chapter 21 of this Municipal Code.
- (2) Notwithstanding paragraph (A)(1) above, solid waste shall not be stored in the following locations:
 - (a) On any side of a building that faces a public right-of-way except alleys.
 - (b) On, under, or alongside of a front porch, stoop, landing, accessible ramp, or deck fronting on the public right-of-way, or
 - (c) Within 15 feet of the public right-of-way, except during collection time periods.
- (3) Variance to this section may only be approved in writing by the Department.
- (4) Pursuant to State Statutes, a special charge for collection of any items may be imposed against any parcel or property for any items placed within the terrace or public right-of-way before or after scheduled collection periods.

(C) Collection

- (1) Refuse must be placed in City-provided carts for collection and must fit completely within the cart with the lid closed.
- (2) Recyclable materials must be placed in City-provided carts for collection and must fit completely within the cart with the lid closed.
- (3) Solid Waste or recyclable materials placed outside or on top of collection carts will not be collected.
- (4) All solid waste must be placed for collection on the terrace or at the edge of the roadway in the public right-of-way area where no terrace exists.
- (5) If the property owner sign a waiver and release, releasing the City from damage liability to pavement, curbs, gutters, sidewalks and driveways, the City may collect solid waste from private roadways. All solid waste must be placed for collection on the edge of the private roadway.
- (6) If the property owners sign a waiver and release, releasing the City from damage liability to curbs, gutters, sidewalks and driveways, the City may collect solid waste from private driveways in condominium associations. All solid waste must be placed for collection at the edge of the private driveway.
- (7) Solid waste shall not be placed out for collection before 4 o'clock p.m. of the day preceding a regularly scheduled pick-up or a previously announced date for collection of solid waste materials. Carts shall be returned by the persons to the point of storage within twelve (12) hours after collection.
- (8) Carts must be set out by 6:30 a.m. on the day of collection. A collection charge and administrative fee per occurrence will be assessed when the City must return to collect a cart set out after the regularly scheduled collection has occurred; the amount charged to each lot or parcel of land shall be charged to the owner of the property and if not paid shall be assessed against the real estate as a special charge pursuant to State Statutes.

(D) Solid Waste Cart Placement Requirements

- (1) Carts shall be placed within one (1) foot of the curb or edge of pavement with the arrow on the lid facing the street. Areas that have no terrace should place their cart at the street edge of the sidewalk.
- (2) There must be at least three (3) feet of space between the cart and other objects i.e.: trees, poles, mailboxes, plantings, parked cars, and other solid waste carts.

- (3) Carts that cannot be collected without causing possible damage to property or vehicles will not be collected until the resident corrects the problem(s).
 - (4) Carts must remain at ground level. During winter months, residents will need to clear an area at the curb or driveway apron for cart placement. Carts placed on top of snow banks will not be collected.
- (E) Collection Schedules
- Garbage and rubbish, yard waste, and recyclables shall be collected according to schedules designated and publicized by the Director of Public Works and Utilities.

SEC. 12-10 General Requirements

- (A) All garbage shall be drained and kept in carts issued by the City.
- (B) No rear loaded containers (dumpsters) shall be allowed with the exception of Municipal Properties.
- (C) Recyclables
 - (1) Containers

All residential dwelling units; multiple family units; commercial, institutional, and industrial establishments shall separate the containers and packaging materials designated under Section 12-4 for recycling.

If the unit or establishment receives collection from the City, these materials shall be placed at the street in accordance with the rules, procedures, and schedules specified by the Department.
 - (2) Paper Materials

All residential dwelling units; multiple family units; commercial, institutions, and industrial establishments shall separate the materials designated under Section 12-4 for recycling.

If the unit or establishment receives collection from the City, the paper materials specified above shall be placed at the street in accordance with the rules, procedures, and schedules specified by the Department.
 - (3) No recyclable material may be contained in a plastic bag.
 - (4) If such materials are not properly prepared for collection or are commingled with other acceptable solid waste materials placed for collection, subparagraph (T) will apply.
- (D) Scavenging Prohibited. Scavenging of solid waste deposited on the curb area or in City-owned drop off facilities is prohibited. It shall be unlawful for any person, except the Street and Sanitation Division or agents of the City to remove such deposited material.
- (E) Nuisance. No person shall permit any solid waste or other substance tending to create a nuisance, to be thrown out or distributed on or about the premises including adjacent property, streets, alleys, lakes or streams within the City. When the Health Officer determines that a facility's solid waste or other substances becomes a nuisance to adjoining property owners, including the City streets, by being scattered, the Health Officer shall require the owner of the facility to provide an adequate enclosure, including fencing, to prevent solid waste or other substances from being blown or scattered to adjoining properties and the City streets.
- (F) Dumping. No person shall dump solid waste on any lot or property within the City unless said dumping complies with all federal, State and local restrictions.

- (G) Ashes and sawdust. Ashes and sawdust shall be separated from other rubbish and garbage and placed in plastic bags meeting the specifications in this section. The weight shall not exceed 25 pounds per bag. Ashes must be thoroughly extinguished and quenched with water.
- (H) Animal feces shall be properly disposed of by wrapping in paper and then placing it in a suitable plastic disposable bag not less than two (2) mil thickness. No more than twenty-five (25) pounds of animal waste shall be placed in a bag.
- (I) Stones, concrete, dirt, tires, batteries, antifreeze, medical waste, hazardous substances, electronics, automotive engine waste oil, and construction or demolition waste are not allowed in the solid waste stream and will not be picked up. Any cart with such prohibited materials will not be collected.
- (1) Stones, concrete and small quantities of dirt generated at residential sites within the City may be deposited at the City designated collection site.
 - (2) Disposal of automotive engine waste oil, which shall be free of all contaminants, solvents, hazardous materials, etc., shall be permitted at City-designated collection sites. No person residing outside the City limits shall bring into the City and dispose at any City-designated collection site any automotive engine waste oil. Used oil filters may not be disposed of with garbage.
 - (a) As used in this section: automotive engine oil means any oil to be used in the engine or crankcase of a motor vehicle; engine waste oil means automotive engine oil after it is used and removed from the engine or crankcase of a motor vehicle but before that oil is recycled; motor vehicle means any vehicle propelled by an internal combustion engine and includes any automobile, truck, bus, motorcycle, snowmobile, or vehicle which travels on or off roads or highways.
 - (3) Lead Acid Batteries/Waste Tires shall be taken to a vendor or other establishment capable of properly processing these items. A list of vendors or other establishments shall be established and made available to the public through the Department.
 - (4) Electronic waste must be recycled through local vendors or the Winnebago County Landfill Drop off Site. The City will not collect these items at the curb. See the State of Wisconsin, Bureau of Waste and Materials Management, Wisconsin Department of Natural Resources for an updated list of electronics to be recycled: DNRWasteMaterials@Wisconsin.gov.
 - (5) Construction or Demolition Waste generated at residential sites within the City may be deposited at the City designated collection site.
- (J) Yard waste and brush shall not be allowed in the refuse or recycling carts. Yard Waste and Brush may be set out for curbside collection on the schedule established by the Department, provided it is prepared for collection as required by the Department, and may also be deposited at the City-designated collection site as yard waste.
- (K) Composting. Composting is defined as above-ground microbial process, other than active garden areas, that converts yard or approved household waste to organic soil amendment or mulch by decomposition of material through an aerobic process. Backyard composting of yard wastes must be operated to prevent a nuisance condition, unsightly mess or an environmental or health hazard. General guidelines published by the Wisconsin Department of Natural Resources shall be followed. No dairy products, meat, fish, fat, oils, bones or animal wastes shall be composted. Composting is allowed in the City subject to the following requirements:

(1) Location. Compost sites must be set back three feet from any rear or side property line and shall not be located in the required front setback area, or closer than 20 feet from any habitable building other than the dwelling occupied by the owner.

(2) Number and size. No lot may contain more than two composting sites. The total composting area per lot may not exceed 60 square feet in area or exceed four feet in height.

(3) Composting containment. All composting sites must be contained within at least a three-sided structure, which may be constructed of wood, masonry, wire mesh or commercially fabricated compost bins.

(Code 1977, § 10.08(5); Ord. No. 1393, § 2, 1-20-2010)

- (O) Major Appliances Not Containing Freon and Major Appliances Containing Freon are not collected by the City.
- (P) Items containing metal which include but are not limited to engines, car parts, swing sets, piping, springs, lawn mowers, and bicycles which require special arrangements for pick-up must be kept separate from all other solid waste. No person, property owner, or occupant or person in charge of the property shall place such items for pickup and disposal by the City unless the person has previously arranged for a pick-up of such items on the schedule established by the Department.
- (Q) Large items, which include but are not limited to: mattresses, box springs, hide-a-beds, upholstered furniture such as couches, davenports, love seats, recliners, chairs, kitchen and dining room tables, desks, entertainment centers and other entertainment consoles, dressers, vanities, chest-of-drawers and similar furniture, head boards and objects that do not fit in the solid waste cart, which require special arrangements for pick-up must be kept separate from all other solid waste. No person, property owner, or occupant or person in charge of the property shall place such items for pick-up and disposal by the City unless the person has previously arranged for a special pick-up of such items on the schedule established by the Department.
- (R) Property owners shall keep the collection carts in a clean and sanitary condition. Maintenance and repair of all carts used for the collection of solid waste shall be the responsibility of the City.
- (S) The owner of the property shall be responsible for maintaining the recyclable area. The owner shall keep the area free of any junk, litter, debris or other condition. If other materials are mixed with recyclable materials in a dumpster or otherwise, the material shall be tagged and left on site. The owner of the property shall be responsible to either dispose of the materials or to separate the materials into recyclable and non-recyclable materials for proper pickup at the next scheduled pickup date.
- (T) If solid waste is not prepared according to the provisions of this Chapter, or is not placed in suitable carts (issued by the Sanitation Division) or location or if a cart is damaged, employees of the Sanitation Division shall "tag" these carts and collection shall not be made until the condition is remedied in compliance with this ordinance.

SEC. 12-11 Responsibilities of Owners or Designated Agents of Multi-Family Dwellings.

- (A) Owners or designated agents of multiple dwelling structures shall do all of the following in compliance with this ordinance:
 - (1) Provide adequate, separate containers for the recyclable materials;

- (2) Educate all tenants as to the requirements of this chapter. The owner shall be responsible to notify tenants initially upon move-in and semi-annually thereafter of the requirements of this ordinance.
 - (3) Provide for the collection of the materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility;
 - (4) Notify users, tenants, and occupants of reasons to reduce and recycle, which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.
- (B) The requirements specified in (1) do not apply to the owners or designated agents of nonresidential facilities and properties if the post-consumer waste generated within the facility or property is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in Section 12-3 from solid waste in as pure a form as is technically feasible.
- (C) The owner of rental property shall be responsible for violations of this chapter occurring on rental property.

SEC. 12-12 Responsibilities of Owners or Designated Agents of Non-Residential Facilities and Properties.

- (A) Owners or designated agents of non-residential facilities and properties shall do all of the following in compliance with this ordinance:
- (1) Provide adequate, separate containers for the recyclable materials;
 - (2) Educate all tenants as to the requirements of this chapter. The owner shall be responsible to notify tenants initially upon move-in and semi-annually thereafter of the requirements of this ordinance.
 - (3) If collection is not provided by the City, provide for the collection of the materials separated from the solid waste by the users, tenants, and occupants and the delivery of the materials to a recycling facility;
 - (4) Notify users, tenants, and occupants of reasons to reduce and recycle, which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.
 - (5) Provide the Department with recycling tonnage data upon request.
- (B) The requirements specified in (1) do not apply to the owners or designated agents of nonresidential facilities and properties if the post-consumer waste generated within the facility or property is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in Section 12-3 from solid waste in as pure a form as is technically feasible.
- (C) The owner of rental property shall be responsible for violations of this chapter occurring on rental property.

SEC. 12-13 Littering Prohibited.

- (A) No person shall throw, place or deposit any garbage or rubbish in any street, alley, public place, or private property within the city limits except in garbage containers or in rubbish containers as herein provided.

(B) No person shall throw, place or deposit any garbage or rubbish in any garbage containers or rubbish containers not owned by them without permission or authorization of the owner of those containers.

SEC. 12-14 Private Collection.

(A) Garbage and rubbish. Where solid waste is privately collected, it shall be the responsibility of the owner to collect and place the material in a licensed solid waste disposal facility. It shall be the responsibility of the owner to keep records needed to document and otherwise comply with State and local regulations.

(B) Recyclable material. Where recyclable materials are privately collected, it shall be the responsibility of the collector to properly deliver the materials to a recycling processing facility or end user of recyclables and to keep all records as needed to document and otherwise comply with State and local regulations. Records must be made available to the Department upon request.

(Code 1977, § 10.08(7); Ord. No. 2011-5, § 4, 4-6-2011)

SEC. 12-15 Non-Resident Refuse Disposal Prohibited.

(A) No person residing outside the City limits shall bring into the City for disposal any garbage, rubbish or other items of a combustible or noncombustible nature.

(B) Any person violating the provisions of this Section shall be assessed the actual costs incurred by the City for proper disposal together with an administrative charge. The imposition and collection of any forfeiture prescribed by this Chapter shall not bar the right of the City to collect the costs of disposal as herein provided.

SEC. 12-16 Inspection Authority.

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

SEC. 12-17 Dumping Grounds Regulations.

The Police Department, through its Chief, and the Public Works Department, through its Director, acting in concert, shall regulate the dumping, depositing, or placing of trash, brush, yard waste, or any other solid waste or recyclables on and within any land or place within the City. Any land or place designated as dumping grounds, or drop off site for any material including recyclables shall be published by the erection of signs in conspicuous places on such grounds, containing suitable instructions to the public.

SEC. 12-18 Enforcement.

Violations of this section shall be specifically enforceable according to the provisions of Section 1-7 of the City Code. Any authorized officer, employee or representative of the City may inspect recyclable materials separated for recycling, post-consumer waste intended for disposal, collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings

and nonresidential facilities and properties, solid waste disposal facilities and solid waste treatment facilities, and any records relating to recycling activities for the purpose of ascertaining compliance with the provisions of this article. No person may refuse access to any authorized officer, employee or authorized 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.

(Code 1977, § 10.08(8))

Section 2. Severability. In the event any section, subsection, clause, phrase or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this ordinance. It is the legislative intent of the Common Council that this ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.

Section 3. Repeal and Effective Date. All ordinances or parts of ordinances and resolutions in conflict herewith are hereby repealed. This ordinance shall take effect from and after its passage and publication.

Approved:

Moved by: _____

Dean R. Kaufert, Mayor

Adopted: _____

Attest:

Published: _____

Patricia A. Sturn, City Clerk

THIS INSTRUMENT WAS DRAFTED BY:
City Attorney James G. Godlewski
211 Walnut Street
Neenah, WI 54956
State Bar No. 1005210