

CHAPTER 23
SOLID WASTE RECYCLING

Title: City of Hartford Solid Waste and Recycling Ordinance.

Purpose: The purpose of this ordinance is to promote solid waste reduction, recycling, composting and resource recovery through a waste collection and recycling program, as provided in Chapter 287, Wis. Stats., and Chapter NR 544, Wisconsin Administrative Code. (AMENDED 5/13/03--ORDINANCE NO. E-529)

Statutory Authority: This ordinance is adopted as authorized under Chapter 287, Wis. Stats., and Section 66.052, Wis. Stats. (AMENDED 5/13/03--ORDINANCE NO. E-529)

23.01 **DEFINITIONS:** For the purpose of this ordinance:

(1) Recyclable materials include lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; corrugated paper, or other container board; glass containers, magazines; newspaper; office paper; rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and all other resins or multiple resins; steel containers; waste tires; and bimetal containers.

(2) Ashes mean ashes from furnaces and stoves in private dwellings of 3 units or less, but not including the ashes from commercial and industrial establishments.

(3) Bimetal container means a container for carbonated or malt beverage that is made primarily of a combination of steel and aluminum.

(4) Bulk materials mean refuse in quantities exceeding those normally collected and shall include such items as rocks, bricks, concrete, and other building materials, furniture, fixtures, plumbing, and plastic, but excluding all appliances. (AMENDED 7/13/04—ORDINANCE NO. E-550)

(5) Common Dumpster Area means a fenced in area provided in common for solid waste and recyclable purposes. (CREATED 7/11/00--ORDINANCE NO. E-438)

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

(7) Foam polystyrene packing means packaging made primarily from foam polystyrene that satisfies one of the following criteria:

- a) Is designed for serving food or beverages.
- b) Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.
- c) Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.

(8) Garbage means all kinds of organic refuse resulting from the preparation of food.

(9) Magazines mean magazines and other materials printed on similar paper.

CHAPTER 23 (Solid Waste Recycling)

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

(11) Multiple-family dwelling means a property containing 5 or more residential units, including those which are occupied seasonally. (AMENDED 6/8/10—ORDINANCE NO. 1241)

(12) Newspaper means a newspaper and other materials printed on newsprint.

(13) Nonresidential facilities and properties mean commercial, retail, industrial, institutional, and governmental facilities and properties. This term does not include multiple family dwellings.

(14) Office paper means high grade printing and writing papers from offices in nonresidential facilities and properties. Printed white ledger and computer printouts are examples of office paper generally accepted as high grade. This term does not include industrial process waste.

(15) Person includes any individual, corporation, partnership, association, local governmental unit, as defined in s. 66.299(1)(a), Wis. Stats., state agency or authority or federal agency.

(16) Plastic container means a plastic container as defined in Section 100.33(1)(c) that is required to be labeled under Section 100.33(2), Wis. Stats. (AMENDED 5/13/03--ORDINANCE NO. E-529)

(17) Post-consumer waste means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in Section 291.01(7), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in Section 289.01(17), Wis. Stats. (AMENDED 5/13/03--ORDINANCE NO. E-529)

(18) Solid waste has the meaning specified in Section 289.01(33), Wis. Stats.

(19) Solid waste facility has the meaning specified in s. 144.43(5), Wis. Stats.

(20) Solid waste treatment has the meaning specified in Section 289.01(39), Wis. Stats. (AMENDED 5/13/03--ORDINANCE NO. E-529)

(21) Waste tire means a tire that is no longer suitable for its original purpose because of wear, damage, or defect.

(22) Yard waste means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than 6 inches in diameter. This term does not include stumps, roots, or shrubs with intact root balls.

23.02 **SEPARATION OF RECYCLABLE MATERIALS.** Occupants of single- family and 2-4 unit residences, multiple-family dwellings and nonresidential facilities and properties shall separate the following materials from post-consumer waste: (AMENDED 6/8/10—ORDINANCE NO. 1241)

CHAPTER 23 (Solid Waste Recycling)

- a) Lead acid batteries
- b) Major appliances
- c) Waste oil
- d) Yard waste
- e) Aluminum containers
- f) Bimetal containers
- g) Corrugated paper and other container board
- h) Glass containers
- i) Magazines
- j) Newspaper
- k) Office paper
- l) Rigid plastic containers made of PETE or HDPE, PVC, LDPE, PP, PS, and all other resins or multiple resins
- m) Steel containers
- n) Waste tires

To the greatest extent practical, the recyclable materials shall be cleaned and kept free of contamination 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.

23.03 **EXCLUSION TO SEPARATION REQUIREMENTS.** The separation requirements above do not apply to the following:

- a) Occupants of single-family and 2 to 4 unit residences, multi-family dwellings and nonresidential facilities and properties that send their post-consumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources. (AMENDED 6/8/10—ORDINANCE NO. 1241)
- b) Solid waste which is burned for supplemental fuel at a facility of less than 30% of the heat input into the facility as derived from the solid waste burned as supplemental fuel.
- c) A recyclable material specified above for which a variance has been granted by the Department of Natural Resources under Section 287.11(2m), Wis. Stats., or Section NR 544.14, Wisconsin Administrative Code. (AMENDED 5/13/03--ORDINANCE NO. E-529)

23.04 **REQUIREMENTS FOR AND PICKUP SERVICES PROVIDED BY THE CITY OF HARTFORD.**

Regular Garbage Pickup

- 1) **Availability of Collection.** Garbage and non-recyclable solid waste collection shall be available to the occupants of all single-family and 2 to 3 unit multi-family residences within the City, but shall not be available to four-family and multiple-family dwellings of 5 or more units, commercial and industrial establishments or operations. All owners of multiple dwelling buildings of 4 or more living units in one building shall provide a container or containers (screened in accordance with Article 2, Section 6 of Chapter 17 of this Code) for the private disposal of garbage. (AMENDED 7/11/00--ORDINANCE NO. E-438;

CHAPTER 23 (Solid Waste Recycling)

AMENDED 5/13/03--ORDINANCE NO. E-529; AMENDED 3/28/06—ORDINANCE NO. 1102; AMENDED 6/8/10—ORDINANCE NO. 1241)

- 2) Service Provided. Regular garbage pickup will be provided once each week, routes and day of pickup to be set by the Director of Public Works. (AMENDED 2/13/96--ORDINANCE NO. E-321; AMENDED 5/13/03--ORDINANCE NO. E-529)
- 3) Property Served. Regular garbage pickup will be provided to all residential properties of 3 units or less.
- 4) Placement. Garbage and refuse shall be placed at the curb or roadside of an alley as approved by the Director of Public Works on the scheduled collection day. No garbage or refuse shall be placed for collection more than 17 hours before collection and must be out before 7:00 a.m. on your collection day. (AMENDED 2/13/96--ORDINANCE NO. E-321; AMENDED 5/13/03--ORDINANCE NO. E-529)
- 5) Ashes. Ash collection shall be available for all private dwellings of 3 units or less, but not for collection of ashes from commercial or industrial establishments. Cold ashes must be placed in sealed disposable containers that can be handled by one person.
- 6) Garbage Containers.
 - a) All domestic garbage shall be placed in tied or sealed durable plastic bags, or suitable containers. Each container shall not exceed a capacity of 40 gallons nor weigh in excess of 50 pounds when loaded. Each container shall be watertight and vermin proof and shall be equipped with outside handles to assist in removal. Containers must be made of metal or plastic. Solid waste shall not exceed the upper rim of the container. (AMENDED 5/13/03--ORDINANCE NO. E-529)
 - b) Non-plastic/metal containers will be considered disposable and therefore will not be emptied and returned to curb.
 - c) Improperly and poorly maintained containers, such as those that have sharp edges on the rim or bottom, badly dented sides or rims, or large holes in the bottom shall be tagged by the collection crew and therefore should be repaired or replaced before the next collection. If replacement or repairs have not been completed, it shall be the discretion of the collection crew to dispose of the containers tagged.
- 7) Animal and Human Waste. Animal and human waste (disposable diapers) shall be placed in a sealed bag or container such that it is not openly exposed to the collection crews.
- 8) Excessive Garbage. Excessive amounts of garbage, furniture, television sets, and all large, non-metal items will be picked up every Friday for a prepaid fee as determined in Chapter 42 of the Municipal Code. Stickers may be purchased at City Hall. Refuse in excess of five 40-gallon containers (or the equivalent thereof) will not be collected unless solid waste stickers are affixed. Residents must contact the City to put their address on the Friday pickup list in order to receive an excessive garbage pickup. No excessive garbage shall be placed for collection more than 17 hours before pickup and must be out by 7:00 a.m. on Friday. (AMENDED 5/14/96-- ORDINANCE NO. E-327; AMENDED 5/13/03--ORDINANCE NO.

CHAPTER 23 (Solid Waste Recycling)

E-529; AMENDED 3/28/06—ORDINANCE NO. 1102; AMENDED 10/9/07—ORDINANCE NO. 1154; AMENDED 10/14/08—ORDINANCE NO. 1190)

- 9) Recyclables Prohibited From Garbage and Refuse. Recyclable items as defined in this Section are prohibited from being commingled and placed in regular garbage bags and/or solid waste dumpsters and must be handled separately and in compliance with the recyclable section of this ordinance.
- 10) Illegal Dumping and Disposal Prohibited. No person shall throw any glass, rubbish, waste, or filth upon the streets, alleys, highways, public parks or other property of the City, or upon any private property, to include but not limited to, privately contracted dumpsters rented by businesses or multi-family housing corporations or upon the surface of any body of water within the City. The City of Hartford Police Department will issue citations to violators on a complaint basis in compliance with this Section. (REPEALED AND RECREATED 8/13/96--ORDINANCE NO. E-344)

Recycling Pickup

The following items have all been defined as recyclables for the purpose of this ordinance. The following is a requirement and curbside pickup schedule for particular types of recyclables.

- 1) Service Provided. Recyclable pickup will be provided one every other week. Routes and day of pickup are to be set by the Director of Public Works. (AMENDED 2/13/96--ORDINANCE NO. E-321; AMENDED 5/13/03--ORDINANCE E-529)
- 2) Property Served. Recyclable pickup and processing will be provided to all residential properties of 4 units or less. All other users must contract privately for required recycling of the recyclable materials. (AMENDED 6/8/10—ORDINANCE NO. 1241)
- 3) Placement. The City of Hartford will provide a specific recycling container, and it must be used for the following recyclable materials: (AMENDED 6/8/10—ORDINANCE NO. 1241)
 - a) Aluminum containers
 - b) Bimetal containers
 - c) Glass containers
 - d) Rigid plastic containers made of PETE or HDPE, PVC, LDPE, PP, PS, and all other resins or multiple resins
 - e) Steel containers
 - f) Newspapers
 - g) Magazines
 - h) Corrugated cardboard

Recycling Drop-off

The following items will not be picked up at curbside and must be taken to the City of Hartford Recycling Center, located at 710 West Sumner Street. Hours of operation are to be set by the Director of Public Works. (AMENDED 2/13/96-- ORDINANCE NO. E-321; AMENDED 5/13/03--ORDINANCE E-529)

CHAPTER 23 (Solid Waste Recycling)

- 1) Lead acid batteries
- 2) Waste oil, which must not be contaminated with gasoline, antifreeze, paint, or paint thinners
- 3) Yard waste
 - a) Placement. Bags, boxes, or other containers used to transport these materials shall not be left at the drop-off facility. Compostables are to be removed from containers.
 - b) Yard and garden waste will be prohibited from being placed in garbage collection bags or recyclable bags.
 - c) Materials Prohibited. Materials with exceptional odor, animal waste, or other non-desirable materials are prohibited from placement with the compostable materials.
- 4) Leaf Disposal
 - a) Service Provided. The City of Hartford will provide leaf pickup at curbside in fall. Duration of leaf pickup is contingent upon weather conditions.
 - b) Placement. Residents shall place leaves in terrace area between curb and sidewalk for pickup with the City of Hartford vacuum equipment. Bagging of leaves is not permitted at curbside.
 - c) Optional Bagging Method. If a property owner chooses to bag leaves, it shall be the property owner's responsibilities to transport the leaves to the designated municipal drop-off point and remove the leaves from the bag at that facility.
- 5) Tires
 - a) Service Provided. Tires will be accepted at the City of Hartford Recycling Center for separate fees for City residents, non-City residents, and commercial businesses as determined in Chapter 42 of the Municipal Code. (AMENDED 6/11/96--ORDINANCE NO. E-335)

Brush Pickup

- 1) Service Provided. The City of Hartford shall provide curbside brush pickup during the first full business week of each month.
- 2) Property Served. All properties within the City of Hartford.
- 3) Placement Period. Brush shall be placed curbside or roadside, as directed by the Director of Public Works, not more than 48 hours prior to scheduled pickup. (AMENDED 2/13/96--ORDINANCE NO. E-321; AMENDED 5/13/03--ORDINANCE E-529)
- 4) Brush Preparation.
 - a) Branches shall be cut in lengths not more than 10 feet or less than 3 feet.

CHAPTER 23 (Solid Waste Recycling)

- b) Branches no larger than 6 inches in diameter and not exceeding 100 pounds.
- c) Brush shall be stacked and arranged by size to permit efficient handling and loading.
- d) Brush shall not be mixed with other material. (Garden debris, garbage, etc. will not be picked up.)

Bulk Material Pickup

- 1) Service Provided. The City of Hartford will pickup bulk material as defined above with normal household garbage, provided the quantity does not exceed a 5 gallon container. Aggregate material and dirt in excess of a 5 gallon container will be picked up by the City in a trailer provided by the City for a fee per load as determined in Chapter 42 of the Municipal Code. Other excessive garbage such as furniture, carpet/pad, mattress/box spring, toilet, sink, wooden doors and windows, etc. can be scheduled for a Friday pickup with a solid waste sticker for a fee as determined in Chapter 42 of the Municipal Code. (AMENDED 5/14/96--ORDINANCE NO. E-327; AMENDED 7/13/04—ORDINANCE NO. E-550)

Appliance Pickup and/or Drop-off

Residents have the option of delivering large, metal items, such as appliances which include residential and commercial air conditioner, boiler, clothes dryer, clothes washer, dehumidifier, dishwasher, freezer, furnace, microwave oven, oven, refrigerator, stove, or water heater, to the Center during recycling hours only. There is a drop-off charge for appliances containing Freon at the Center. Curbside pickup of non-Freon appliances, as well as ones containing Freon, requires a per unit prepaid fee. The applicable fees are as determined in Chapter 42 of the Municipal Code. (AMENDED 6/11/96--ORDINANCE NO. E-335)

23.05 **RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF MULTI-FAMILY DWELLINGS.** Owners or designated agents of multi-family dwellings shall do all of the following to recycle materials listed above as recyclable.

- 1) Owners or designated agents of multi-family dwellings in the area bounded by Mill Street, East Jackson Street, North Main Street, and East Sumner Street shall assure that all solid waste and recyclables from within that area are deposited within containers in the common dumpster area. (CREATED 7/11/00--ORDINANCE NO. E-438)
- 2) Provide adequate, separate containers for recyclable materials.
- 3) Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
- 4) Provide for the collection of materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.
- 5) Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare materials in order to meet the proceeding requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address, and telephone number.

CHAPTER 23 (Solid Waste Recycling)

The above requirements do not apply to owners or designated agents of multi-family dwellings if the post-consumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials above described as recyclable from solid waste in as pure a form as is technically feasible.

23.06 RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF NON-RESIDENTIAL FACILITIES AND PROPERTIES. Owners or designated agents of multi-family dwellings shall do all of the following to recycle materials listed above as recyclable:

- 1) Owners or designed agents of nonresidential facilities and properties in the area bounded by Mill Street, East Jackson Street, North Main Street, and East Sumner Street shall assure that all solid waste and recyclables from within that area are deposited within containers in the common dumpster area. (CREATED 7/11/00--ORDINANCE NO. 438)
- 2) Provide adequate, separate containers for recyclable materials.
- 3) Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
- 4) 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.
- 5) Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare materials in order to meet the proceeding requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address, and telephone number.

The above requirements do not apply to owners or designated agents of multi-family dwellings if the post-consumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials above described as recyclable from solid waste in as pure a form as is technically feasible.

23.07 PROHIBITIONS ON DISPOSAL OF RECYCLABLE MATERIALS SEPARATED FOR RECYCLING. No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified above as recyclable, which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

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

23.09 INTERPRETATION. In their interpretation and application, the provision of this ordinance shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any power granted by the Wisconsin Statutes. Where the terms or requirements of this ordinance may be inconsistent or conflicting, the more restrictive requirements or interpretations shall apply. (AMENDED 5/13/03--ORDINANCE NO. E-529)

CHAPTER 23 (Solid Waste Recycling)

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

23.11 **APPLICABILITY**. The requirements of this ordinance shall apply to all persons within the City of Hartford.

23.12 **ADMINISTRATION**. 1) In areas included in the Business Improvement District serviced by common dumpsters, the BID Board shall be responsible for allocating costs.

2) In all other aspects, it shall be the responsibility of the Director of Public Works to administer this Chapter. Items not specifically covered in this Chapter shall be handled by him based upon common municipal practices. If his decision is not acceptable to the property owner, the Public Works Committee shall review and decide complaints as requested. (AMENDED 2/13/96--ORDINANCE NO. E-321; AMENDED 7/11/00--ORDINANCE NO. E-438; AMENDED 5/13/03—ORDINANCE NO. E-529)

23.13 **VIOLATIONS**. Upon determining that a violation exists with requirements of the Chapter, materials in violation at curbside shall be tagged with a notice informing the property owner of the violation and corrective action required. If tagged, the materials shall be removed from the curb within 24 hours by the property owner. The violation shall be corrected and the materials shall be placed curbside at the next regular pickup. No special pickups are to be made for materials which were in violation.

23.14 **PENALTY**. Any person who shall violate any provision of this Chapter shall be subject to the issuance of a citation and forfeiture in an amount within a range as shown in Chapter 42 of the Municipal Code. (AMENDED 6/11/96--ORDINANCE NO. E-335)

(CHAPTER 23 REPEALED AND RECREATED 5/24/94--ORDINANCE NO. E-261; PORTIONS AMENDED 5/13/03--ORDINANCE NO. E-529)