

CHAPTER 3

Refuse Disposal and Collection

SEC. 8-3-1 TITLE; REFUSE COLLECTION SERVICE.

- (a) **TITLE.** This Chapter shall be known as the Solid Waste Management Ordinance of the City of Menasha, hereinafter referred to as Ordinance or Chapter.
- (b) **UNDER CONTROL OF DIRECTOR OF PUBLIC WORKS.** Except as exempted by this Chapter, the collection, removal and disposal of all garbage and rubbish shall be under the direction and control of the Director of Public Works and in strict conformity with the provisions of this Section and with such additional rules and regulations as may be made from time to time and may be deemed necessary or desirable to carry out the provisions of this Chapter and which are not inconsistent herewith.
- (c) **PERIODS OF COLLECTION.**
- (1) Residential. All garbage and rubbish shall be collected once each week in accordance with a schedule fixed by the Director of Public Works.
 - (2) Commercial and Industrial Waste. Garbage from commercial establishments shall be collected once each week up to 2 cubic yards per collection. Additional collections will be charged a fee to be determined by the Director of Public Works. Such fee shall be approved by the Board of Public Works by motion. No manufacturing or construction waste shall be collected as part of the City general garbage collection.
 - (3) Multi-Family Residential Collection. Garbage and rubbish shall be collected once each week up to 1/12th cubic yard per dwelling unit per collection. Additional collections shall be charged a fee to be determined by the Director of Public Works. Such fee shall be approved by the Board of Public Works by motion.
 - (4) Industrial Waste. No manufacturing or construction waste shall be collected as part of the City general garbage collection. Waste from offices and lunch rooms may be collected. No more than five (5) thirty-six (36) gallon containers shall be taken from any one location in any one pickup.
 - (5) Department of Public Works personnel are directed to immediately report all violations to their Street/Sanitation Superintendent or his/her designee, who shall in turn contact the City Attorney for ordinance enforcement.

SEC. 8-3-2 DECLARATION OF POLICY.

It is hereby declared to be the purpose and intent of this Chapter to enhance and improve the environment and promote the health, safety and welfare of the City by establishing minimum standards for the storage, collection, transport, processing, separation, recovery and disposal of solid waste.

SEC. 8-3-3 DEFINITIONS.

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

- (a) **AGRICULTURAL ESTABLISHMENT** -- An establishment engaged in the rearing and slaughtering of animals and the processing of animal products or orchard and field crops.

- (b) **BULKY WASTE** -- Items whose large size precludes or complicates their handling by normal collection, processing or disposal methods.
- (c) **COLLECTION** -- The act of removing solid waste from the storage area at the source of generation.
- (d) **COMBUSTIBLE MATERIALS** -- Items which include but shall not be limited to the following: domestic garbage, newspapers, books, magazines, cards, wrappings, crates, leaves, lawn clippings, brush and tree limbs, wood chips, asphalt shingles, old roofing, boards and old furniture without metal frames, cartons, bottles and tin cans (except aerosol cans).
- (e) **COMMERCIAL UNIT** -- Commercial units shall be all property other than residential units and shall include boarding houses, motels and resorts.
- (f) **CONDOMINIUMS** -- A form of individual ownership within a building which may entail joint ownership and responsibility for maintenance and repairs of the land and other common property of the building.
- (g) **CURB** -- The back edge or curb and gutter along a paved street or where one would be if the street was paved and had a curb and gutter.
- (h) **DEMOLITION WASTES** -- That portion of solid wastes consisting of wastes from the repair, remodeling or reconstruction of buildings, such as lumber, roofing and sheathing scraps, rubble, broken concrete, asphalt and plaster, conduit, pipe, wire, insulation and any other materials resulting from the demolition of buildings and improvements.
- (i) **DISPOSAL** -- The orderly process of discarding useless or unwanted material.
- (j) **DNR** -- The Wisconsin Department of Natural Resources.
- (k) **DWELLING UNIT** -- A place of habitation occupied by a normal single family unit or a combination of persons who may be considered as equivalent to a single family unit for the purpose of this Chapter.
- (l) **GARBAGE** -- Includes every refuse accumulation of animals, fruit or vegetable matter, liquid or otherwise, that attends the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit or vegetables originally used for foodstuffs.
- (m) **HAZARDOUS WASTE** -- Those wastes such as toxic, radioactive or pathogenic substances which require special handling to avoid illness or injury to persons or damage to property and the environment.
- (n) **INDUSTRIAL WASTE** -- Waste material, except garbage, rubbish and refuse, directly or indirectly resulting from an industrial processing or manufacturing operation.
- (o) **LITTER** -- Solid waste scattered about in a careless manner, usually rubbish.
- (p) **NON-RESIDENTIAL SOLID WASTE** -- Solid waste from agricultural, commercial, industrial or institutional activities or a building or group of buildings consisting of four (4) or more dwelling units.
- (q) **PERSON** -- Individuals, firms, corporations and associations, and includes the plural as well as the singular.
- (r) **MULTI-FAMILY RESIDENTIAL DEVELOPMENT** -- A building or group of buildings consisting of 5 or more dwelling units.
- (s) **PRIVATE COLLECTION SERVICES** -- Collection services provided by a person licensed to do same by the DNR.
- (t) **RECYCLABLE WASTE** -- Waste material that can be remanufactured into usable products and shall include, by way of enumeration but not by way of limitation, glass, plastics, newspapers, cardboard, metals (aluminum, steel, tin, brass, etc.).
- (u) **REFUSE** -- Includes all waste material, including garbage, rubbish and industrial waste.
- (v) **REGULATED WASTE** -- Regulated waste means liquid or semi-liquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of

- releasing any materials during handling; contaminated sharps; and pathological and microbiological wastes containing blood or other potentially infectious materials.
- (w) **RESIDENTIAL SOLID WASTE** -- All solid waste that normally originates in a residential environment from residential dwelling units.
 - (x) **RESIDENTIAL UNIT** -- Residential unit shall mean an individual household capable of independent habitation by a family unit. A single family dwelling shall be considered to be one (1) residential unit; multi-family dwelling shall be considered to be multiple residential units, the number of residential units to equal the number of family units to be housed therein. Residential units shall not include boarding houses, motels or resorts.
 - (y) **RUBBISH** -- Includes combustible and noncombustible waste material, except rocks, concrete, bricks and similar solid materials, plaster or dirt, that is incidental to the operation of a building.
 - (z) **SCAVENGING** -- The uncontrolled removal of materials at any point in solid waste management.
 - (aa) **SOLID WASTE** -- Garbage, rubbish and other useless, unwanted or discarded material from agricultural, residential, commercial, industrial or institutional activities. Solid waste does not include solid or dissolved material in domestic sewage.
 - (bb) **STORAGE** -- The interim containment of solid waste in an approved manner after generation and prior to collection and ultimate disposal.
 - (cc) **STORAGE AREAS** -- Areas where persons place containers during non-collection days as well as areas where containers are set out on collection day.
 - (dd) **YARD WASTES** -- Deciduous materials including, but not limited to, grass clippings, leaves, garden wastes, prunings, tree trimmings and brush.

SEC. 8-3-4 REFUSE STORAGE AREAS.

Storage areas shall be kept in a nuisance- and odor-free condition. Litter shall not be allowed to accumulate. Collection crews shall not be responsible for cleaning up loose or refuse materials from any containers which have become ruptured or broken due to wet conditions, animals, vandalism or other cause. The occupant and/or owner shall be responsible for cleaning up litter and maintaining the refuse storage area. Litter not collected shall not be allowed to accumulate. Any occupant or owner who is notified to clean up a refuse storage area but fails to do so within 14 days shall be in violation of this Chapter. No occupant or owner may store refuse containers in front of the nearest wall of the house or building to any street.

SEC. 8-3-5 APPROVED WASTE AND REFUSE CONTAINERS.

- (a) **GENERAL CONTAINER STANDARDS.** Suitable containers of a type approved by the City shall be provided by the property occupant or owner in which to store all refuse except for bulky or certain yard wastes as provided for herein. Containers, in order to be approved, shall provide for efficient, safe and sanitary handling of refuse. They shall be maintained in a nuisance- and odor-free condition and shall be sufficient to prevent the scattering of contents by weather conditions or animals.
- (b) **APPROVED CONTAINERS.** Approved containers shall consist of the automated container issued by the City. Those containers shall be either 64 or 96 gallons. Any overflow shall be placed in a plastic garbage bag not greater than 33 gallons and may not exceed 30 pounds per bag. The bags must be closed so as to prevent refuse from spilling. The plastic bag shall be of sufficient strength to allow lifting and loading of contents without tearing. All other containers not specified shall be illegal.
- (c) **COMMERCIAL USERS.** All commercial users must purchase an approved refuse container. Ninety-six gallon containers may be purchased from the Public Works Facility at a cost to be established by the Department of Public Works and approved by the

Common Council. Such fee may be changed from time to time. All containers greater than 96 gallons must be approved by the Department of Public Works.

- (d) **VOLUME BASED COLLECTION FEES.** To comply with legislative intent it is declared to be the policy of the City of Menasha that refuse collection fees be established on a volume basis.
- (1) Fees shall be established by the Director of Public Works and approved by the Common Council for refuse in excess of 64 gallons per week for residential users, 1/12th cubic yard per week per dwelling unit for multi-family residential users, and 2 cubic yards per week for commercial users. Such fee may be changed from time to time. A copy of the fee schedule shall be available from the Finance Department, City Clerk, or Public Works Facility.
 - (2) Condominiums are allowed a container approved by the Director of Public Works sufficiently large enough to contain the equivalent of not more than 64 gallons per dwelling unit per week without an additional fee. In the event that a condominium exceeds the allowed volume, the billing will be made to the condominium association.
 - (3) All residential users, excluding multi-family residential users, may receive up to 6 stickers per year for excess bags or bulky items at no additional cost. Such tags shall be delivered either to the property owner or resident in a manner determined by the Director of Public Works. Additional stickers may be purchased at the Public Works Facility or Public Works/Engineering Department. The cost for additional bags may differ from the cost for bulky items. This paragraph does not apply to residential users exempt from the annual refuse and recycling fees under SEC. 8-3-10.
 - (4) All fees shall be collected in a manner determined by the Comptroller and approved by the Common Council. Section 3-1-13 shall apply to any unpaid fees.

SEC. 8-3-6 COLLECTION OF REFUSE.

(a) **PLACEMENT FOR COLLECTION.**

- (1) Residential solid waste shall be accessible to collection crews. Residential refuse in approved containers shall be placed immediately behind the curb of the public street for collection. Yard and bulky wastes from residential units shall likewise be placed in neat, orderly fashion behind the curb. Collection crews will not collect residential solid waste unless it is placed at the curb of a public street. The occupant or owner shall bring the solid waste to the public right-of-way for collection. Should collection crews be unable to discharge contents of refuse containers into collection vehicles using normal handling procedures, the containers, including contents, will be left at curb side. The occupant or owner shall make provisions to assure that the refuse therein can be collected on the next collection day. Collection crews will not empty refuse containers by means other than dumping. All containers shall be placed at least 3 feet from any obstruction. Multiple containers shall be placed side by side, at least three feet apart.
- (2) No refuse containers other than those of the City shall be placed, kept, stored or located within the right-of-way of a street or alley; provided, however, that the Board of Public Works may authorize the location of such containers within the public right-of-way at specified places and times when such location is necessary for the expeditious collection and disposition of refuse.

- (b) **RESTRICTION ON TIME OF PLACEMENT.** All refuse containers shall be placed in collection locations as designated in Subsection (a) above only after 4:00 p.m. on the evenings prior to the regular collection time the following day. All bags and containers for refuse disposal shall be removed from the curbside collection point within twenty-four

(24) hours after the regular collection time. City employees will not enter any structures to remove any solid waste or refuse, except by written agreement with the property owner.

- (c) **YARD WASTES.** All yard wastes shall be separated from other refuse and placed or disposed of in such locations and at such times as established by the Director of Public Works. There will be no curbside collection of yard wastes other than prunings, tree trimmings and brush, except when the Director of Public Works declares there will be a special collection for leaves; then the leaves shall be placed in bulk within the terrace section of the street right-of-way. It is a violation of this section to place yard wastes or leaves in the street or curb.
- (d) **BRUSH.**
 - (1) All prunings, tree trimmings, brush, shrubbery, and tree limbs shall be placed at the curb and may not exceed ten (10) inches in diameter. Any prunings, tree trimmings, brush, shrubbery, and tree limbs in excess of five (5) inches in diameter may not exceed six (6) feet in length.
 - (2) Prunings, tree trimmings, brush, shrubbery, and tree limbs shall be collected once per month on a date to be established by the Public Works Director. No prunings, tree trimmings, brush, shrubbery, or tree limbs may be placed on the curbside or public right-of-way more than forty-eight (48) hours before the pickup time.
 - (3) Any collection of prunings, tree trimmings, brush, shrubbery, and tree limbs at any time other than the date designated will require the payment of a fee. Such fee will be established from time to time by the Board of Public Works to reflect the actual cost of pickup, including administrative costs, as close as possible. The method of collection of said fee shall be determined by the Comptroller.
 - (4) The Department of Public Works may declare an emergency and waive these regulations as circumstances require.
 - (5) The Department of Public Works shall not collect any prunings, tree trimmings, brush, shrubbery, and tree limbs which have been placed on the curbside as the result of the work of a contractor or other commercial activity.
 - (6) Brush resulting from clearance of a lot for construction shall not be collected by the City.

SEC. 8-3-7 PROHIBITED ACTIVITIES AND NON-COLLECTIBLE MATERIALS.

- (a) **DEAD ANIMALS.** It shall be unlawful to place any dead animal, or parts thereof in a refuse container for collection provided, however, this Section shall not apply to animal parts from food preparation for human consumption.
- (b) **ASHES.** Ashes placed for collection shall be extinguished and completely cold. Ashes shall be wrapped and secured in a bag and then placed in an appropriate container to preclude the leakage of ashes and/or the rupture of the bag during handling.
- (c) **IMPROPER PLACEMENT.** It shall be unlawful to place, or allow to be placed, any solid waste upon the roads, streets, public or private property within the City contrary to the provisions of this Chapter.
- (d) **COMPLIANCE WITH CHAPTER.** It shall be unlawful to store, collect, transport, transfer, recover, incinerate or dispose of any solid waste within the boundaries of the City contrary to the provisions of this Chapter.
- (e) **IMPROPER TRANSPORTATION.** It shall be unlawful to transport any solid waste in any vehicle which permits the contents to blow, sift, leak or fall there from. If spillage does occur, the collection crew shall immediately return spilled materials to the collection

vehicle and shall properly clean, or have cleaned, the area. All vehicles used for the collection and transportation of solid waste shall be durable, easily cleanable and leak proof, if necessary, considering the type of waste and its moisture content. Collection vehicles shall be cleaned frequently to prevent nuisances and insect breeding and shall be maintained in good repair.

- (f) **INTERFERENCE WITH AUTHORIZED COLLECTOR.** No person other than an authorized collector shall collect or interfere with any refuse after it shall have been put into a refuse container and placed in the proper area for the collector, nor shall any person molest, hinder, delay or in any manner interfere with an authorized refuse collector in the discharge of his/her duties.
- (g) **PRIVATE DUMPS.** It shall be unlawful for any person to use or operate a dump.
- (h) **BURNING OF WASTE.** It shall be unlawful for any person to burn solid waste in any manner, except as provided elsewhere in this Code of Ordinances.
- (i) **NON-COLLECTIBLE MATERIALS.** It shall be unlawful for any person to place for collection any of the following wastes:
 - (1) Hazardous waste;
 - (2) Toxic waste;
 - (3) Chemicals;
 - (4) Explosives or ammunition;
 - (5) Drain or waste oil or flammable liquids;
 - (6) Large quantities of paint;
 - (7) Tires.
- (j) **HOSPITAL WASTES.** It shall be unlawful for any person to place for collection any pathogenic hospital, medical waste, or regulated waste. Such items as needles and syringes may be disposed of as long as they are packaged and contained to eliminate injury to collection crews.
- (k) **BUILDING WASTE.** All waste resulting from remodeling, construction or removal of a building, roadway or sidewalk shall be disposed of by the owner, builder or contractor, unless arrangements have been made with the Director of Public Works.
- (l) **ANIMALS INTERFERING WITH COLLECTION.** Dogs must not be tied within reach of refuse containers.
- (m) **UNAUTHORIZED DISPOSAL.**
 - (1) Refuse and yard waste disposal, either at curb side or designated areas shall be for City residents only. Any other person, partnership or corporation who violates this section shall be subject to the penalties of this ordinance, as well as any other person who knowingly permits non-residents to do so.
 - (2) Any person, partnership or corporation dumping yard waste, solid waste, rubbish or refuse at any place other than an authorized drop-off site, shall be subject to the penalty provisions of this ordinance.
 - (3) Any person, firm or corporation mixing household refuse with yard waste or other defined recyclables, or any person permitting same to be done, shall be subject to the penalties of this ordinance.
 - (4) No person shall deposit or cause to be deposited in or near any private dumpster, trash can, recycling container, or other private trash receptacle, any refuse, trash, recyclable materials, or other items without the consent of the owner, designated agent or authorized user of such dumpster, trash can, trash receptacle or recycling container.
- (n) **TIRE DISPOSAL FEES.**
 - (1) Residents disposing of tires at the authorized site (s) are subject to a fee which will be established by the Board of Public Works to reflect the actual cost of tire disposal.

- (2) Method of collection of the fee established under section 8-3-7 (n)(2) shall be determined by the Board of Public Works. These fees may be changed from time to time as may be determined by the Board of Public Works, but not more than once each calendar year.
- (3) Tires prohibited. No tires used by commercial or manufacturing establishments are permitted in the disposal areas.
- (o) **FREON CHARGED GOODS.**
 - (1) Any occupant or owner who places items that contain freon for collection and disposal shall be charged a fee which shall be established by the Board of Public Works to reflect the actual cost of freon disposal.
 - (2) The fee established in Section 8- 3- 7(0)(1) shall not be levied if the occupant or owner provides evidence to the Public Works Superintendent that freon has already been removed by a Department of Natural Resources certified vendor.
 - (3) The method of collection of the fee established under Section 8-3-7(0)(1) shall be determined by the Board of Public Works.
- (p) **MICROWAVES.**
 - (1) Any occupant or owner who places a microwave for collection and disposal shall be charged a fee which shall be established by the Board of Public Works to reflect the actual cost of microwave disposal.
 - (2) The method of collection of the fee established under Section 8-3-7(p)(1) shall be determined by the Board of Public Works.
- (q) **PENALTIES.**
 - (1) The Department of Public Works shall place a tag on all refuse placed in violation of the provisions of this chapter.
 - (2) Failure to comply with any lawful directive of the Department of Public Works within 24 hours shall constitute a further violation. Each day of non-compliance shall constitute a new violation. Should the Department of Public Works be required to collect refuse which has been placed in violation of this chapter, the actual costs of collection, separation, and/or disposal shall be deemed to be a special charge and collected under Section 3-1-13. At least 48-hour actual notice, written or telephonically, shall be given to the occupant and/or property owner prior to City collection and billing.
 - (3) The provisions of Section 1-1-7 shall apply to any violations of this chapter.

SEC. 8-3-8 REFUSE FROM OUTSIDE THE MUNICIPALITY.

It is unlawful for any person, firm or corporation to place, deposit or cause to be deposited, for collection, any waste or refuse not generated within the corporate limits of the City of Menasha.

SEC. 8-3-9 COMPOSTING.

- (a) **PURPOSE AND INTENT.** The purpose of this section is to promote the recycling of yard wastes through composting, and to establish minimum standards for proper compost maintenance.
- (b) **DEFINITION.** Composting means the controlled microbial decomposition of the organic fraction of yard waste producing compost, a humus-like product used as a soil conditioner.
- (c) **APPLICABILITY.** This section applies to composting on residential properties.
- (d) **WHERE PERMITTED.** Composting is permitted in side or rear yard areas as defined in Sec. 13-1-160(a)(127) and (128) subject to the following setbacks and limitations:

- (1) Compost piles and bins shall be located no closer than 3 feet to a lot line and not less than 20 feet from a neighboring dwelling unit.
 - (2) Compost piles and bins shall not be located within a drainage easement or floodway, or otherwise obstruct the flow of surface water.
- (e) **MAINTENANCE.** All composting shall be maintained using Wisconsin Department of Natural Resources or United States Department of Agriculture published composting procedures to comply with the following requirements:
- (1) All compost piles and bins shall be so maintained as to prevent the attraction or harborage of vermin. The presence or sign of vermin in or near a compost pile or bin shall be cause for the Health Department to proceed under Sec.11-7-3(c).
 - (2) All compost piles and bins shall be so maintained as to prevent unpleasant odors. A detectable unpleasant odor at the property line shall constitute a violation of this section. Compost bins containing fruits or vegetables shall be kept covered, except when turning.
 - (3) Compost piles and bins shall not exceed 150 cubic feet in aggregate area and 5 feet in height.
- (f) **INGREDIENTS.**
- (1) No compost pile or bin shall contain any of the following:
 - (i) Cooked food scraps, except coffee grounds and tea leaves;
 - (ii) Fish, meat or other animal products;
 - (iii) Dairy products, oils or fats;
 - (iv) Manures;
 - (v) Large items that will impede the composting process.
 - (2) Permitted ingredients in a compost pile or bin shall include:
 - (i) Yard waste;
 - (ii) Raw vegetable and fruit scraps that are suitable for composting, only if contained in a covered bin;
 - (iii) Egg shells;
 - (iv) Commercial compost additives.
- (g) **OWNER RESPONSIBILITY.** Every owner or operator of property upon which there is composting shall be responsible for complying with the requirements of this subsection.
- (h) **PUBLIC NUISANCE.** Any violation of this section shall constitute a public nuisance.

SEC. 8-3-10 REFUSE AND RECYCLING COLLECTION FEE.

An annual refuse and recycling collection fee shall be established by the Director of Public Works and approved by the Common Council for each additional residential dwelling unit in excess of one for each property parcel. All fees shall be collected in a manner determined by the Comptroller and approved by the Common Council. Section 3-1-13 shall apply to any unpaid fees. This fee shall not apply to multi-family residential development. An owner-occupant of a two dwelling unit property parcel may apply to the City for an exemption from this fee, provided one of the units has been vacant for more than two years, by signing an affidavit to that effect and returning the refuse and recycling bins for the vacated unit. A \$100.00 charge will be incurred in order to reestablish service.