

## Chapter 13.15

### AN ORDINANCE REGULATING SEPARATION, RECYCLING, AND DISPOSAL OF WASTE

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13.15.010 Purpose. The purpose of this ordinance is to require people within the City of Whitehall to separate waste for proper disposal in order to conserve materials, energy and costs; and to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in Section 287.11, Wis. Stats., and Chapter NR 544, Wis. Admin. Code.

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

13.15.030 Definitions. For the purpose of this ordinance:

- 1) "Bi-metal container" means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.
- 2) "City Burn Site or Brush Site" means the portion of the City Wastewater Treatment Facility property which has been designated by the Wisconsin Department of Natural Resources as a wood burning facility and which is located in the City of Whitehall, Trempealeau County
- 3) "Container board" means corrugated paperboard used in the manufacture of shipping containers and related products.
- 4) "Foam polystyrene packaging" 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.
- 5) "Glass Container" means a glass bottle, jar or other packaging container used to contain a product that is the subject of a retail sale and does not include ceramic cups, dishes, oven ware, plate glass, safety and window glass, heat-resistant glass such as pyrex, lead based glass such as crystal, or TV tubes.
- 6) "HDPE" means high density polyethylene, labeled by the resin code # 2.
- 7) "LDPE" means low density polyethylene, labeled by the resin code # 4.
- 8) "Magazines" means magazines and other materials printed on similar paper.
- 9) "Major appliance" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, furnace, boiler, dehumidifier, water heater or stove.
- 10) "Multiple-family dwelling" means a structure containing 5 or more residential units, including units that are occupied seasonally.
- 11) "Newspaper" means a newspaper and other materials printed on newsprint.

- 12) "Non-residential facilities and properties" means commercial, retail, industrial, institutional and government facilities and properties. 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. This term does not include multiple family dwellings.
- 13) "Office paper" means a variety of high-grade printing and writing papers. This term does not include industrial process waste, newspaper or packaging.
- 14) "Other resins or multiple resins" mean plastic resins labeled by the resin code # 7.
- 15) "Person" includes any individual, corporation, limited liability company, partnership, association, local government unit, as defined in s. 66.0131(1)(a), Wis. Stats., state agency or authority or federal agency.
- 16) "PETE" or "PET" means polyethylene terephthalate, labeled by the resin code # 1.
- 17) "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.
- 18) "Postconsumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in s. 291.01(7) Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in s. 289.01(17)., Wis. Stats.
- 19) "PP" means polypropylene, labeled by the resin code # 5.
- 20) "PS" means polystyrene, labeled by the resin code # 6.
- 21) "PVC" means polyvinyl chloride, labeled by the resin code # 3.
- 22) "Recyclable materials" includes lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspaper; office paper; rigid plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS and other resins or multiple resins; steel containers; waste tires; and bi-metal containers.
- 23) "Solid waste" has the meaning specified in s. 289.01(33), Wis. Stats.
- 24) "Solid waste facility" has the meaning specified in s. 289.01(35), Wis. Stats.
- 25) "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.
- 26) "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
- 27) "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.

13.15.040 Separation of Recyclable Materials. Occupants of single family and 2-to-4-unit residences, multiple-family dwellings and non-residential facilities and properties shall separate the following materials from postconsumer waste:

- 1) Lead acid batteries
- 2) Major appliances

- 3) Waste oil
- 4) Yard waste
- 5) Aluminum containers
- 6) Bi-metal containers
- 7) Corrugated paper or other container board
- 8) Foam polystyrene packaging
- 9) Glass containers
- 10) Magazines
- 11) Newspaper
- 12) Office paper
- 13) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins
- 14) Steel containers
- 15) Waste tires

13.15.050 Separation Requirements Exempted. The separation requirements for recyclable materials in Section 13.15.040 of this Ordinance do not apply to the following:

- 1) Occupants of single family and 2-to-4-unit residences, multiple-family dwellings and non-residential facilities and properties that send their postconsumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in Ord. 13.15.040 from solid waste in as pure a form as is technically feasible.
- 2) Solid waste which is burned as a supplement fuel at a facility if less than 30 % of the heat input to the facility is derived from the solid waste burned as supplement fuel.
- 3) A recyclable material specified in Ord. 13.15.040 (5) through (15) for which a variance has been granted by the Department of Natural Resources under s. 287.11(2m), Wis. Stats., or s. NR 544.14, Wis. Adm. Code.

13.15.060 Care of Separated Recyclable Materials. To the greatest extent practicable, the recyclable materials separated in accordance with Section 13.15.040 shall be clean and 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.

13.15.070 Preparation and Delivery of Recyclable Materials. Before delivering solid waste or recyclable materials or causing solid waste or recyclable materials to be delivered to the Recycling Center or Brush Site, all persons shall prepare the solid waste or recyclable materials in the manner approved by the City of Whitehall Common Council or in the manner required by law or regulation.

13.15.080 Responsibilities of Owners or Designated Agents of Multiple-Family Dwellings.

- 1) Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in Section 13.15.040 (5) through (15):
  - a) Provide adequate, separate containers for the recycling program 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 20 gallons per week per dwelling unit.
    - ii. The ratio of trash container volume to recycling container volume is at most 2:1.
    - 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.
  - b) Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
  - c) 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.
  - d) Notify tenants which 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.
- 2) The requirements specified in 1) do not apply to the owners or designated agents of multiple-family dwellings if the postconsumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in Section 13.15.040 (5) through (15) from solid waste in as pure a form as is technically feasible.

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

- 1) Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in Section 13.15.040 (5) through (15):
  - (a) Provide adequate, separate containers for the recycling program established under this section. The total volume of recycling containers shall be sufficient to avoid overflow during the time period between collection of materials and delivery to a recycling facility.
  - (b) Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.
  - (c) 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.

- (d) Notify users, tenants and occupants which materials are collected, how to prepare 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.
- 2) The requirements specified in 1) do not apply to the owners or designated agents of non-residential facilities and properties if the postconsumer 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 13.15.040 (5) through (15) from solid waste in as pure a form as is technically feasible.

13.15.100 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 in Section 13.15.040 (5) through (15) that have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

13.15.110 City Collection of Non-Recyclable Material.

- 1) The City shall cause disposable waste to be collected at the curbside as provided herein.
- 2) When placed for collection, all disposable waste shall be placed in a garbage container (cart) that may be purchased and obtained from Tri-City Sanitation, LLC. The fee to be set and paid to the provider, Tri-City Sanitation, LLC.
- 3) All carts shall be placed on the curb no more than 24 hours prior to the designated time for collection.

13.15.120 Placement by Unauthorized Persons. Except as otherwise specifically required by this Ordinance, it shall be a violation of this Ordinance for any person, except an authorized officer, employee, agent, or representative of the City, to place solid waste or cause solid waste to be placed on another person's property.

13.15.130 Severability. If any provision of this Ordinance is held to be contrary to law or otherwise unenforceable, such invalidity or unenforceability shall not affect or invalidate the other provisions of this Ordinance, but such provision shall be construed to the limited extent necessary to make it enforceable and valid, and in the event such provision cannot be so construed to effect its purpose, this Ordinance shall be read to omit such provision.

13.15.140 Administration. The provisions of this Ordinance shall be administrated by the City Administrator or City Clerk under the supervision and authority of the City of Whitehall Common Council.

13.15.150 Enforcement.

- 1) For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the City of Whitehall may inspect recyclable materials separated for recycling, postconsumer 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 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.

- 2) Any person who violates a provision of this ordinance may be issued a citation by any authorized officers, employees, agents or representatives of the City to collect forfeitures. 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 paragraph.
- 3) Penalties for violating this ordinance may be assessed as follows:
  - (a) Any person who violates Ord. 13.15.100 may be required to forfeit \$50 for a first violation, \$200 for a second violation, and not more than \$2000 for a third or subsequent violation.
  - (b) Any person who violates a provision of this ordinance, except Ord. 13.15.100, may be required to forfeit not less than \$10 or more than \$1000 for each violation.

Dated as of the 14<sup>th</sup> day of April 2026.

  
Jeff Hauser, Mayor

Attest:



Karen Witte, City Clerk-Treasurer

