

Legistar File No. 92289 Body

DRAFTER'S ANALYSIS: This ordinance makes several changes to the City's solid waste disposal related ordinances to bring the ordinances up to date with current City practices and State law requirements and terminology.

The City's solid waste ordinances were originally created several decades ago. In the intervening time, the City has been at the forefront of creating a local recycling program, updating the City's ordinances as needed. In addition, State law pertaining to solid waste disposal and recycling requirements have continued to change, with recent administrative code changes to Wis. Admin Code Ch. NR 544, including those pertaining to the requirements of an effective recycling program, going into effect on July 1, 2025. This ordinance is updating several City ordinances to reorganize and simplify the City's solid waste disposal related ordinances, bring the current code into compliance with current city practices by the Streets Division and current State law requirements, and to generally update the terminology currently in use.

The ordinance repeals Section 7.36 and repeals and recreates Section 10.18. Section 7.36 is an old ordinance in the public health code pertaining to the collection and disposal of garbage. The ordinance is duplicative of Section 10.18 and no longer serves its own purpose.

This ordinance repeals and recreates Section 10.18. Among the main changes are streamlining and reorganizing the City's requirements to directly match those set forth by state law pertaining to solid waste and recyclable materials, and to make the language consistent with existing City practices. Language is being added regarding recycling container requirements for multi-family dwellings and non-residential facilities and properties as required by the State's updated effective recycling program standards. The Streets Superintendent title is being incorporated into a Streets Division Manager title, which will allow for more organizational flexibility to the City moving forward. Cart removal language is being updated to address private cart storage in the right-of-way. Language regarding plastic bag disposal is being removed as the City no longer separately handles these materials and the City's regulation of the use and disposal of plastic bags was preempted by the enactment of Wis. Stat. Sec. 66.0419 in 2016.

Additional amendments have been made to Sections 3.11(2)(f), 10.19(2), 24.04(7), and 1.03(3)(a) to bring the language in these related statutes in line with the changes being made to 10.18. As part of these changes, the bond schedule for improper storage of trash and recycling carts is being corrected to reflect a relocation of the language formerly located at Sec. 7.36(7) to Sec. 27.05(2)(cc) by ORD-21-00064 (File ID. 66678).

The Common Council of the City of Madison do hereby ordain as follows:

1. Subdivision (f) of Subsection (2) entitled "Duties of the Department" of Section 3.11 entitled "Department of Public Works" of the Madison General Ordinances is amended as follows:

"(f) The collection and disposal of all ~~rubbish, garbage and recycling~~ solid waste, and the cleaning of all streets and alleys, including snow removal operations and leaf and brush collection."

2. Section 7.36 entitled "Collection and Disposition of Garbage" of the Madison General Ordinances is repealed.

3. Section 10.18 entitled "Collection of Refuse and Recycling of Waste" of the Madison General Ordinances is repealed and recreated as follows:

“10.18 COLLECTION, DISPOSAL AND RECYCLING OF SOLID WASTE.

- (1) Solid Waste Collection, Disposal and Recycling. The collection, disposal and recycling of solid waste in the City shall be in accordance with rules, procedures, and schedules as specified by the Streets Division Manager and as directed by State law. In the management of solid waste, whenever possible and practical, and consistent with the policies of the State as set forth in Wis. Stat. § 287.05(12), the City encourages the following priorities: the reduction of the amount of solid waste generated; the reuse of solid waste; the recycling of solid waste; the composting of solid waste; the recovery of energy from solid waste; the land disposal of solid waste; and the burning of solid waste without energy recovery.
- (2) Definitions. For the purposes of this Section, and Sections 10.19 and 10.20, in addition to the definitions provided for by Wis. Stat. § 287.01 and Wis. Admin Code Ch NR 544.03, the following definitions shall apply:

Appliances shall include air compressors, air conditioners, copiers, dehumidifiers, dishwashers, dryers, fluorescent light fixtures, freezers, furnaces, garbage disposals, large commercial appliances, microwave ovens, ovens, ranges, refrigerators, stoves, trash compactors, washers, water heaters, water softeners and wood stoves.

Brush is defined as bushes, tree limbs and branches, and other woodlike trimmings.

Electronic Waste means those items prohibited from disposal in a solid waste facility under Wis. Stat. § 287.07(5)(a) and subject to required electronic waste recycling programs under Wis. Stat. § 287.17, including televisions, computers, printers, monitors, computer accessories, video players, and cell phones.

Large Items are items that are too large to fit into City provided receptacles but are meant for disposal, either as waste or recycling. Large items include such things as furniture, mattresses, appliances, certain remodeling or construction debris, and tires. Large items do not include electronic waste.

Person includes individuals, partnerships, associations and bodies politic or corporate.

Recyclable Materials shall mean those items that are prohibited from disposal in a solid waste disposal or treatment facility pursuant to Wis. Stat. § 287.07(1m), (2), (3), and (4) or other State law, as those provisions may be updated from time-to-time, which includes lead-acid batteries, major appliances (except for microwave ovens with their capacitors removed), waste oil, yard waste, waste tires, aluminum containers, corrugated paper or other container board, foam polystyrene packaging, glass containers, magazines or other material printed on similar paper, newspapers or other material printed on newsprint, office paper, plastic containers, steel containers, or containers for carbonated or malt beverages that are primarily made of a combination of steel and aluminum.

Recycling means solid waste that consists of recyclable materials.

Solid Waste shall have the definition provided for in Wis. Stat. § 289.01(33), and includes trash and recycling. Solid waste means garbage, refuse and all other discarded or salvageable solid materials, including solid waste materials resulting from industrial, commercial and agricultural operations, and from domestic use and public service facilities, but does not include solids or dissolved materials in

wastewater effluents or other water pollutants. Solid waste shall include microwave ovens from which the capacitor has been removed. Solid Waste does not include construction and demolition debris otherwise subject to the reuse and recycling requirements of Section 10.185.

Solid Waste Facility has the definition provided for in Wis. Stat. § 289.01(35), and includes facilities for solid waste treatment, solid waste storage and solid waste disposal, such as sanitary landfills, dumps, incinerators, transfer stations, storage facilities, and processing, treatment and recovery facilities.

Streets Division Manager shall mean the head of the Streets Division of the Department of Works, or designee, which may include the Streets Superintendent.

Trash means solid waste that does not consist of recyclable materials and which may be disposed of at a solid waste facility.

Yard Waste shall mean leaves, grass clippings, garden and other organic yard debris, but does not include invasive plants that are approved for landfilling by the Wisconsin Department of Natural Resources.

(3) Trash and Recycling Collection.

(a) Collections.

1. The Streets Division provides curbside trash and recycling collection services for certain City properties pursuant to adopted City policies, primarily serving small residential properties as well as some small commercial properties.
2. Properties not served by the City must arrange for trash and recycling collections with private waste haulers.

(b) Collection Schedule. The Streets Division Manager shall designate the days on which trash and recycling will be collected by the City under its curbside collections program in the various districts of the City, which said collection day shall be kept as nearly uniform as possible for the various districts. Private haulers shall establish their own collection schedule.

(c) Curbside Placement. Except when authorized by the Streets Division Manager or other City policy, trash and recycling shall not be deposited upon the terrace of any street more than twelve (12) hours before either the date designated by the Streets Division Manager for trash and recycling collection in the district in which said premises are located for City collections or the date designated by private haulers for private collections.

(d) Cart Removal. No owner or operator shall allow a trash or recycling cart to remain on the terrace of the street in front of their premises for more than twenty-four (24) hours after the date designated by the Streets Division Manager for collection in the district in which said premises are located or the date designated by private haulers for private collections. Provided, however, that if a private hauler provides service more frequently than on a weekly basis no trash or recycling carts shall remain on the terrace of the street for more than twelve (12) consecutive hours at a time.

(e) Trash and Recycling Cart Storage. When not placed at the curb for collection, trash and recycling carts shall be stored pursuant to the requirements of Sec. 27.05(2)(cc).

- (f) Deposit of Solid Waste in Gutter Prohibited. No solid waste shall be placed in any gutter by any person so as to obstruct the flow of water therein unless such person shall provide a suitable culvert so as to provide for the free and unobstructed flow of water.
 - (g) Sidewalks and Roadways Not to Be Obstructed. No solid waste shall be placed by any person upon any sidewalk or crosswalk, or upon any roadway, except temporarily for the purposes of collection.
 - (h) Damages Caused by Deposit of Solid Waste. Any person depositing solid waste in the City streets shall be liable for all damages which may accrue to the public due to the presence of such material in the streets.
 - (i) Owner and Operator Responsibility. Every owner or operator shall be responsible for maintaining all property in accordance with the requirements of this subsection.
- (4) Limitations on Collection and Disposal of Solid Waste. In addition to the limitations on the operation of solid waste collection vehicles and their compacting equipment set forth in Sec. 24.04(7):
- (a) Persons Who May Collect Trash and Recycling. No person, unless they have a contract with the City permitting them to collect and remove trash and recycling, or unless they are a City employee acting under the direction of the Common Council and the Streets Division Manager, shall collect or remove any trash and recycling which has been deposited or placed by any person on the terrace adjoining their premises for collection by the City as herein provided, except that nonprofit organizations may collect household furnishings that have been deposited or placed on the terrace for disposal during daylight hours between May 15 to May 31 and August 15 to August 31. This Subdivision does not apply to trash and recycling placed on the terrace for collection by private haulers.
 - (b) Collection Sites. No person other than a City resident or otherwise lawfully authorized user shall deposit any trash or recycling at any City or Dane County-owned or other solid waste collection or drop-off site located in the City.
 - (c) Curbside Dumping of Non-Customer Solid Waste. No person, with or without permission from the property owner, may bring solid waste from a site outside the City limits, or from a property not served by the City, and deposit those materials curbside within the City limits for pickup.
 - (d) Item Removal. No person shall remove any recyclable materials from a private premise, recycling cart or dumpster without the consent of the occupant, owner or lessee of the premise.
- (5) Separation of Certain Solid Waste Required: Recycling.
- (a) Applicability and Enforcement of Ordinance.
 - 1. General. This Subsection shall apply to all persons who, directly or through the services of the City or another third party, dispose of or attempt to dispose of solid wastes in the City or at any solid waste facility located in the City and includes all persons, governmental operations and business, commercial, retail and industrial enterprises however organized and of whatever type, and specifically includes all occupants of residential dwellings and non-residential facilities and properties.
 - 2. Enforcement. Pursuant to Wis. Admin. Code § NR 544.04(9) and NR 544.06(2)(e), the City shall use any lawful means to adequately enforce the

requirements of its recycling program including but not limited to inspections to ascertain proper separation, preparation, and collection of recyclable materials and proper disposition of all solid waste including recyclable materials, education and information programs, and the issuance of citations for violations of any section of this ordinance.

(b) Requirement of Property Owners.

1. Owner Responsibility. Every property owner or operator of multi-family dwellings, commercial, retail, industrial, governmental, and public service facilities shall be responsible for complying with the requirements of this Subsection, and for maintaining an effective means for their tenants to comply with the requirements of this Subsection.
2. Multi-Family Dwellings. Owners or designated agents of multi-family dwellings subject to this Subdivision under Subd. (a)1 shall do all of the following:
 - a. Provide adequate, separate recycling containers for either the City's curbside recycling program or private recycling services. The number of recycling containers shall equal or be greater than the number of trash containers provided 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 of how to appropriately dispose of the recyclable materials. This notification shall include what materials are collected at the dwelling's location and how to prepare the recyclable materials in order to meet the processing requirements. The notification shall indicate locations of drop-off collection sites to recycle materials not collected on-site.
 - c. Provide for the collection of recyclable materials (other than lead-acid batteries, major appliances (except for microwave ovens with their capacitors removed), waste oil, yard waste, and waste tires) separated from solid waste by the tenants, and the delivery of the materials to a recycling facility. The total volume of the recycling containers shall be sufficient to avoid overflow during the time period between collection of materials and delivery to a recycling facility.

The requirements of this Paragraph do not apply if the postconsumer waste generated in the multi-family properties is treated at a processing facility that recovers for recycling the materials specified in Wis. Stats. §§ 287.07 (3) and (4) from that solid waste in as pure a form as is technically feasible.

3. Non-Residential Facilities and Properties. Owners or designated agents of non-residential facilities and properties subject to this Subdivision under Subd. (a)1 shall do all of the following:
 - a. Provide adequate, separate containers for either the City's curbside recycling program or private recycling services. 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 non-residential facilities and properties, including members of the public who use services provided by the non-residential facilities and properties, of how to appropriately recycle the recyclable materials. This notification shall include what materials are collected at the facility or property and how to prepare the materials in order to meet the processing requirements. The notification shall indicate locations of drop-off collection sites for recyclable materials not collected on-site.
 - c. Provide for the collection of recyclable materials separated from the solid waste by the users, tenants and occupants and the delivery of the recyclable materials to a recycling facility.

The requirements of this Paragraph do not apply if the postconsumer waste generated in the non-residential facilities and properties is treated at a processing facility that recovers the materials specified in Wis. Stats. §§ 287.07 (3) and (4) from solid waste in as pure a form as is technically feasible.

- (c) Recyclable Materials. Every person disposing of recyclable materials in the City shall separate such items from all other solid waste materials, shall recycle such separated items as provided in this Subsection and pursuant to State law, and shall not place such separated items in containers for disposal with trash.
 1. City Customers. For persons served by regular City solid waste collection, except for waste oil, lead acid batteries, appliances, electronic waste, and barrels and drum containers, recyclable materials shall be separated and placed at the curb or brought to a City drop-off site in accordance with the rules, procedures and schedules specified by the Streets Division Manager, or such recyclable items may be disposed of by such persons in any other lawful manner. No person shall mix or permit the mixing of said recyclable materials with other solid waste in violation of such City rules, procedures or schedules.
 2. Non-City Customers. All other persons subject to this ordinance, as provided for under Subd. (a)1, shall facilitate and provide for separation and recycling of recyclable materials in a manner conducive to the recycling of said items. Owners of multifamily dwellings, commercial, retail, industrial, governmental and public service facilities shall place and maintain adequate separate containers in convenient locations for use by tenants, employees, customers and guests for the collection of said recyclable materials and shall make arrangements for the recycling of such collected materials by public or private means, or such material may be disposed of by said owners in any other lawful manner.

3. Private Haulers. Private haulers shall not commingle separate recyclable materials into containers used for or containing trash or other solid waste, but shall maintain recyclable materials separately so as not to destroy their value for recycling, and shall not dispose of solid waste containing recyclable materials in any solid waste facility located in the City until said recyclable materials have been separated from the non-recyclable solid waste and properly disposed of for recycling.
 4. Landfill Owners and Operators. Landfill owners and operators shall not dispose of solid waste containing recyclable materials in any landfill located in the City until said recyclable materials have been separated from the non-recyclable solid waste and properly disposed of for recycling.
 5. Landfill Customers. No person shall deposit any recyclable materials at any landfill located in the City at any time, unless deposited in designated separate containers or locations within the landfill for purposes of recycling. No person shall deposit such recyclable materials at any authorized recycling center or site while the site is closed.
 6. Dumping. No person shall deposit recyclable materials in or upon any public street, water or grounds in the City, except for authorized curbside collection or at an authorized public recycling deposit site.
- (d) Waste Oil, Lead Acid Batteries, Barrels. No person shall deposit or abandon any waste oil, lead acid batteries, or barrel or drum containers in or upon any public street, alley, grounds or waters. Waste oil, lead acid batteries, barrels and drum containers shall be disposed of in a lawful manner. No person shall deposit waste oil, lead acid batteries, barrels and drum containers at City drop-off sites, nor curbside for pickup by the City, unless authorized to do so by the City.
- (e) Yard Waste.
1. Prohibited Yard Waste and Brush Disposal. No person shall do the following, or direct another to do the following:
 - a. Mix or permit the mixing of yard waste or brush with solid waste designated for landfill disposal at any solid waste facility located in the City or place or permit the placing of yard waste or brush out for City curbside garbage collection.
 - b. Deposit yard waste or brush at any landfill located in the City at any time or at any authorized yard waste, brush or compost site while the site is closed.
 - c. Deposit yard waste or brush in or upon any public street, water, or grounds in the City , except that, on streets where a public works project was completed in a calendar year and pursuant to the directives of the Streets Division Manager, the adjoining property owner shall be allowed, during that calendar year only, to bag their yard waste and place the bags upon the public street immediately adjacent to the curb for pick up by the Streets Division. This limited exception shall solely apply during the calendar year of the completed public works project in an effort to allow the disturbed terraces to stabilize and revegetate. Bags placed in the street under this exception shall not be a violation of any other provision of this section.

- d. Deposit yard waste or brush at any landfill or collection site located in the City unless that person is a resident of the City or otherwise authorized user of the site.
 2. Permitted Yard Waste Disposal. It shall be lawful for any City resident or other lawfully authorized user to:
 - a. Deposit yard waste at any authorized City yard waste drop-off sites or any authorized compost sites while such authorized sites are open.
 - b. Compost yard waste in accordance with Section 7.361.
 - c. Deposit grass clippings, leaves and garden debris at curbside to be collected by the City according to the yard waste collection schedule established by the Streets Division Manager.
 3. Permitted Brush Disposal. It shall be lawful for any City resident or other lawfully authorized user to:
 - a. Deposit brush at any authorized brush drop-off site while such authorized sites are open.
 - b. Deposit brush at curbside to be collected by the City according to the published brush collection schedule.
 - c. Deposit holiday trees at curbside to be collected by the City during the special January collection period.
 4. Any solid waste containing yard waste in violation of this Subdivision shall be cause for the City's garbage collector to refuse to pick up such solid waste.
- (f) Large Items.
 1. The Streets Division offers curbside large item collection pursuant to the City's Large Item Collection Policy.
 2. No large item shall be placed on any terrace or curbside for collection contrary to the City's Large Item Collection Policy. Every property owner shall be responsible for maintaining all of their property, along with the terrace area adjacent thereto, in accordance with this Subdivision. Fees for such large item collection shall be set by the Streets Division Manager.
 3. The Streets Division Manager shall cause all large items which have been placed at curbside or on the terrace of properties contrary to the City's Large Item Collection Policy to be removed and disposed of properly. The Streets Division Manager shall keep an accurate account of the expenses thereof and report the same to the Finance Director, who shall annually prepare a statement of the expenses so incurred in front of or on each lot or parcel of land and report the same to the City Clerk, and the amount therein charged to each lot or parcel of land shall be entered by said Clerk in the tax roll as a special charge against said lot or parcel of land, and the same shall be collected in all respects like other special charges upon real estate under Wis. Stat. § 66.0627.
- (g) Electronic Waste.

1. Wis. Stat. § 287.07(5) and § 287.17, and regulations and guidelines adopted by the Wisconsin Department of Natural Resources, prohibit the disposal of certain electronic waste. Such items must be recycled and cannot be placed or kept on any terrace or curbside for collection by the City. Every owner shall be responsible for maintaining all their property in accordance with this subsection. Such electronic waste must be disposed of at an authorized recycling deposit site or in any other lawful manner, consistent with State law. No person shall deposit such recyclable materials at any authorized recycling center or deposit site while the site is closed. No electronic waste shall be deposited at an authorized public recycling site contrary to the City's Electronic Recycling Policy. Appropriate recycling fees for these items shall be set by the Streets Division Manager.
 2. The Streets Division Manager shall cause all electronic waste placed at curbside or on the terrace contrary to this Subsection to be removed and disposed of properly. The Streets Division Manager shall keep an accurate account of the expenses thereof and report the same to the Finance Director, who shall annually prepare a statement of the expenses so incurred in front of or on each lot or parcel of land and report the same to the City Clerk, and the amount therein charged to each lot or parcel of land shall be entered by said Clerk in the tax roll as a special charge against said lot or parcel of land, and the same shall be collected in all respects like other special charges upon real estate under Wis. Stat. § 66.0627.
- (h) Oil Filters and Oil Absorbent Materials. Pursuant to Wis. Stat. § 287.07(4m), and consistent with the definitions provided therein, no person may dispose of a used oil filter in a solid waste disposal facility. Oil absorbent materials containing waste oil may only be disposed of in a solid waste disposal facility if the waste oil has been drained so that no visible signs of free flowing oil remains in or on the oil absorbent materials, and the oil absorbent materials are not hazardous waste.
- (i) Fluorescent Lighting and Certain Items Containing Mercury. Any retailer that offers for sale fluorescent bulbs, fluorescent tubes or fluorescent lamps or thermostats, bulbs, tubes or lamps containing mercury must comply with the following requirements:
- (1) The retailer shall notify customers that these items cannot be accepted at Dane County owned landfills.
 - (2) The retailer shall offer to accept these items, once used, from the customer. The retailer may require the customer to pay a reasonable recycling fee upon the return of these items.
 - (3) The retailer shall recycle these items with a licensed recycler.
 - (4) The retailer shall file a plan illustrating how the retailer will comply with this subsection.
- (6) Restrictions on Landfill Operations.
- (a) Landfill owners and operators shall not dispose of solid waste containing recyclable materials in any landfill located in the City until said recyclable materials have been separated from the non-recyclable solid waste and properly disposed of for recycling.

- (b) No person shall deposit in any landfill located in the City materials other than as authorized by this Section and as provided in Wis. Admin. Code ch. NR 544 and Wis. Stat. ch. 287.
- (c) Each municipality which desires to afford its residents, businesses, commercial, retail and governmental entities located within the municipality the opportunity to deposit in any landfill located within the City any solid waste which originates in or is generated, accumulated or collected in the municipality shall first adopt and provide an effective recycling program requiring landfill users located within the municipality to separate recyclable materials from all other solid waste, and provide for the recycling of said items and provide for the safe disposal of all other solid waste.
- (d) No landfill user shall deposit or cause to be deposited at any landfill located in the City any recyclable materials, unless such user is a municipality which has in place an effective recycling program approved by the Wisconsin Department of Natural Resources or is an approved private waste hauler which certifies to the City that each of its customers has an effective recycling program approved by the Wisconsin Department of Natural Resources

(7) Penalty.

- (a) Except as provided for in Subd. (b), any person who violates the requirements of this Section shall be subject to a forfeiture of not less than fifty dollars (\$50) nor more than two hundred dollars (\$200) for the first offense within twelve months, not less than one hundred dollars (\$100) nor more than three hundred dollars (\$300) for the second offense within twelve months, and not less than two hundred and fifty dollars (\$250) nor more than five hundred dollars (\$500) for the third and any subsequent violation within any twelve-month period. Each day of violation shall constitute a separate offense. Any person violating Subsections (5)(c) to (5)(i), in addition to any forfeiture, shall be liable for the expense of the removal, testing or separation of any matter deposited contrary to the requirements of that provision.
- (b) Any person who violates Subsections (5)(f) and (5)(g) shall be subject to a forfeiture of not less than fifty dollars (\$50) nor more than two hundred dollars (\$200) for the first offense, not less than two hundred dollars (\$200) nor more than five hundred dollars (\$500) for the second offense, and not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000) for the third and any subsequent offense.”

4. Subsection (2) entitled “Misuse of City Receptacles” of Section 10.19 entitled “Dumping of Rubbish or Refuse” of the Madison General Ordinances is amended as follows:

“(2) Misuse of City Receptacles. No property owner or commercial interest, including news box operators, or an employee, agent or representative of a property owner or commercial interest, shall place, or cause to have placed, any rubbish or refuse in the City-owned and publicly maintained trash and recycling receptacles located in the State Street Mall Concourse area or other public right-of-way, unless such disposal is incidental or unrelated to the use of the property or the business operation. This prohibition does not extend to the disposal ~~or~~ of refuse or waste by customers of a business. The City receptacles subject to this subsection do not include ~~refuse~~ trash and recycling carts provided to property owners as part of the Street Division's ~~refuse~~ trash and recycling program.”

5. Subsection (7) entitled “Operation of Reuse Collection Vehicles and Refuse Collection Vehicles’ Compacting Equipment” of Section 24.04 entitled “Prohibition of Noises Disturbing the Public Peace” of the Madison General Ordinances is amended as follows:

“(7) Operation of Refuse Solid Waste Collection Vehicles and Refuse Solid Waste Collection Vehicles’ Compacting Equipment.

(a) No person shall:

1. Collect refuse-solid waste or permit the collection of refuse-solid waste with a refuse-solid waste collection truck between the hours of 10:00 p.m. and 6:00 a.m. within two hundred (200) feet of any lot with a residential use.
2. Operate or permit the operating of the compacting equipment mechanism of any motor vehicle which compacts refuse-solid waste between the hours of 10:00 p.m. and 6:00 a.m. within two hundred (200) feet of any lot with a residential use.

(b) The following exceptions shall apply:

1. The Transportation Commission may designate certain locations as exempt from this provision, if it determines that such exemption is necessary because of public safety.
2. The ~~Director of Public Works~~ Team Leader and the Director of Transportation may determine that an emergency exists, because of fire, flood, civil disturbance, or the like. During such a period of emergency, this subsection shall not apply. No such period of emergency may continue for more than fifteen (15) consecutive days, unless the Common Council approves the longer period.
3. Subsec. 24.04(7)(a) shall not apply during and for a period of forty-eight (48) hours after the conclusion of a "special event." A "special event" is one for which a Street Use Permit has been issued under Sec. 10.056.

~~(c) This ordinance shall be effective February 1, 2001.”~~

6. Subdivision (a) of Subsection (3) entitled “Schedule of Deposits” of Section 1.08 entitled “Issuance of Citations for Violations of Certain Ordinances and Providing a Schedule of Cash Deposits” of the Madison General Ordinances is amended by creating and amending therein the following:

<u>Offense</u>	<u>Ord. No./Adopted Statute No.**</u>	<u>Deposit*</u>
“Storing garbage containers or vessels other than at rear of building. — Improper storage of trash and recycling carts.	7.36(7)(b) 27.05(2)(cc)	\$50, 1st \$100, 2nd
Garbage containers on terrace more than 12 hours before day of collection.	40.18(1)	\$50, 1st \$100, 2nd
Collection of refuse by City.	40.18(2) — (5)	\$50
Garbage containers on terrace more than 24 hours after day of collection.	40.18(6)	\$50, 1st \$100, 2nd

Unlawful to mix yard waste with curbside garbage collection, deposit yard waste or brush at landfill or collection site when site is closed, deposit yard waste on public streets, grounds or water.	10.18(7)(d)1.	\$50, 1st \$100, 2nd \$200, 3rd/more
Regulation of recyclable waste.	10.18(7)(e)	\$200, 1st/2nd \$400, 3rd/more
Disposal of non-contaminated recyclable plastic bags.	10.18(7)(f)2.	\$100, 1st in 1 yr. \$200, 2nd in 1 yr. \$400, 3rd & subsequent in 1 yr.
Regulation of landfill operations.	10.18(8)	\$500, 1st \$1,000, 2nd
Collection of solid waste.	10.18(9)(a) — (e)	\$200, 1st/2nd
Removal of recyclables from private property.	10.18(9)(f)	\$200
Unlawful sale or failure to recycle fluorescent bulbs, tubes or lamps or thermostats, bulbs, tubes or lamps containing mercury.	10.18(10)	\$100, 1st \$200, 2nd \$500, 3rd & subsequent
Depositing large items without approval at curb/terrace	10.18(115)(f)	\$100, 1st \$300, 2nd \$500, 3rd \$1,000, 4th+
Improper disposal of electronic waste	10.18(125)(g)	\$50, 1st \$200, 2nd \$500, 3rd+
<u>Fail to comply with solid waste collection, disposal, or recycling requirements</u>	<u>10.18(7)</u>	<u>\$100, 1st in 1 yr.</u> <u>\$200, 2nd in 1 yr.</u> <u>\$300, 3rd & subsequent in 1 yr.</u>
Unlawful to operate refuse solid waste vehicles or compacting equipment between the hours of 10:00 p.m. and 6:00 a.m.	24.04(7)	\$200"

Editor's Note:

New bail deposits must be approved by the Municipal Judge prior to adoption. This deposit has been so approved.

Section 7.36 entitled "Collection and Disposition of Garbage" of the Madison General Ordinances of the Madison General Ordinances currently reads as follows:

"7.36 COLLECTION AND DISPOSITION OF GARBAGE.

- (1) Definition. The word "garbage" as used in this section shall be held to include every refuse accumulation of animal or vegetable matter that attends the preparation, use, or cooking of meats, fish, fowl, fruits, and vegetables, and the dealing in or storing of foodstuffs by retail dealers, excepting, however, the refuse accumulation incident to the dealing in or storing of raw meats by retail dealers, commonly known as meat markets, and the refuse and waste material incident to manufactories and wholesale dealers, which shall not be deemed to be included under the provisions of this section.
- (2) Supervision of Garbage Collection. The collection, removal and disposal of garbage shall be under the direction and control of the Sanitation Supervisor and said work shall be done under the supervision of the said Supervisor in strict conformity with the provisions of this section and with such additional rules and regulations as may be made from time to time by the Common Council.
- (3) Garbage Vehicles. The City shall own its own garbage vehicles for the collection and removal of garbage. The vehicle boxes for the collection and removal of garbage shall be kept clean, and shall be of suitable size, water tight, and with metallic lining and properly covered.
- (4) Authority of Supervisor to Hire Persons and Vehicles. The said Supervisor shall have authority to hire such persons as may be necessary to properly collect the said garbage, and to deliver the same to the point of disposal, and shall also have authority to hire teams and vehicles, if at any time the teams and vehicles owned by the City shall not be sufficient to properly collect and remove the garbage.
- (5) Manner of Removal and Disposition of Garbage. All garbage shall be removed and disposed of in such manner as the Common Council shall from time to time designate and direct.
- (6) Persons Who May Collect Garbage.
 - (a) No person, unless they have a contract with the City of Madison, permitting them to collect and remove garbage, or unless they are a City employee acting under the direction of the Sanitation Supervisor shall collect or remove any garbage from premises located within the corporate limits of the City of Madison.
 - (b) No person residing within the corporate limits of the City of Madison or being an inhabitant of said City shall deliver garbage to any person for removal from their premises except to a contractor with the City for that purpose or to a City employee acting under the direction of the Common Council or the Sanitation Supervisor of the City of Madison.
- (7) Reserved.

- (8) Garbage not to be Deposited in any Other Place or Manner Than Herein Provided. It shall be unlawful for any person to deposit garbage in any other place or in any other manner than as herein provided or as provided in Section 7.361.
- (9) Garbage From Retail Stores - Charge for Collection of Same. Whenever any garbage shall be accumulated in the conducting of any grocery store or any similar retail business engaged in the sale of food or foodstuffs, except where said food or foodstuffs shall be sold for consumption on the premises, and excepting meat markets, as hereinbefore provided, such garbage shall be collected in the same manner as otherwise provided in this section, and all of the provisions of this section shall be applicable except that a charge may be made from time to time as may be directed by the Common Council.

If the Council shall direct that such charge be made, the Sanitation Supervisor shall render to each such retail dealer not less than once in six (6) months, a bill for the removal of garbage from its place of business during the preceding six (6) months, or such other period as the Council may designate, based upon such schedule of fees as shall be determined by the Common Council; and said retail dealer shall thereupon, within twenty (20) days after receipt of such bill, pay the amount specified therein to the City Treasurer. In case any such amount shall not be paid within the time allowed, the City Treasurer shall proceed to enforce collection of the same by legal action, with such penalty as the Council may provide in its schedules; and the person, persons, firm or corporation neglecting or refusing to pay any such fee or penalty shall be deemed guilty of a violation of this section.

- (10) Garbage Removal to be at Expense of City. All garbage shall be collected, removed, and disposed of at the general expense of the City excepting as provided in subsection (9) hereof, and except that where it may be necessary for the health or general welfare of the City that carcasses of large animals be removed, the Sanitation Supervisor may order such carcasses removed and disposed of and the expense thereof charged to the person, firm, or corporation who was the owner or possessor of such animal.
- (11) Time of Collection of Garbage. Garbage shall be collected at such times as may be necessary to insure sanitary conditions within the City. The Sanitation Supervisor shall arrange a schedule showing the times when garbage shall be collected, and shall publish the same in the official newspaper of the City, and in such other form as may best be adapted to inform the residents of the time of garbage collection throughout the year.
- (12) Incinerators. The provisions of this section shall not apply to the collection or disposal of garbage from premises where the garbage is promptly disposed of in an incinerating plant operated on said premises, the construction, maintenance and the operation of which is safe and sanitary, and approved in such respects by the Director of Public Health Madison and Dane County and Chief of the Fire Department.
- (13) Penalty. Any person violating any of the provisions of this section shall be punished by a fine of not less than ten dollars (\$10) nor more than two hundred dollars (\$200) for each offense.”

Section 10.18 entitled “Collection of Refuse and Recycling of Waste” of the Madison General Ordinances currently reads as follows:

“10.18 COLLECTION OF REFUSE AND RECYCLING OF WASTE.

- (1) Collection of rubbish and refuse in the City of Madison shall be in accordance with rules, procedures, and schedules as specified by the Street Superintendent. The Street Superintendent shall designate the days on which rubbish will be collected in the various districts of the City of Madison, which said rubbish collection day shall be kept as nearly uniform as possible for the various districts. No rubbish or refuse to be collected by the City shall be deposited upon the terrace of any street within the City of Madison more than twelve (12) hours before the date designated by the Street Superintendent for rubbish collection in the district in which said premises are located. Every owner or operator shall be responsible for maintaining all property in accordance with the requirements of this subsection.
- (2) Deposit of Material in Gutter Prohibited. No material shall be placed in any gutter by any person so as to obstruct the flow of water therein unless such person shall provide a suitable culvert so as to provide for the free and unobstructed flow of water.
- (3) Sidewalks and Roadways Not to Be Obstructed. No material shall be placed by any person upon any sidewalk or crosswalk, or upon any roadway.
- (4) Damages Caused by Deposit of Rubbish. Any person depositing material in the streets of the City of Madison shall be liable for all damages which may accrue to the public due to the presence of such rubbish or material in the streets.
- (5) Persons Who May Collect Rubbish and Refuse. No person, unless they have a contract with the City of Madison permitting them to collect and remove rubbish and refuse, or unless they are a City employee acting under the direction of the Common Council and the Street Superintendent shall collect or remove any rubbish or refuse which has been deposited or placed by any person on the terrace adjoining their premises for collection by the City as herein provided, except that nonprofit organizations may collect household furnishings that have been deposited or placed on the terrace for disposal during daylight hours between May 15 to May 31 and August 15 to August 31. "Person" as used in this section includes individuals, partnerships, associations and bodies politic or corporate.
- (6) No owner or operator shall allow a rubbish or refuse container to remain on the terrace of the street in front of their premises for more than twenty-four (24) hours after the date designated by the Street Superintendent for rubbish collection in the district in which said premises are located.
- (7) Separation of Solid Waste Required.
 - (a) Definitions:
 1. Brush is defined as bushes, tree limbs and branches, and other woodlike trimmings. Rosebush trimmings are considered to be brush.
 2. Appliances shall include air compressors, air conditioners, copiers, dehumidifiers, dishwashers, dryers, fluorescent light fixtures, freezers, furnaces, garbage disposals, large commercial appliances, microwave ovens, ovens, ranges, refrigerators, stoves, trash compactors, washers, water heaters, water softeners and wood stoves.
 3. Magazines shall mean magazines and other materials printed on similar paper.

4. Newsprint means that portion of newspapers or periodicals which remain in substantially original condition at the time of disposal such that the material is suitable for commercial grade recycling. Newsprint does not include the paper commonly used in the production of magazines, books, and other physical media for written material, or paper which is not suitable for recycling purposes or is in a state which makes separation unreasonable or unduly expensive, for reasons which include, but are not limited to, the following:
 - a. The paper has been put to another use, such as wrappings for other wastes, and is thus rendered unfit for commercial recycling;
 - b. The paper is no longer flat and folded to the approximate dimensions of its original condition;
 - c. The paper is mixed in with commercial or municipal litter or refuse as a result of the failure of resident or business invitees to separate newspapers from other discarded materials outdoors or in publicly accessible areas of buildings;
 - d. The paper has been damaged or altered by any other means so as to make recycling impossible or unduly difficult.
5. Office paper shall mean high grade printing and writing papers from offices in nonresidential facilities and properties.
6. Solid Waste shall mean garbage, refuse and all other discarded or salvageable solid materials, including solid waste materials resulting from industrial, commercial and agricultural operations, and from domestic use and public service facilities, but does not include solids or dissolved materials in wastewater effluents or other water pollutants. Solid waste shall include microwave ovens from which the capacitor has been removed.
7. Yard Waste shall mean leaves, grass clippings, garden and other organic yard debris.
8. Directories shall mean any publication that lists names, addresses, telephone numbers or other similar contact information of people, businesses, members, employees, or other similar categories. In this subsection, this definition only applies to those directories capable of being recycled by the City of Madison, as determined by the Street Superintendent or designee.

(b) Applicability and Enforcement of Ordinance.

1. Subsections (7), (8), (9), (10) and (11) of Section 10.18 shall apply to all persons and entities who, directly or through the services of the City of Madison or another third party, dispose of or attempt to dispose of solid wastes at any Dane County-owned landfill or at any other landfill located in the City of Madison and includes all persons, governmental operations and business, commercial, retail and industrial enterprises however organized and of whatever type.
2. Owner Responsibility. Every owner or operator of multi-family dwellings, commercial, retail, industrial, governmental, and public service facilities shall be responsible for maintaining an effective means for tenants to comply with the requirements of this subsection (7), except for subdivision (f). In addition

each owner or operator shall at the commencement of a tenant's move to the premises and each 6 months thereafter notify the tenants of the City and County recycling requirements.

3. Pursuant to Wis. Admin. Code § NR 544.04(9) and NR 544.06(2)(e), the City of Madison shall use any lawful means to adequately enforce the requirements of its recycling program including but not limited to inspections to ascertain proper separation, preparation, and collection of recyclable materials and proper disposition of all solid waste including recyclables, education and information programs, and the issuance of citations for violations of any section of this ordinance.

(c) (R. by ORD-11-00043, 3-23-11)

(d) Yard Waste.

1. Prohibited Yard Waste and Brush Disposal. No person shall:
 - a. Mix or permit the mixing of yard waste or brush with solid waste for landfill disposal at any Dane County-owned landfill or at any other landfill located in the City of Madison, or for City curbside garbage collection or place or permit the placing of yard waste or brush out for City curbside garbage collection;
 - b. Deposit yard waste or brush at any Dane County-owned landfill or at any other landfill located in the City of Madison at any time or at any authorized yard waste, brush or compost site while the site is closed;
 - c. Deposit yard waste or brush in or upon any public street, water, or grounds in the City of Madison, except that, on streets where a public works project was completed in a calendar year and pursuant to the directives of the Street Superintendent, the adjoining property owner shall be allowed during that calendar year only to bag their yard waste and place the bags upon the public street immediately adjacent to the curb for pick up by the Streets Division. This limited exception shall solely apply during the calendar year of the completed public works project in an effort to allow the disturbed terraces to stabilize and revegetate. Bags placed in the street under this exception shall not be a violation of any other provision of this section.
 - d. Deposit yard waste or brush at any Dane County-owned landfill or at any other landfill or collection site located in the City of Madison unless that person is a resident of the City or otherwise authorized user of the site.
2. Permitted Yard Waste Disposal. It shall be lawful for any City of Madison resident or other lawfully authorized user to:
 - a. Deposit yard waste at any authorized City of Madison yard waste drop-off sites or any authorized compost sites while such authorized sites are open;
 - b. Compost yard waste in accordance with Section 7.361;

- c. Deposit grass clippings, leaves and garden debris at curbside to be collected by the City during a fall and spring collection of yard waste.
 3. Permitted Brush Disposal. It shall be lawful for any City of Madison resident or other lawfully authorized user to:
 - a. Deposit brush at any authorized City of Madison brush drop-off site while such authorized sites are open.
 - b. Deposit brush at curbside to be collected by the City according to the published brush collection schedule.
 - c. Deposit holiday trees at curbside to be collected by the City during the special January collection period.
 4. Owner Responsibility. Every owner or operator shall be responsible for maintaining all property under their control in accordance with the requirements of this subsection.
- (e) Recyclable Waste. Every person disposing of newsprint, yard waste, office paper, directories, waste oil, magazines, tires, lead-acid batteries, appliances, televisions, computer monitors, laptop or desktop computers, CPUs, barrels and drum containers, corrugated cardboard, ferrous metal cans and containers, aluminum cans, glass bottles and jars, and HDPE and PETE plastic containers in the City of Madison shall separate such items from all other solid waste materials, shall recycle such separated items as provided herein and shall not place such separated items in containers for disposal with other refuse or garbage.
 1. For persons served by regular City refuse collection, except for waste oil, lead acid batteries, appliances, televisions, computer monitors, laptop or desktop computers, CPUs, barrels and drum containers, corrugated cardboard, ferrous metal cans and containers, aluminum cans, glass barrels and drum containers, the above-listed recyclable items shall be separated and placed at the curb in accordance with the rules, procedures and schedules specified by the Street Superintendent, or such recyclable items may be disposed of by such persons in any other lawful manner. No person shall mix or permit the mixing of said recyclables with garbage or other solid waste in violation of such City rules, procedures or schedules.
 2. No person shall deposit or abandon any waste oil, lead acid batteries, or barrel or drum container in or upon any public street, alley, grounds or waters. Waste oil, lead acid batteries, barrels and drum containers shall be disposed of in a lawful manner. No person shall deposit waste oil, lead acid batteries, barrels and drum containers at City of Madison drop-off sites, nor curbside for pickup by the City of Madison.
 3. All other persons subject to this ordinance as Dane County-owned or private landfill users shall facilitate and provide for separation and recycling of the above-listed items in a manner conducive to the recycling of said items. Owners of multifamily dwellings, commercial, retail, industrial, governmental and public service facilities shall place and maintain adequate separate containers in convenient locations for use by tenants, employees, customers and guests for the collection of said recyclable items and shall make arrangements for the recycling of such collected items by public or private

means, or such material may be disposed of by said owners in any other lawful manner.

4. Private refuse haulers shall not commingle separate recyclables into containers used for or containing garbage or other refuse, but shall maintain recyclables separately so as not to destroy their value for recycling, and shall not dispose of solid waste containing the above-listed recyclables in any Dane County-owned or other landfill located in the City of Madison until said recyclables have been separated from the non-recyclable waste and properly disposed of for recycling.
5. Landfill owners and operators shall not dispose of solid waste containing the above-listed recyclables in any landfill located in the City of Madison until said recyclables have been separated from the non-recyclable waste and properly disposed of for recycling.
6. No person shall deposit any of the above-listed recyclables at any Dane County-owned landfill or at any other landfill located in the City of Madison at any time, unless deposited in designated separate containers or locations within the landfill for purposes of recycling. No person shall deposit such recyclables at any authorized recycling center or site while the site is closed.
7. No person shall deposit said recyclable items in or upon any public street, water or grounds in the City of Madison, except for authorized curbside collection or at an authorized public recycling deposit site.

(f) Plastic Bags.

1. Purpose. Each year, it is estimated that the average American uses 330 plastic bags. Hence, Madison residents will use approximately 74,794,500 plastic bags in 2009. Based upon national averages, only 0.6% of those bags (roughly 448,000) will be recycled, and the rest will eventually end up in the Dane County landfill or as sources of land and water based litter. Plastic bags are generally not biodegradable and instead rely upon photodegradation to break down. This is problematic in landfills where light is not able to break down the plastic film, leading to an estimated five hundred (500) year breakdown period. Furthermore, while plastic bags will break down into smaller toxic parts when in water, these smaller parts can be harmful to fish, birds, amphibians, and other water based organisms. While plastic bags are generally not biodegradable, they can be recycled and used for durable building and construction products, fencing and deck materials, and new plastic bags. In the Madison area, there is a market for the recycling of clean plastic bags, and many retailers who provide these bags offer recycling bins for use by customers. By banning the disposal of non-contaminated recyclable plastic bags, the City hopes to reduce the negative impacts on the environment associated with plastic bags to save space in the County landfill and protect our lands and waters from the negative impacts associated with plastic bags.
2. Definitions. For the purposes of this subdivision, the following definitions apply:
 - a. Contaminated plastic bag means any plastic bag that has been in direct contact with, and remains soiled by, organic or non-organic materials. Plastic bags that contain any solid waste are contaminated for the purposes of this ordinance.

- b. Plastic bag shall mean any bag intended for the transportation, storage, or protection of goods that is made, in part, of plastic film. A plastic bag is not the same as a plastic container, as that term is used elsewhere in this subsection.
 - c. Recyclable plastic bag means any plastic bag that is able to be recycled, or bundled for recycling purposes, in the Madison area, and includes all those types of plastic bags set forth by the Street Superintendent or designee.
 3. Every person disposing, or attempting to dispose of non-contaminated recyclable plastic bags in the City of Madison shall separate such items from all other solid waste materials and not place them in containers for disposal with other refuse, garbage or recycling materials.
 4. Non-contaminated recyclable plastic bags shall be separated and recycled in accordance with the rules, procedures and schedules specified by the Street Superintendent, or such items may be disposed of in any other lawful manner, including through merchant provided drop off locations. No person shall mix or permit the mixing of non-contaminated recyclable plastic bags with garbage or other solid waste in violation of such City rules, procedures or schedules.
 5. Non-contaminated recyclable plastic bags subject to this provision, and capable of being recycled, include:
 - a. Low density polyethylene bags (LDPE #4). These bags are made of plastic films with high clarity, and moderate stretch and strength characteristics. Such bags include thicker newspaper bags and bread bags.
 - b. Linear low density polyethylene bags (LLDPE #4). These bags are made of plastic films with moderate clarity that are stretchy and have a slightly tacky feel. Such bags include clear and thin newspaper bags, as well as dry cleaning bags.
 - c. Medium density polyethylene bags (MDPE #4). These bags are made of plastic films with moderate clarity, and poor stretch and strength characteristics. Such bags include consumer packaging bags such as toilet paper and paper towel packaging.
 - d. High density polyethylene bags (HDPE #2). These bags are made of plastic films with some opacity, that are crinkly to the touch, have low stretch and high strength characteristics, and are easily torn. Such bags include most grocery bags and retail bags.
 6. Enforcement. No enforcement of this subdivision by the City will occur until the Streets Superintendent establishes a City-sponsored recycling program for non-contaminated recyclable plastic bags; such program shall be approved by the Common Council by resolution no later than September 1, 2009.
- (8) Restrictions on Landfill Operations.
 - (a) Landfill owners and operators shall not dispose of newsprint or newspapers in the City of Madison with garbage or other refuse, but shall maintain recyclable newsprint separately so as not to destroy its value for recycling.

- (b) On and after February 11, 1991, each municipality which desires to afford its residents, businesses, commercial, retail and governmental entities located within the municipality the opportunity to deposit in any landfill located within the City of Madison any solid waste which originates in or is generated, accumulated or collected in the municipality shall first adopt and provide an effective recycling program requiring landfill users located within the municipality to separate from all other solid waste, newsprint, yard waste, office paper, waste oil, magazines, tires, lead-acid batteries, appliances, barrels and drum containers, corrugated cardboard, ferrous metal cans and containers, aluminum cans, glass bottles and jars, High Density Polyethylene ("HDPE") and Polyethylene Terephthalate (PETE) plastic containers and provide for the recycling of said items and provide for the safe disposal of all other solid waste.
 - (c) On and after February 11, 1991, no landfill user shall deposit or cause to be deposited at any landfill located in the City of Madison any newsprint, yard waste, office paper, waste oil, magazines, tires, lead-acid batteries, appliances, barrels and drum containers, corrugated cardboard, ferrous metal cans and containers, aluminum cans, glass bottles and jars, or HDPE and PETE plastic containers, unless such user is a municipality which has in place an effective recycling program approved by the City of Madison Common Council or is an approved private waste hauler which certifies to the Common Council that each of its customers has an effective recycling program. The standards for determining whether a municipal or private program is effective shall be the same as those followed by the Dane County Board and its committees under Section 41.23 of the Dane County Solid Waste Management Ordinance.
 - (d) If the Dane County Board approves the temporary suspension of the requirements of said Section 41.23 as to certain separated items at all County-owned landfills, the suspension shall automatically apply to any other landfill located in the City of Madison. Nothing in this ordinance shall be construed to require a municipality to operate or contract for a solid waste collection system.
 - (e) Landfill owners and operators shall not dispose of solid waste containing the above-listed recyclables in any landfill located in the City of Madison until said recyclables have been separated from the non-recyclable waste and properly disposed of for recycling.
 - (f) No person shall deposit in any Dane County-owned or other landfill located in the City of Madison materials other than as authorized herein and as provided in Wis. Admin. Code ch. NR 544 and Wis. Stat. ch. 159.
- (9) Limitations on Collection of Solid Waste.
- (a) Unlawful to Remove Recyclable Material. It shall be unlawful for any person, unless under contract with the City of Madison, or unless they are a City employee acting under the direction of the Common Council and the Street Superintendent to collect or remove any recyclable newsprint, magazines, glass, plastic, aluminum cans, ferrous metal cans, or corrugated cardboard which has been deposited or placed by any person on the terrace adjoining their premises for collection by the City of Madison.
 - (b) Private refuse haulers shall not place recyclable newsprint which has been collected in separate containers into containers used for or containing garbage or other refuse, but shall maintain recyclable newsprint separately so as not to destroy its value for recycling.

- (c) No person shall deposit any of the above-listed recyclables at any Dane County-owned landfill or at any other landfill located in the City of Madison at any time, unless deposited in designated separate containers or locations within the landfill for purposes of recycling. No person shall deposit such recyclables at any authorized recycling center or site while the site is closed.
 - (d) No person shall deposit said recyclable items in or upon any public street, water or grounds in the City of Madison, except for authorized curbside collection or at an authorized public recycling deposit site.
 - (e) No person other than a City of Madison resident or otherwise lawfully authorized user shall deposit any recyclable materials at any Dane County-owned or other collection site located in the City of Madison. No person may bring solid waste from a site outside the City limits and deposit those materials curbside within the City limits for pickup with or without permission from the property owner.
 - (f) No person shall remove any recyclable items from a private premise, recyclable container or dumpster without the consent of the occupant, owner or lessee of the premise.
- (10) Any retailer that offers for sale fluorescent bulbs, fluorescent tubes or fluorescent lamps or thermostats, bulbs, tubes or lamps containing mercury must comply with the following requirements:
- (a) The retailer shall notify customers that these items cannot be accepted at Dane County owned landfills.
 - (b) The retailer shall offer to accept these items, once used, from the customer. The retailer may require the customer to pay a reasonable recycling fee upon the return of these items.
 - (c) The retailer shall recycle these items with a licensed recycler.
 - (d) The retailer shall file a plan illustrating how the retailer will comply with this subsection. This plan shall be filed with the City Recycling Coordinator within ninety (90) days of adoption of this ordinance.
- (11) Large Item Fees.
- (a) The Streets Division offers curbside large item collection pursuant to the City's Large Item Collection Policy. For the purposes of this subsection, large items are items that are too large to fit into City provided receptacles but are meant for disposal, either as waste or recycling. Large items include such things as furniture, mattresses, appliances, certain remodeling or construction debris, and tires. Large items do not include electronics, which are subject to Sub. (12).
 - (b) No large item shall be placed on any terrace or curbside for collection contrary to the City's Large Item Collection Policy. Every property owner shall be responsible for maintaining all of their property, along with the terrace area adjacent thereto, in accordance with this subsection. Fees for such large item collection shall be set by the Street Superintendent.
 - (c) The Street Superintendent shall cause all large items which have been placed at curbside or on the terrace of properties contrary to the City's Large Item Collection Policy to be removed and disposed of properly. The Street Superintendent shall keep an accurate account of the expenses thereof and report the same to the Finance Director, who shall annually prepare a statement of the expenses so incurred in front of or on each lot or parcel of land and report

the same to the City Clerk, and the amount therein charged to each lot or parcel of land shall be entered by said Clerk in the tax roll as a special charge against said lot or parcel of land, and the same shall be collected in all respects like other special charges upon real estate under Wis. Stat. § 66.0627.

(12) Electronics.

- (a) Wis. Stat. § 287.07(5) and § 287.17, and regulations and guidelines adopted by the Wisconsin Department of Natural Resources, prohibit the disposal of certain electronic waste, including televisions, computers, printers, monitors, computer accessories, video players, and cell phones. Such items must be recycled and cannot be placed or kept on any terrace or curbside for collection by the City. Every owner shall be responsible for maintaining all their property in accordance with this subsection. Such electronic waste must be disposed of at an authorized recycling deposit site or in any other lawful manner, consistent with State law. No person shall deposit such recyclables at any authorized recycling center or deposit site while the site is closed. No electronic waste shall be deposited at an authorized public recycling site contrary to the City's Electronic Recycling Policy. Appropriate recycling fees for these items shall be set by the Street Superintendent.
- (b) The Street Superintendent shall cause all electronic waste placed at curbside or on the terrace contrary to this Subsection to be removed and disposed of properly. The Street Superintendent shall keep an accurate account of the expenses thereof and report the same to the Finance Director, who shall annually prepare a statement of the expenses so incurred in front of or on each lot or parcel of land and report the same to the City Clerk, and the amount therein charged to each lot or parcel of land shall be entered by said Clerk in the tax roll as a special charge against said lot or parcel of land, and the same shall be collected in all respects like other special charges upon real estate under Wis. Stat. § 66.0627.

(13) Penalty.

- (a) Any person who violates subsections (7), (9)(a—e) and (10) of Section 10.18 shall be subject to a forfeiture of not less than fifty dollars (\$50) nor more than two hundred dollars (\$200) for each offense within twelve months and not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for the third and any subsequent violation within any twelve-month period. Each day of violation shall constitute a separate offense. Any person violating Sec. 10.18(7), in addition to any forfeiture, shall be liable for the expense of the removal, testing or separation of any matter deposited contrary to the provisions of this subsection.
- (b) Any person who violates Section 10.18(8) shall be subject to a forfeiture of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000) for each offense within a twelve-month period and not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000) for any subsequent offense within a twelve-month period.
- (c) Any solid waste containing yard waste in violation of this Section shall be cause for the City's garbage collector to refuse to pick up such solid waste.
- (d) Any person who violates Section 10.18(9)(f) shall be subject to a forfeiture of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500) for each offense. (Cr. by ORD-09-00072, 5-8-09)

- (e) Any person who violates Subsection (11) or (12) shall be subject to a forfeiture of not less than fifty dollars (\$50) nor more than two hundred dollars (\$200) for the first offense, not less than two hundred dollars (\$200) nor more than five hundred dollars (\$500) for the second offense, and not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000) for the third and any subsequent offense.”