
10.18 COLLECTION OF REFUSE AND RECYCLING OF WASTE, DISPOSAL AND RECYCLING OF SOLID WASTE.

- (1) Solid Waste Collection, Disposal and Recycling. The ~~c~~Collection of rubbish and refuse, disposal and recycling of solid waste in the City of Madison shall be in accordance with rules, procedures, and schedules as specified by the Street Superintendent 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, 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. Rosebush trimmings are considered to be brush.

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.

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 ~~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)~~ electronic waste.

Magazines ~~shall mean magazines and other materials printed on similar paper.~~

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.~~

~~Office paper shall mean high grade printing and writing papers from offices in nonresidential facilities and properties.~~

~~Person as used in this section~~ 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 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.

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.

(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 Street Superintendent shall designate the days on which rubbish trash and recycling will be collected by the City under its curbside collections program 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. Private haulers shall establish their own collection schedule.

(c) Curbside Placement. No rubbish or refuse-Except when authorized by the Street Superintendent or other City policy, trash and recycling to be collected by the City shall not be deposited upon the terrace of any street within the City of Madison more than twelve (12) hours before either the date designated by the Street Superintendent for rubbish 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.

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- (d) Cart Removal. No owner or operator shall allow a ~~rubbish or refuse container~~ 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 Street Superintendent for ~~rubbish~~ 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).
- (2f) Deposit of Material Solid Waste in Gutter Prohibited. No ~~material~~ material 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.
- (3g) Sidewalks and Roadways Not to Be Obstructed. No ~~material~~ material solid waste shall be placed by any person upon any sidewalk or crosswalk, or upon any roadway, except temporarily for the purposes of collection.
- (4h) Damages Caused by Deposit of Rubbish, Solid Waste. Any person depositing ~~material~~ material solid waste in the ~~City 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.
- (i) Owner and Operator Responsibility. Every owner or operator shall be responsible for maintaining all property in accordance with the requirements of this subsection.
- (94) Limitations on Collection and Disposal of Solid Waste-Trash and Recycling.
- (5a) Persons Who May Collect Rubbish and Refuse Trash and Recycling. No person, unless they have a contract with the City of Madison permitting them to collect and remove ~~rubbish and refuse trash and recycling~~, 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 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.
- (eb) Collection Sites. No person other than a City of Madison resident or otherwise lawfully authorized user shall deposit any ~~trash or recycling recyclable materials~~ at any ~~City or Dane County-owned or other solid waste collection or drop-off~~ site located in the City of Madison.
- (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 ~~with or without permission from the property owner.~~
- (fd) Item Removal. No person shall remove any recyclable ~~items~~ materials from a private premise, ~~recyclable container-recycling cart~~ or dumpster without the consent of the occupant, owner or lessee of the premise.
- (75) Separation of Certain Solid Waste Required; Recycling.
- (a) Definitions:
- (ba) Applicability and Enforcement of Ordinance.
1. General. ~~Subsections (7), (8), (9), (10) and (11) of Section 10.18~~ This Subsection 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 in the City or at any Dane County-owned landfill or at any other landfill-solid waste facility 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, and specifically includes all occupants of residential dwellings and non-residential facilities and properties.

32. Enforcement. 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 recyclable materials, education and information programs, and the issuance of citations for violations of any section of this ordinance.

(b) Requirement of Property Owners.

21. 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 sSubsection-(7), except for sSubdivision (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.~~

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:

1. 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.
2. 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.
3. 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) (R. by ORD 11-00043, 3-23-11)~~

~~(c) Recyclable Materials Waste. Every person disposing of recyclable materials in the City of Madison shall separate such items from all other solid waste materials, shall recycle such separated items as provided herein in this Subsection and pursuant to State law, and shall not place such separated items in containers for disposal with trash other refuse or garbage.~~

1. City Customers. For persons served by regular City refuse collection, except for waste oil, lead acid batteries, appliances, ~~televisions, computer monitors, laptop or desktop computers, CPUs,~~ electronic waste, and barrels and drum containers, corrugated cardboard, ferrous metal cans and containers, aluminum cans, glass barrels and drum containers, recyclable materials ~~the above listed recyclable items~~ 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 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 recyclable materials with ~~garbage or~~ other solid waste in violation of such City rules, procedures or schedules.
32. Non-City Customers. All other persons subject to this ordinance, ~~as provided for under Subd. (a)1, as Dane County owned or private landfill users~~ shall facilitate and provide for separation and recycling of ~~the above listed items~~ 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 ~~items~~ and shall make arrangements for the recycling of such collected materials ~~items~~ by public or private means, or such material may be disposed of by said owners in any other lawful manner.

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43. Private Haulers. Private refuse haulers shall not commingle separate recyclable materials into containers used for or containing trash or other solid waste garbage or other refuse, 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 ~~the above-listed recyclables~~ in any ~~Dane County-owned or other landfill~~ solid waste facility located in the City of ~~Madison~~ until said recyclable materials have been separated from the non-recyclable solid waste and properly disposed of for recycling.
54. Landfill Owners and Operators. Landfill owners and operators shall not dispose of solid waste containing recyclable materials ~~the above-listed recyclables~~ in any landfill located in the City of ~~Madison~~ until said recyclable materials have been separated from the non-recyclable solid waste and properly disposed of for recycling.
65. Landfill Customers. No person shall deposit any ~~of the above-listed~~ recyclable materials 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 recyclable materials at any authorized recycling center or site while the site is closed.
76. Dumping. No person shall deposit ~~said recyclable items~~ recyclable materials 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.
- (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 of ~~Madison~~ drop-off sites, nor curbside for pickup by the City of ~~Madison~~, unless authorized to do so by the City.
- (de) 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 ~~Dane County-owned landfill or at any other landfill~~ solid waste facility 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.

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- 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. Any solid waste containing yard waste in violation of this Subdivision Section shall be cause for the City's garbage collector to refuse to pick up such solid waste. Owner Responsibility. ~~Every owner or operator shall be responsible for maintaining all property under their control in accordance with the requirements of this subsection.~~

~~(d) 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.~~

(f) Large Item Fees.

- ~~(a)~~1. The Streets Division offers curbside large item collection pursuant to the City's Large Item Collection Policy.
- ~~(b)~~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 subsection. Fees for such large item collection shall be set by the Street Superintendent.
- ~~(c)~~3. 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.

(g) Electronics Waste.

- ~~(a)~~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, 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 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 Street Superintendent.

~~(b)2.~~ 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.

(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.

(10j) 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:

- ~~(a)1~~ The retailer shall notify customers that these items cannot be accepted at Dane County owned landfills.
- ~~(b)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.
- ~~(c)3~~ The retailer shall recycle these items with a licensed recycler.
- ~~(d)4~~ 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.

~~(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.

(86) Restrictions on Landfill Operations.

- (ea) Landfill owners and operators shall not dispose of solid waste containing the above-listed recyclable materials in any landfill located in the City of Madison until said recyclable materials have been separated from the non-recyclable solid waste and properly disposed of for recycling.
- (fb) No person shall deposit in any ~~Dane County-owned or other~~ landfill located in the City of ~~Madison~~ materials other than as authorized herein by this Section and as provided in Wis. Admin. Code ch. NR 544 and Wis. Stat. ch. ~~159~~287.
- ~~(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.~~
- (bc) ~~On and after February 11, 1991, e~~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 recyclable materials 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.
- (ed) ~~On and after February 11, 1991, n~~No landfill user shall deposit or cause to be deposited at any landfill located in the City of ~~Madison~~ any recyclable materials ~~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~~ Wisconsin Department of Natural Resources or is an approved private waste hauler which certifies to the ~~City Common Council~~ that each of its customers has an effective recycling program approved by the Wisconsin Department of Natural Resources. ~~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 another municipality to operate or contract for a solid waste collection system.~~

~~(11) —~~

~~(12) —~~

(137) Penalty.

- (a) Except as provided for in Subd. (b), aAny person who violates ~~subsections (7), (9)(a-e) and (10) of Section 10.18~~ 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 each 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 ~~one two hundred and fifty~~ two hundred and fifty dollars (~~\$100~~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)~~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 requirements of that 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)~~

~~(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 Subsections ~~(11) or (12)~~ (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.