

CITY OF MADISON, WISCONSIN

AN ORDINANCE _____

PRESENTED May 5, 2009

REFERRED Solid Waste; COE; BOE

Amending Section 10.18(7)(b)2., creating Sec. 10.18(7)(f), and amending Sec. 1.08(3)(a) to ban the disposal of non-contaminated recyclable plastic bags.

RULES SUSPENSION _____

PUBLIC HEARING _____

Drafted by: Doran Viste

Date: April 2, 2009

SPONSORS: Aids. Compton, Solomon, Verveer and Maniaci

DRAFTER'S ANALYSIS: The purpose of this ordinance is to ban the disposal of non-contaminated recyclable plastic bags in the City of Madison. By amending Section 10.18(7)(b)2. and creating Section 10.18(7)(f) of the Madison General Ordinances, this ordinance would impose a ban on any disposal of non-contaminated recyclable plastic bags in Madison. In imposing this ban, this ordinance recognizes that not all plastic bags can be recycled, either due to technological reasons or due to the inability of the local market to provide for certain recycling practices. Therefore, in recognition of the ever changing recycling landscape, the Street Superintendent is given broad authority to set forth those types of bags which fall under this ban, as well as institute a recycling program for the City of Madison. In the absence of such a program, bags can be recycled under this program by the owner at merchant sponsored recycling drop off locations. Finally, a bond schedule similar to that implemented for recycled items is created for this new Subdivision.

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

1. Amending Paragraph 2. entitled "Owner Responsibility" of Subdivision (b) entitled "Applicability and Enforcement of Ordinance" of Subsection (7) entitled "Separation of Solid Waste Required" of Section 10.18 entitled "Collection of Refuse and Recycling of Waste" as follows:

"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."

2. Creating Subdivision (f) entitled "Plastic Bags" of Subsection (7) entitled "Separation of Solid Waste Required" of Section 10.18 entitled "Collection of Refuse and Recycling of Waste" as follows:

"(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

Approved as to form:

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.”

3. 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 amending therein the following:

<u>“Offense</u>	<u>Ord. No.</u>	<u>Deposit</u>
<u>Disposal of Non-contaminated Recyclable Plastic Bags</u>	<u>10.18(7)(f)2.</u>	<u>\$100, 1st within 12 mos.</u> <u>\$200, 2nd within 12 mos.</u> <u>\$400, 3rd & subsequent w/in 12 mos.”</u>

EDITOR’S NOTE: New bail deposits must be approved by the Municipal Judge prior to adoption. This deposit has been so approved.