

Subs. of Gen. Ord. No. 19 - 19 - 20. By Alderpersons Wolf and Sorenson.
October 7, 2019.

AN ORDINANCE repealing and recreating Chapter 102 of the Sheboygan Municipal Code relating to solid waste and recycling and amending Section 1-14(a)(2) regarding issuance of citations.

THE COMMON COUNCIL OF THE CITY OF SHEBOYGAN DO ORDAIN AS FOLLOWS:

Section 1. Chapter 102 of the Sheboygan Municipal Code entitled "Solid Waste" is hereby repealed and recreated to read as follows:

"Chapter 102 - SOLID WASTE

ARTICLE I. IN GENERAL

Sec. 102-1. *Definitions.*

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bi-metal container means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.

Collectible recyclables means aluminum containers, bi-metal containers, corrugated paper or other container board, glass containers, magazines, newspapers, office paper, plastic containers made of PETE, HDPE, PVC, LDPE, or PP, and steel containers. *Collectible recyclables* only includes materials that are residential in origin.

Collectable refuse means drained and wrapped garbage, manufactured wood wastes, organic byproducts, and materials not considered recyclable by state law, which are residential in origin, but excluding prohibited materials or noncollectible refuse.

Commercial hauler means any individual, partnership, or corporation, other than the city, engaged in the business of collection, disposal, preprocessing, or marketing of refuse or recyclables.

Commercial recyclables means lead acid batteries, major appliances, waste oil, yard waste, aluminum containers, bi-metal containers, corrugated paper or other container board, foam polystyrene packaging, glass containers, magazines, newspapers, office paper, plastic containers, steel containers, waste tires, and any other materials prohibited by state law to be placed into a landfill. *Commercial recyclables* only includes materials that are not residential in origin.

Commercial refuse means all waste produced or accumulated by any business, industry, church, governmental office, public or private educational institution, hospital, charitable organization, or that is not residential in origin, which is not prohibited under state law from being disposed of in a solid waste disposal facility or solid waste treatment facility.

Container board means corrugated paperboard used in the manufacture of shipping containers and related products.

Dump or abandon means to deposit or dispose of collectable or noncollectable refuse or recyclables, prohibited materials, or commercial refuse or recyclables, in any place or in any manner, other than as provided by this chapter.

Foam polystyrene packaging means packaging made primarily from foam polystyrene that satisfies one of the following criteria:

- (1) Is designed for serving food or beverages.
- (2) Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.
- (3) Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.

Glass container means a glass bottle, jar, or other packaging container used to contain a product that is the subject of a retail sale and does not include ceramic cups, dishes, oven ware, plate glass, safety and window glass, heat resistant glass such as pyrex, lead based glass such as crystal, or TV tubes.

HDPE means high density polyethylene, labeled by the SPI code #2.

Infectious waste means solid waste that contains pathogens with sufficient virulence and sufficient quantity that exposure of a susceptible human or animal to the solid waste could cause the human or animal to contract an infectious disease. The following are specifically deemed to constitute infectious waste:

- (1) *Microbiological laboratory waste* means cultures derived from clinical specimens or laboratory equipment which has come in contact with these cultures.

- (2) *Blood and body fluids* means whole blood or blood components, blood specimens, body fluids, and peritoneal dialysate.
- (3) *Sharps* means medical or laboratory articles that may cause punctures or cuts. Examples include, but are not limited to, hypodermic needles, syringes, Pasteur pipettes, and scalpel blades.
- (4) *Medical wastes* means wastes that contain infectious waste or that are from a treatment area – which means a room or area in a hospital or clinic the primary use of which is to provide emergency care, diagnosis, or radiological treatment; an obstetrics delivery room in a hospital, other than a patient's room; or a room or area in a hospital, clinic, or nursing home, in which infectious waste is generated – and that are mixed with infectious waste.
- (5) *Human tissue* means tissue removed from human beings. This does not include hair or nails, but does include teeth.

LDPE means low density polyethylene, labeled by the SPI code #4.

Magazines means magazines and other materials printed on similar paper.

Major appliance means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, furnace, boiler, dehumidifier, water heater, or stove.

Multi-family dwelling means a property containing five or more residential units, including those which are occupied seasonably.

Newspaper means a newspaper and other materials printed on newsprint.

Noncollectible recyclables means lead acid batteries, major appliances, waste oil, yard waste, plastic containers that are made of something other than PETE, HDPE, PVC, LDPE, or PP, foam polystyrene packaging, waste tires, and any other material prohibited by state law to be placed into a landfill that is not covered by a variance and that is not a *collectable recyclable*.

Noncollectible refuse means items that are residential in origin, nonrecyclable, and that do not meet the definition of collectible refuse.

Non-residential facilities and properties means commercial, retail, industrial, institutional, and governmental facilities and properties. This term does not include multi-family dwellings.

Office paper means high grade printing and writing papers from offices in non-residential facilities and properties. Printed white ledger and computer printouts are examples of office paper generally accepted as high grade. This term does not include industrial process waste.

Outdoor precollection storage container means a metal or resinous container which is flyproof and rodentproof with a tightfitting cover. *Outdoor precollection storage container* includes, but is not limited to, containers provided by the department of public works.

Person includes any individual, corporation, partnership, association, local government unit, as defined in Wis. Stat. § 66.0131(1)(a), state agency or authority, or federal agency.

PETE or *PET* means polyethylene terephthalate, labeled by the SPI code #1.

Plastic container means an individual, separate, rigid plastic bottle, can, jar or carton, except for a blister pack, that is originally used to contain a product that is the subject of a retail sale.

PP means polypropylene, labeled by the SPI code #5.

Prohibited materials means explosives; toxic metals and chemicals; asbestos products and wastes; solvents, thinners, and oil- or lead-based paint; fuel oils; gasoline tanks or cans and all liquid storage containers five gallons or larger; automobile, truck, and tractor tires; animal carcasses; infectious wastes and other hazardous wastes; and construction, demolition, and remodeling debris.

PVC means polyvinyl chloride, labeled by the SPI code #3.

Recycling means the marketing or other reuse of materials that have previously been considered wastes.

Resident dropoff site means a municipal facility for the collection of certain noncollectible refuse or noncollectible recyclables.

Residential in origin means produced or accumulated in buildings of four or fewer residential units.

Residential unit means a structure or portion of a structure capable of independent habitation by a family unit.

Solid waste has the meaning specified in Wis. Stat. § 289.01(33).

Waste tire means a tire that is no longer suitable for its original purpose because of wear, damage, or defect.

Yard waste means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than 6 inches in diameter. This term does not include stumps, roots, or shrubs with intact root balls.

Sec. 102-2. *Penalties.*

- (a) A violation of any of the sections in this chapter which results in any refuse or recyclables being placed at the curb or alley line not suitable for collection shall, after reasonable effort to give 48 hours' notice to the abutting property owner or resident, be deemed just cause to be collected by the department of public works. The department of public works shall keep accurate account of the expenses of collection and disposal, and the whole of these expenses, plus 50 percent, shall be assessed to the property owner and, if not paid within the period fixed by the department of public works, shall become a lien on the property and shall automatically be included in the next tax collection and collected as other taxes are collected.
- (b) A violation of any of the sections of this chapter, other than those for which a penalty is specifically provided in this section, shall subject the violator to a forfeiture of not less than \$50.00 or more than \$250.00 for the first offense within a 12-month period, a forfeiture of not less than \$100.00 or more than \$500.00 for the second offense within a 12-month period, a forfeiture of not less than \$250.00 or more than \$2,000.00 for the third and subsequent offense within a 12-month period, together with the cost of prosecution, and, in default of payment thereof, to imprisonment in the county jail until such forfeiture and costs are paid, but not to exceed ten days. In addition, any costs incurred by the city for cleanup and disposal as a result of the violation shall be added as recoverable costs.
- (c) A violation of Section 102-41, Sections 102-43 through 102-46 or Section 102-87 shall result in a forfeiture of not less than \$50.00 or more than \$250.00 plus the costs of prosecution, plus the expenses of collection and disposal as provided in subsection (a) of this section for the first offense; a forfeiture of not less than \$100.00 or more than \$500.00 plus

the costs of prosecution, plus any costs incurred by the city for cleanup and disposal as a result of the violation, plus the elimination of all city collection services for a period not to exceed six months for the second and each subsequent violation. In default of payment of the forfeiture imposed by this subsection, the property owner or resident may be imprisoned in the county jail until such forfeiture and costs are paid, but not to exceed 10 days.

- (d) A violation of Sections 102-8 or 102-9 shall subject the violator to a forfeiture of not less than \$50.00 or more than \$250.00 for the first offense and for any subsequent violation not less than \$100.00 or more than \$500.00, together with the costs of prosecution, and, in default of payment thereof, to imprisonment in the county jail until such forfeiture and costs are paid, but not to exceed 10 days.

Section 102-3. *Burning or burying refuse prohibited.*

It shall be unlawful for any person to burn out of doors or bury refuse or animal waste within the city or to leave such in the open for a period in excess of 24 hours, except as specified in Section 102-4.

Section 102-4. *Composting.*

It shall be lawful to utilize grass, leaves, and garden waste for composting purposes in a manner which does not create a nuisance or is not offensive in smell or unsightly in appearance.

Section 102-5. *Littering prohibited generally.*

It shall be unlawful for any person to throw, drop, cast, or deposit upon any street, alley, sidewalk, yard, or premises, public or private, any cans, paper, trash, paper containers, rubbish, bottles, filth of any kind, or any other form of litter or waste matter.

Section 102-6. *Control of litter on business premises.*

- (a) *Generally.* The owner or occupant of any store or other place of business situated within the city shall exercise reasonable diligence at all times to keep his premises clean of wastepaper, wrapping paper, paper napkins, cartons, package containers, and other used or waste materials thrown or left on the premises by his customers, and to take reasonable measures to recycle or dispose of these materials in accordance with this chapter and applicable state laws and regulations.

(b) *Receptacles.* Appropriate receptacles of sufficient size and number shall be placed on the premises accessible to the customers of such business where the articles of waste referred to in subsection (a) of this section may be recycled or disposed of in accordance with this chapter and applicable state laws and regulations.

Section 102-7. *Control of litter by customer.*

It shall be unlawful for any customer going upon the premises of another to in any manner dispose of wastepaper, wrapping paper, paper napkins, cartons, package containers, or other waste materials, except in receptacles provided for such purposes.

Section 102-8. *Compliance by commercial haulers.*

Commercial haulers shall comply with all local and state laws, ordinances, and regulations relating to the proper collection and disposal of commercial refuse and commercial recyclables.

Section 102-9. *Recordkeeping by commercial hauler.*

Commercial haulers shall keep accurate records of commercial refuse and commercial recyclables collected, accumulated, or processed within the city by year for at least the most recent three years, and shall report these volumes to the department of public works at least annually by April 1 and upon request. Copies of these records shall be maintained by commercial haulers for at least three years, in a form consistent with reporting requirements of the state department of natural resources.

Section 102-10. *Illegal dumping or abandonment.*

It shall be illegal to dump or abandon any collectable or noncollectible residential, commercial, or industrial refuse, recyclables, or prohibited materials at any household, business, industry, government facility, church, school, or public or private lands.

Section 102-11. *Antiscavenging or unlawful removal of refuse/recyclables.*

It shall be unlawful for any person, except law enforcement personnel and authorized employees of the city, to collect or remove or cause to be collected or removed or otherwise meddle or tamper with any item which has been deposited or placed by any person for refuse/recyclable collection at the appropriate location for collection adjoining his premises.

Section 102-12. *Fees.*

The Common Council expressly notes that it may, from time to time, impose new fees, adjust the amount of existing fees, or eliminate any fee related to residential collection of refuse or residential collection of recycling. Any imposition, adjustment, or elimination of any fee related to residential collection of refuse or residential collection of recycling shall require appropriate notice and compliance with all applicable laws.

Sections 102-13 - 102-40. *Reserved*

ARTICLE II. COLLECTION

Section 102-41. *Supervision.*

- (a) The collection of collectable refuse and collectable recyclables of residential origin shall be made by the city under the supervision and direction of the department of public works or by a commercial hauler under contract with the city. Regulations for the orderly and efficient collection of such materials shall be established by the department of public works.
- (b) For the avoidance of doubt, the department of public works may collect items that are not of residential origin from buildings and properties owned or operated by the City of Sheboygan or pursuant to intergovernmental partnership agreement.

Section 102-42. *Additional regulations.*

The department of public works shall make such regulations as it deems necessary to carry out the orderly administration and disposal of refuse and recyclables of all kinds, and for efficient administration of the city's recycling program, which rules and regulations shall not be inconsistent with this chapter, and any violation thereof shall be deemed a violation of this chapter.

Section 102-43. *Outdoor precollection storage container specifications.*

Collectable refuse, collectable recyclables, and any noncollectible recyclables, noncollectible refuse or prohibited materials that a person stores outside shall be stored in metal or resinous rodentproof and flyproof containers with tight-fitting covers and shall be so placed as to not cause a rodent harborage. All containers used for the storage or accumulation of refuse or recyclables shall be kept in a clean condition so as not to be offensive in smell or unsightly in appearance. No container used for the storage or accumulation of refuse or recyclables may be kept, placed, maintained, or stored directly in front of a residential property or on a front porch or in the public right of way, except when placed out for collection in accordance with Section 102-45.

Section 102-44. *Curbside or alley collection container specifications.*

- (a) The department of public works will provide one container for collectable refuse and one container for collectable recyclables

to the owner of each residential unit producing refuse and recycling that is residential in origin.

- (b) The department of public works will only accept collectable refuse and collectable recyclables that are contained within a department of public works-issued container with the lid fully closed. If the lid is not closed, the container is not suitable for collection, and will be collected in accordance with subsection 102-2(a). Collectable recyclables shall not be separately bagged within the department of public works-issued container.
- (c) In the event that the zoning or usage of a residential unit changes so that refuse and recyclables are no longer residential in origin, the residential unit shall, within fourteen (14) days, contact the department of public works to arrange for the containers for collectable refuse and collectable recycling to be picked up.
- (d) In the event that a container for collectable refuse or collectable recyclables is damaged, lost, stolen, or destroyed, the residential unit shall, within seven (7) days, contact the department of public works to arrange for a replacement cart. The department of public works may impose a container replacement charge of up to \$62.00 to recover its costs. The amount charged by the department of public works shall not exceed the reasonable costs incurred by the department of public works.
- (e) The containers for collectable refuse and collectable recyclables in subsection (a) stay with the residential unit. In the event that a resident moves, the containers should stay at the residential unit. In the event that the resident moves and does not leave all containers at the residential unit, the department of public works shall impose a container replacement charge of \$62.00 to cover the costs of replacing the container.

Section 102-45. *Collection container location and collection time.*

- (a) Collectable refuse in a department of public works-issued container shall be made available to the city collection crews by 7:30 a.m. on the scheduled collection date, but shall not be made available before 5:00 p.m. on the day preceding the scheduled collection date. The department of public works-issued container shall be removed from the location designated for pickup in subsection (b) prior to 6:00 p.m. on the scheduled collection date.

- (b) If a property is designated by the department of public works for alley refuse and recycling collection, collectable refuse shall be made available to the city collection crews in a department of public works-issued container by being placed in an unobstructed location at and parallel to the alley with the container's numbered side facing the alley. If a property is not designated by the department of public works for alley refuse and recycling collection, collectable refuse shall be made available to the city collection crews in a department of public works-issued container by being placed in an unobstructed location at and parallel to the curb of the street with the container's numbered side facing the street. Where no curbs are present, collectable refuse shall be made available to the city collection crews in a department of public works-issued container by being placed in an unobstructed location at and parallel to the street at the edge of the roadway with the cart's numbered side facing the street. No collection will be made from within any garage, shed, residence, building, or vehicle.
- (c) Each department of public works-issued container that is made available to the city collection crews shall be at least four feet from any other department of public works-issued container and at least four feet from any other object, such as a tree, mailbox, or parked vehicle.
- (d) No department of public works-issued container will be collected from atop or behind a snow bank. When snow is present, the resident shall clear a four foot square area around each department of public works-issued container. If snow has not been sufficiently cleared around each department of public works-issued container, the container is not suitable for collection, and will be collected in accordance with Section 102-2(a).
- (e) Requests for an alternative to the provision of Section 102-45(a) - (d) may be made by application to the superintendent of streets and sanitation who will consider all relevant facts and circumstances and determine what, if any, accommodation is appropriate. An appeal from the decision of the superintendent of streets and sanitation shall be heard by the public works committee.

Section 102-46. *Limitation in collection.*

- (a) The city shall collect collectable refuse that is residential in origin, as defined in Section 102-1.
- (b) No person shall deposit at the curb or alley for collection any commercial refuse, noncollectible recyclables, noncollectible refuse, or prohibited materials.

Section 102-47. *Resident dropoff site.*

- (a) The city shall provide at least one resident dropoff site to which residents may haul and dispose of certain noncommercial noncollectible refuse or noncollectible recyclables.
- (b) The facility shall be regulated by schedules and regulations, including regulations regarding items accepted by the resident dropoff site, as provided for and deemed necessary by the department of public works under the direction of the public works committee.
- (c) The facility shall be restricted to use by persons living in buildings of four or fewer living units in the City of Sheboygan. The department of public works may verify residence to restrict the use of this facility to only those residents of the city.

Section 102-48. *Schedules for collection.*

The collection of collectable refuse shall be once weekly from every residential building of four or fewer living units under schedules to be determined by the department of public works.

Section 102-49. *City collection of collectable recyclables.*

Collectable recyclables in a department of public works-issued container shall be collected from residential buildings of four or fewer living units under schedules to be determined by the department of public works. The container shall be placed in accordance with the provisions of Section 102-45. Collectable recyclables shall not be separately bagged within the department of public works-issued container. If collectable recyclables are separately bagged within the container, the container is not suitable for collection, and will be collected in accordance with Section 102-2(a).

Section 102-50. *Storage facilities for commercial refuse and recyclables.*

Commercial refuse and recyclables shall be stored in approved storage containers or facilities. These storage facilities shall be so constructed as not to cause an odor nuisance, rat harborage nuisance, or a condition leading to the wind scattering materials, and shall be located as to permit use by the occupants of the dwelling units and commercial establishments without their being extendedly exposed to extreme weather conditions. Failure to provide such storage facilities shall constitute a public nuisance.

Section 102-51. *Incineration of refuse.*

- (a) All refuse incinerators in or on the premises of multi-family dwellings defined in Section 102-1 and commercial establishments shall be of the type with DNR- and EPA-approved devices to effectively control air pollution. All exhaust stacks shall be of sufficient height so as not to cause a pollution nuisance to surrounding dwellings or commercial establishments.
- (b) All incinerators installed for dwellings with less than four residential living units and on premises other than commercial establishments shall have approved air pollution control devices and exhaust stacks of sufficient heights so as not to cause a pollution nuisance to surrounding dwellings or commercial establishments.

Section 102-52. *Commercial and industrial refuse*

Commercial refuse, as defined in Section 102-1, shall be disposed of by the owner of the premises or by private haulers. Noncollectible commercial refuse, recyclable and prohibited materials shall be disposed of by the business, industry, or agency generating such refuse at its expense in compliance with all local, state, and federal laws and regulations.

Sections 102-53 - 102-80. *Reserved*

ARTICLE III. RECYCLING

Section 102-81. *Purpose.*

The purpose of this Article is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in Wis. Stat. § 287.11 and Wis. Admin. Code NR 544. This Article is adopted as authorized by Wis. Stat. § 287.09(3)(b).

Section 102-82. *Interpretation.*

For the avoidance of doubt, this Article shall be held to be the minimum requirements, and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any terms or requirements of this Article may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this ordinance is required by Wisconsin Statutes, or by a standard in Wis. Admin. Code Chapter NR 544, and where the provision of this Article is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and Administrative Code in effect on the date of the adoption of

this Article, or in effect on the date of the most recent text amendment to this Article.

Section 102-83. *Severability.*

Should any portion of this Article be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Article shall not be affected.

Section 102-84. *Applicability.*

The requirements of this Article apply to all persons within the City of Sheboygan, Wisconsin.

Section 102-85. *Administration.*

The provisions of this Article shall be administered by the director of public works or the director's designee.

Section 102-86. *Definitions.*

The following words, terms, and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Other resins or multiple resins mean plastic resins, labeled by the SPI code #7.

Postconsumer waste means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in Wis. Stat. § 291.01(7), and waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in Wis. Stat. § 289.01(17).

PS means polystyrene, labeled by the SPI code #6.

Recyclable materials includes lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspaper; office paper; rigid plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins; steel containers, waste tires; and bi-metal containers.

Solid waste facility has the meaning specified in Wis. Stat. § 289.01(35).

Solid waste treatment means any method, technique, or process which is designed to change the physical, chemical, or biological character or composition of solid waste. *Solid waste treatment* does not include the treatment of post-use plastics or nonrecycled feedstock at a pyrolysis or gasification facility.

Section 102-87. *Separation of Recyclable Materials.*

Occupants of single family and two to four unit residences, multi-family dwellings, and non-residential facilities and properties shall separate the following materials from postconsumer waste:

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

Section 102-88. *Exemption from separation requirements.*

The separation requirements of Section 102-87 do not apply to the following:

- (1) Occupants of single family and two to four unit residences, multi-family dwellings, and non-residential facilities and properties that send their postconsumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in Section 102-87 in as pure a form as is technically feasible.
- (2) Solid waste which is burned as a supplement fuel at a facility, if less than 30% of the heat input to the facility is derived from the solid waste burned as supplement fuel.
- (3) A recyclable material specified in Section 102-87(5) - (15) for which a variance has been granted by the Department of Natural Resources under Wis. Stat. § 287.11(2m) or Wis. Admin. Code NR 544.14 and is in effect at the time of collection.

Section 102-89. *Care of separated recyclable materials.*

To the greatest extent practicable, the recyclable materials separated in accordance with Section 102-87 shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other non-recyclable materials, including - but not limited to - household hazardous waste, medical waste, and agricultural chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions.

Section 102-90. *Management of lead acid batteries, major appliances, waste oil, and yard waste.*

Occupants of single family and two to four unit residences, multi-family dwellings, and non-residential facilities and properties shall manage lead acid batteries, major appliances, waste oil, and yard waste as follows:

- (a) Lead acid batteries shall be recycled. This may be done by delivering them to vehicle battery retailers, commercial installers, auto salvage yards, or scrap dealers, some of whom may charge a fee for accepting them.
- (b) Major appliances shall be recycled. This may be done by delivering them to or arranging for pick-up by private appliance dealers or scrap dealers, some of whom may charge a fee for accepting them.

- (c) Waste oil shall be recycled. It shall be taken to a state approved used oil collection center. Occupants of single family and two to four unit residences may deposit waste oil in collection containers at the resident dropoff site.
- (d) Yard waste shall be recycled. Occupants of single family and two to four unit residences may deposit grass and small branches at the resident dropoff site.

Section 102-91. *Preparation and collection of recyclable materials.*

Except as otherwise directed by this Chapter, occupants of single family and two to four unit residences shall do the following for the preparation and collection of the separated materials specified in Section 102-87.

- (a) Aluminum containers shall be shall be prepared and placed in a department of public-works issued recycling container and placed at the location specified in Section 102-44 at the time specified in Section 102-45.
- (b) Bi-metal containers shall be shall be prepared and placed in a department of public-works issued recycling container and placed at the location specified in Section 102-44 at the time specified in Section 102-45.
- (c) Corrugated paper or other container board shall be shall be flattened, reduced and placed in a department of public-works issued recycling container and placed at the location specified in Section 102-44 at the time specified in Section 102-45.
- (d) Foam polystyrene packaging is currently covered by a statewide variance by the Department of Natural Resources and, therefore, shall be prepared and placed in a department of public-works issued refuse container and placed at the location specified in Section 102-44 at the time specified in Section 102-45.
- (e) Glass containers shall be prepared and placed in a department of public-works issued recycling container and placed at the location specified in Section 102-44 at the time specified in Section 102-45.
- (f) Magazines shall be prepared and placed in a department of public-works issued recycling container and placed at the location specified in Section 102-44 at the time specified in Section 102-45.

- (g) Newspaper shall be prepared and placed in a department of public-works issued recycling container and placed at the location specified in Section 102-44 at the time specified in Section 102-45.
- (h) Office paper shall be prepared and placed in a department of public-works issued recycling container and placed at the location specified in Section 102-44 at the time specified in Section 102-45.
- (i) Rigid plastic containers shall be prepared and collected as follows:
 - (1) Plastic containers made of PET and with SPI code #1 with screw tops only, shall be clean and empty and placed in a department of public-works issued recycling container and placed at the location specified in Section 102-44 at the time specified in Section 102-45.
 - (2) Plastic containers made of HDPE natural and color bottles with SPI code #2, shall be clean and empty and placed in a department of public-works issued recycling container and placed at the location specified in Section 102-44 at the time specified in Section 102-45.
 - (3) Plastic containers made of PP with SPI code #5 and their lids, shall be shall be clean and empty and placed in a department of public-works issued recycling container and placed at the location specified in Section 102-44 at the time specified in Section 102-45.
 - (4) Other plastic containers are currently covered by a statewide variance by the Department of Natural Resources and, therefore, shall be prepared and placed in a department of public-works issued refuse container and placed at the location specified in Section 102-44 at the time specified in Section 102-45.
- (j) Steel containers shall be clean and empty and placed in a department of public-works issued recycling container and placed at the location specified in Section 102-44 at the time specified in Section 102-45.
- (k) Waste tires shall be delivered to a commercial hauler or other location that accepts waste tires.

Section 102-92. *Responsibilities of owners or designated agents of multi-family dwellings.*

- (a) Owners or designated agents of multi-family dwellings shall do all of the following to recycle the materials specified in Section 102-87(5) - (15):
 - (1) Provide adequate, separate containers for the recyclable materials.
 - (2) Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
 - (3) Provide for the collection of the materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.
 - (4) Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods of sites, locations and hours of operation, and a contact person or company, including a name, address, and telephone number.
- (b) The requirements in Section 102-92(a) do not apply to the owner or designated agent of a multi-family dwelling if the material specified in Section 102-87(5) - (15) is exempt from separation requirements pursuant to Section 102-88.

Section 102-93. *Responsibilities of owners or designated agents of non-residential facilities and properties.*

- (a) Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in Section 102-87(5) - (15):
 - (1) Provide adequate, separate containers for the recyclable materials.
 - (2) Notify in writing, at least semi-annually, all users, tenants, and occupants of the properties about the established recycling program.
 - (3) Provide for the collection of the materials separated from the solid waste by the users, tenants, and occupants, and the delivery of the materials to a recycling facility.

- (4) Notify users, tenants, and occupants of reasons to reduce and recycle, which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods, or sites, locations and hours of operation, and a contact person or company, including a name, address, and telephone number.
- (b) The requirements in Section 102-93(a) do not apply to the owner or designated agent of non-residential facilities and properties if the material specified in Section 102-87(5) - (15) is exempt from separation requirements pursuant to Section 102-88.

Section 102-94. *Prohibitions on disposal of recyclable materials separated from recycling.*

No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in Section 102-87(5) - (15) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

Section 102-95. *Enforcement.*

- (a) For the purpose of ascertaining compliance with the provisions of this Article, any authorized officer, employee, or representative of the City of Sheboygan may inspect recyclable materials separated for recycling, postconsumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multi-family dwellings and non-residential facilities and properties, and any records relating to recycling activities, which shall be kept confidential to the extent permitted by law to protect proprietary information. In the event that a person refuses access to any authorized officer, employee, or representative of the City of Sheboygan who requests access for the purpose of inspection, and who presents appropriate credentials, the authorized officer, employee, or representative may make an inference of noncompliance.
- (b) Any person who violates a provision of this ordinance may be issued a citation by an authorized official of the City of Sheboygan. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this paragraph.

(c) Penalties for violating this Article are set forth in Section 102-2."

Section 2. Section 1-14 of the Sheboygan Municipal Code entitled "Issuance of citations by city inspectors for violations of certain ordinances" is amended in subsection (a)(2) to read as follows:

"Sec. 1-14. *Issuance of citations by city inspectors for violations of certain ordinances.*

(a) . . .

(2) Building inspectors issuing citations for violations of chapters 26, 46, 50, 66, 102, 110, 122, 138, and section 134-109 of the Sheboygan Municipal Code, and violations of the Sheboygan Zoning Ordinance;

. . . "

Section 3. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and this ordinance shall be in effect from and after its passage and publication and as of May 1, 2020.

I HEREBY CERTIFY that the foregoing Ordinance was duly passed by the Common Council of the City of Sheboygan, Wisconsin, on the _____ day of _____, 20____.

Dated _____ 20_____, _____, City
Clerk

Approved _____ 20_____, _____,
Mayor