

GENERAL ORDINANCE NO. 21-23

**AN ORDINANCE
AMENDING CODE SECTION 32-1 AND 32-2,
GREEN BAY MUNICIPAL CODE,
RELATING TO SOLID WASTE**

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 32-1, Green Bay Municipal Code, is hereby amended to read:

Sec. 32-1. 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:

City means the City of Green Bay.

Collecting and transporting service means a municipal or privately-operated agency, business, or service for collecting or transporting solid waste for disposal purposes.

Condominium means a residential property which is subject to the provisions of Wis. Stats. Ch. 703, and governed by a declaration or bylaw that requires all units to be owner-occupied.

Department means the Department of Public Works.

Manufactured and mobile home park, as defined in Wis. Stats. § 66.0435, means any plot of ground upon which two or more units occupied for dwelling or sleeping purposes are located, regardless of whether a charge is made for the accommodation.

Nonresidential properties means commercial, retail, industrial, institutional, manufacturing, and governmental facilities and properties.

Sanitary landfill means a method of disposing of solid waste on land without creating nuisances or hazards to public health or safety, but utilizing the principles of engineering to confine the solid waste to the smallest practical volume, and by covering it with a layer of earth at the conclusion of each day's operation or at such more frequent intervals as may be necessary.

Solid waste consists of garbage, refuse, and other discarded, salvageable, and recyclable material, including waste material resulting from domestic use, public service activities, commercial, manufacturing, and industrial operations. Solid waste consists of the following categories:

- (1) *Bulky waste*. Discarded articles of such size that do not fit in the collection cart including, but not limited to, appliances, large furniture items, bicycles, exercise equipment, play equipment, and other household items.
- (2) *Commercial waste*. Waste resulting from the operation of business enterprises including, but not limited to, offices, stores, restaurants, and similar businesses.
- (3) *Construction and/or demolition waste*. Waste resulting from building construction or demolition, alteration, or repair, including excavated material, remodeling, and other waste such as windows, doors, drywall, framing and roofing material, flooring,

cabinets and counter tops, concrete, stone, asphalt, sod, earth, dirt, and brick, except as indicated in subsection (11) of this definition.

- (4) *Garbage*. Waste resulting from the handling, cooking, processing, preparation, serving, storage, and consumption of food, including animal, fish, fowl, fruits, vegetables, or other matter which is subject to decomposition, decay, putrefaction, and the generation of offensive and noxious gases or odors.
- (5) *Hazardous and/or toxic wastes*. Waste material or substances which during normal storage or handling may be a potential cause of harm, sickness, or death, such as explosives, petroleum products, medical or pharmaceutical materials, corrosive chemicals, poisonous or pathogenic substances, pesticide chemicals, radioactive materials, toxic materials, and all other similar harmful substances whether in solid, liquid, or gaseous form.
- (6) *Industrial waste*. Waste resulting from industrial processes and operations.
- (7) *Manufacturing waste*. Waste resulting from manufacturing processes and operations.
- (8) *Nauseous and/or offensive wastes*. Those wastes that are unwholesome or have an unpleasant smell or are otherwise nauseous and/or offensive, such as manure, filth, slops, carcasses, carrion, meat, fish, entrails, hides and hide scrapings, paint, kerosene, oily or greasy substances, and objects that may cause injury to any person or animal or damage to vehicles such as barbed wire, briar thorns, or similar materials.
- (9) *Recyclable waste*. That portion of miscellaneous combustible and noncombustible waste material resulting from residential and commercial activities that can be recovered through processes to regain that material for human use including, but not limited to, the following:
 - a. *Co-mingled containers*. Glass bottles and jars which contain a food or beverage product, aluminum beverage cans, plastic containers made of polyethylene terephthalate (PET) or high density polyethylene (HDPE), and steel and bi-metal cans which contained a food or beverage product, **and other plastics as allowed by regional recycling facilities.**
 - b. *Major appliances*. Residential or commercial air conditioners, clothes dryers, clothes washers, dishwashers, freezers, microwave ovens, ovens, refrigerators, stoves, furnaces, boilers, dehumidifiers, or water heaters.
 - c. *Paper*. That portion of paper which remains in substantially original condition at the time of disposal so that material is suitable for commercial-grade recycling. The term "paper" does include the paper commonly used in the production of newsprint, magazines, books, and other physical media for written materials, cardboards, and other container boards. Paper is not suitable for recycling purposes when in a state which makes separation unreasonable or unduly expensive because the paper has been put to another use, such as wrappings for items that soiled the paper, thus rendering it unfit for commercial recycling.
 - d. *Waste tire*. A tire that is no longer suitable for its original purpose because of wear, damage or defect.

- e. *Yard waste.* Leaves, grass clippings, garden debris, and brush, including clean woody vegetative material no greater than six inches in diameter. The term "yard waste" does not include stumps, roots, or shrubs with intact root balls.
- (10) *Refuse.* Miscellaneous combustible and noncombustible, nonrecyclable waste material resulting from residential and commercial activities including, but not limited to, cans, bottles, plastic, paper, ashes, glass, lawn and garden waste, metal, rubber, street waste, wood, cloth, litter, leaves, shrubbery, brush, and cardboard.
- (11) *Residential waste.* Garbage, refuse, ashes, and other waste generated from typical residential activity. This type of waste includes, but is not limited to, metal, paper, cardboard, plastic, cans, bottles, wood, rags, rubber, glass, cloth, litter, leaves, shrubbery, tree trimming, branches, trunks and stumps, grass clippings, brush, and small quantities of construction and/or demolition waste, which are either recycled or disposed of.
- (12) *Sewage plant refuse.* Debris collected on the primary screens of the sewage treatment plant consisting of sticks, rags, etc.

Solid waste disposal operation means the site, facility, operating practices, and maintenance thereof for the utilization, processing, or final disposal of solid waste including, but not limited to, sanitary landfill, incineration, composting, reduction, shredding, compression, salvage, and resource recovery.

(Code 1984, § 9.01; Ord. No. 47-03; Ord. No. 13-11; Ord. No. 25-13)

SECTION 2. Section 32-2, Green Bay Municipal Code, is hereby amended to read:

Sec. 32-2. Solid waste collection regulations.

- (a) Residential and commercial waste shall be collected by the Department from all properties, provided such waste is properly handled, prepared, contained, stored, and located in conformance with this chapter and rules and regulations established and publicized by the Director of Public Works. Residential waste collection shall be provided once per week at no charge for a maximum of one 96-gallon container per property or dwelling unit, whichever is greater. The garbage cart must be one which was purchased from the City. All refuse must fit inside the garbage cart with the lid fully closed. Residential waste placed outside the garbage cart will not be collected, except during periods as defined by the City.
- (b) Recyclable waste to include co-mingled containers and paper shall be collected by the Department for all residential properties, up to and including six dwelling units, provided such waste is properly separated, handled, prepared, contained, stored, and located in conformance with this chapter and rules and regulations established and publicized by the Director of Public Works. Recycling is mandatory, and residents will be required to comply with recycling regulations. Curbside recycling waste collection shall be provided once every two weeks to each household. There is no limit on the number of recycling carts collected at each residence. The recycling cart must be one which was purchased from the City. Recycling waste shall be placed out for collection separate from other residential waste on

the regular collection day. All recycling waste must fit inside the recycling cart with the lid fully closed. Recycling waste placed outside the recycling cart will not be collected.

(c) Special assessment for extra solid waste pick-up.

- (1) In those instances where the periodic solid waste pick-up is not followed by residents or property owners, the Director of Public Works, or their designee, is hereby authorized, when scheduling time permits, to dispatch City crews to remove the following:
 - a. Solid waste;
 - b. Tires;
 - c. Batteries;
 - d. Waste oil;
 - e. Yard waste;
 - f. Electronic waste;
 - g. Construction, remodeling, and demolition waste;
 - h. Bulky waste; or
 - i. Other items that are placed out for collection that would not normally be collected.

Any items removed are subject to removal charges noted below and any cost of disposal.

- (2) The costs of such removal shall be the hourly rate (including fringe benefits) per employee dispatched, plus truck charges and administration fees, for the time spent collecting such solid waste from the time of dispatch to the time the truck returns to the municipal garage. There shall be a three-tenths-hour minimum charge for such dispatch. Should City crews be dispatched at a time to collect such solid waste items which requires the City to incur overtime, the appropriate hourly rate will be charged (whether time and one-half or double-time).
- (3) Should the property owner fail to pay such charge as invoiced within 30 days of the date of the invoice, the same shall become a lien upon the property as provided in Wis. Stats. § 66.0627 and subsection (h) of this section, on behalf of the City of Green Bay and carrying such interest as has been determined by the Common Council.
- (4) The City will schedule two bulky waste collection periods annually during which residents will not be charged. During these periods, the City will collect up to two cubic yards of bulky waste per residence placed outside of a trash cart. At all other times, the above rules shall apply.
- (5) The City will schedule four overflow residential waste collection periods annually during which residents will not be charged. During these periods, the City will collect up to four 32-gallon bags of waste per residence placed outside of a trash cart. At all other times, the above rules shall apply.

- (6) Bulky waste may be disposed of by residents using the bulky waste drop-off locations provided by the City at no cost to the residents. The drop-off locations are for bulky waste only. Disposal of overflow volumes of residential waste at the drop-off locations is prohibited.
- (d) Separation of recyclable waste.
- (1) The following recyclable materials from single-family and two- to six-unit residences, multifamily dwellings and nonresidential facilities and properties shall be separated from other solid waste:
- a. Lead acid batteries.
 - b. Major appliances.
 - c. Waste oil.
 - d. Yard waste.
 - e. Aluminum containers.
 - f. Bi-metal containers.
 - g. Corrugated paper or other container board.
 - h. Foam polystyrene packaging.
 - i. Glass containers.
 - j. Magazines.
 - k. Newspapers.
 - l. Office paper.
 - m. Rigid plastic containers made of PETE and HDPE.
 - n. Rigid plastic containers made of PVC, LDPE, PP, PS and other resins, or multiple resins.
 - o. Steel containers.
 - p. Tires.
 - q. Electronic waste or E-waste.
- (2) Separation requirements exempted. The separation requirements of subsection (d)(1) of this section do not apply to the following:
- a. Occupants of single-family and two- to six-unit residences, multiple-family dwellings and nonresidential facilities and properties that send their solid waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in subsection (d)(1) of this section from solid waste in as pure a form as is technically feasible.
 - b. Solid waste which is burned as a supplemental fuel at a facility if less than 30 percent of the heat input to the facility is derived from solid waste burned as supplemental fuel.

- c. A recyclable waste item specified in subsection (d)(1)a through o of this section for which a variance has been granted by the Department of Natural Resources under Wis. Stats. § 287.11(2m) or Wis. Admin. Code § NR 544.14.
- (e) Recyclable waste from buildings containing seven or more dwelling units.
 - (1) Recyclable waste shall not be collected by the City from buildings containing seven or more dwelling units. Owners of these buildings shall be responsible to provide collection and disposal of recyclable waste which is banned under Wis. Stats. Ch. 287. Items included in Wis. Stats. Ch. 287 are 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, rigid plastic containers, steel containers, and bi-metal steel/aluminum containers for carbonated and malt beverages. All owners or designated agents of rented and leased residential properties are required to do all the following:
 - a. Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
 - b. Provide adequate, separate containers to tenants for the separation of recyclable waste included in the ban.
 - c. Provide for the collection and recycling of recyclable materials separated from solid waste by the tenants and the delivery of the materials to a recycling facility.
 - d. Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet processing requirements, collection methods or sites, locations and hours of operation and a contact person, including a name, address and telephone number.
 - All owners of these buildings are required to comply with state statutes which ban the items listed above from landfilling and incineration.
 - (2) The requirements specified in subsection (e)(1) of this section do not apply to the owners or designated agents of multifamily dwellings if the solid waste generated within the dwellings is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in subsection (d)(1)e through o of this section from solid waste in as pure a form as is technically feasible.
- (f) Recyclable waste from nonresidential facilities.
 - (1) Recyclable waste shall not be collected by the City from nonresidential facilities and properties. Owners of these buildings shall be responsible to provide collection and disposal of recyclable waste which is banned under Wis. Stats. Ch. 287.
 - (2) Recycling laws apply to both residential properties and nonresidential facilities and properties. All nonresidential facilities or properties are required to separate the materials subject to Wis. Stats. Ch. 287.
 - (3) Owners or designated agents of nonresidential facilities and properties shall do all of the following to the materials specified in subsection (d)(1)e through o of this section:

- a. Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.
 - b. Provide adequate, separate containers for the collection of recyclable materials.
 - c. Provide for the collection of the materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility.
 - d. Notify users, tenants and occupants 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.
- (4) The requirements specified in subsection (f)(2) of this section do not apply to the owners or designated agents of nonresidential facilities and properties if the solid waste generated within the facility or property is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in subsections (d)(1)e through o of this section from solid waste in as pure a form as is technically feasible.
- (g) The Director of Public Works is hereby authorized to control the collection, removal, and hauling of solid waste in the City in conformity with the following administrative regulations:
 - (1) Solid waste not collected by the City.
 - a. Industrial waste.
 - b. Manufacturing waste.
 - c. Hazardous and/or toxic waste.
 - d. Nauseous and/or offensive waste.
 - e. Sewage plant refuse.
 - f. Batteries.
 - g. Tires.
 - h. Waste oil.
 - i. Medical and infectious waste.
 - (2) Preparation.
 - a. Residential and commercial waste including miscellaneous refuse may be mixed and placed in a common container. Yard waste and recyclables are prohibited from being mixed with other waste.
 - b. Residential or commercial refuse and garbage shall be wrapped, packaged, and/or bundled and drained of any liquid.
 - c. Recyclable material such as glass, plastic bottles, tin, paper, cardboard and aluminum cans shall be co-mingled and placed in one container.

- d. To the greatest extent practicable, the recyclable materials separated from solid waste shall be clean and kept free of contaminants such as food, product residue, oil or grease, or other nonrecyclable materials.
 - e. Branches, limbs, and cuttings from trees shall be cut in three-foot to eight-foot lengths and must be at least one-half inch in diameter when set out for collection. No brush will be picked up by the City when generated from vacant property or new building construction or from any contracted job. If said brush is not disposed of properly by the owner or contractor, the City will dispose of it and charge the property owner the actual cost.
 - f. Bulky waste will be picked up by a special collection crew. All amounts collected will be charged a fee except as designated in subsection (e)(4) of this section. Said fee is to be a charge per cubic yard and will be established by resolution annually by the Common Council. Items placed out due to periodic change of tenancy (move-outs) from residences shall be charged for said service and proper disposal.
 - g. Hot cinders, ashes, or any smoldering embers shall not be placed in any collection container; however, cold ashes shall not be placed in cardboard or paper containers, but shall only be placed in sealed/tied plastic bags of a type and composition suitable for handling and disposal.
- (3) Tipper cart—Garbage and refuse.
- a. The cost of all garbage tipper carts provided by the City shall be at a charge established by resolution. One tipper cart shall be provided to each property with a maximum capacity of 96 gallons. All tipper carts must be purchased from the City.
 - b. All tipper carts for the storage of solid waste shall be maintained in such a manner as to prevent the creation of a nuisance to public health and safety.
 - c. Any tipper cart deemed defective or otherwise inadequate by the Director of Public Works shall be replaced within one week's time following notification by the City.
 - d. Any defective tipper cart not replaced subsequent to the notification shall result in the issuance of a citation.
- (4) Tipper cart—Recycling.
- a. The cost of all recycling tipper carts provided by the City shall be at a charge established by resolution. A minimum of one tipper cart is required at each residential unit as long as there are no more than six such units in a building. All tipper carts must be purchased from the City.
 - b. All tipper carts for the storage of recyclable waste shall be maintained in such a manner as to prevent the creation of a nuisance to public health and safety.
 - c. Any tipper cart deemed defective or otherwise inadequate by the Director of Public Works shall be replaced within one week's time following notification by the City.

- d. Any defective tipper cart not replaced subsequent to the notification shall result in the issuance of a citation.
- (5) Storage and collection.
- a. The owner and/or occupant of any premises shall be responsible for proper and sanitary storage, separation and preparation of all solid waste accumulated at that premises until collected by the collecting and transporting service.
 - b. Manufactured and mobile home park and condominium waste. On the scheduled day of collection, manufactured and mobile home park and condominium waste shall be properly prepared and placed at the curblin of the adjacent public street. No collection will be made on private property or in alleys, unless provided for by the Common Council and meeting the following conditions:
 - 1. The property owner and lessee, if applicable, shall provide the City with an indemnification and hold harmless agreement protecting the City from any and all liability for coming upon such private property, in a form to be approved by the City Attorney's Office.
 - 2. The property owner shall also maintain a policy of liability insurance, the terms and limits of which shall be determined by the City Insurance Department, in which the City of Green Bay shall be named as an additional insured, protecting it from any and all liability for coming upon said property.
 - 3. City collection vehicles are able to enter and leave the private property while proceeding in a forward motion, the private driveways or streets are of an adequate width to safely accommodate City collection vehicles and the solid waste is placed out for collection in an open area readily accessible for collection.
 - 4. If waste stored on private property is not disposed of properly, the City will see that proper disposal is made and charge the property owner the actual cost of said disposal.
 - c. Residential waste. Waste materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions. Residential waste shall be placed in a garbage cart and placed at the curb a minimum of four feet from ~~regular recycling waste~~ **obstructions such as other tipper carts, trees, signposts, traffic signals and power poles** for collection. Pick-ups shall not be made on residential private property or in the alley adjoining residential property, except for manufactured and mobile home parks and condominiums as defined above.
 - d. Recyclable waste. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions. Recyclable wastes shall be placed in a recycling cart and placed at the curb a minimum of four feet from ~~regular solid waste~~ **obstructions such as other tipper carts, trees, signposts, traffic signals and power poles** for collection. Recyclable waste collection shall be made on the same day as regular solid waste collection. Pick-ups shall not be made on residential private property, or in the alley adjoining

residential property except for manufactured and mobile home parks and condominiums as defined above.

- e. Manufactured and mobile home park and condominium waste. Waste from manufactured and mobile home parks and condominiums shall be considered residential waste and shall be stored and collected under the provisions of subsection (g)(5)b of this section.
- f. Any solid waste, when placed out for collection, shall be out by 6:00 a.m. ~~from June 1 through August 31 and shall be out by 7:00 a.m. from September 1 through May 31~~ on the scheduled day of collection, but shall not be placed out more than 12 hours before collection day and shall be removed not more than 12 hours after collection day. Solid waste for collection shall be placed along the curblin immediately adjacent to the property which has generated the solid waste. Failure to comply may result in the issuance of a citation.
- g. Items too large or otherwise unsuitable for storage containers shall be stored in a nuisance-free manner consistent with regulations established by the Director of Public Works.
- h. All solid waste placed out for collection becomes City property upon being collected.
- i. Garbage, recycling, or refuse containers shall be stored during the time period between collection days in the following locations:
 - 1. Tipper carts shall not be stored within 15 feet of the public right-of-way.
 - 2. Tipper carts shall not be stored on any street side or alongside of a building unless the cart is completely screened from view of an observer located at the public right-of-way.
 - 3. Tipper carts shall be stored in the backyard, garage, or any other convenient discreet location.
 - 4. All tipper carts must be stored with the lids completely closed.
 - 5. Carts shall not be stored near a furnace, grill or any other heat source.
- j. There shall be no variance from this section without the prior approval of the Director of Public Works therefor.
- k. Any garbage, recycling, yard waste, or refuse container stored in violation of this chapter, irrespective of the provisions of subsection (g)(5)i of this section, shall be subject to the following:
 - 1. The Director of Public Works shall have the authority to order that any exterior storage of garbage, recyclables, or refuse be enclosed in a structure if, in their determination, the storage of such garbage, recyclables, or refuse is unsanitary or creates or tends to create a nuisance to public health or safety.
 - 2. In determining whether an exterior storage structure shall be required under this section, the Director of Public Works shall take into account the location

of the waste storage, its proximity to residential areas, the likelihood of human exposure or contact with the waste storage areas, and the type of waste being stored. These considerations are to be deemed illustrative and not exclusive.

3. All structures ordered under this section shall be at least three-sided and constructed of opaque materials sufficient to ensure the waste is concealed from view from the exterior of the three sides. The walls of the structure shall be of a height equal to one foot taller than the garbage or refuse receptacle, but in no event in excess of six feet in height, and shall be maintained in a neat and orderly manner.
 4. Any person aggrieved by such an order by the Director of Public Works to enclose said waste containers shall have the opportunity to bring such order before the Improvement and Service Committee for its review within 30 days of the issuance of the order.
- (h) All charges by the City of Green Bay for early set-out as defined in subsection (g)(5)f of this section and bulk pick-ups must be paid within 30 days after the billing date or said charge will become a lien on the property according to Wis. Stats. § 66.0627 and will be added to that year's taxes with interest.

(Code 1984, § 9.02; Ord. No. 47-03; Ord. No. 43-04; Ord. No. 59-04; Ord. No. 13-11; Ord. No. 8-13; Ord. No. 25-13)

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. Effective date. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin, this _____ day of _____, 2023.

APPROVED:

Eric Genrich, Mayor

ATTEST:

Celestine Jeffreys, Clerk

10/24/2023

law