

GENERAL ORDINANCE NO. 8-13

AN ORDINANCE
AMENDING SECTION 9.02,
GREEN BAY MUNICIPAL CODE,
RELATING TO SOLID WASTE
COLLECTION REGULATIONS

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

SECTION 1. Section 9.02, Green Bay Municipal Code, is hereby amended as follows:

9.02 **SOLID WASTE COLLECTION REGULATIONS.** (Rep. & Rec. GO 47-03)

(1)~~(a)~~ (Amd. GO 59-04) 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 subchapter and rules and regulations established and publicized by the Director of Public Works. Waste collection shall be provided once per week at no charge for a maximum of four 32-gallon containers or equal volume per property or two 32 gallon containers or equal volume per dwelling unit, whichever is greater.

~~———— (b) Non Residential Properties shall be provided the same collection service as residential properties above provided said non residential property is on a regular scheduled residential collection route. There shall be a charge for said service and that charge shall be set by resolution adopted by the Common Council.~~

(2) (Amd. GO 59-04) Recyclable waste to include co-mingled 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 subchapter 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. The recycling ~~container~~ cart must be one which was ~~provided by the City or a replacement~~ purchased from the City. Recycling waste shall be placed out for collection separate from ~~but next to~~ other solid waste on the regular refuse collection day.

(3) Special Assessment for Extra Solid Waste Pickup.

(a) In those instances where the periodic solid waste pickup is not followed by residents or property owners, the Director of Public Works, or his 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** or (g) 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. ~~Items placed out due to periodic change of tenancy (move-outs) from residences that are not called into the West Side Garage for scheduled pickup shall be charged for said service and proper disposal.~~

(b) 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).

(c) 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 §66.0627, Wis. Stats., and §9.02(8), Green Bay Municipal Code, on behalf of the City of Green Bay and carrying such interest as has been determined by the Common Council.

(4) Separation of Recyclable Waste.

(a) The following recyclable materials from single family and 2 to ~~4~~ 6 unit residences, multifamily dwellings and non-residential facilities and properties shall be separated from solid 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, and HDPE
14. rigid plastic containers made of PVC, LDPE, PP, PS, and other resins or multiple resins
15. steel containers

16. waste tires

17. electronic waste or E-waste.

(b) Separation Requirements Exempted. The separation requirements of 9.02(4)(a) do not apply to the following:

1. Occupants of single family and 2 to ~~4~~ **6** unit residences, multiple-family dwellings and non-residential 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 9.02(4)(a) from solid waste in as pure a form as is technically feasible.

2. Solid waste which is burned as a supplemental fuel at a facility if less than 30% of the heat input to the facility is derived from solid waste burned as supplemental fuel.

3. A recyclable waste item specified in 9.02(4)(a)1. through 15. for which a variance has been granted by the Department of Natural Resources under § 159.11(2m), Wisconsin statutes, or § NR 544.14, Wisconsin Administrative Code.

(5)(a) Recyclable waste shall not be collected from buildings containing seven or more dwelling units. Owners of these buildings shall be responsible to provide collection and disposal of recyclable waste which was banned January 1, 1995, from landfills as provided in **1989** Wisconsin Act 335.

Items included in **1989** Wisconsin Act 335 are: aluminum containers, corrugated paper or other container board, foam polystyrene packaging, glass containers, magazines, or other material printed on similar paper, newspaper or other material printed on newsprint, office paper, rigid plastic containers, steel containers, bi-metal steel/aluminum containers for carbonated and malt beverages.

All owners or designated agents of these buildings are required to do all the following:

1. Notify tenants in writing at the time of renting or leasing the dwelling and at least semiannually thereafter about the established recycling program.

2. Provide adequate, separate containers to tenants for the separation of recyclable waste included in the 1995 ban.

3. 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.

4. 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 beginning January 1, 1995.

(b) The requirements specified in 9.02(5)(a) do not apply to the owners or designated agents of multi-family 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 9.02(4)(a)5. through 15. from solid waste in as pure a form as is technically feasible.

(6)(a) Recyclable waste shall not be collected from non-residential facilities and properties.

(b) Recycling laws apply not only to residential properties but also non-residential facilities and properties. All non-residential facilities or properties are required to separate the materials subject to §159.67, Wis. Stats., which bans said material from landfills on January 1, 1995.

(c) Owners or designated agents of non-residential facilities and properties shall do all of the following to the materials specified in 9.02(4)(a)5. through 15.:

1. Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.

2. Provide adequate, separate containers for the collection of recyclable materials.

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.

(d) The requirements specified in 9.02(6)(b) do not apply to the owners or designated agents of non-residential 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 9.02(4)(a)5. through 15. from solid waste in as pure a form as is technically feasible.

(7) 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:

(a) Solid Waste not Collected by the City. (Amd. GO 59-04)

1. Industrial waste.

2. Manufacturing waste.

3. Hazardous and/or toxic wastes.

4. Nauseous and/or offensive waste.

5. Sewage plant refuse.

6. Batteries.
7. Tires.
8. Waste oil.
9. Medical and infectious waste.

(b) Preparation. (Amd. GO 59-04)

1. Residential solid 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.

2. Residential or commercial refuse and garbage shall be wrapped, packaged, and/or bundled and drained of any liquid.

3. Recyclable material such as glass, plastic bottles, tin, **paper, cardboard** and aluminum cans ~~may~~ **shall** be co-mingled and placed in one container.

4. 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 non-recyclable materials.

~~5. Recyclable paper shall not be placed in containers with other refuse or garbage. Such paper shall be separated from domestic solid waste, contained by placing in a paper grocery bag or securely tying in both directions with heavy string or cord, or any other method approved by the Director of Public Works, and placed at the curb separate from, but next to, other solid waste on the regular recycling collection day to be collected by the City; or recyclable paper may be disposed of in any other lawful manner. Cardboard must be broken down and bundled for collection.~~

~~6~~ **5.** Branches, limbs, and cuttings from trees, shrubs, and the like shall be cut in less than **3 - 8'** lengths **and must be at least 1/2" 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 ~~if said property is owned by a home builder or developer~~ 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.

~~7~~ **6.** Bulky waste will be picked up by a special collection crew ~~in amounts of 3 cubic yards or less.~~ All amounts ~~over 3 cubic yards~~ **collected** will be charged a fee. Said fee is to be a charge per cubic yard and will be established by resolution annually by the City Council. ~~Collection of bulky waste greater than 3 cubic yards will take place in seven calendar days from the date of verbal notice or written notice to the owner.~~ **Items placed out due to periodic change of tenancy (move outs) from residences shall be charged for said service and proper disposal.**

8 7. Hot cinders, ashes, or any smoldering embers shall not be placed in any collection. Ashes shall not be placed in cardboard or paper containers, but shall only be placed in **sealed/tied** plastic bags for a type and composition suitable for handling. ~~All ashes shall be in containers, and no ashes placed on the ground will be shoveled therefrom by the collection crew.~~

(c) Container - Garbage and Refuse.

1. One-way disposable plastic bags are preferred, made of polyethylene, plastic material with a securing twist tie, consisting of a minimum of 1-1/2 mil. thickness.

2. If plastic bags are not used, the container shall be durable, rust-resistant, non-absorbent, watertight, rodent-proof, and easily cleaned with close-fitting fly-tight cover. The container shall be made of metal or plastic only, having adequate handles or bails attached to the outside of the container to facilitate handling.

3. The total weight of the container and contents shall not be more than 50 pounds.

4. The container shall be no greater than 32-gallon capacity.

5. All containers 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.

6. Any container deemed defective or otherwise inadequate by the Director of Public Works shall be replaced within one week's time following notification by the City.

7. Any defective container not replaced subsequent to the notification shall result in the issuance of a citation.

(d) Container - Recycling.

1. The cost of all recycling containers provided by the City shall be at a charge established by resolution. A minimum of one container is required at each residential unit as long as there are no more than ~~four~~ **six** such units in a building. ~~The container shall have a maximum capacity of 20 gallons. The container shall remain with the residential unit, and at least one container~~ **All containers** must be purchased from the City.

2. All containers 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.

(e) Storage and Collection. (Amd. GO 13-11)

1. 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.

2. Mobile Home Park and Condominium Waste. On the scheduled day of collection, mobile home park and condominium solid waste shall be properly prepared and placed at the curblineline of the adjacent public street, ~~or if directed by the Department of Public Works Sanitation Section, at the alley line.~~ No collection will be made on private property, ~~except under the following conditions:~~

~~_____ a. The individual, company, or association which owns the land utilized for waste collection 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; and~~

~~_____ b. The property owner shall also maintain a policy of liability insurance, the terms and limits of which shall be determined by the City Risk Management 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.~~

~~_____ c. City collection vehicles are able to enter and leave the private property proceeding only in a forward motion, the private driveways or alleys are of an adequate width to accommodate safe movement and turning of City collection vehicles without leaving the pavement and the solid waste is placed out for collection in an open area readily accessible for collection. 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.~~

3. Residential Waste. Residential waste shall be properly prepared and placed at the curblineline. Pickups shall not be made in the alley adjoining residential property. No collection shall be made on private property except for mobile home parks and condominiums as defined above.

4. 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** properly prepared and placed at the curblineline **a minimum of 4 feet from next to** regular solid waste for collection. Recyclable waste collection shall be made on the same day as regular solid waste collection. Pickups shall not be made on residential, private property, or in the alley adjoining residential property except for mobile home parks and condominiums as defined above.

5. Mobile Home Park and Condominium Waste. Waste from mobile home parks and condominiums shall be considered residential waste and shall be stored and collected under the provisions of §9.02(7)(e)2, Green Bay Municipal Code.

~~_____ 6. Pickups shall not be made at the rear of the residence or back door unless certified to by the City Department of Public Works that a hardship exists due to physical handicap.~~

~~7~~ 6. 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 curb line immediately adjacent to the property which has generated the solid waste. Failure to comply may result in the issuance of a citation.

~~§ 7.~~ 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.

~~§ 8.~~ All solid waste placed out for collection becomes City property upon being collected.

~~10 9.~~ (Rep. & Rec. GO 43-04) Garbage, recycling, ~~yard waste,~~ or refuse containers shall be stored during the time period between collection days ~~in an enclosed structure or building, or stored in rigid metal or plastic containers designed in accordance with §§9.02(7)(c)2. 5., which are screened from view of a public right of way.~~ Garbage, recycling, ~~yard waste,~~ or refuse shall not be stored in the following locations:

~~_____ a. In front of a building, the front herein defined to be that side numbered in accord with §9.31, Green Bay Municipal Code.~~

~~_____ b. At that side of a building on a corner lot that faces the street.~~

~~_____ c. On, under, or along side of a front porch, stoop, steps, landing, accessible ramp, or deck fronting on a public right of way.~~

~~d. Within 15' of the public right of way, except during collection time periods.~~

a. Garbage, recycling or refuse carts shall not be stored within 15' of the public right-of-way.

b. Garbage, recycling or refuse carts shall not be stored on any street side of a building unless the cart is completely screened from view at the public right-of-way.

c. Garbage, recycling, or refuse carts shall be stored in the backyard, garage, or any other convenient discreet location.

d. All collection containers must be stored with the lids securely closed.

e. Do not store carts near a furnace, grill or any other heat source.

~~11 10.~~ There shall be no variance from this section without the prior approval of the Director of Public Works therefore.

~~12 11.~~ Any garbage, recycling, yard waste, or refuse container stored in violation of this chapter, irrespective of the provisions of ~~§9.02(6)(f)10 (7)(e)9.~~ above, shall be subject to the following:

a. 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 his determination, the storage of such garbage, recyclables, or refuse is unsanitary or creates or tends to create a nuisance to public health or safety.

