

CHAPTER 7

WASTE MANAGEMENT/RECYCLING ORDINANCE

7.01 WASTE MANAGEMENT ORDINANCE

(1) **TITLE/PURPOSE.** This ordinance is entitled the "City of Cornell Waste Management Ordinance". The purpose of this ordinance is to document and provide to the public; Common Council; persons engaged in waste collection, recycling, and solid waste enterprises; and members of the public, the provisions of the waste management system for the City of Cornell.

(2) **ADOPTION OF ORDINANCE.** The Common Council hereby establishes by these sections and this ordinance license, registration and permit ordinances to regulate and control, by ordinance:

(A) Persons engaged in certain uses, activities, businesses and operations in the City of Cornell

(B) To regulate, by these licenses, registrations and permits, the persons engaged in these uses, activities, businesses and operations at certain locations within the City of Cornell.

(C) To assess these persons with appropriate fees for the licenses, registrations or permits.

(D) To enforce, by revocation or penalty, the provisions of these ordinances and the provisions of the license, registration and permit.

(3) **GENERAL PROVISIONS**

(A) The City of Cornell prohibits, unless specifically exempted by this ordinance or by order of the Common Council, any person from collecting solid waste or hazardous waste in the City of Cornell where the waste is intended to be ultimately disposed, stored, treated or recycled at a waste facility or recycling operation in the City or where the waste is intended to be ultimately disposed, stored, treated or recycled at a waste facility or recycling operation outside the City unless that person has a City of Cornell Waste Collection Permit.

(B) The City of Cornell prohibits, unless specifically exempted by this

ordinance or by order of the Common Council, any person from disposing, storing, treating or recycling solid waste or hazardous waste in the City of Cornell unless that person has the appropriate waste permit issued by the City.

(C) The City of Cornell requires, unless specifically exempted by this ordinance or by order of the Common Council, any person with a City of Cornell Waste Management Permit, of any type, knowing of any of the below noted occurrences shall report these occurrences to the City Administrator within forty-eight (48) hours of the occurrence:

(1) Any hazardous waste entering or exiting any waste facility or recycling operation in the City of Cornell.

(2) Any fire, explosion or other emergency hazardous condition at or near any waste facility or recycling operation in the City of Cornell.

(3) Any groundwater, surface water or air pollution occurring at or near any waste facility or recycling operation in the City of Cornell.

(4) Any permanent, emergency or temporary closing of any waste facility or recycling operation in the City of Cornell.

(D) The City of Cornell requires, unless specifically exempted by this ordinance or by order of the Common Council, any person authorized by the appropriate permit issued by and the conditions in the permit established by the City to collect or transport solid waste or hazardous waste in the City to deposit with the City Administrator an insurance policy or certificate of liability insurance covering all waste transport vehicles of the person with said policy to be issued by an insurance company licensed to do business in the State of Wisconsin and with the minimum amount of insurance coverage to be One Million Dollars (\$1,000,000.00) per occurrence.

(E) The City of Cornell prohibits any solid waste or hazardous waste discharge in any public or private land in the City by any person, except in containers authorized by this ordinance or authorized by order of the Common Council or except in permitted or exempted waste facilities or recycling operations authorized by this ordinance or authorized by order of the Common Council. The City of Cornell prohibits the littering of solid waste or hazardous waste by any person on any public or private land in the City without written approval of the Common Council.

(F) The City of Cornell prohibits any person not authorized by the City

from collecting, scavenging and/or removing any solid waste or hazardous waste from the property owned or leased by a third party or from lands owned or leased by the City or from other public lands where the solid waste or hazardous waste has been deposited temporarily near or at the curbside, street, highway or road in the City for the intent and purpose of collection and removal of the waste by permitted waste transporters or other persons authorized by the City.

(G) The City of Cornell prohibits, unless specifically exempted by this ordinance or by order of the Common Council, any person to place or permit another to place any waste in the waste containers or receptacles at any waste collection location in the City unless the waste placed in the waste container or receptacle was from the premises served by the waste container or receptacle. Moreover, the City prohibits any person from placing any recyclable materials in the recycling containers or receptacles at any recycling collection location in the City unless the recyclable material placed in the recycling containers or receptacles was from the premises in the City serviced by the recycling container or receptacle.

(H) The City of Cornell prohibits, unless specifically exempted by this ordinance or by order of the Common Council, any yard waste, trees, shrub, brush, weeds, and other vegetation from being intentionally discharged or intentionally deposited by any person upon any sidewalks, roadways, streets, alleys, highways or other public lands in the City of Cornell.

(I) The City of Cornell requires, unless specifically exempted by this ordinance or by order of the Common Council, that any persons owning or leasing real property in the City shall be responsible, in a timely manner to collect and remove litter and/or recyclable materials, to properly remove in a timely manner any discharges of solid waste, hazardous waste or recyclable material from their residential, commercial, or industrial establishments in the City. These persons shall be responsible in a timely manner to reasonably keep the property in a clean and orderly condition and to avoid causing any private or public nuisance in the City.

(J) The City of Cornell prohibits, unless specifically exempted by this ordinance or by order of the Common Council, any person from intentionally discharging or depositing any solid waste, hazardous waste, recyclable materials or any other waste material on or along any sidewalk, roadway, street, alley or highway in the City, in any water in the City, on the ice of any water in the City, or on any public property in the City of Cornell unless the premises is permitted for deposit or discharge of the particular waste by the Common Council. The City of Cornell prohibits any person from failing to remove, within thirty (30) days or otherwise \ abandon any automobile, boat or other vehicle in any waters in the City of Cornell.

(K) The above two (2) prohibitions against discharging waste do not apply to any person who places solid waste or recyclable materials in a waste container or receptacle as authorized by order of the Common Council and by this ordinance for solid waste collection and removal along any sidewalk, roadway, street, alley, highway, or other public or private property in the City nor does it apply to any person who stores, disposes, treats, deposits or discharges solid waste or recyclable material in conformity with Chapters 30, 31, 144, or 147, (1993-1994) Wisconsin Statutes, or in conformity with any permit, license or other approval by the Wisconsin Department of Natural Resources or the Waste Facility Siting Board, in conformity with this ordinance or in conformity with a permit issued by the City of Cornell.

(L) The City of Cornell requires, unless specifically exempted by this ordinance or by order of the Common Council, that any person storing, treating, disposing, discharging or depositing any type of waste in the City of Cornell shall dispose, store, treat, discharge, or deposit such waste in a proper manner to not lead to or constitute a private or public nuisance in the City. This provision shall apply regardless if the person disposing, storing, treating, discharging or depositing the waste has a permit to discharge issued by the Wisconsin Department of Natural Resources or the City of Cornell or otherwise is authorized to dispose, store or treat waste by the Waste Facility Siting Board, the State Department of Natural Resources or by the Common Council.

(M) The City of Cornell shall negotiate and attempt to enter into an annual or multi-year contract with a licensed waste hauler for the purposes of providing the collection and removal of solid waste and recyclable material from residential establishments on a regular basis in the City. A residential establishment shall include an agricultural establishment for purposes of collection and removal of residential solid waste and recyclable materials. The final negotiated contract with the licensed waste hauler shall be drafted and approved by the Common Council. The collection and removal services to be provided shall be placed for bid by the Common Council. However, no person shall be excluded by the City of Cornell from collecting and removing solid waste, hazardous waste or recyclable materials from residential, commercial or industrial establishments in the City provided the person has obtained a waste collection permit from the Common Council.

(N) The City of Cornell shall receive written notice from every commercial or industrial establishment in the City by March 1st as to the arrangements or contracts that these establishments have made for services for collection and removal of solid waste, hazardous waste, or recyclable materials. No person, by oral or written contract, shall collect and remove solid waste, hazardous waste or recyclable materials from any commercial or industrial establishment in the City without receiving a City of Cornell Waste Collection Permit. All written or oral

waste collection contracts shall be directly between the permitted waste hauler and the commercial or industrial establishment. The City of Cornell has no obligation to arrange nor obligation to pay for any costs associated with collection and removal of commercial waste or industrial waste in the City of Cornell.

(O) The City of Cornell requires that all waste haulers collecting and removing solid waste, recyclable material or hazardous waste in the City, regardless of whether the waste hauler has any contract with the City or with any other person in the City shall apply for and obtain a permit from the City of Cornell in order to provide waste collection services in the City.

(4) SPECIAL PERMIT

(A) Waste Permit

(1) Coverage. Every person, pursuant to Chapters 62, 144, 146, 159, 160 and 823, (1993-1994) Wisconsin Statutes and this ordinance, who, with exceptions and exemptions herein noted, collects, disposes, stores, treats, or recycles solid waste or hazardous waste in the City of Cornell, shall seek and obtain an appropriate waste management permit from the City of Cornell prior to collecting, transporting, disposing, storing, treating, or recycling any solid waste or hazardous waste in the City of Cornell. The permits under this ordinance shall be issued by the Common Council of the City of Cornell unless specifically noted to the contrary.

(a) The Common Council has established separate permits as follows:

- 1. Waste Collection Permit - \$50.00
- 2. Charitable Organization Permit - \$2.00
- 3. (List Others)

(b) The Common Council has approved all of the above noted required permits and the fees for each permit. The application for a permit shall

be processed by the City within thirty (30) days of the receipt of a complete and proper application form.

(c) Waste management permits shall be issued on an annual basis unless a special monthly or weekly permit is authorized by the Common Council. The appropriate waste management permit or permits shall be issued by the City Administrator prior to any person collecting, transporting, disposing, storing, or treating solid waste or hazardous waste or recyclables in the City of Cornell. No permit shall be issued by the City Administrator of the City of Cornell without Common Council approval, except:

(List)

Charitable Organization Permit

(d) The Common Council shall not approve any permit unless the Common Council is fully satisfied the applicant has been and will remain in reasonable compliance with the conditions of this ordinance, with the permit and with any conditions established by the Common Council in the permit.

(2) **Application/Permit.** The application and the permit shall designate the premises and areas in the City wherein the person requests the permitted use, activity or operation. The application and the permit shall describe the permitted waste use, waste activity or waste operation. The permit or conditions to the permit may not be amended if the person desires to change the designated premises or area, nor may it be transferred from one person to another. The application shall, at a minimum, include:

- (a) The name of the applicant.
- (b) The address of the applicant.
- (c) The business and residential telephone numbers of applicant, if any.

(d) The type of permit requested, the application fee required, if any, and the bond required, if any.

(e) The application date.

(f) The general dates requested for hearing and for the issuance of any permit.

(g) The age of the applicant, if applicable.

(h) The agent of the applicant, if any.

(i) The designated premises or area in the City of Cornell for waste use, waste activity or waste operation, including legal description and current zoning, if any.

(j) The proposed Plans of Operation for the activity or operation, including plans for construction, operation, maintenance, closure and long-term care.

(k) The type and amount of equipment to be used in the operation or activity.

(l) The proposed plans for public nuisance control and environmental protection.

(m) The likely routes of travel and hours of travel in the City of Cornell for waste use, waste activity, or waste operation.

(n) The past experience of the applicant in the use, activity or operation for which the permit is requested.

(3) **Condition of Permit.** As a condition of any permit issued, the permittee agrees to make quarterly reports to the City of Cornell or its designee showing the amount of recyclables and solid waste collected by the permittee, the source of the recyclables and solid waste, the ultimate disposal site, and/or the ultimate recycling center. Permittee shall furnish such additional statistics as may be reasonably required to enable the City of Cornell to apply for recycling grants and to make other reports as may be required by the State of Wisconsin, Department of Natural Resources.

(4) Report Forms. All reports shall be made on report forms provided by the City of Cornell and shall be reported on a quarterly basis unless waived or otherwise required by the City of Cornell.

(5) Exemptions

(a) This ordinance shall not apply to or govern animal waste transportation, animal waste disposal, animal waste storage, animal waste treatment or animal waste landspreading by any persons wherein the animal waste is a by-product from an agricultural operation in the City of Cornell and wherein the animal waste is transported to or disposed, stored, treated or landspread by the persons on land that the person or members of his or her family owns, occupies, or leases within the City of Cornell.

(b) This ordinance shall not apply to or govern the waste facilities operated and maintained as sanitary privies, seepage beds or septic tanks which conform to any applicable ordinances in the City of Cornell, shall not apply to or govern the disposal, storage or treatment of human waste products into any public domestic sewage system located in the City nor the landspreading of human waste in the City.

(c) This ordinance shall not apply to or govern facilities used for the landspreading of non-hazardous solid waste from a residential facility or agricultural operations where the owner, occupant or lessee of the land also owns, occupies or leases the land used for solid waste disposal.

(d) This ordinance shall not apply to or govern waste facilities receiving only sludge from a publicly owned treatment works or a privately owned domestic sewage treatment works having a permit under Chapter 147, (1993-1994) Wisconsin Statutes, provided the sludge disposal is accomplished in accordance with the requirements of the permit.

(e) This ordinance shall not apply to or govern waste facilities used exclusively for the disposal of waste regulated under Section 146.20 (1993-1994) Wisconsin Statutes.

(f) This ordinance shall not apply to or govern waste facilities used for disposal of treated liquid municipal or industrial waste water approved under Section 144.04, (1993-1994) Wisconsin Statutes, or permitted under Chapter 147, (1993-1994) Wisconsin Statutes.

(g) This ordinance shall not apply to or govern waste facilities used for the land spreading of whey.

(h) This ordinance shall not apply to or govern waste facilities used for the landspreading of vegetable waste from canned, frozen or preserved fruit and vegetable processing operations. Waste facilities operated and maintained as pit silos that are used for storage of by-products from fruit, vegetable or grain processing operations where such by-products are to be used for animal feed are exempt from this ordinance.

(i) This ordinance shall not apply to or govern waste facilities used for the landspreading of composting leaves, grass, brush and other similar vegetable matter. Waste facilities for high volume industrial waste or wood residue where the waste is stored at the point of generation for less than seventy-two (72) hours prior to being transported for disposal or beneficial re-use and the waste facility is operated and maintained in an environmentally sound manner and in a manner so as not to make a public nuisance are exempt from this ordinance.

(j) This ordinance shall not apply to or govern waste facilities operated and maintained as demolition waste disposal facilities having a design capacity of less than fifty thousand (50,000) cubic yards. Waste facilities operated and maintained as auto junk yards or as scrap metal salvage yards are exempt from this ordinance if the only product recycled at these facilities is scrap iron, steel or non-ferrous metal.

(k) This ordinance shall not apply to or govern abandoned and closed waste facilities.

(l) (List other exemptions)

(6) Ordinance/Permit

(a) The persons subject to this ordinance shall comply with Chapters 62, 66, 144, 146, 159, 160, and 823, (1993-1994) Wisconsin Statutes and this ordinance.

(b) The City Administrator shall provide copies of this

ordinance at no cost to any applicant requesting a copy under this ordinance.

(c) The applicant and the persons subject to this ordinance shall comply as follows:

1. No person shall be issued or reissued a waste management permit until the appropriate application fee has been paid to the City Administrator and the appropriate bond, if any, has been received by the City Administrator. The Common Council shall establish the application permit fees and bonds by November 15th.

2. No person shall be issued or reissued a waste management permit who has failed to properly and fully complete and submit to the City Administrator of the City of Cornell the application form developed and provided by the City, including the appropriate application permit fee and bond.

3. No person shall be issued or reissued a waste management permit if the applicant or permittee:

a. Fails to specifically agree in writing to the conditions established by the Common Council in the permit or fails to comply with any written agreement or conditions in the permit.

b. Fails to specifically agree in writing to specific conditions established by the Common Council in the permit to require applicant to correct malfunctions or public nuisances at the waste facility or in the waste use, waste activity or waste operation in a timely manner upon notice by the Common Council or fails to comply with any written agreement or conditions in the permit.

c. Fails to specifically agree in writing to specific conditions established by the Common Council in the permit to have the applicant provide reasonable physical access to the waste facility in the City for inspection purposes to the Common Council and its designees or fails to comply with any written agreement or conditions in the permit.

d. Fails to specifically agree in writing to specific conditions established by the Common Council in the permit to have the applicant provide in a timely manner reasonable financial records regarding the waste facility operations or the transportation operations in the City of Cornell or fails to comply with any written agreement or conditions in the permit.

e. Fails to specifically agree in writing to specific conditions established by the Common Council in the permit to have the applicant provide in a timely manner reasonable records regarding source, amount and type of waste involved with the waste facility operations or transportation operations in the City of Cornell or fails to comply with any written agreement or conditions in the permit.

7.02 RECYCLING ORDINANCE

(1) **Title.** Recycling Ordinance for the City of Cornell.

(2) **Purpose.** The purpose of this ordinance is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in Section 159.11, Wisconsin Statutes, and Chapter NR 544, Wisconsin Administrative Code, as amended from time to time.

(3) **Statutory Authority.** This ordinance is adopted as authorized under Section 159.09(3)(b), Wisconsin Statutes, and Wisconsin Administrative Code, Section NR 544.

(4) **Abrogation and Greater Restrictions.** It is not intended by this ordinance to repeal, abrogate, annul, impair or interfere with any existing rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, whenever this ordinance imposes greater restrictions, the provisions of this ordinance shall apply.

(5) **Interpretation.** In their interpretation and application, the provisions of this ordinance 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 ordinance 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 Chapter NR 544, Wisconsin Administrative Code and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Chapter NR 544 standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.

(6) **Severability.** Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

(7) **Applicability.** The requirements of this ordinance shall apply to all persons within the City of Cornell.

(8) **Administration.** The provisions of this ordinance shall be administered by the Health Officer of the City of Cornell and other authorized employees and representatives given administrative duties by the Common Council.

(9) **Effective Date.** The provisions of this ordinance shall take effect on July 1, 1994.

(10) **Definitions.** For the purposes of this ordinance:

(A) "Bi-metal container" means a container for carbonated or malt beverages that are made primarily of a combination of steel and aluminum.

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

(C) "Curbside Recycling Program" means the curbside recycling system in effect in the City of Cornell from time to time.

(D) **RESERVED FOR FUTURE USE**

(E) "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.

(F) "HDPE" means high-density polyethylene, labeled by the SPI code #2.

(G) "LDPE" means low density polyethylene, labeled by the SPI code #4.

(H) "Magazines" means magazines and other materials printed on similar paper.

(I) "Major appliance" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator or stove.

(J) "Multiple-family dwelling" means a property containing 5 or more residential units, including those which are occupied seasonally.

(K) "Newspaper" means a newspaper and other materials printed on newsprint.

(L) "Non-residential facilities and properties" means commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.

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

(N) "Other resins or multiple resins" means plastic resins labeled by the SPI code #7.

(O) "Person" includes any individual, corporation, partnership, association, local governmental unit, as defined in Section 66.299(1)(a), Wisconsin Statutes, state agency or authority or Federal agency.

(P) "PETE" means polyethylene terephthalate, labeled by the SPI code #1.

(Q) "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.

(R) "Postconsumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in Section 144.61(5), Wisconsin Statutes, waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in Section 144.44(7)(a)1., Wisconsin Statutes. Postconsumer waste does not mean yard waste, brush, trees, or stumps.

(S) "PP" means polypropylene, labeled by the SPI code #5.

(T) "PS" means polystyrene, labeled by SPI code #6.

(U) "PVC" means polyvinyl chloride, labeled by the SPI code #3.

(V) "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.

(W) "Solid waste" has the meaning specified in Section 144.01(15), Wisconsin Statutes.

(X) "Solid waste facility" has the meaning specified in Section 144.43(5), Wisconsin Statutes.

(Y) "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. "Treatment" includes incineration.

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

(AA) "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.

(11) Separation of Recyclable Materials. Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties shall separate the following materials from postconsumer 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) Newspaper
- (L) Office paper
- (M) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins
- (N) Steel containers
- (O) Waste tires

(12) **Separation, Requirements, Exempted.** The separation requirements of section 7.02(11) do not apply to the following:

(A) Occupants of single family and 2 to 4 unit residences, multiple-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 7.02(11) 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% of the heat input to the facility is derived from the solid waste burned as supplemental fuel.

(C) A recyclable material specified in sections 7.02(11)(E) through (O) for which a variance has been granted by the Department of Natural Resources under Section 159.11(2m), Wisconsin Statutes, or Section NR 544.14, Wisconsin Administrative Code. Example: For the year 1995, the Department has exempted plastics #3-7.

(13) **Care of Separated Recyclable Materials.** To the greatest extent practicable, the recyclable materials separated in accordance with section 7.02(11) 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 to the greatest extent practicable from wind, rain, and other inclement weather conditions.

(14) **Management of Lead Acid Batteries, Major Appliances, Waste Oil and Yard Waste.** Occupants of single family and 2 to 4 unit residences, multiple-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 picked up at the curb by the Recycling Service contracted by the City of Cornell, delivered to the drop off site or returned to a vendor under the vendor's repurchase or exchange program. Lead acid batteries may not be disposed of with postconsumer waste.

(B) Major appliances shall be disposed by arrangement with the contracted recycling service for pick-up. A charge will be made for pick-up. For white goods that contain freon or oil capacitors, a charge will be made by the recycling service.

(C) Waste oil may also be returned to a Vendor under Vendor's repurchase recycling or exchange program or delivered to the contracted recycling service pursuant to their policies.

(D) Yard waste shall be delivered to the City of Cornell's composting area at the City Shop, 300 Park Road, or placed at curbside for pickup during Fall and Spring cleanup week programs. Open burning of yard waste including brush, trees, or stumps may be permitted by obtaining a burning permit under these Ordinances.

(15) Preparation and Collection of Recyclable Materials. Except as otherwise directed by the City of Cornell Health Officer, occupants of single family and 2 to 4 unit residences shall do the following for the preparation and collection of the separated materials specified in sections 7.02(11)(E) through (O):

(A) Aluminum containers shall be rinsed and left for curbside collection or sold to persons or business who are operating commercial recycling enterprises. Nothing herein will prevent the sale or donation of aluminum cans and aluminum foil to local Civic and Church groups, where the aluminum is ultimately recycled.

(B) Bi-metal containers shall be rinsed and left for curbside pickup.

(C) Corrugated paper shall be flattened, bundled and tied or boxed in a large cardboard box, if placed at curbside for pickup. Nothing herein will prevent sale or delivery of corrugated paper to Church groups, Civic groups or commercial purchasers of corrugated paper for recycling.

(D) Foam polystyrene packaging shall be separated, placed in brown paper bags, and placed at curbside for collection under the City's curbside recycling program.

(E) Glass containers shall be rinsed, with covers removed, separated by color in accordance with the hauler's instructions, and placed for collection under the City's curbside recycling program.

(F) Magazines shall be placed in brown paper bags or cardboard boxes for collection under the City's curbside recycling program.

(G) Newspaper shall be placed in brown paper bags or cardboard boxes for collection under the City's curbside recycling program.

(H) Office paper shall be placed in brown paper bags or cardboard boxes for collection under the City's curbside recycling program in accordance with hauler's instructions.

(I) Rigid plastic containers shall be prepared and collected as follows:

(1) Plastic containers made of PETE(plastic #1) shall be rinsed with caps, rings and covers removed, separated and placed at curbside for collection under the City's curbside recycling program.

(2) Plastic containers made of HDPE(plastic #2) shall be rinsed with caps, rings and covers removed, separated and placed at curbside for collection under the City's curbside recycling program. Wide mouth containers are to be handled in accordance with hauler's instructions.

(3) Plastic containers made of PVC(plastic #3) shall be rinsed with caps, rings and covers removed, separated and placed at curbside for collection under the City's curbside recycling program.

(4) Plastic containers made of LDPE(plastic #4) shall be rinsed with caps, rings and covers removed, separated and placed at curbside for collection under the City's curbside recycling program.

(5) Plastic containers made of PP(plastic #5) shall be rinsed with caps, rings and covers removed, separated and placed at curbside for collection under the City's curbside recycling program.

(6) Plastic containers made of PS(plastic #6) shall be rinsed,

cleaned, separated and placed at curbside for collection under the City's curbside recycling program.

(7) Plastic containers made of other resins or multiple resins (plastic #7) shall be separated in accordance with hauler's instructions and placed at curbside for collection under the City's curbside recycling program.

(8) Because of changes in markets, from time to time, the City may determine that rigid plastic containers displaying different numbers need not be separated by number but can be placed together for pickup. In such instance, instructions will be given through the hauler. Also, if there are no markets, the City Council may exempt materials otherwise required to be recycled. See paragraph 7.02(21).

(J) Steel containers shall be rinsed and placed at curbside for collection under the City's curbside recycling program.

(K) Waste tires shall be disposed of by arrangement with the recycling service and are subject to the charges currently approved by the City under the recycling services contract. The City Council may from time to time change rates charged for tire disposal. Waste tires may also be sold or dropped off at the Chippewa County waste tire collection site.

(L) Recycling bins or containers meeting hauler's requirements will be used with brown paper bags as receptacles in accordance with the current recycling service requirements approved by the community.

(16) Responsibilities of Owners or Designated Agents of Multiple-Family Dwellings.

(A) Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in sections 7.02(11)(E) through (O):

(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 or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.

(17) 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 sections 7.02(11)(E) through (O):

(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.

(18) Prohibitions on Disposal of Recyclable Materials Separated for 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 sections 7.02(11)(E) through (O) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

(19) Large Outdoor Events

(A) Organizers and sponsors of outdoor events and owners of the real estate where outdoor events are held, with twenty (20) or more persons attending, including but not limited to fairs, concerts, contests, sports events, shows, performances, reunions, social or business gatherings, with or without charge, on private or public property, where food or beverage is served shall provide an adequate number of clearly identified containers for all plastic containers for #1, #2 and #6 and for aluminum containers.

(B) Within 18 hours after the event is completed, all recyclable plastic and aluminum shall be delivered by the organizer, sponsor, or real estate owner or his designee, to an appropriate recycling service.

(C) Attendees of all such events shall deposit said plastic and aluminum materials to the provided containers. No such plastic or aluminum materials shall be placed or disposed of in a garbage or refuse container. All deposited plastic and aluminum materials shall be reasonably clean and free of food particles.

(20) Parks, Waysides, Ballfields and Recreation Areas.

(A) All municipally owned or operated parks, waysides, ballfields and recreational areas shall have clearly identified containers for plastic products #1, #2 and #6 and aluminum containers. The plastic and aluminum products shall be regularly removed and delivered to the local recycling center designated to receive same.

(B) No person shall deposit to such container any non-plastic or aluminum materials and shall deposit to said container, plastic and aluminum materials that are reasonably clean and free of food particles.

(21) **Exemptions.** The Common Council reserves the right to designate additional solid waste materials as recyclable, or currently collected materials as no longer recyclable in accordance with state law and to either add or delete them from any collection services provided by the municipality or its contractors. The municipality shall provide written notice to its service recipients of this declaration.

(22) **Volume based rates.** The municipality determines costs for regular and special solid waste to cover those costs. Fees shall be assessed on a per container basis for solid waste to be paid through purchase of designated bags or containers at

those locations specified by the Common Council from time to time.

(23) Collection Schedule. The municipality shall establish the time of collection of solid waste and recyclables and the City Administrator shall provide written notice of the collection schedule at least once in the Spring and Fall of each year and at any time when the collection schedule is changed. The contracted hauler is authorized to inform persons of changes in the collection schedule due to holidays and other special circumstances.

(24) Special Materials. Materials such as couches and bulky items shall be picked up during special collection times, or residents shall contact licensed haulers when they have such items and arrangements for collection through the hauler will be made.

(25) Construction Materials. For construction materials from remodeling or construction, arrangements are to be made by the individual with a licensed hauler.

(26) Right to Reject Materials. The hauler has the right to reject or leave at the curb any recyclable material that is not prepared according to the specifications in this ordinance or in educational materials or instructions provided by the contractor to the service recipients. Materials may also be left if not separated from solid waste and placed in the proper container. The hauler also has the right to refuse to pick up any solid waste if it contains recyclable containers and material. In such cases, the hauler or attendant shall notify the generator of the materials about the reasons for rejecting the items either in writing or verbally. The hauler shall also keep a list of such occurrences and provide it to the municipality on a monthly basis.

(27) Hauler Licensing. Haulers who collect solid waste or recyclables in the City of Cornell for storage, treatment, processing, marketing or disposal shall obtain and maintain all necessary municipal and state permits, licenses and approvals prior to collecting any materials in the City of Cornell.

7.02(28) Recycling costs

Sections:

- 7.02(28)A Definitions
- 7.02(28)B Recycling Special Charge
- 7.02(28)C Administering the Charge
- 7.02(28)D Determining the Recycling Special Charge
- 7.02(28)E Payment
- 7.02(28)F Notice
- 7.02(28)G Appeal

(A) **Definitions.** For the purposes of this chapter “recycling costs” include those costs incurred by the City of Cornell, under its recycling program, to provide recycling services to its customers, including the costs and administrative expenses incurred to collect, sort and recycle curbside recycling collections. Recycling costs do not include the costs incurred by the City for garbage collection purposes under its solid waste management program.

(B) **Recycling Special Charge.** There is hereby imposed upon all real property in the City that receives curbside recycling collection services from the City a monthly recycling special charge pursuant to Wis. Stat. § 66.0627, Wis. Stats., which special charge shall cover the recycling costs incurred by City.

(C) **Administering the Charge.** The recycling special charge shall be administered by the City Administrator and/or the City Administrator’s designee. The proceeds from the special charge shall be used to pay for the recycling costs incurred by the City.

(D) **Determining the Recycling Special Charge.** The Common Council shall annually approve the recycling special charge. If, after approving the recycling special charge, the actual recycling costs are found to vary materially from the approved amount, the City Administrator shall submit an updated report to the Common Council for consideration to account for the actual recycling costs incurred by the City to provide services to its recycling customers.

(E) **Payment.** Upon the Common Council’s approval by resolution of the special charge or updated special charge under Section 7.02(28)(D), the special charge shall be billed monthly on the utility bill and due on the same date that the utility bill is due. Any amount not paid to the City by October 31 of each year will be considered delinquent and shall automatically be extended upon the current or next tax roll as a delinquent tax against that property, and all proceedings in relation to the collection, return and sale of the property, and all proceedings in relation to the collection, return and sale of the property for delinquent real estate taxes shall apply to special charges.

(F) **Notice.** No notice or billing is required for the recycling special charge except for a Class 1 notice under Ch. 985, Wis. Stats., within 20 days of the Common Council’s approval by resolution of the special charge or updated special charge under Section 7.20(28)(D) above.

(G) Appeal. Within 10 days of the notice provided for under Section 7.02(28)(F), a property owner may appeal the application of the recycling special charge to their real property. A property owner may not appeal the total amount of the charge approved by the Common Council under Section 7.02(28)(D) or the resolution itself. This appeal shall be in writing to the City Administrator and shall state the specific reasons why the property owner feels that the application of the charge and/or resolution to the property was erroneous and the relief being sought. If, upon review, the City Administrator determines that all or part of the charge imposed is erroneous, unjust or unreasonable, the City Administrator shall adjust the amount of the charge against the property. The property owner may appeal the City Administrator's decision to the Common Council, providing written notice to the office of the City Clerk within 10 days of the mailing of the City Administrator's written decision on the appeal to the property owner"

SECTION II – Severability

The provisions of this ordinance shall be deemed severable and it is expressly declared that the City of Cornell would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to the person's circumstances shall not be deemed affected.

SECTION III – Publication, Posting and Effective Date

This ordinance shall be effective upon publication as required by Wis. Stat. § 62.11(4). Adopted this 18th day of January, 2024.

(29) Reserved for Future Use.

(30) Reserved for Future Use.

(31) Enforcement.

(A) For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the City of Cornell may inspect recyclable materials separated for recycling, postconsumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and non-residential facilities and properties, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to any authorized officer, employee or authorized representative of the City of Cornell who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.

(B) Any person who violates a provision of this ordinance may be issued a citation by the City of Cornell Health Officer, the City of Cornell Police Department or other authorized personnel to collect forfeitures. 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 ordinance may be assessed as follows:

(1) Prior to January 1, 1997:

(a) Any person who violates section 7.02(18) may be required to forfeit Ten dollars (\$10.00) for a first violation, Twenty dollars (\$20.00) for a second violation and not more than One Hundred dollars (\$100.00) for a third or subsequent violation.

(b) Any person who violates a provision of this ordinance, except section 7.02(18), may be required to forfeit not less than Ten dollars (\$10.00) nor more than One Thousand dollars (\$1,000.00) for each violation.

(2) After December 31, 1996:

(a) Any person who violates section 7.02(18) may be required to forfeit Fifty dollars (\$50.00) for a first violation, Two Hundred dollars (\$200.00) for a second violation, and not more than Two Thousand dollars (\$2000.00) for a third or subsequent violation.

(b) Any person who violates a provision of this ordinance, except section 7.02(18), may be required to forfeit not less than Ten dollars (\$10.00) nor more than One Thousand dollars (\$1000.00) for each violation.

7.03 ANNUAL CLEAN-UP WEEKS. All residents of the City of Cornell, whether owners or occupants of the premises under their control or supervision, shall clean up, destroy or remove all rubbish, refuse, ashes, manure, tin cans, junk or scrap iron, upon or adjacent to their respective premises, and shall thoroughly clean such rubbish, refuse or other waste matter from the gutters and alleys adjacent to their premiss, on or before the third (3rd) Saturday in May and the third (3rd) Saturday in November of each year, and at such times as the City may require.

Reserved for Future Use.

Reserved for Future Use.

Reserved For Future Use

Reserved For Future Use