

ORDINANCE NO. 5257

AN ORDINANCE to amend various sections in Chapter 36 Solid Waste of the Code of Ordinances of the City of La Crosse to incorporate changes relating to single-stream refuse and recycling.

THE COMMON COUNCIL of the City of La Crosse do ordain as follows:

SECTION III: Section 36-56 is hereby amended as follows to provide additions and deletions to the Definitions:

~~*Approved large items* means any item with a weight of no more than 200 pounds and of such dimension as to not fit in an approved container and shall include its component parts.~~

*Automated collection system* means a process of collecting refuse and recycling in which a refuse/recycling vehicle equipped with specially designed lift equipment grasps an approved container and the vehicle operator does not get out of the vehicle.

*Bedroom* means a room contained within a dwelling that is intended primarily for sleeping as determined by the City's assessment records.

*City serviced dwelling* means any residential property containing a total of eight (8) or less bedrooms per building or structure that receives refuse and recycling collection service from the City of La Crosse.

*Contractor or City contractor* means any party operating under contract with the City of La Crosse to provide residential refuse and/or recycling services.

*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 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.
- (4) Bears the SPI code #6.

*Large item* means any refuse unable to fit in a refuse/recycling cart with the lid closed or exceeds 300 lbs.

~~*Non-City serviced dwelling* means any property that is not a City serviced dwelling containing nine or more bedrooms, including those which are occupied seasonally.~~

*Nonresidential facilities and properties* means facilities and properties that are not residences, including, but not limited to, commercial, retail, industrial, institutional, and governmental facilities and properties. The term "nonresidential facilities and properties" does not include multiple-family dwelling.

*Pressed paper* means cereal/cracker/snack boxes, beverage cartons, and similar materials.

*Recyclable materials* means materials that are approved and collected by the City of La Crosse, including aluminum containers, glass containers, newspaper, glossy paper, pressed paper, corrugated cardboard, steel containers, and bi-metal containers, plastics identified by the SPI Code #1, and #2, #4 and #5, and other items or materials that may be designated by the Board of Public Works.

*Refuse* means household solid waste, excluding recyclable materials, electronics, and hazardous materials.

*Refuse/recycling cart or refuse and recycling cart* means a cart used for the automated collection of refuse or recycling as approved and provided by the City of La Crosse.

Single stream recycling means the placing of all recyclable materials for collection in one common recycling cart.

SECTION IV: Section 36-57(a) and (b) are amended as follows:

- (a) For the purpose of ascertaining compliance with the provisions of this article, an authorized representative of the Board of Public Works or Fire Department ~~—Division of Fire Prevention and Building Safety—~~ may inspect recyclable materials separated for recycling, postconsumer waste intended for disposal, refuse and recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and nonresidential facilities and properties, and any records relating to refuse and recycling activities., which shall be kept confidential when necessary to protect proprietary information. No person may obstruct, hamper, or interfere with such an inspection. If entry onto private property is required for such an inspection and entry is refused, a special inspection warranted may be obtained under Wis. Stat. § 66.0119 or other applicable law.
- (b) Any person who violates a provision of this article may be issued a citation by the City of La Crosse Police Department, ~~or an authorized agent of the Board of Public Works, or the Fire Department—~~ Division of Fire Prevention and Building Safety. 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 subsection. Nothing in this section constitutes a condition precedent or prohibition of any other enforcement mechanism allowed at law.

SECTION VII: Section 36-68 is hereby amended to read as follows:

- (b) Large items shall not be placed for collection by the City. Disposal of large items shall be the sole responsibility and at the sole expense of the parcel owner. Approved large items shall be limited to four and will be picked up bi-weekly on the regular recycling day, except there is no limit for large items during the time period of May 1 through June 15. Bundled brush will be picked up once annually in the spring. Brush may be taken to a Board of Public Works approved brush site from City proprietiesserviced dwellings and in accordance with City policies and procedures for use of the brush site. Non-woody yard waste shall be composted on site of its origination or delivered to a City yard waste site during open hours. City Residents of City serviced dwellings may arrange for place private yard waste services from a private contractor at their sole expense. in biodegradable paper bags, biodegradable mesh bags approved by the Board of Public Works or the Refuse and Recycling Office, or in a garbage can with a City-issued green sticker not mixed with other refuse to be collected bi-weekly on weeks of recycling.
- (c) ~~One bundle of waste lumber or other construction material not longer than four feet or heavier than 50 pounds may be placed for collection weekly, so long as such material is not produced from a significant remodeling, construction, or demolition project that would create more than three such bundles in total.~~
- (d) ~~The owner, designated agent or operator of any City serviced multiple family dwellings shall provide a suitable stand and pad complying with section 36-70 and provide an adequate number of containers, not to exceed six containers total, or shall provide a proper sized permanently placed dumpster to eliminate any nuisance as may be determined by the Fire Department — Division of Fire Prevention and Building Safety or Refuse and Recycling Office.~~

SECTION VIII: Section 36-69 is hereby amended to read as follows:

~~Refuse from City serviced dwellings shall be placed in a durable refuse container made of metal, rubber or rigid plastic with two handles fabricated and manufactured by the container manufacturer not to exceed 48 gallons each. The owner, designated agent or operator of each City serviced dwelling shall provide an adequate quantity of approved containers as designated in section 36-68(d). Such containers shall not weigh more than 50 pounds when filled, including the weight of the container and contents. Any trash or rubbish not properly disposed of, whether it be scattered by wind, rodents, animals or persons shall~~

~~be properly picked up and disposed of. Only household noncombustible recyclable materials and newsprint shall be placed in recycling containers.~~

- (a) Refuse and recycling from City serviced dwellings shall be placed for collection in refuse/recycling carts provided by the City of La Crosse. Refuse and recycling not placed in such a cart or in compliance with collection requirements shall not be collected by the City.
- (b) Carts are assigned to City serviced dwellings by serial number. Property owners shall ensure the security of the carts and shall be responsible for cart replacement fees in the event carts are lost or damaged.
- (c) City serviced dwellings that are single family will be provided one cart for refuse and one cart for recycling.
- (d) City serviced dwellings that are multi-family will be provided up to three (3) carts for refuse and three (3) carts for recycling as determined in the sole discretion of an authorized representative of the Department of Public Works. City serviced dwellings that are multi-family may be required to provide non-City serviced refuse and recycling dumpsters at the sole expense of the owner if three (3) or more citations and/or orders to correct are issued for violations of the City's refuse and recycling regulations within a consecutive twelve (12) month period.
- (e) The property owner may request to exchange an assigned refuse or recycling cart for a different size. A cart exchange fee may apply.
- (f) Refuse and recycling carts when containing refuse or recyclable materials shall not weigh more than the manufacturer's recommended maximum weight for the cart, including the weight of the cart and contents.
- (g) Refuse and recycling carts provided by the City of La Crosse shall remain the property of the City or the City contractor. Property owners shall leave the carts assigned to the property with the property upon moving, vacating, or selling the property. Replacement of carts missing from the property shall be the responsibility of the new property owner.

SECTION IX: Section 36-70 is hereby amended to read as follows:

~~Collection of household refuse and recyclables for City serviced dwellings will be at the collection point, the alley line where alleys are available and at the curb where alleys are not available, unless otherwise approved by the Board of Public Works. Refuse and recyclables shall be placed at the collection point. Refuse containers and recycling bins shall not be placed at the alley line or curb for collection more than 12 hours prior to day of collection. Refuse containers and recycling bins shall be returned to their permanent storage location on the same day as collection. For units that have refuse picked up off of an alley, refuse and recyclable containers shall be on a suitable, well-maintained stand or a concrete or asphalt pad, at a location approved by the City of La Crosse.~~

Carts shall be placed by 5:00 a.m. on the day of collection, and shall not be placed more than twelve (12) hours prior to collection. Carts shall be placed on a flat surface near the driveway edge, street curb, or alley edge in a vertical, upright position with the arrows on the cart lid pointing toward the alley or street. Carts shall not be placed in the street or alley unless otherwise approved by the Board of Public Works or its designee. Carts shall be placed approximately three (3) feet apart and three (3) feet from structures, objects, trees, or bushes. Lids shall be in the closed position. Carts shall be returned to their place of storage on private property within twenty-four (24) hours of collection. When not placed for collection, carts shall be stored on private property in a secure location.

SECTION X: Section 36-71(a), (b) and (c) are hereby amended to read as follows:

- (a) Refuse and recyclable materials for collection shall be placed in the respective and designated refuse/recycling carts for collection. Refuse shall be placed in bags within the refuse cart. Recyclable materials shall not be placed in plastic bags, rather recyclable materials shall remain loose within the recycling cart.

~~Occupants of City serviced dwellings shall separate all household noncombustible recyclable materials and clean, dry newspaper from refuse and prepare them for recycling according to requirements established and publicized by the Board of Public Works. Newspaper used for wrapping putrescible waste, paint masking, or other uses that contaminate the newspaper, and wet newspaper shall be placed with the refuse.~~

- (b) All waste oil, oil filter, lead acid battery, non-alkaline batteries, or motor vehicle or tractor tire shall be taken to an appropriate licensed recycler, ~~or designated City disposal site if available~~ and shall not be placed with postconsumer waste. Any and all costs of disposal for the item shall be solely at the expense of the item owner or the tax parcel owner if the item has been abandoned.
- (c) All discarded major appliances and electronics banned from collection shall be delivered to a facility licensed by the Wisconsin Department of Natural Resources to recycle appliances or electronics. Any and all costs of disposal for the item shall be solely at the expense of the item owner or the tax parcel owner if the item has been abandoned.

SECTION XI: Section 36-72 is hereby amended to read as follows:

- ~~(a) *General prohibition.* Materials separated and collected for recycling shall not be mixed with refuse or disposed of at any landfill or incinerator. The following materials shall be separated from post-consumer solid waste and mixing of these recyclable materials with post-consumer waste from residential, commercial, industrial, or other sources is prohibited: aluminum containers, steel or bi-metal containers, glass containers, plastics bearing the SPI Code #1 or #2, ~~#3, #4, and #5, #6, and #7~~, newspaper, office paper, advertising paper, corrugated card board, pressed paper, lead, acid and non-alkaline batteries, major appliances, waste oil, oil filter, electronics banned from collection, yard waste, and ~~waste tires from motor vehicles, trailers, or tractors and glass containers.~~~~
- ~~(b) *Prohibition of combustible recyclables in waste delivered to landfill.* The following combustible materials may be mixed with post-consumer waste that is delivered to RDF, but shall not be mixed in significant quantities with waste delivered to a landfill or other disposal site: corrugated paper or other container board, foam polystyrene packaging, newspaper and other materials printed on similar paper, magazines and other materials printed on similar paper, including glossy newspaper inserts, office paper, rigid plastic containers, including those made of PVC (#3), LDPE (#4), PP (#5), PS (#6) and other resins or multiple resins (#7).~~
- ~~(c) *Prohibition of newspaper in waste from City serviced dwellings.* In addition to those recyclable materials which are prohibited from mixing with post-consumer waste listed under subsection (a) of this section, newspaper shall not be mixed with residential waste from City serviced dwellings. This prohibition does not apply to glossy newspaper inserts, newspaper used to wrap putrescible materials, or other uses that contaminate the newspaper.~~

SECTION XII: Sections 36-73(a) and (c) are hereby amended to read as follows:

Sec. 36-73. Refuse collection for non-City serviced ~~multiple-family~~ dwellings.

- (a) The owner, designated agent or operator of any non-City serviced multiple-family dwelling consisting ~~of nine or more bedrooms~~ shall be required to provide a dumpster or dumpsters of appropriate size as specified by ~~the an authorized representative of the Department of Public Works or the City of La Crosse Fire Department—Division of Fire Prevention and Building Safety or Refuse and Recycling Office~~ for the deposit disposal of refuse and recycling. ~~The owner, designated agent or operator of any multiple family dwelling consisting of nine or more bedrooms shall provide a proper sized permanently installed dumpster to eliminate any nuisance as may be determined by the City Fire Department—Division of Fire Prevention and Building Safety or Refuse and Recycling Office.~~ Refuse and recycling

deposited in said dumpsters shall be collected and transported to a licensed disposal facility, ~~not less than once per week, and Frequency of collection shall be at least once per week for refuse and at least once every two weeks for recycling.~~ Collection may be ordered more frequently as deemed necessary by an authorized representative of the Department of Public Works ``Refuse and Recycling Office or Fire Department—Division of Fire Prevention and Building Safety at the expense of the property owner. In addition ~~to the determination as to the size of the dumpster or dumpsters, the Fire Department —Division of Fire Prevention and Building Safety~~ is authorized to order relocation and/or screening or enclosure of any such required dumpster ~~or dumpsters~~ in order to eliminate any nuisance with respect to the same. ~~as may be determined by the Fire Department — Division of Fire Prevention and Building Safety.~~ The owner, ~~designated agent or operator of any multiple family dwelling unit consisting of four to eight bedrooms shall be required to provide a dumpster if such owner or operator is cited twice or issued two orders to correct for violation of the City's recycling and refuse regulations within any 12-month period.~~

- (c) The Director of Public Works will review the proposed cooperative agreement, and may request additional information. Upon approval of the cooperative agreement, the Director ~~of Public Works shall notify the Fire Department—Division of Fire Prevention & Building Safety and Refuse and Recycling Office~~ that a cooperative dumpster agreement exists for the adjoining properties. Agreements shall be valid for up to five years and if either property is sold or the parties to the agreement change, the Director of Public Works shall be notified immediately ~~in order to nullify the agreement or to submit a new agreement and the agreement shall be null and void absent a new agreement being approved by the Director of Public Works.~~

SECTION XIV: Section 36-77 is hereby amended to read as follows:

- (a) All solid waste haulers, recycling pick-up stations, recycling centers, recycling processing centers, and reverse vending machine operators that collect or accept steel or bi-metal cans, glass jars and bottles, ~~plastics #1, plastic #2, plastics #1 through #7, other recyclable materials, or newsprint~~ paper from residential sources in the City of La Crosse shall report quarterly to the City the quantity in weight of each of those materials that they have collected for recycling. Such data shall be reported to the City Recycling Coordinator not later than 45 days after the end of March, June, September, and December of each year. Quantities reported shall be based on actual weights, or on estimated weights if the estimates are made using a method approved by the Director of Public Works. These reporting requirements may be waived by the Board of Public Works if the data is not required to comply with State or Federal requirements, or to assist the City in obtaining grants or other financial assistance.
- (b) Solid waste haulers shall notify the ~~Fire Department~~ City Recycling Coordinator by mail or telephone before discontinuing refuse ~~and/or recycling service for any non-City serviced dwelling multiple family dwelling or any private, commercial or industrial customer for nonpayment~~ if such discontinuation will result in a dumpster or other refuse container being left unserved at the customer's site.

SECTION XV: Section 36-79(b) is hereby amended to read as follows:

- (a) In ~~the event~~ case the owner or designed agent of any premises or the person in charge thereof, shall refuse or neglect to comply with the provisions of this ~~article~~ section in regard to the containment, timely removal and disposal of refuse or recyclable material, an authorized representative of the Department of Public Works or the Fire Department ~~the Chief Inspector, Recycling Coordinator or their designee~~ shall serve personally, by certified mail, first class mail, or by email, ~~or telephone call~~ an Order to Correct (OTC) to the owner of the premises or his/her agent, requiring compliance with this ~~article~~ section within 48 hours after service of such notice. If service is by certified mail, first class mail, or email, service shall be deemed completed on the date of such mailing. ~~If service is by phone, service shall be deemed complete on the recorded date of phoned call.~~
- (b) In ~~the event~~ case such owner or designated agent of said premises fails to comply with the requirements of said notice within the time specified in the notice, the Fire Department—~~Division of Fire Prevention and Building Safety~~, pursuant to Wis. Stat. Section 66.0627, may remove such refuse either by contract or by having City employees do the same, and charge the cost thereof to the property

owner. Within the time set forth in said notice, owner or designated agent may request an appeal of any charges due before the Board of Public Works by notifying the Director of Public Works. Upon nonpayment of such charges, such charge shall become a lien upon such property and shall automatically be extended upon the current or next tax roll as delinquent tax against the property and all proceedings in relation to the collection, return and sale of property for delinquent real estate taxes shall apply to such special charge.

SECTION XVI: Section 36-80(b) and (c) are hereby amended as follows:

- (b) The City Recycling Coordinator, ~~with input from the Fire Department — Division of Fire Prevention and Building Safety~~, shall prepare the application form for all licenses for solid waste/recycling transfer stations in the City requiring the following information:
  - (1) The name and address of the owner or owner's representative, including owner's legal identity, such as individual, partnership or corporation or otherwise;
  - (2) The business street address of the owner or owner's representative;
  - (3) The specific address for the solid waste/recycling transfer facility; and
  - (4) A copy of the application for any licenses required by the Wisconsin Department of Natural Resources or other applicable State agencies.
- (c) The applicant shall pay an annual license fee, which shall pay for administrative costs of annual inspections by the City Recycling Coordinator ~~and Fire Department — Division of Fire Prevention and Building Safety~~ and other costs related to monitoring compliance with the conditions of the license as set forth under chapter 115, article VI.

SECTION XVII: Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this division shall not be affected.

SECTION XVIII: This ordinance shall take effect and be in force from and after its passage and publication.

\_\_\_\_\_/s/\_\_\_\_\_  
Mitch Reynolds, Mayor

\_\_\_\_\_/s/\_\_\_\_\_  
Sondra Craig, Deputy City Clerk

Passed: 8/10/2023  
Approved: 8/14/2023  
Published: 8/19/2023