

Chapter 36 - SOLID WASTE

FOOTNOTE(S):

--- (1) ---

Cross reference— Board of Public Works, ch. 2, art. X, div. 3; recyclers, ch. 10, art. XII; environment and natural resources, ch. 16; sewers and sewage disposal, ch. 46, art. II. [\(Back\)](#)

State Law reference— Solid waste generally, Wis. Stat. chs. 287—289. [\(Back\)](#)

ARTICLE I. - I IN GENERAL

Secs. 36-1—36-18. - Reserved.

ARTICLE II. - LITTER CONTROL

FOOTNOTE(S):

--- (2) ---

State Law reference— Littering, Wis. Stat. § 287.81. [\(Back\)](#)

Sec. 36-19. - Definitions.

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

Litter means:

- (1) Putrescible animal and vegetable wastes, resulting from the handling, preparation, cooking, and consumption of food.
- (2) Putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned, wrecked or junked vehicles or part thereof, and solid market and industrial wastes.
- (3) Nonputrescible solid waste consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, tree and shrub clippings, leaves, metal, wood, glass, bedding, crockery, gum, cement and brick stains or any substance, stain or material upon the sidewalk or paver brick that has a blighting or deleterious effect as determined by the Department of Planning and Development.

(Code 1980, § 5.09(A))

Cross reference— Definitions and rules of construction, § 1-2.

Sec. 36-20. - Penalty, enforcement and citations.

Except as otherwise provided in this article, violations of this article are a Class C offense as provided in section 1-7. The following persons are hereby authorized to enforce the provisions of this article and may issue citations as provided for in Wis. Stat. § 800.02(2) for violations of this article:

- (1) The Chief of Police.

- (2) The Director of Public Works.
- (3) The Director of Planning and Development.
- (4) Such other City officers or City employees who are assigned enforcement responsibilities for this chapter.

(Code 1980, § 5.19(A))

Sec. 36-21. - Litter in public places.

No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the City except in public receptacles or in authorized receptacles for collection.

(Code 1980, § 5.09(B))

Sec. 36-22. - Sweeping litter into gutters prohibited.

No person shall sweep into or deposit in any gutter, street or other public place within the City the accumulation of litter from any building or lot, from any public or private sidewalks or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

(Code 1980, § 5.09(C))

Sec. 36-23. - Merchant's duty to keep sidewalks free of litter and weeds.

No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place within the City the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the City shall keep the sidewalk and boulevard in front of their business premises free from litter and weeds.

(Code 1980, § 5.09(D))

Sec. 36-24. - Litter thrown by persons in vehicles.

No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the City, or upon private property.

(Code 1980, § 5.09(E))

Sec. 36-25. - Truck loads causing litter.

The provisions of Wis. Stat. § 348.10 are hereby adopted by reference. No person shall drive or move any vehicle or truck within the City, the wheels or tires of which carry onto or deposit in any street or other public place sticky substances, litter or foreign matter of any kind.

(Code 1980, § 5.09(F))

Sec. 36-26. - Distribution of printed matter limited.

No person shall upon the public streets distribute any handbill, circular, notice or printed matter of any kind if the distribution of such materials results in the littering of streets or other public ways. Violations of this section are a Class B offense as provided in section 1-7.

(Code 1980, §§ 7.04(B), 7.09(A))

Secs. 36-27—36-55. - Reserved.

ARTICLE III. - COLLECTION AND DISPOSAL

FOOTNOTE(S):

--- (3) ---

State Law reference— Solid waste reduction, recovery and recycling, Wis. Stat. § 287.07 et seq.; municipal solid waste duties and powers, Wis. Stat. §§ 287.09, 287.10. [\(Back\)](#)

Sec. 36-56. - Definitions.

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

Aluminum container means an aluminum container for food or beverages.

~~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.~~

Approved container see refuse/recycling cart

Automated collection system shall mean a refuse/recycling truck equipped with specially designed lift equipment to grasp approved containers where the truck operator does not get out of the truck.

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

Brush site means a site designated by the City of La Crosse Board of Public Works where citizens may drop off brush, shrubs, branches and other tree waste meeting criteria established by the Board.

City serviced dwelling means any taxable, residential property containing eight or less bedrooms or any residential condominium containing eight (8) or less bedrooms that receives refuse collection service from the City of La Crosse. The total bedrooms shall be on a tax parcel basis and not individual buildings.

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

Electronics banned from collection means any electronic device as defined by the Wisconsin Department of Natural Resources E-Cycle Wisconsin laws, including televisions, computers (desktop, laptop, notebook, and tablet), computer monitors, desktop printers (including those that scan, fax, copy, or print), other computer accessories (including keyboards, mice, speakers, external hard drives, and flash drives), e-readers, DVD players, blue ray players, video cassette players/recorders, DVR's, cell phones, digital cameras, digital video cameras.

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

Glass container means a container in which food or beverages are sold that is made of clear, green, or brown glass. Drinking glasses and crystal are not included.

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

Household noncombustible recyclable materials means aluminum, steel, and bi-metal containers, and glass containers.

Large items means any waste too large to fit in an approved container

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

Magazines means magazines and other materials printed on similar paper.

Major appliance means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, dehumidifier, water heater, stove, microwave or other appliances designated by the Board of Public Works.

Multiple family dwelling means any residential building with two or more dwelling units.

Newspaper means newspapers and other materials printed on newsprint.

Non-City serviced dwelling means a ~~parcel either taxable or tax exempt property~~ containing nine or more bedrooms, including those which are occupied seasonally ~~or any non-residential facilities~~.

Nonresidential facilities and properties means commercial, retail, industrial, institutional, and governmental facilities and properties. The term "nonresidential facilities and properties" does not include multiple-family dwelling. ~~Nonresidential facilities are also non-city serviced.~~

Office paper means high grade printing and writing papers from offices in nonresidential 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.

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

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

Person has the meaning specified in Wis. Stat. § 287.01(5m).

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

Plastic container means a plastic container, as defined in Wis. Stat. § 100.33(l)(c) that is required to be labeled under Wis. Stat. § 100.33(2).

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

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

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

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

RDF means Excel Energy's Refuse Derived Fuel facility on French Island. This facility processes refuse to produce fuel for generating electricity.

Recyclable materials approved and collected by the City include aluminum containers; glass containers ~~and jars~~; newspaper; ~~junk mail, glossy paper, pressed paper, corrugated cardboard~~ steel containers; and bi-metal containers, plastics identified by the SPI Code #1 ~~and #2, #3, #4, #5, #6, #7~~ and other items or materials that may be designated by the Board of Public Works.

Refuse means household solid waste, excluding recyclable materials.

~~Refuse/recycling cart means a 35, 65, or 95 gallon cart with attached lids and wheels specifically designed for service in an 'automated' collection system.~~

Scavenger means a person who collects things discarded by others.

Scavenging means the act of rummaging or sorting through refuse, recyclables, or other waste placed for collection with the intent of removing items or materials without the consent of the property owner, designated agent, occupant, tenant of the premises, or the City.

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

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

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

Solid waste treatment has the meaning given in Wis. Stat. § 289.01(39).

Steel container means a steel food or beverage container, commonly referred to as a "tin can."

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

Yard waste has the meaning specified in Wis. Stat. § 287.01(17).

Yard waste site means a site designated by the City of La Crosse Board of Public Works where citizens may drop off nonwoody yard waste.

(Code 1980, § 8.02(H))

Sec. 36-57. - Enforcement and penalties.

- (a) For the purpose of ascertaining compliance with the provisions of this article, an authorized representative of the Board of Public Works or ~~any other authorized representative of the City Department of Planning and Development~~ 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 nonresidential facilities and properties, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may obstruct, hamper, or interfere with such an inspection.
- (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 ~~any other City representative authorized to issue citations for code violations the Department of Planning and Development~~. 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.
- (c) Provisions of this article may be enforced against either the owner of a property or other violator. The City will make a reasonable effort to identify the offender and enforce provisions of this article against occupants, where appropriate, before taking enforcement action against the property owner.
- (d) Penalties for violating this article may be assessed as follows:
 - (1) Any person who receives a citation for violating any provision of this article may be required to forfeit \$100.00 for a first violation within a 12-month period, \$500.00 for a second violation within the same calendar year, and not more than \$1,000.00 for a third or subsequent violation within a 12-month period plus costs and penalty assessments.
 - (2) Persons placing electronics banned from collection on any public or private property shall be issued a citation and required to forfeit \$500.00 for the first violation in a 12-month period, \$1,000.00 for a second violation within the same calendar year, and not more than \$5,000.00 for a third or subsequent violation within a 12-month period plus costs and penalty assessments.
 - (3) Persons scavenging electronics banned from collection shall be issued a citation and required to forfeit \$500.00 for the first violation in a 12-month period, \$1,000.00 for a second violation within the same calendar year, and not more than \$5,000.00 for a third or subsequent violation within a 12-month period plus costs and penalty assessments.
- (e) The owner or designated agent of any existing duplex, triplex or 4-plex with nine or more bedrooms at the time of adoption of the ordinance from which this article is derived, may seek a waiver from the requirement of placing a dumpster upon appeal to the Board of Public Works for the sole reason that there is no physical room on the property to locate a dumpster of appropriate size. The Board of Public Works may subsequently order a dumpster after a finding is made that a dumpster is a more prudent solution to solid waste handling on the property in question. The granting of a waiver shall not be constituted as converting a property to a City serviced dwelling.

(Code 1980, § 8.02(Y))

Cross reference— General penalty for ordinance violations, § 1-7.

Sec. 36-58. - Purpose.

The purpose of this article is to provide regulation for the proper collection and disposal of solid waste and to promote recycling, composting, and resource recovery through the administration of an effective refuse collection and recycling program, as provided in Wis. Stat. ch. 287, and Wis. Admin. Code ch. NR 544.

(Code 1980, § 8.02(A))

Sec. 36-59. - Statutory authority.

This article is adopted as authorized under Wis. Stat. § 287.09(3)(b).

(Code 1980, § 8.02(B))

Sec. 36-60. - Abrogation and greater restrictions.

It is not intended by this article 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 article imposes greater restrictions, the provisions of this article shall apply.

(Code 1980, § 8.02(V))

Sec. 36-61. - Interpretation.

The interpretation and application of the provisions of this article shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any terms or requirements of this article may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this article is required by Wisconsin Statutes, or by a standard in Wis. Admin. Code ch. NR 544 and where the article provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Wis. Admin. Code ch. NR 544 standards in effect on the date of the adoption of the ordinance from which this article is derived, or in effect on the date of the most recent text amendment to this article.

(Code 1980, § 8.02(D))

Sec. 36-62. - Applicability.

The requirements of this article apply to all activities related to solid waste and recycling within the City.

(Code 1980, § 8.02(F))

Sec. 36-63. - Administration.

The provisions of this article shall be administered by the City of La Crosse Board of Public Works and its designated agents ~~and the Department of Planning and Development.~~

(Code 1980, § 8.02(G))

Sec. 36-64. - Unlawful deposit.

No person shall deposit or cause to be deposited in or on any public street, water, or grounds, or in any other place, any dead animal, rubbish, trash, refuse, dirt, junk, filth, offal, or any substance or material that will tend to contaminate or litter the area, or to create a strong odor or stench, or endanger public

health. This section shall not apply to a sprinkling of clean sand or salt upon icy sidewalks, nor to the deposit on the person's own premises of refuse containers for collection. No person shall deposit or cause to be deposited in or near any private dumpster, trash can, recycling container, or other private trash receptacle, any refuse, trash, recyclable materials, or other items without the consent of the owner, designated agent or authorized user of such dumpster, trash can, trash receptacle or recycling container. No person shall deposit or cause to be deposited in or near any City-owned or leased dumpster, trash can, recycling container, or other City trash or recycling receptacle, any refuse, trash, recyclable materials, or other items; except such trash as normally generated during the usual use of a City building, park, or other facility may be placed in trash or recycling receptacles provided for such waste. No person shall deposit or cause to be deposited in or near any City-owned yard waste site or brush site any refuse, trash, recyclable materials or other items not designated as acceptable materials at that site by the Board of Public Works.

(Code 1980, § 8.02(I))

Sec. 36-65. - Interference with refuse or recycling containers and their contents.

- (a) No person other than the owner, designated agent, occupant, or tenant of the premises, or their agent, or the refuse or recycling collector employed and licensed by the City, or a City employee authorized by the Board of Public Works, shall deposit any article or thing in refuse or recycling containers, or shall remove, displace, injure, deface, destroy, uncover, or disturb such containers or their contents. No person shall tag or place graffiti on any refuse or recycling container or dumpster. Recyclable materials upon placement at the alley or street for collection shall become the property of the City.
- (b) Scavenging without the express, written consent of the owner, designated agent, occupant, tenant of the premises, or the City shall be prohibited.

(Code 1980, § 8.02(J))

Sec. 36-66. - Refuse, recyclables, yard waste from outside the City, or placing unauthorized refuse, recyclables or yard waste for City collection.

It shall be unlawful for any person, firm, or corporation to place, deposit, or cause to be deposited, for collection by the City or the City's contractor, any waste, refuse, unauthorized refuse, recyclables or yard waste not generated within the limits of the City of La Crosse, or not produced as a result of residential use at a City serviced dwelling.

(Code 1980, § 8.02(K))

Sec. 36-67. - Unacceptable waste.

No person shall place for collection any major appliance, electronics banned from collection, explosives, flammable liquids, ashes unless completely extinguished and cold, liquid paint, any pesticides or toxic chemicals, oil filters, carcasses, stumps, soil, rocks, needles or razor blades not in a hard protective container, prescription medications, **animal waste**, or human bodily wastes.

(Code 1980, § 8.02(L))

Sec. 36-68. - General description of collection of refuse and recyclables for City serviced dwellings.

- (a) The City will provide weekly collection of refuse and bi-weekly collection of household recyclables for all City serviced dwellings. The list of items collected for recycling may be changed by order of the **Board of Public Works** ~~Common Council~~ and become effective following public notice of such change.
- (b) **Disposal of large items shall be the sole responsibility of the property owner or tenant. Large items shall not be placed for collection by the City.**

~~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 Board of Public Works approved brush site from City serviced dwellings. Nonwoody yard waste shall be composted on site of its origination or delivered to a City yard waste site during open hours. Residents of City serviced dwellings may arrange to have a place yard waste cart provided by the City's refuse and recycling collection contractor by subscribing for and agreeing to pay for the requested service. 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.~~

~~(c) 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 shall be provided not provide an adequate number of containers, up to six (6) refuse/recycling carts. exceed six containers total, or shall provide a proper sized permanently placed dumpster to eliminate any nuisance as may be determined by the City. Department of Planning and Development or Refuse and Recycling Office.~~

~~(Code 1980, § 8.02(M))~~

Sec. 36-69. - Approved containers for refuse materials.

~~Refuse and recycling from City serviced dwellings shall be placed for collection in carts provided by the City for that purpose. Refuse and recycling carts shall have the City's seal embossed on the cart. Refuse carts shall be in 35, 65, or 95 gallon size. Recycling carts shall be in 65 or 95 gallon size and have a green lid. All refuse and recycling for collection shall be placed in a City provided cart. Refuse and recycling not placed in a cart shall not be collected.~~

~~Carts are assigned to City Serviced Dwellings by serial number. The property owner or tenant shall be responsible for ensuring the security of the carts so assigned by recording and preserving the cart serial numbers. Property owners or tenants shall be responsible for cart replacement fees in the event carts are lost or damaged as a result of a willful act of destruction.~~

~~(a) City serviced single family dwellings will be provided one cart for refuse and one cart for recycling. Residents and property owners will have the opportunity to select their cart size.~~

~~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.~~

~~(b) City serviced duplexes, condos, or multi-family apartments not exceeding eight (8) bedrooms will be provided up to three (3) carts for refuse and three (3) carts for recycling. City serviced dwellings with eight (8) bedrooms may be required to provide a non-city serviced dumpster at the expense of the owner if~~

cited twice or issued two orders to correct for violation of the City's refuse and recycling regulations within a 12 month period.

(c) Requests for cart exchanges can be made for either larger or smaller cart sizes for either refuse or recycling. Exchange of carts for the same size is not permitted. A cart exchange fee shall apply and shall be established by the BPW,

(Code 1980, § 8.02(N))

Sec. 36-70. - Placement of approved refuse and recycling containers.

Carts shall be placed on a flat surface near the street curb, driveway edge, or alley edge in a vertical, upright position with the arrows on the cart lid pointing toward the alley or street. Carts shall be placed by 5am on the day of collection, and shall not be placed more than 12 hours prior to collection. Carts shall be returned to their place of storage within 24 hours of collection. 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. Residents on streets where street parking is an issue may place carts in the street with the cart wheels against the curb on the day of collection.

~~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.~~

(Code 1980, § 8.02(O))

Sec. 36-71. - Preparation of refuse and recyclables.

(a) Occupants of City serviced dwellings shall place recyclables and refuse for collection in the appropriate carts for collection.

~~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.

(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. The cost of disposal shall be borne by the appliance or electronics owner.

(d) The City and the City's contracted refuse and recycling hauler may refuse to collect refuse or recyclables not prepared in accordance with the requirements established by the City. The City and the City's contracted refuse and recycling hauler may refuse to collect refuse containing recyclable materials.

(Code 1980, § 8.02(P))

Sec. 36-72. - Prohibition on placing recyclable materials in refuse.

- (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, plastics bearing the SPI Code #1 ~~or #2, #3, #4. #5.#6, #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, 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.~~

(Code 1980, § 8.02(Q))

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

- (a) The owner, designated agent or operator of any 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 City ~~of La Crosse Planning Department of Planning and Development 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 Department of Planning and Development or Refuse and Recycling Office.~~ Refuse deposited in said dumpsters shall be collected and transported to a licensed disposal facility not less than once per week, and may be ordered to be dumped more frequently as deemed necessary ~~by the City by Refuse and Recycling Office or Department of Planning and Development~~ at the expense of the property owner. In addition to the determination as to the size of the dumpster or dumpsters, the ~~City Department of Planning and Development~~ 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 Department of Planning and Development.~~ 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.
- (b) Cooperative agreements for sharing of dumpsters and recycling containers. Where adjoining commercial, mixed-use or multiple family non-City serviced dwellings exist, the use of shared, cooperative dumpsters and recycling containers may be permitted. Property owners and/or designated agents of properties wishing to share dumpsters shall prepare and present a proposed cooperative dumpster sharing agreement to the Director of Public Works. The agreement shall at a minimum including the following:
- (1) Contact information including addresses for properties sharing the dumpster(s).

- (2) Drawing or map showing the proposed shared dumpster location, including screening as may be required.
- (3) Shared dumpsters shall be clearly identified as garbage/refuse or recycling.
- (4) Language regarding the cooperative, joint use of the dumpster by the tenants.
- (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 shall notify the ~~Department of Planning and Development~~ Building and Inspection Department 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.

(Code 1980, § 8.02(R))

Sec. 36-74. - Recycling responsibilities of owners or designated agents of **non-city serviced** multiple-family dwellings.

Owners or designated agents of **non-city serviced** multiple-family dwellings shall do all of the following to recycle household recyclable materials:

- (1) Provide adequate, clearly marked separate containers for the collection of the recyclable materials separated from the solid waste at a location convenient to the tenants for the delivery of the materials to a recycling facility.
- (2) Notify tenants at move-in, and at least semi-annually remind them, of the 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.

(Code 1980, § 8.02(S))

Sec. 36-75. - Business refuse.

Every business establishment shall provide for the prompt weekly removal and proper disposal of all refuse generated by or at the business establishment in an appropriately sized container with an attached lid. This shall include all buildings or facilities used wholly or partly for nonresidential purposes, including those owned or occupied by nonprofit organizations. Refuse generated by or at a business establishment shall not be placed along with or mixed with refuse generated at a City serviced dwelling for collection by the City. The owner, designated agent or operator of any business establishment shall be required to provide a dumpster if such owner, designated agent or operator is cited twice or issued two orders to correct for violation of the City's sanitary regulations within any 12-month period.

(Code 1980, § 8.02(T))

Sec. 36-76. - Recycling responsibilities of owners or designated agents of nonresidential facilities and properties.

- (a) Owners or designated agents of nonresidential facilities and properties shall do all of the following to recycle all recyclable materials:
 - (1) Provide adequate, clearly marked separate containers for the collection of the recyclable materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility.
 - (2) Prominently post and notify users, tenants and occupants the 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.

- (b) The preceding requirements of subsection (a)(1) and (2) of this section for the owners or designated agents of nonresidential facilities or properties do not apply if the refuse generated within the facility or property is delivered to and treated at a processing facility licensed by the Wisconsin Department of Natural Resources that recovers for recycling all recyclable materials in as pure a form as is technically and practically feasible.

(Code 1980, § 8.02(U))

Sec. 36-77. - Reporting requirements for private recyclers and solid waste haulers.

- (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 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 City Recycling Coordinator ~~by mail or telephone~~ before discontinuing refuse service for any 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.

(Code 1980, § 8.02(V))

Sec. 36-78. - Removal of construction material dumpsters no longer needed for construction purposes.

- (a) Persons utilizing dumpsters for construction, demolition or remodeling purposes placed on private property shall remove or cause the same to be removed when no longer being continuously utilized or needed within 30 days. Dumpsters in public right-of-way shall comply with the provisions of section 40-13
- (b) In addition to the penalties provided for in sections 36-57 and 103-269, a person violating the provisions herein may be subject to the provisions contained in section 36-79 regarding abatement of nuisances by the Board of Public Works.

(Code 1980, § 8.02(W))

Sec. 36-79. - Abatement of refuse or recyclable material nuisances.

- (a) In case the owner or designated agent of any premises or the person in charge thereof, shall refuse or neglect to comply with the provisions of this section in regard to the containment, timely removal and disposal of refuse or recyclable material, the Chief Inspector, Recycling Coordinator or their designee shall serve personally, by certified mail, first class mail, by email, or telephone call an Order to Correct (OTC) to the owner of the premises or his/her agent, requiring compliance with this 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 case such owner or designated agent of said premises shall fail to comply with the requirements of said notice within the time provided for in said notice, the ~~Planning and Development Department, Division of Building and Inspections,~~ pursuant to Wis. Stat. Section 66.0627, may cause such garbage or refuse to be removed 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.

(Code 1980, § 8.02(X); Ord. No. [4820](#) , § I, 5-8-2014)

Sec. 36-80. - License for solid waste/recycling transfer station.

- (a) No person, firm, entity or corporation shall maintain any building, premises or structure in the City of La Crosse as a solid waste/recycling transfer station without securing a permit for the facility. A solid waste/recycling transfer station is defined as a facility that receives and consolidates solid waste or recyclable materials that are loaded upon trailers, barges or other vehicles for transport to another disposal or recycling facility.
- (b) The Recycling Coordinator, with input from the ~~Inspection Department~~ ~~Department of Planning and Development~~, 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 Recycling Coordinator and ~~Inspection Department~~ ~~of Planning and Development~~ and other costs related to monitoring compliance with the conditions of the license as set forth under chapter 115, article VI.
- (d) The following conditions shall apply regarding any transfer station issued a license required under this article:
 - (1) The station shall not abut a property zoned or planned for residential use.
 - (2) The site shall be maintained free from litter or any other undesirable materials, shall be cleaned from loose debris on a daily basis and shall be secured from unauthorized entry and removal of materials when attendants are not present.
 - (3) The premises and all structures thereon shall only be used for the purposes as set forth in the license granted under this section and the business of the transfer station shall be carried on in a sanitary manner, shall contain no fire hazards, and shall be arranged to allow inspection at any time by proper health, fire, building or law enforcement authorities.
 - (4) The licensee shall be required to keep records of all tonnage of each load brought to the station for the previous 36 months. This record shall include the source of the waste load by county of origin, and records of all tonnage of each load removed from the station, specifying tonnage and site where said waste is finally disposed. To the extent the licensee salvages material from the waste, detailed records will be maintained that allow the City of La Crosse to verify the amount of salvaged material. The licensee shall keep records of waste types in accordance with the waste categories used by the City of La Crosse. All records shall be available for inspection by the City of La Crosse. The station shall submit summaries of verifiable tonnage records in a format and on a schedule and deadline determined by the City of La Crosse.
 - (5) Any person, firm, entity or corporation issued a licensee under this article hereby consents to the inspection of the solid waste/recycling transfer station by the City of La Crosse personnel or

agent designated by the City of La Crosse for purposes of verifying compliance with applicable rules and regulations of the Refuse and Recycling Office, ensuring La Crosse County Solid Waste Flow Control Ordinance and applicable City ordinances. Failure to consent to inspection of any station issued a license under this article shall be grounds for revocation. The City of La Crosse has the right to perform random waste screenings of loads delivered to or loaded from the transfer station. The licensee will assist in the load inspection in a timely fashion by providing a safe place for the inspection and by spreading the waste in a manner requested by City of La Crosse representatives. The hauler may take the load to the La Crosse County Landfill to be inspected at the hauler's expense. The licensee shall not be entitled to compensation from the City for costs related to the inspections.

(Code 1980, § 8.02(Z))

Cross reference— Recyclers, ch. 10, art. XII.