

TOMAHAWK MUNICIPAL CODE

Chapter 78

Solid Waste

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Section 78-1. Title.

This chapter shall be known as the solid waste and recycling ordinance for the city.

Section 78-2. Purpose.

The purpose of this section is to describe the refuse and recycling collection policies of the city and to promote recycling, composting, and resource recovery through an effective recycling program, as provided in Wisconsin Statute § 287.11, and Chapter NR 544, Wisconsin Administrative Code.

Section 78-3. Statutory Authority.

This section is adopted as authorized under Wisconsin Statutes §§ 287.09(3) (b), 66.0145, 66.0628(1) (c), and as authorized by the common council of the city of Tomahawk.

Section 78-4. Abrogation and Greater Restrictions.

It is not intended by this chapter to repeal, abrogate, annul, impair or interfere with any existing rules, regulations, ordinances or permits previously adopted or issued, pursuant to law. However, whether this chapter imposes greater restrictions, the provisions of this chapter shall apply.

Section 78-5. Interpretation.

In their interpretation application, the provisions of this section shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any power granted by the Wisconsin Statutes. Where any terms or requirements of this section may be inconsistent or conflicting, the more restrictive requirements or interpretations shall apply. Where a provision of this section is required by Wisconsin Statutes, or by a standard in Chapter NR 544, Wisconsin Administrative Code, and where the section provision is unclear, the provisions 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 section or in effect on the date of the most recent text amendment to this section.

Section 78-6. Severability.

Should any portion of this chapter be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected.

Section 78-7. Applicability.

The requirements of this chapter shall apply to all persons within the city.

Section 78-8. Administration.

It shall be the responsibility of the director of public works or their designee to administer the content of this section. The director of public works, based on common municipal practices shall handle items not specifically covered in this section. If his or her decision is not acceptable to the property owner, the common council shall review and decide complaints as requested.

Section 78-9. Effective Date.

The provisions of this chapter shall take effect upon passage.

Section 78-10. Definitions.

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

Automated Container means containers provided by the city to its residents for use in the collection of refuse and recycling.

Bi-Metal Container means a container for carbonated or malt beverages made primarily of a combination of steel and aluminum.

Bulky Waste Materials means refuse in quantities exceeding those normally collected and shall include such items as furniture, fixtures, plumbing, plastic, metal objects, carpeting, bedding and other large household items. Food containers, building materials and building debris are not considered bulky waste.

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

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.

Hazardous Waste means any substance or combination of substances including any waste of a solid, semisolid, liquid or gaseous form which may cause or significantly contribute to any increase in mortality or an increase in serious irreversible or incapacitating reversible illness or which may pose a substantial present or potential hazard to human health or the environment because of its quantity, concentration or physical, chemical or infectious characteristics. This term includes, but is not limited to, substances that are toxic, corrosive, flammable, irritants, strong sensitizers, or explosives as determined by the Department of Natural Resources.

HYPE means high-density polyethylene, labeled by the SPI Code #2.

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

Magazines means periodicals and other materials printed on similar paper.

Major Appliance means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, furnace, boiler, dehumidifier, or stove.

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Multiple-Family Dwelling means a property containing three or more residential units, including those which are occupied seasonally.

Newspaper means a newspaper and other materials printed on newsprint.

Non-Residential Facilities and Properties means commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.

Office Paper means high-grade printing and writing papers from offices in non-residential facilities and properties. Printed white ledger and computer printouts 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.

Person includes any individual, corporation, partnership, association, and local government unit, as defined in Wisconsin Statute § 66.0131(1) (a), state agency or authority or federal agency.

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

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.

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

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

Private Collection Service means collection services provided by a person licensed to do the same by the DNR.

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

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

Recycling Containers means the carts provided by the city for use in the collection of recyclables.

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 all other resins of multiple resins; steel containers; waste tires; and bi-metal containers.

Refuse means any solid waste not defined as a recyclable material, yard waste, brush, bulky waste, building materials, or hazardous waste, which waste can be landfilled under applicable Wisconsin law.

Residential Dwelling means a property containing two or fewer residential units.

Scavenging means the uncontrolled and unauthorized removal of materials at any point in solid waste management.

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Sold Waste has the meaning specified in Wisconsin Statute § 289.01(33).

Solid Waste Facility has the meaning specified in Wisconsin Statute § 289.01(35).

Solid Waste Treatment means any method, technique or process designed to change the physical, chemical or biological character or composition of solid waste. "Treatment" includes incineration.

Storage means the interim containment of solid waste in an approved manner after generation and prior to collection and ultimate disposal.

Storage Area means areas where persons place containers during non-collection days as well as areas where containers are set out on collection day.

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

Yard Waste means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than six inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

Section 78-11. Separation of Recyclable Material.

Occupants of single family and two unit residences, multiple family dwellings and non-residential facilities and properties shall separate the following materials from post-consumer waste:

- (a) Lead Acid Batteries.
- (b) Major Appliances.
- (c) Waste Oil.
- (d) Yard Waste.
- (e) Aluminum Containers.
- (f) Bi-Metal Containers.
- (g) Corrugated Paper and Other Container Board.
- (h) Foam Polystyrene Packaging.
- (i) Glass Containers.
- (j) Magazines.
- (k) Newspaper.
- (l) Office Paper.

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- (m) Rigid Plastic Containers made of PETE, HDPE, PVC, and PP.
- (n) Steel Containers.
- (o) Waste Tires.

Section 78-12. Exclusions to Separation Requirements.

The separation of requirements Section 78-11 do not apply to the following:

- (a) Occupants of single family and two unit residences, multiple family dwellings and non-residential facilities and properties that send their post-consumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources.
- (b) Solid waste, which is burned for supplemental fuel at a facility of less than 30 percent of the heat input into the facility as derived from the solid waste, burned as supplemental fuel.
- (c) A recyclable material specified above for which a variance has been granted by the Department of Natural Resources, under Section 544 of the Wisconsin Administrative Code.

Section 78-13. Care and Preparation of Separated Recyclable Material.

To the greatest extent practical, the recyclable materials shall be cleaned and kept free of contamination 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 that protects them from wind, rain, and other inclement weather conditions. Newspapers, magazines, junk mail, and office papers should be placed within the recycling cart.

- (a) Except as otherwise directed by the city, occupants of residential dwellings (single family and two unit residences) shall make the following preparations for the collection of the separated materials specified below:
 - (1) Aluminum containers should be rinsed and then flattened to save space.
 - (2) Steel and bi-metal containers should be rinsed and the labels should be removed. Both ends should be cut out and then the can should be flattened to save space.
 - (3) Corrugated paper or other container boards should be flattened.
 - (4) Glass containers, clear and colored, should be emptied and rinsed. Labels and covers may be left on. Other types of glass such as light bulbs, window glass, drinking glasses and dishes, etc. are not recyclable.
 - (5) Magazines should be kept dry.
 - (6) Newspaper should be kept dry.

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- (7) Office paper should be kept dry.
- (8) Rigid plastic containers should be prepared and collected as follows:
 - (a) Plastic containers made of PETE, and labeled with a #1 SPI Code, should be rinsed, have caps removed, and be flattened.
 - (b) Plastic containers, made of HDPE, and labeled with a #2 SPI Code, should be rinsed, have caps removed, and be flattened.
 - (c) Plastic containers made of PVC, and labeled with #3 SPI Code, should be rinsed, have the caps removed and be flattened.
 - (d) Plastic containers made of PP, and labeled with #5 SPI Code, should be rinsed, have the caps removed, and be flattened.
- (9) Plastic bags are not recyclable, although many stores will accept used plastic bags.

Section 78-14. Management of Lead Acid Batteries, Major Appliances and Waste Oil.

- (a) Lead acid batteries shall be taken to retail battery stores for proper disposal.
- (b) Major appliances shall be scheduled for pick-up by calling any private hauler of white goods.
- (c) Waste oil shall be taken to any private business that accepts waste oil.
- (d) Discarded tires shall be taken to any private business that accepts used tires.

Section 78-15. Management of Yard Waste.

- (a) Yard waste may be disposed of in the following manner:
 - (1) Grass, leaves and garden debris may be dropped off at the old city garage. The city will also conduct special curbside collection of these materials during designated periods in the spring and fall.
 - (2) The city will also conduct special curbside collections of these materials on designated days in April and November of each year.
 - (3) The city will conduct special curbside collections of discarded Christmas trees.
- (b) Licensing of Yard Waste Disposal.
 - (1) *License Required.*
 - (a) No person shall dispose of yard waste at any designated city municipal yard waste disposal site without being licensed; provided, this requirement shall not apply to city of Tomahawk residents disposing of yard waste from property which they own or occupy.

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- (b) Licenses shall be issued on an annual basis and a license fee shall be established by resolution of the common council. License fees shall not be prorated.

(2) *Regulations.* The following regulations shall apply to persons licensed pursuant to subsection (1):

- (a) *Yard Waste* shall be defined as grass clippings, leaves, brush, and other vegetative garden debris originating from properties located within the city limits.
- (b) Licensees shall only dispose of yard waste at designated city disposal sites.
- (c) Yard waste must be deposited according to disposal site instructions in properly designated areas with different types of waste separated as directed. All yard waste shall be removed from the bags or containers prior to disposal.

(3) *License Revocation.* Disposal licenses may be subject to revocation by the director of public works for the following reasons:

- (a) Disposing of yard waste originating outside the city.
- (b) Failure to follow disposal site instructions, including, but not limited to properly separate types of yard waste.
- (c) Disposal of materials other than yard waste.

(4) *Penalty.* Any person violating any provision of this section shall be subject to a penalty as provided in Section 1-14 of the Code of Ordinances.

- (a) In addition to a penalty imposed, the hauler shall be required to immediately purchase a permit.

Section 78-16. Management of Bulky Waste.

- (a) *Service Provided.* A pickup of bulky waste may be provided as needed and determined by the common council. During the remainder of the year, property owners must contract with a private hauler to dispose of these items or drop them off at the Lincoln County Landfill.
- (b) *Properties Served.* Bulky waste pick up services may be provided to all residential, multiple-family, and non-residential facilities and properties except that commercial and industrial users may not use the pick-up to dispose of unusually large quantities of bulky items, as determined by the director of public works, or as a substitute for regular weekly refuse collections.
- (c) *Placement for Pick-Up.* Users will be directed to a location selected by the city.

Section 78-17. Collection of Recyclable Materials.

- (a) *Service Provided.* The collection of recyclable materials will be provided every other week on the same day as the regular refuse pick-up.
- (b) *Properties Served.*

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- (1) The collection of recyclable materials will be provided to all residential dwellings.
- (2) All other users must contract privately for the required recycling of materials.
- (3) It shall be the responsibility of the occupant or tenant of any new property to notify the director of public works that recycling collection service is required.

(c) *Placement for Collection.*

- (1) A city owned cart that is provided by the city is the approved recycling container. Recyclable materials may be co-mingled within the cart.
- (2) The recycling carts must be placed at the designated area no later than 6:00 A.M. on the scheduled collection day. No recycling cart shall be placed for collection more than twelve hours prior to the scheduled collection day and must be removed from the designated area within twelve hours following collection. Recyclable containers will be placed at the curb or in the alley as determined by the department of public works.

Section 78-18. Responsibilities of Owners or Designated Agents of Multi-Family Dwellings.

- (a) Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in Section 78-11(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 in order to meet the processing requirements, collection methods of sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.
- (b) The requirements specified in (a) do not apply to the owners or designated agents of multiple-family dwellings if the post-consumer waste generated within the dwellings is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in Section 78-11(e) through (o) from solid waste in as pure a form as is technically feasible.

Section 78-19. 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 Section 78-11(e) through (o).
 - (1) Provide adequate, separate containers for the recyclable materials.

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- (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 of sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.
- (b) The requirements specified in (a) does not apply to the owners or designated agents of non-residential facilities and properties if the post-consumer waste generated within the facility or property is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in Section 78-11(e) through (o) from solid waste in as pure as form as is technically feasible.
- (c) *Level of Service.*
- (1) A 48, 64 or 96 gallon automated container will be provided for a monthly/quarterly fee as established by resolution of the common council.
 - (2) From time to time, residents may need to dispose of refuse quantities beyond the capabilities of their selected container. Additional refuse may be disposed of in the manner approved by resolution of the common council.
 - (3) Residents who are already purchasing the additional service of a 96 gallon container and consistently have additional household disposal needs may obtain an additional 96 gallon container for a monthly/quarterly fee as set from time to time by resolution of the common council.

Section 78-20. Collection of Refuse.

- (a) *Service Provided.* Regular refuse pick-up will be provided once each week on a designated day.
- (b) *Properties Served.*
- (1) Regular refuse pick-ups will be provided to all residential dwellings.
 - (2) All other users must contract privately for the required pick-up of refuse.
 - (3) It shall be the responsibility of the occupant, tenant, or proprietor of any new property to notify the director of public works that refuse collection service is required.
- (c) *Level of Service.*
- (1) A 48, 64 or 96 gallon automated refuse will be provided container for a monthly/quarterly fee as established by resolution of the common council.

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- (2) From time to time, residents may need to dispose of refuse quantities beyond the capabilities of their selected container. Additional refuse may be disposed of in the manner approved by resolution of the common council.

(d) *Placement for Pick-Up.*

- (1) The 48, 64, or 96 gallon automated container provided by the city are the approved refuse containers.
- (2) The refuse container(s) must be placed at the designated area no later than 6:00 A.M. on the scheduled collection day. No refuse containers shall be placed for pick-up more than 12 hours prior to the scheduled pick-up day and must be removed from the designated area within 12 hours following pick-up. Refuse containers will be placed at the curb or in the alley as determined by the department of public works.
- (3) The refuse container must be placed in a position where the automated truck has access to grab and dump it. The container should therefore be placed at least four feet away from parked cars, trees, mailboxes, and recycling containers.
- (4) The lid of the refuse container must close tightly. Containers may not be overfilled nor may materials be placed outside the container.
- (5) All refuse placed in approved city containers for pickup must be contained within translucent enclosed plastic bags.
- (6) A resident may request a change in service level once a year at no cost. Additional service changes will be provided at a fee of \$30.00 per incidence.
- (7) All containers are the property of the city of Tomahawk. The city will be responsible for all maintenance of the containers. Required repairs that are caused by user negligence will be billed to the property owner.

(e) *Prohibited Materials.*

- (1) *Recyclable Materials.* Recyclable materials as defined in Section 78-10 are prohibited from being co-mingled and placed in regular refuse containers or solid waste dumpsters and must be handled separately and in compliance with Section 78-11 of this chapter.
- (2) *Dead Animals.* It shall be unlawful to place any dead animal, or parts thereof, in a refuse container for collection provided, however, this section shall not apply to animal parts from food preparation for human consumption.
- (3) *Un-Drained Food Wastes.* It shall be unlawful to place any garbage or other food waste in a refuse container for collection unless it is first drained and wrapped.
- (4) *Ashes.* It shall be unlawful to place hot ashes in a refuse container for collection.

Section 78-21. Improper Disposal or Handling of Refuse and Recyclable Materials.

(a) *Non-Collectable Materials.*

(1) *Hazardous Wastes.* It shall be unlawful for any person to place for collection any of the following wastes:

- (a) Hazardous Waste;
- (b) Toxic Waste;
- (c) Chemicals;
- (d) Explosives or Ammunition;
- (e) Flammable Liquids;
- (f) Liquid Paint.

(2) *Animal or Human Wastes.* It shall be unlawful for any person to place human waste for collection except for disposable diapers, which will be accepted. Animal waste or kitty litter waste should be disposed of in clear or translucent plastic bags for collection.

(3) *Hospital Wastes.* It shall be unlawful for any person to place for collection any pathogenic hospital wastes.

(4) *Building Waste.* All waste resulting from remodeling, construction, or removal of a building, roadway or sidewalk shall be disposed of by the owner, builder or contractor.

(b) *Improper Placement.* It shall be unlawful to place, or allow to be placed, any garbage, refuse or solid waste upon the roads, streets, public or private property within the city contrary to the provisions of this chapter.

(c) *Compliance with Chapter.* It shall be unlawful to store, collect, transport, transfer, recover, incinerate or dispose of any solid and hazardous wastes within the boundaries of the city contrary to the provisions of this chapter.

(d) *Improper Transportation.* It shall be unlawful to transport any solid waste in any vehicle that permits the contents to blow, sift, leak or fall there from. If spillage does occur, the collection crew shall immediately return spilled materials to the collection vehicle and shall properly clean, or have cleaned, the area. All vehicles used for the collection and transportation of solid waste shall be durable, easily cleanable and leak-proof, if necessary, considering the type of waste and its moisture content. Collection vehicles shall be cleaned frequently to prevent nuisances and insect breeding and shall be maintained in good repair.

(e) *Interference with Authorized Collector.* No person other than an authorized collector shall collect or handle any refuse after it shall have been put into an approved refuse container and deposited in the proper place for the collector, nor shall any person molest, hinder, delay or in any manner interfere with an authorized refuse collector in the discharge of his or her duties.

(f) *Anti-Scavenging or Unlawful Removal of Recyclables.* It shall be unlawful for any person, unless under contract with or licensed by the city to collect or remove any recyclable material that has been deposited or placed at the designated area or in a container adjacent to a home for the purposes of collection for recycling.

(g) *Private Dumps.* It shall be unlawful for any person to use or operate a private dump within the city.

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- (h) *Burning of Waste.* It shall be unlawful for any person to burn solid waste or recyclables in any manner, except as provided elsewhere in this Code.
- (i) *Refuse from Outside of City.* It shall be unlawful to bring refuse for disposal and recyclables from outside the corporate limits in the city unless authorized by agreement with the department of public works.
- (j) *Disposal in Dumpsters or Trash Cans Belonging to Others.* City residents may only dispose of garbage, trash, or debris by placing such garbage, trash or debris at a designated residential pick-up area, as set forth in 78-20(d), for disposal by the City. Residents may not dispose of garbage, trash, or debris by placing the same in dumpsters or trash cans of other residences, business establishments or City parks.
- (k) *Condition of Refuse Storage Areas.* Refuse storage areas shall be kept in a nuisance and odor free condition. Litter shall not be allowed to accumulate. Collections crews and contractors will not be responsible for cleaning up loose materials from any containers which have become ruptured or broken due to wet conditions, animals, vandalism or other cause. The user shall be responsible for cleaning up any spilled litter. Litter not collected shall not be allowed to accumulate. Violation of this provision will result in the issuance of a warning notice to the user to clean up his or her area. Continued violation shall result in the owner being prosecuted under Section 78-26.
- (l) *Refuse Accumulation; When a Nuisance.* Accumulation or deposit of solid waste, rubbish or putrescible animal or vegetable matter in or upon any lot or land or any public or private place within the city which causes the air or environment to become noxious or offensive or to be in such a condition as to promote the breeding of flies, mosquitoes or other insects, or to provide a habit or breeding place for rodents or other animals, or which otherwise becomes injurious to the public health is prohibited and declared to constitute a nuisance. Continued violation shall result in the owner being prosecuted under Section 78-26.

Section 78-22. Ownership of Refuse and Recyclables.

Recyclable materials and refuse, upon placement at the designated area, shall become the property of the city. Recyclable materials, upon collection by any permitted collector, shall become the property of the contractor.

Section 78-23. Prohibition 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 Section 78-10(e) through (o) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

Section 78-24. Hauler Specifications.

- (a) *Hauler Restrictions.*
 - (1) Haulers may not dispose in a landfill or burn in a solid waste facility any recyclable materials generated in the city that has been separated for recycling.
- (b) *Right to Reject Materials.* The hauler has the right to reject or leave at the designated area any recyclable material that is not prepared according to the specifications in Section 78-13 of this section or in education material provided by the contractor to the service recipients. Materials may also be left if not separated

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from solid waste, placed in the proper container, or are not designated recyclable materials for collection. 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 in writing about the reasons for rejecting the items. The hauler shall also keep a list of such occurrences and provide it to the city monthly.

(c) *Hauler Licensing.*

(1) Haulers who collect solid waste or recyclables in the city for storage, treatment, processing, marketing, or disposal shall obtain and maintain a municipal license from the director of public works prior to collecting any materials in the city. The term of the municipal license shall be from July 1 to June 30 of each year and the fee shall be as established by the common council.

(2) Such haulers shall also be required to obtain and maintain all necessary state permits, licenses, and approvals prior to collecting any materials in the city.

(d) *Transportation Requirements.* All haulers shall comply strictly with the solid waste transportation requirements set forth in Section 78-21(4) (d). Failure to comply may result in warnings, citations, or suspension of license.

(e) *Reporting Requirements.* The solid waste and recycling haulers and processors operating in the city are required to maintain records and upon request, report in writing to the director of public works at least monthly each year. Reports shall include: a list of all users in the city to which contracted services have been provided during the reporting period; the amount of solid waste and recyclables processed and or marketed by item type from the city; and the final disposal location of solid waste and recyclable material. Failure to report shall be cause for the city to revoke and license or sever any contract with the hauler/processor.

Section 78-25. Violations.

In the event that a user violates the requirements of this chapter, the non-conforming materials shall be tagged with a notice informing the user of the violation and the corrective action required. If tagged, the user shall remove the materials from the designated area within 24 hours. The violation shall be corrected and the materials shall be placed at the designated area for the next regular pickup. No special pickups will be made for materials that were in violation.

Section 78-26. Enforcement and Penalties.

(a) For the purpose of ascertaining compliance with the provisions of this section, any authorized officer, employee or representative of the city may inspect recyclable materials separated for recycling, post-consumer 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 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 any provision of this ordinance may be issued a warning or citation by the city of Tomahawk police department, director of public works or the superintendent's designee to collect

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forfeitures. The issuance of a citation under this paragraph shall not preclude the subsequent issuance of additional citations under any other ordinance or law relating to the same of any other matter.

(c) Penalties for violating this ordinance may be assessed as follows:

- (1) Any person who violates Chapter 78 may be required to forfeit \$50 for a first violation, \$200 for a second violation, and not more than \$2,000 for a third or subsequent violation any twelve month period.
- (2) Any person who violates a provision of this ordinance, except Section 62-2 may be required to forfeit not less than \$25 for a first violation, not more than \$100 for a second violation and not more than \$1,000 for a third or subsequent violation in any twelve month period.