

## CITY OF KAUKAUNA

### ORDINANCE NO. 1938-2025

#### ORDINANCE REPEALING AND REPLACING SECTION 11.11 WASTE MATERIAL

WHEREAS, the City of Kaukauna operates a municipal disposal site that, for a fee, resident were able to dispose of excess residential waste, including garbage and recycling, among other things; and

WHEREAS, the use of the municipal disposal site for residential garbage and recycling has become constantly overfilled and/or filled with materials not allowed in the garbage and recycling receptacles; and

WHEREAS, the City's Board of Public Works, on October 6, 2025, there was discussion to direct staff to remove the garbage and recycling services from the municipal disposal site on January 2, 2026, which passed; and

WHEREAS, to effectuate the Board of Public Work's direction, modification of Ordinance 11.11 is required.

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Kaukauna as follows:

City of Kaukauna municipal ordinance 11.11 Waste Material is hereby repealed and replaced as follows:

#### 11.11 Waste Material

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

*Commercial solid waste* means all solid waste generated from a commercial operation.

*Electronics devices* means those items identified as electronic devices as defined under Wisconsin Stat 287.07(5).

*Large and irregular items* means furniture, overflow garbage in approved containers, or other materials that will not fit into an automated garbage cart and are not defined. This definition applies to residential user only.

*Prohibited Materials* means those prohibited under Wisconsin Stat 287.07.

*Recyclables* means all materials designated by the Director of Public Works for inclusion in the City recycling program.

*Residential Construction Materials* shall mean all waste or excess material generated by a resident performing construction, reconstruction, remodeling, repairs to their own home; to include but not limited to soils, aggregate, concrete, steel, wood, lumber, insulation, carpet/tile/flooring materials, roofing materials, and other building demolition materials. (Materials generated by a contractor will not be collected by the City)

*Residential solid waste* means all solid waste generated from a residential household.

*Users* means various categories of users that are hereby established for purposes of this section as follows:

1. Residential. The term "residential users" means those properties being zoned and used for Residential Single-Family, or Residential Two-Family homes.
2. Industrial/manufacturing. The term "industrial/manufacturing users" means those properties zoned and used for Industrial or Industrial Park purposes and any property listed on the manufacturing real estate assessment roll as determined by the state department of revenue. Industrial/manufacturing waste will not be picked up.
3. Multifamily. The term "multifamily residential users" means those having four or more residential units on one property. Multifamily users shall be considered as a commercial use.
4. Institutional. The term "institutional users" means any institutional enterprise, including, but not limited to, hospitals, churches, schools, nursing homes, or other facility operating in Institutional Zoning. Institutional users shall be treated as commercial users and collection shall be handled in the same manner as provided in this section for commercial users.
5. Commercial. The term "commercial users" means any property or business operating and in Commercial zoning district or excluding Commercial Core district zoning. Commercial users shall privately contract for collection of solid waste and recycling.
6. Commercial Core. The term "commercial core users" means any property or business operating in a commercial core zoning, excluding residential use properties.
7. Downtown Core District means those properties as identified by the City of Kaukauna according to the official Downtown Core District map on file and maintained by the Director of Planning and Community Development.

*White goods* means appliances, including but not limited to: microwaves, refrigerators, freezers, stoves, dishwashers, air conditioners, ovens, furnaces, water heaters, clothes washers and dryers, and dehumidifiers. (Electronics are prohibited)

*Yard waste* means leaves, grass clippings, garden debris, and brush, including vegetative material no greater than six inches in diameter. The term "yard waste" does not include stumps, roots, or shrubs with root balls.

1. *Separation.* Each tenant, owner, renter, housekeeper, or other person occupying or controlling any dwelling house or commercial building or portion thereof in the city shall collect and separate the waste material generated into five categories, namely:

- a. Residential or commercial solid waste.
- b. Recyclables.
- c. Large and irregular items.
- d. Yard waste.
- e. Brush.
- f. White goods.

2. *Containers.*

- a. Residential waste and recyclables shall be placed in designated City approved automated plastic carts with lids. Between the times for collection, all containers shall be kept in inconspicuous locations and not left on the curb, alley line, or other location near the right-of-way. Maximum weight of the contents of a City cart shall be 500 lbs. City carts damaged by negligent use; as determined by the Director of Public Works or designee, will be replaced and invoiced to the property owner as a special charge. City carts damaged by normal wear/use will be repaired or replaced by the City using the maintenance fees collected and will not be invoiced back to the property owner.
- b. Containers used for Large and Irregular pick up shall have a capacity of no more than 30 gallons and weigh no more than 50 pounds. Containers shall have handles to allow one person to lift them easily. Between the times for collection, all containers shall be kept in inconspicuous locations and not left on the curb, alley line, or other location near the right-of-way. (Each container used for large and irregular pick-up shall constitute 1 item)
- c. All commercial core users who wish to have City garbage collection shall use designated City approved automated plastic carts with lids. Each commercial property may purchase up to two (2) City approved automated garbage carts for a fee/rate to be determined by the Board of Public Works and may require an ongoing maintenance fee. Commercial Core users shall privately contract for recycling. All City

and privately owned containers must be concealed/enclosed when not placed out for collection.

- d. All Downtown Core District users shall use City designated waste collection sites for garbage and recycling when practicable. Exceptions may be approved by the Director of Public Works. All City and privately owned containers must be concealed/enclosed when not placed out for collection.
- e. Enclosures. Premises other than residential users may be required by the Director of Public Works to construct an enclosure to visually and physically screen their solid waste storage areas.

### *3. Placing for collection.*

- a. Containers shall be placed at the curb or at the alley line, if available, not more than 24 hours prior to the time of collection. Do not place carts in the roadway. Automated garbage and recycling carts must have a minimum clearance four (4) feet between the cart and all other objects including but not limited to additional carts, mailboxes, cars, trucks, trailers, houses, garages, sheds, trees. Lids must be closed when placing the cart; any bags or waste that cause the lid to remain open are considered overflow/excess and must be removed prior to City collection. **Carts that are not placed in accordance with this section will not be collected.** All carts and containers shall be removed from the curb or alley line and stored in an inconspicuous location, not at the curb, alley line or other location near the right-of-way, within 24 hours after the scheduled collection day.
- b. Large and irregular items and brush, including Christmas trees, shall be placed on the curb or along the alley, if one exists in the residential district, not more than 24 hours prior to the time of collection. Residential Construction Materials shall only be placed in containers with a capacity of no more than 30 gallons and weigh no more than 50 pounds, maximum length of all Residential Construction Materials shall not exceed 4'. Residential Construction Materials may also be placed in standard garbage bags and placed in automated garbage carts for normal pick-up if they meet all other requirements of this section. Not more than five (5) Large and Irregular items may be placed by a residential property/occupant and will be collected. No item shall exceed 10' x 6' x 3.5' dimensions, or it will not be collected. If an oversized item is cut to meet dimensional requirements, each piece shall constitute one (1) item. All containers shall be removed from the curb or alley line and stored in an inconspicuous location, not at the curb, alley line or other location near the right-of-way, within 24 hours after the scheduled collection day.
- c. Brush requirements.

- (1) Brush must be a minimum of two feet and a maximum of six feet in length. Brush two feet to four feet in length must be bundled and secured with twine or string. Bundles or branches shall not exceed 50 pounds in weight. Bundles shall not be greater than 18 inches in diameter. Side branches on larger limbs shall be removed.
  - (2) All brush to be collected must be placed at the curbline or alley line, but not more than 24 hours prior to the time of collection. Maximum height of such brush piles shall be four feet from ground level. Brush is not to be placed in any container.
  - (3) All brush must be loosely and neatly placed for collection. The butt end of all branches shall face the roadway.
  - (4) Roots shall be removed from brush.
  - (5) Brush shall only be placed for collection by residential use owner or occupant who performed the brush trimming/removal without the use of heavy equipment, and not by any contractor performing such work. Any such homeowner using heavy equipment, or contractor, shall be responsible for removal and disposal of any brush created by their work.
  - (6) In addition to any other penalty, any brush placed for collection which is in violation of this section shall not be collected until such violation has been corrected.
- d. Yard Waste shall be placed in approved yard waste bags or in containers of no more than 30 gallons and weigh no more than 50 pounds at the curb line not more than 24 hours prior to the time of collection for residential users only. All containers shall be removed from the curb or alley line and stored in an inconspicuous location, not at the curb, alley line or other location near the right-of-way, within 24 hours after the scheduled collection day.
- e. White goods shall be placed for collection at the curb line or alley line, if there is an alley, not more than 24 hours prior to the time of collection. Each white goods item must have thereto a sticker purchased from the City of Kaukauna Street Department ("Street Department"). The Street Department shall establish the fee in an amount sufficient to recover the costs incurred by the City to collect and dispose of said white goods. The fee schedule shall be posted within the Public Works section of the City of Kaukauna's website and upon request within the Street Department offices located at 207 Reaume Avenue.
- f. Municipal Disposal Site. City of Kaukauna Municipal Disposal site is

available to residents only via an access card registered to a specific address and license plate.

- (1) Location. The City of Kaukauna Municipal Disposal site is located at the intersection of W. 3rd St. and Bicentennial Ct.
- (2) Dates and Hours of Operation. Hours shall be posted within the Public Works section of the City of Kaukauna's website and upon request within the Street Department located at 207 Reaume Avenue.
- (3) Items regularly allowed via access card. Yard waste, brush, and waste oil All waste must be separated and placed in the designated collection areas.
- (4) Special allowance of residential waste and recycling. The City shall allow residents with an access card to dispose of residential waste and recycling at the Municipal Disposal Site on the first Tuesday of January (or the second Tuesday if the first falls on New Year's Day) and on the first Tuesday of March, between the hours of 7:15 a.m. and 6:00 p.m.
- (5) Scavenging of solid waste or recyclables in the Municipal Disposal Site. It is prohibited for any person other than authorized City employees or recycling contractor to go through, sort or take anything from Municipal Disposal Site. Firewood, mulch, compost, and wood chips are not included in this prohibition.
- (6) Fee. The Board of Public Works shall establish the fee in an amount sufficient to recover the costs incurred by the City to dispose of said items. The fee schedule shall be posted within the Public Works section of the City of Kaukauna's website and upon request within the Street Department located at 207 Reaume Avenue.

#### *4. Schedule for collection.*

- a. Residential solid waste shall be collected one (1) time per week, and recycling once every two (2) weeks, from dwelling units according to schedule established by the Director of Public Works. Solid waste set out for collection must originate at the residence being serviced; waste set out for collection that originated at a different property will not be collected.
- b. Commercial Core solid waste shall be collected once per week. (Commercial Core users shall privately contract for recycling.)
- c. Downtown Core District garbage and recycling shall be collected on

a schedule established by the Director of Public Works.

- d. Large and irregular waste, brush, and white goods shall be collected by special pickup once per month during the months of April-October. Such special pickup shall be done during the second full week of the month only. For purposes of this section, a week shall commence on Sunday to be considered a full week. During said week, not more than five (5) Large and Irregular items may be placed by a residential property/occupant and will be collected. (Each individual piece of furniture, other large items, and each individual container used for large and irregular pick-up shall constitute 1 item. No large and irregular pick-up or regular brush collection will occur during the months of January, February, March, November, and December. White Goods will still be collected by appointment during the months of January, February, March, November, and December by contacting the Street Department Office.
  - e. Special Curbside Leaf Collection. Curbside leaf collection may be conducted by the City and advertised on the Official City calendar and City website. Only during the dates indicated by the City for leaf collection, leaves shall be placed on the terrace, where available, not in the street or on the sidewalk, and shall be within four (4) feet of the curb where above conditions allow.
  - f. Special Tire Collection. Tire Collection may be conducted by the City and advertised on the Official City calendar and City website. Only during the dates indicated by the City for tire collection, City will collect a maximum of four (4) tires from residential users only. Rims must be removed. Tires still mounted on rims will not be picked up.
  - g. Christmas Tree Collection. A Christmas Tree Collection may be conducted by the City and advertised on the Official City calendar and City website. Collection will be for two consecutive weeks after the holidays and will collect Christmas trees and associated trimmings.
  - h. In addition to the scheduled collections outlined in this section, the Director of Public Works may authorize special collections of solid waste, recycling, or other materials as deemed necessary to address operational needs, public events, emergencies, or other circumstances affecting the regular collection schedule.
5. *Duties of owners and occupants.* Duties of owners and occupants. Every user in any category in the city shall clean up and separate all solid waste, recyclables, and yard waste which may be in or upon the premises owned or occupied by them and store the same in containers as provided in this section. No waste shall be placed for collection more than 24 hours prior to the time of collection. If the owner or occupant fails or refuses to adhere to this section, removal of the same shall be done by the city under the

direction of the Chief of Police or their designee, and the expense of so doing shall be charged to the property under Wis. Stats. § 66.60(16) and shall become a lien against the property and be included as a special assessment. In addition, the owner or occupant shall be subject to the penalty as provided in section 11.20.

6. *Waste materials must be generated in city.* No person shall place, deposit, or cause to be placed or deposited, for collection any waste material not generated within the corporate limits of the city.

7. *Prohibited materials.*

No person shall place for collection any prohibited materials as defined under Wis. Stat 287.07 except as specifically provided in this section. Materials that will not be collected by the City include but are not limited to:

- a. Recycling materials (except as provided in this section)
  - b. Yard Waste (except as provided in this section)
  - c. Hazardous waste.
  - d. Toxic waste.
  - e. Chemicals.
  - f. Explosives or ammunition.
  - g. Drain or waste oil or flammable liquids.
  - h. Paint/stain/etc. (excluding properly dried latex paint/containers)
  - i. Tires. (Except as advertised for special collections by the City)
  - j. Batteries.
  - k. Electronics.
  - l. Other offensive or harmful liquid waste.
8. The collection, removal, and disposal of waste material in the city shall be conducted under the supervision, direction, and control of the Board of Public Works and in conformity with the provisions of this section. In addition, the Board shall have the authority to adopt such rules and regulations as it deems appropriate to carry out its duties under this section.
  9. Except as otherwise provided in this chapter, any person who shall violate any provision of this chapter, upon conviction thereof, shall be subject to a penalty as provided in section 25.04. In addition to any penalty imposed for violation of Wis. Stats. § 943.01(1), any person who shall cause physical damage to, or destroy any public property shall be liable for the costs of replacement or repairing such damaged or destroyed property. The parents or guardians of any unemancipated minor child who violates Wis. Stats. § 943.01(1) may also be held liable for the cost of repairing such damaged or



destroyed property in accordance with Wis. Stats. § 895.035. The Code Enforcement Officer or other designee of the Board of Public Works shall have authority to enforce the provisions of this Section 11.11.

This ordinance shall be in full force and effect on January 2, 2026, after its adoption and publication.

APPROVED: \_\_\_\_\_  
Anthony J. Penterman, Mayor

ATTTEST: \_\_\_\_\_  
Kayla Nessmann, Clerk