

ORDINANCE NO. 2026-2090

AMENDING CHAPTER 28, ARTICLE II, COLLECTION AND MANDATORY RECYCLING, OF THE MAUSTON MUNICIPAL CODE

WHEREAS, the Wisconsin Department of Natural Resources has revised the administrative code requirements applicable to responsible unit recycling programs; and

WHEREAS, the Common Council of the City of Mauston finds it necessary to update the City's recycling ordinance to incorporate the revised requirements and maintain compliance with Wis. Stat. Ch. 287 and Wis. Admin. Code ch. NR544;

NOW THEREFORE, on a motion duly made and seconded, the Mauston Common Council hereby does ordain as follows:

SECTION 1. Sec 28-19(d). Definitions, is amended as follows: The definitions set forth in Wis. Stats. chs. 281, 287, 289 and 299 are hereby adopted by reference. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

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

Brush means hedge clippings, tree trimmings, branches, twigs, sticks, and other woody material not exceeding six inches in diameter.

Clear bags means clear, transparent, plastic bags not exceeding 30 gallons. All such bags shall be waterproof, shall be capable of normal handling in hot and cold weather, and shall be of sufficient strength to allow lifting and loading without tearing.

Compost means organic materials, consisting of grass clippings, leaves and/or debris from stem parts of house/garden plants and flowers, but excluding pine cones, twigs, sticks, branches, or refuse of any kind.

Compost receptacle means biodegradable paper bags not exceeding 30-gallon capacity, as approved by the Director of Public Works or designee. These bags shall be available from local merchants.

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

DPW means the City Director of Public Works.

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; or
- (2) Consists of loose particles intended to fill space and cushion the packaged article in a shipping container; or
- (3) Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.

~~*Glass containers* means all clear glass, brown glass, green glass and other colored glass used for bottles, jars and similar containers, but excluding window glass, ceramics, china, blue glass, Pyrex~~

~~and mirrors.~~

Glass container means a glass bottle, jar or other packaging container used to contain a product that is the subject of a retail sale and does not include ceramic cups, dishes, ovenware, plate glass, safety and window glass, heat-resistant glass such as Pyrex, lead-based glass or crystal, or television tubes.

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

LDPE means low density polyethylene, labeled by the ~~SPI Code #4~~ resin 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, microwave oven, oven, refrigerator, furnace, boiler, dehumidifier, water heater or stove.

Multiple-family dwelling means a structure containing five or more residential units, including units that are occupied seasonally.

Newspaper means a newspaper (~~excluding inserts on glossy paper~~) and other materials printed on newsprint ~~such as telephone books~~.

Non-residential facilities and properties means commercial, retail, industrial, institutional and governmental facilities and properties. Non-residential facilities and properties include any location at which goods or services are provided or manufactured, including locations under construction, demolition or remodeling, or used for special events such as fairs, festivals, sport venues, conferences and exhibits. This term does not include multiple-family dwellings.

~~*Office paper* means high grade printing and writing papers, including, but not limited to, printed white ledger, computer printout paper, notebook paper, typing paper and similar paper. The term "office paper" does not include newspaper, cardboard, magazines, soiled or wet paper.~~

Office paper means a variety of high-grade printing and writing papers. This term does not include industrial process waste, newspaper or packaging.

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

Person includes any individual, corporation, limited liability company, partnership, association, local government unit, as defined in s. 66.0131(1)(a), Wis. Stats., state agency or authority, or federal agency.

PETE means polyethylene terephthalate, labeled by the resin 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.

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 resin code #5.

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

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

Recyclable materials includes lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; **corrugated paper** or other container board; foam polystyrene packaging; glass containers; magazines; newspaper; office paper; **rigid** plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins; steel containers; bi-metal containers and waste tires.

Residential property means all property which has located thereon one of the following:

(1) A single-family residence; or

(2) A multiple-family dwelling having four or less dwelling units.

Residential unit means a structure, or that part of a structure, which is used as a home, residence or sleeping place by one person or by two or more persons maintaining a common household, to

the exclusion of all others.

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 means any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste.

Steel containers means all steel containers, tin containers and other ferrous metal containers.

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

Yard waste means ~~leaves, grass clippings, and/or debris from house/garden plants and flowers~~ **yard and garden debris and brush, including clean woody vegetative material no greater than six inches in diameter. This does not include stumps, roots or shrubs with intact root balls.**

Sec. 28-20. - Enforcement and penalties.

(a) *Chapter 1*. Except as otherwise specifically provided in this article, the penalties for a violation of this article shall be as provided in [chapter 1](#), article II.

(b) *Collection refusal*. In addition to any other penalty provided herein, the city may refuse to collect and dispose of any and all solid waste which violates this article, and may refuse to collect solid waste from any premises which is in violation of this article.

(c) *Landowner liable*. When any solid waste is found to violate this article, and when the identity of the person responsible for generating or placing such refuse or waste cannot be readily determined, the owner of the land upon which such garbage is found shall be presumed to have committed the violation for purposes of the enforcement of this article and shall be subject to the applicable penalty.

(d) *Consent to search*. Every person who places for collection or dumps solid waste in the city, is deemed to have given consent to the city to:

(1) Inspect and search such solid waste, without a warrant, for the sole purpose of enforcing the provisions of the article;

(2) Remove and keep any and all items found by the city in its search, which items constitute a violation of this article or which may be used to prove a violation of this article; and

(3) Introduce such removed items into evidence in any prosecution for the violation of this article.

(e) *Special forfeitures*. A minimum forfeiture in the amount established by the city shall be imposed for violations of [sections 28-26](#)(d) and [28-27](#)(a) through (c).

(f) *Multiple violations*. Each violation and each day a violation continues or occurs shall constitute a separate offense hereunder. The prosecution of two or more offenses committed by the same violator may be joined into one action, and the prosecution of two or more violators for the same offense may be joined into one action.

Sec. 28-21. - Mandatory separation of recyclable materials.

(a) *General rule*. ~~All persons in the city, including, but not limited to, the~~ **Occupants of single-family and two- to four-unit residences, multiple-family dwellings, residences, and commercial, retail, industrial, educational, religious and government facilities non-residential facilities and properties shall separate the following materials from postconsumer waste: shall do one of the following:**

~~(1) Separate recyclable materials from all other post-consumer waste; or~~

(1) Lead acid batteries.

~~(2) Treat all postconsumer waste at a facility that will recover recyclable materials from other solid waste in as pure a form as is technically feasible.~~

(2) Major appliances.

- (3) Waste oil.
- (4) Yard waste.
- (5) Aluminum containers.
- (6) Bi-metal containers.
- (7) Corrugated paper or other container board.
- (8) Foam polystyrene packaging.
- (9) Glass containers.
- (10) Magazines.
- (11) Newspaper.
- (12) Office paper.
- (13) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins.
- (14) Steel containers.
- (15) Waste tires.

(b) Exemptions. ~~The mandatory source separation requirements of subsection (a) of this section do not apply to the following:~~ The separation requirements of subsection (a) do not apply to the following:

- (1) Occupants of single-family and two- to four-unit residences, multiple-family dwellings, and non-residential facilities and properties that send their postconsumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in subsection (a) from solid waste in as pure a form as is technically feasible.
- (2) Solid waste which is burned as a supplemental fuel at a facility if less than 30 percent of the heat input to the facility is derived from the solid waste burned as supplemental fuel.
- (3) A recyclable material specified in subsection (a)(5) through (15) for which a variance has been granted by the Wisconsin Department of Natural Resources under Wis. Stat. §287.11(2m) or Wis. Admin. Code NR 544.14.

Sec. 28-22. - Disposal of recyclable materials.

No person may dispose of recyclable materials by either dumping recyclable materials in a solid waste disposal facility or burning recyclable materials in a solid waste treatment facility, except waste tires may be burned with energy recovery in a solid waste treatment facility.

(Code 1991, § 15.42)

Sec. 28-23. - ~~Commercial, retail, industrial, educational, religious and governmental facilities.~~

~~The owners of commercial, retail, industrial, educational, religious and governmental facilities shall provide for one of the following:~~

- ~~(1) Provide for the collection of solid waste from the facility and the delivery of such solid waste to a solid waste facility, where recyclable materials are recovered from the solid waste in as pure a form as is technically feasible; or~~
- ~~(2) Fulfill the following requirements:~~
 - ~~a. Provide adequate, separate containers for recyclable materials and postconsumer waste;~~
 - ~~b. Regularly notify all users and occupants of the facilities of the requirements of this article regarding mandatory source separation and recycling; and~~
 - ~~c. Provide for the collection of recyclable materials separated from solid waste by the users and occupants, and the delivery of such recyclable materials to a recycling facility.~~

Sec. 28-23. Responsibilities of owners or designated agents of non-residential facilities and

properties.

(1) Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in section 28-21(a)(5) through (15):

- (a) Provide adequate, separate containers for the recycling program established under this article. The total volume of recycling containers shall be sufficient to avoid overflow during the time period between collection of materials and delivery to a recycling facility.
- (b) Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.
- (c) 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.
- (d) Notify users, tenants and occupants which materials are collected, how to prepare materials in order to meet processing requirements, collection methods or sites, and locations of drop-off collection sites to recycle materials not collected on-site.

(2) The requirements specified in subsection (1) do not apply to owners or designated agents of non-residential facilities and properties if the postconsumer 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 28-21(a)(5) through (15) from solid waste in as pure a form as is technically feasible.

Sec. 28-24. - ~~Buildings containing five or more dwelling units.~~ Responsibilities of owners or designated agents of multiple-family dwellings.

~~The owners of buildings containing five or more dwelling units shall provide for one of the following:~~

~~(1) Provide for the collection of solid waste generated in the building and the delivery of such solid waste to a solid waste facility, where recyclable materials are recovered from the solid waste in as pure a form as is technically feasible; or~~

~~(2) Fulfill the following requirements:~~

- ~~a. Provide adequate, separate containers for recyclable materials and postconsumer waste;~~
- ~~b. Notify tenants at the time of renting or leasing the dwelling, and semi-annually thereafter, of the requirements of this article regarding mandatory source separation and recycling; and~~
- ~~c. Provide for the collection of recyclable materials separated from solid waste by the tenants, and the delivery of such recyclable materials to a recycling facility.~~

(1) Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in section 28-21(a)(5) through (15):

- (a) Provide adequate, separate containers for the recycling program established under this article. The number of recycling containers shall equal or be greater than the number of trash containers, and at least one of the following shall be met:
 - i. The minimum total volume of recycling container space is equal to 20 gallons per week per dwelling unit.
 - ii. The ratio of trash container volume to recycling container volume is at most 2:1.
 - iii. An alternative method that does not result in overflow of a recycling container between collection and delivery to a recycling facility.
- (b) Notify tenants in writing, at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.

(c) Provide for the collection of the materials separated from solid waste by the tenants and the delivery of the materials to a recycling facility.

(d) Notify tenants which materials are collected, how to prepare the materials in order to meet processing requirements, collection methods or sites, and locations of drop-off collection sites to recycle materials not collected on-site.

(2) The requirements specified in subsection (1) do not apply to owners or designated agents of multiple-family dwellings if the postconsumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in section 28-21(a)(5) through (15) from solid waste in as pure a form as is technically feasible.

Sec. 28-25. - Single-family and two-, three- and four-dwelling units.

(a) *City collection.* The city shall collect postconsumer waste, except as provided in subsection (b) of this section, from residential property located in the city pursuant to this article, on such dates and at such times as the city may establish. The city shall collect postconsumer waste from mobile home parks located in the city if the mobile home park owner elects to have the city collect such postconsumer waste.

(b) *Exceptions to collection.* The following recyclable materials will not be collected by the city, but instead shall be managed as set forth below:

(1) *Lead acid batteries.* Lead acid batteries shall be disposed of at a private waste battery disposal site or at a retail business engaged in the sale of similar batteries.

(2) Major appliances shall be disposed of at any major appliance disposal facility or given to the city's garbage collector for disposal, provided all Freon is removed by a person certified to do so.

(3) *Waste oil.* Waste oil shall be disposed of at any private waste oil disposal site, or at any automotive repair business which accepts waste oil.

(4) *Yard waste.* All yard waste for pickup shall be placed in biodegradable bags approved by the director of public works or his designee. These bags shall be available from local merchants. Yard waste may be composted by each resident or taken directly to an approved compost collection center.

(5) *Waste tires.* Waste tires shall be disposed of at any waste tire disposal site, or at any retail business engaged in the purchase of waste tires.

(c) *Placement for collection.* All postconsumer waste which is collectible by the city shall be neatly placed in proper collection containers immediately behind the curb of public streets, on the boulevard, or in such other location as may be directed by the city or the waste hauler.

(d) *Time.* All waste collectible by the city shall be placed at the location designated above not more than 24 hours before the scheduled collection time, and all containers and items not collected shall be removed therefrom not later than 24 hours following the scheduled collection time.

(e) *Storage/collection containers.* Between the times of collection, all postconsumer waste shall be placed in storage/collection containers or storage areas which shall be nuisance-free and odor-free, and which shall be strong enough and secure enough to prevent the scattering of waste by weather conditions or animals. Storage/collection containers kept outside shall only be kept in side- or rear-yard setbacks and must be placed adjacent to a building or structure on the property. This shall not preclude placement of the containers for collection per 28-25(c) and (d).

(f) *Mandatory source separation.* All recyclable materials shall be separated from postconsumer waste, and shall be divided into the following categories with each category placed separately in the following-described containers, unless single stream recycling is authorized by the city and/or waste hauler:

Category	Type of Waste	Type of Container
A	Aluminum containers, glass containers, plastic containers (including those made of PETE, HDPE, PVC, LDPE, PP, PS and other resins or multiple resins), steel containers, bi-metal containers and foam polystyrene packaging	Clear bag, except plastic with handles may be placed on a string, instead of in a bag
B	Container board	Clear bag, or securely tied into bundles, or securely stacked into a cardboard box, or securely stacked in a grocery bag, none of which shall weigh more than 40 pounds
C	Newspaper and office paper	Clear bag, or securely tied into bundles, or securely stacked into a cardboard box, or securely stacked in a grocery bag, none of which shall weigh more than 40 pounds
D	Magazines	Clear bag, or securely tied into bundles, or securely stacked into a cardboard box, or securely stacked in a grocery bag, none of which shall weigh more than 40 pounds
E	All other postconsumer waste	Clear bags

(g) *Care of recyclable materials.* To the greatest extent practicable, separated recyclable material shall be kept clean and free of contaminants such as food or product residue, oil or grease, or other non-recyclable materials. Containers shall be rinsed out, and lids and labels removed.

(Code 1991, § 15.45; Ord. No. 2022-2053, 7-26-2022)

Sec. 28-26. - Collection fees.

(a) *Residential property.* Fees for waste collection service shall be charged to each residential property and shall be included on the monthly utility bill. The amount of the fee shall be calculated based upon the number of dwelling units located on each residential property, and shall be established by the city.

(b) *Mobile home parks.* Fees for waste collection services shall be charged to the owner of those mobile home parks who elect to utilize the city's collection services. The fees shall be included on the monthly utility bill to each park. The amount of the fee shall be calculated based upon the number of dwelling units located in each mobile home park, and shall be established by the city. Mobile home park owners may elect to contract with an independent hauler for the collection of waste. If the mobile home park owner contracts with an independent hauler, the city will not charge the mobile home park owner for the collection of waste.

(c) *Payment terms.* Fees for waste collection shall be payable upon the same terms and conditions as the payment of the sewer and/or water utility bills. Failure to pay such fees shall entitle the city to impose an interest charge of 1.5 percent per month, and shall entitle the city to collect such fees in any manner authorized by law, including the placement of such fees on the property tax roll as a special assessment lien against the property.

(d) *Notice to city.* Each owner of residential property and each owner of a mobile home park whose waste is collected by the city shall notify the city of the number of apartments or separate dwelling units serviced by each water meter, so that the city can calculate the appropriate charge for waste collection and place such charge on the utility bill to each property owner. Such notice shall be provided to the city within 15 days of each change of circumstances.

(Code 1991, § 15.46)

- **Sec. 28-27. - Prohibited activities and non-collectibles.**

(a) *Dumping on public property prohibited.* No person shall dispose of or dump solid waste upon the streets, alleys, sidewalks, parks or other public property of the city.

(b) *Dumping on private property prohibited.* No person shall dispose of or dump solid waste upon the property or in the receptacle of another person without the express permission of the owner of the property or receptacle.

(c) *Garbage not generated in the city.* No person shall dump, deposit, or place for collection in the city any solid waste not generated within the corporate limits of the city.

(d) *Scavenging.* No person shall scavenge or remove any recyclable material placed for collection by another person without the express, written permission of such other person.

(e) *Burning*. No person shall burn solid waste in the city, except for yard wastes and clean woody vegetative material. This burning ban shall not apply to entities subject to Wis. Admin. Code ch. SPS 314.

(f) *Burying garbage*. No person shall bury any solid wastes on public or private property in the city. This section shall not apply to the burying of recognized building materials (e.g., rock, rubble, sand, etc.) in the course of construction.

(g) *Non-collectible materials*. The city shall not collect and it shall be unlawful for any person to place for collection any of the following wastes, except on those limited occasions when the city specifically authorizes the collection of certain specified items as part of a special garbage collection pursuant to section 28-28:

- (1) Hazardous waste.
- (2) Toxic waste.
- (3) Hot or warm ashes.
- (4) Chemicals and paint.
- (5) Explosives or ammunition.
- (6) Drain or waste oil.
- (7) Flammable liquids.
- (8) Tires, mufflers, tail pipes, batteries and other car parts exceeding five pounds or six cubic inches.
- (9) Major appliances commonly known as white goods (e.g., stoves, refrigerators, dishwashers, etc.).
- (10) Televisions, stereos and other electronic equipment.
- (11) Furniture, mattresses and carpeting.
- (12) Demolition and building debris generated from the repair, remodeling, reconstruction or demolition of buildings, such as lumber, roof and sheathing scraps, rubble, broken concrete, asphalt, plaster, PVC conduit and pipe, insulation, etc.
- (13) Animal or human feces (this waste should be disposed of in the sanitary sewer system).
- (14) Pathogenic hospital or medical waste.
- (15) Trees, logs, stumps, dirt, etc.
- (16) Pallets.
- (17) Bulky items whose large size precludes or complicates their handling by normal collection crews and equipment.
- (18) All other non-postconsumer waste.

(h) *MARS*. MARS is hereby closed, and will no longer accept or process any garbage.

(Code 1991, § 15.47)

Sec. 28-28. - Special collections.

From time to time, the city council may authorize special garbage collections for the purpose of collecting items not regularly collected by the city.

APPROVED:

ATTEST:

Darryl D.D. Teske, Mayor

Daron Haugh, Administrator

- Date of Plan Commission Recommendation (if applicable): _____
- Date of Public Hearing (if applicable): _____
- Date of Readings: _____
- Date of Adoption: _____
- Votes: _____
 - Ayes____Nays____ Absent____Abstention _____
- Date of Publication: _____