

**AN ORDINANCE AMENDING 8.29 RECYCLING**

WHEREAS, the Wisconsin Department of Natural Resources has made revisions to their recycling rules; and

WHEREAS, the Wisconsin Department of Natural Resources has provided an ordinance template with required language to be incorporated into a recycling ordinance; and

WHEREAS, City staff have incorporated the required language into the City's recycling ordinance; and

WHEREAS, the City Attorney has reviewed the City's recycling ordinance; and

WHEREAS, this ordinance was reviewed by the Public Works Committee and is recommended for adoption by said committee; and,

**The Common Council of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, does ordain as follows:**

SECTION 1: Whitewater Municipal Code 8.29 Recycling is hereby amended to read as follows:

**8.29.010 Authority.**

~~Section 159.09(3)(b) Wisconsin Statutes. This ordinance is adopted as authorized under Wis. Stats. 287.09(3)(b), and in compliance with Wis. Stats. 287.11 and Wis. Adm. Code Ch. NR 544.~~

**8.29.013 Abrogation and Greater Restrictions.**

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

**8.29.017 Interpretation.**

~~In their interpretation and application, the provisions of this ordinance 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 ordinance may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this ordinance is required by Wisconsin Statutes, or by a standard in ch. NR 544, Wis. Adm. Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the ch. NR 544 standards in effect on the date of the adoption of this ordinance, or in effect on the date of the most recent text amendment to this ordinance.~~

**8.29.020 Findings.**

The common council of the city finds and determines that: there is an increasing necessity to conserve natural resources and reduce the need for landfill space for the citizens of Whitewater; newspapers, ~~clear, amber and green~~ glass containers, used oil, aluminum ~~cans~~, steel and bimetal ~~containerseans~~, scrap metal products, plastics, foam polystyrene packaging, mixed paper, corrugated, waste tires, lead-acid batteries, and yard waste comprise a substantial portion of residential and business solid waste material; these items can be separated from other solid waste materials and recycled, benefitting residents, taxpayers, and businesses of the city by reducing

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the volume of solid waste materials collected by the city and transported to and deposited in available authorized landfill sites.

### 8.29.030 Definitions.

As used in this chapter, the following terms shall mean:

- (a) "Bi-metal container" means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.
- (b) ~~(a)~~—"Collector" means the person or persons specifically authorized by the city council to collect garbage, rubbish and recyclable materials and dispose of the same.
- (c) "Container board" means corrugated paperboard used in the manufacture of shipping containers and related products.
- (d) ~~(b)~~—"Corrugated" means two-ply cardboard used in shipping and packing containers.
- (e) "Foam polystyrene packaging" means packaging made primarily from foam polystyrene that satisfies one of the following criteria:
  - a. Is designed for serving food or beverages.
  - b. Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.
  - c. Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.
- ~~(ee)~~ "Garbage" means and includes all organic kitchen waste that attends the storage, preparation, use, cooking or serving of food.
- (f) "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, oven ware, plate glass, safety and window glass, heat-resistant glass such as pyrex, lead based glass such as crystal, or TV tubes.
- ~~(eg)~~ "Hazardous waste" means any substance that can catch fire, can react or explode when mixed with another substance, or is corrosive or toxic. Such substances include but are not limited to chemicals, solvents, fertilizers, acids and caustics, poisons, herbicides, pesticides, insecticides and wood preservatives.
- (h) "HDPE" means high density polyethylene, labeled by the resin code #2.
- ~~(ei)~~ "Infectious waste" means biological and medical waste which is a medium for communicating disease or illness. Such waste includes but is not limited to used medical syringes and supplies, human and animal body waste, dead animals, and contaminated substances or materials such as food, water or clothing.
- (j) "LDPE" means low density polyethylene, labeled by the resin code #4.
- (k) "Magazines" means magazines and other materials printed on similar paper.
- (l) "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.
- ~~(fm)~~ "Mixed paper" means all other paper, including books, magazines, catalogs, phone books, office and paper, junk mail, cereal boxes and similar material.

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- (~~gn~~) "Multifamily dwelling" means a property containing five or more residential units, including units that are occupied seasonally.
- (~~ho~~) "Newspapers" means matter printed on newsprint, including daily or weekly publications and advertising circulars, whether delivered separately or accompanying newspapers, normally delivered or mailed to business for dissemination of public information.
- (~~ip~~) "Nonrecyclable materials" means all materials not defined as recyclable materials under subsection (k).
- (~~jq~~) "Nonresidential facilities and properties" means commercial, retail, industrial, institutional and governmental facilities and properties. Nonresidential facilities and properties includes 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 multifamily or residential family dwellings.
- (~~r~~) "Office paper" means a variety of high-grade printing and writing papers. This term does not include industrial process waste, newspaper or packaging.
- (~~s~~) "Other resins or multiple resins" mean plastic resins labeled by the resin code #7.
- (~~t~~) "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.
- (~~u~~) "PETE" or "PET" means polyethylene terephthalate, labeled by the resin code #1.
- (~~v~~) "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.
- (~~w~~) "Postconsumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in s. 291.01(7) Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in s. 289.01(7), Wis. Stats.
- (~~x~~) "PP" means polypropylene, labeled by the resin code #5.
- (~~y~~) "PS" means polystyrene, labeled by the resin code #6.
- (~~z~~) "PVC" means polyvinyl chloride, labeled by the resin code #3.
- (~~kaa~~) "Recyclable material" means newspapers; office paper; magazines; clear, amber and green container glass containers; used oil; aluminum containers; steel and bi-metal cans; containers; steel containers; HDPE and PET (#1 and #2 coded) plastic containers and other plastic containers; rigid plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS and other resins or multiple resins; foam polystyrene packaging; corrugated or other container board; scrap metal products; leaves, trees, tree limbs and brush; waste tires; major appliances; and lead-acid batteries; and other solid waste materials designated from time to time as recyclable by the common council on recommendation of the recycling committee. The common council also reserves the right to delete items from this list.
- (~~hbb~~) "Recycling container" means any labeled or marked container for collecting recyclable materials from residential properties and businesses or clear plastic bags for holding recyclable paper products.
- (~~mcc~~) "Residential family dwelling" means a property containing four or fewer residential units.
- (~~add~~) "Rubbish" means and includes all useless waste except leaves, trees, tree limbs, brush, earth or stone.
- (~~eee~~) "Scrap metal products" means heavy objects made of metal, including but not limited to iron and steel objects and large metal appliances.
- (~~eff~~) "Solid waste" ~~means all garbage and rubbish as herein defined~~ has the meaning specified in s. 289.01(33), Wis. Stats.
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- (gg) "Solid waste facility" has the meaning specified in s. 289.01(35), Wis. Stats.
- (hh) "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. "Treatment" includes incineration.
- (ii) "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
- (~~ej~~) "Yard waste" means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than eight inches in diameter. This term does not include ~~stumps, roots~~ or shrubs with intact root balls, stumps, or roots.

#### **8.29.040 Required separation of recyclables from solid waste.**

1. Occupants of single family and 2-to-4-unit residences, multifamily dwellings and nonresidential facilities and properties shall separate the following materials from postconsumer waste:

- (a) Lead acid batteries
- (b) Major appliances
- (c) Waste oil
- (d) Yard waste
- (e) Aluminum containers
- (f) Bi-metal containers
- (g) Corrugated paper or other container board
- (h) Foam polystyrene packaging
- (i) Glass containers
- (j) Magazines
- (k) Newspaper
- (l) Office paper
- (m) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins
- (n) Steel containers
- (o) Waste tires

2. Recyclable materials shall be placed in appropriate recycling containers for collection in the same manner as regular solid waste according to the City's collection schedule.

~~The owner or occupant of each residence, residential unit, place of business, industry, institution or other place providing foods or services of any type shall cooperate in the recycling of recyclable material by performing the following:~~

- ~~(a) Except as provided in Sections 159.09(3)(b) and (3)(c) Wisconsin Statutes hereafter, all recyclable material shall be separated from other solid waste. Recyclable materials shall be placed in appropriate recycling containers for collection in the same manner as regular solid waste according to the collection schedule established under Section 159.09(4)(a) Wisconsin Statutes. Recyclables shall not be placed in containers with solid waste.~~

- ~~(b) Newspapers and mixed paper shall be placed in the appropriate container and placed at the curb with solid waste on the designated collection date for collection by the city's solid waste collector. Bundles or separate newspapers shall not be placed in containers with solid waste. No newspapers or mixed paper, except contaminated paper or paper otherwise rendered useless for recycling purposes, shall be disposed of with solid waste.~~
- ~~(c) Owners of multifamily dwellings must provide separate containers for regular collection of recyclables outside and wherever practicable within each apartment, on every floor or in a central area, and must notify tenants upon move-in and semiannually thereafter of reasons to reduce and recycle solid waste, which materials are collected, how to prepare recyclable 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 phone number. Recyclables shall not be placed in containers with solid waste.~~
- ~~(d) Rimless tires, lead-acid batteries, and used oil shall be kept separate from other solid waste materials and shall be placed for collection in the same manner as regular solid waste on the designated collection date. These items may also be recycled at private businesses where they are purchased or at private recycling centers.~~
- ~~(e) Owners of nonresidential facilities must provide separate containers for recyclable materials and regular collection of those containers, and must notify all users of these facilities semiannually of reasons to reduce and recycle, which materials are collected, how to prepare recyclable materials in order to meet the processing requirements of the responsible unit's or out-of-state unit's recycling program, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and phone number.~~
- ~~(f) All nonresidential facilities and multifamily dwellings shall have on file with the city a description of their individual recycling programs. The city may conduct annual audits and inspections to insure compliance with this chapter.~~

#### **8.29.041 Separation Requirements Exempted.**

The separation requirements of 8.29.040 do not apply to the following:

- (a) Occupants of single family and 2-to-4-unit residences, multifamily dwellings and nonresidential 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 8.29.040 from solid waste in as pure a form as is technically feasible.
- (b) Solid waste which is burned as a supplement fuel at a facility if less than 30% of the heat input to the facility is derived from the solid waste burned as supplement fuel.
- (c) A recyclable material specified in 8.29.040 (e) through (o) for which a variance has been granted by the Department of Natural Resources under s. 287.11(2m), Wis. Stats., or s NR 544.14, Wis. Adm. Code.

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**8.29.043 Responsibilities of Owners or Designated Agents of ~~MultiFamily~~Multifamily Dwellings.**

1. Owners or designated agents of multifamily dwellings shall do all of the following to recycle the materials specified in 8.29.040 (e) through (o):
  - (a) Provide adequate, separate containers for the recycling program established in compliance with the ordinance. 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 the overflow of a recycling container during the time period between collection of materials 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 the 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 the 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 1) above do not apply to the owners or designated agents of multifamily 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 8.29.040 (e) through (o) from solid waste in as pure a form as is technically feasible.

**8.29.045 Responsibilities of Owners or Designated Agents of Nonresidential Facilities and Properties.**

1. Owners or designated agents of nonresidential facilities and properties shall do all of the following to recycle the materials specified in 8.29.040 (e) through (o):
    - (a) Provide adequate, separate containers for the recycling program established in compliance with the ordinance. 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 the materials in order to meet the processing requirements, collection methods or sites, and locations of drop-off collection sites to recycle materials not collected on-site.
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2. The requirements specified in 1) above do not apply to the owners or designated agents of nonresidential 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 8.29.040 (e) through (o) from solid waste in as pure a form as is technically feasible.

#### **8.29.050 Residential collection schedule.**

- (a) The common council and city's collector shall establish the time of collection of solid waste, including recyclable materials, and the city shall publish the collection schedule at least once in the spring and fall of each year and, in addition, at any time the collection schedule is changed.
- (b) Solid waste containers and recycling containers shall be placed as required by this chapter at the required collection point not sooner than 4:00 p.m. of the day before the collection day, and no person shall permit solid waste or containers thereof to accumulate or remain at the curb line after nine a.m. on the day after the scheduled collection time.

#### **8.29.060 Placing solid waste and recycling containers for residential collection.**

- (a) Except as otherwise specifically directed or authorized by the city under subsection (b), solid waste and recycling containers from all residential premises shall be placed five feet from the curb line adjacent to the street designated in the published collection schedule. In addition, solid waste containers and recycling containers shall be placed five feet apart.
- (b) Occupants of single family and 2-to-4-unit residences should place lead acid batteries, major appliances, used oil, and waste tires at the curb on Bulk Collection dates as determined by the city.
- ~~(c)~~ The city may direct or authorize the placing of solid waste and recycling containers in a manner different from that provided herein in order to facilitate a more reasonable mode of collection from particular premises.

#### **8.29.070 Preparation of solid waste and recycling for residential collection.**

- (a) All garbage or rubbish placed for collection shall be well-drained, wrapped and deposited in watertight containers or watertight bags. No container or bag placed for collection shall exceed thirty gallons in capacity or forty pounds in weight.
- (b) Any garbage or rubbish not placed for collection in accordance with the provisions of this section may be refused by the collector.
- (c) To the greatest extent practicable, the recyclable materials separated in accordance with 8.29.040 shall clean and kept free of contaminants 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 material shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions.

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**8.29.080 Garbage or rubbish not to be deposited in any other place or manner than herein provided.**

- (a) No person shall place any garbage on any street, alley, sidewalk or other public or private property unless the same shall be placed in containers or bags for city collection at the times and in the manner as herein provided.
- (b) No person shall place for collection any solid waste at the curb line or alley adjacent to any premises not owned or occupied by such person or dispose of waste at any unauthorized site.

**8.29.090 Items not to be placed for residential pickup by the collector.**

No person shall bump, deposit or place at the curb line adjacent to any street or public alley for collection or for any other purpose any of the following:

- (a) Construction and/or demolition materials, such as large amounts of stone, concrete, lumber, roofing materials, earth or sod;
- (b) Containers over thirty gallons or forty pounds;
- (c) Tree stumps, roots, and shrubs with intact root balls over eight inches in diameter and/or greater than forty pounds;
- (d) Hazardous, toxic and infectious waste;
- (e) Yard waste.

**8.29.100 Public information and education program.**

The city shall conduct an ongoing public information and consumer and youth education program concerning local and state recycling and waste reduction efforts.

**8.29.110 Prohibited disposal of recyclables.**

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 8.29.040 (e) through (o) that have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

~~No items which have been separated for recycling shall be disposed of in a solid waste disposal facility or burned in a solid waste treatment facility.~~

**8.29.120 Violations and enforcement.**

- (a) For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee, or representative of the City may inspect recyclable materials separated for recycling, postconsumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multifamily 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 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, owner, occupant, corporation, person in charge or operator who shall violate any provision of this chapter shall, upon conviction, forfeit not less than \$~~25~~50.00 nor more than \$250.00, together with a penalty assessment and costs of prosecution. Each day or incident of violation shall be deemed a separate offense.
- (bc) The city's collector shall refuse to pick up any solid waste containing recyclable material not separately contained or bundled as provided in this chapter.
- (ed) If any such owner, occupant, or person in charge refuses or fails to comply with the provisions of this section, the city manager or his/her appointed designee, may remove such items and the cost thereof shall be charged at a rate of time and materials as established by the department of public works, with a minimum charge of \$35.00 or contract with a private contractor to have the items removed. The cost of such removal shall be reported to the city clerk in writing with a description of the premises, and such costs shall be and become a lien against the property.

SECTION 2: All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed.

SECTION 3: This ordinance shall take effect and be in force the day after its passage and publication.

This Ordinance was introduced by Council Member \_\_\_\_\_, who moved its adoption.

Seconded by Council Member \_\_\_\_\_.

DATE	October 21, 2025				Second Meeting Date			
READING	FIRST				SECOND			
	YES	NO	PASS	ABSENT	YES	NO	PASS	ABSENT
Michael Smith								
Orin Smith								
Steven Sahyun								
Brian Schanen								
Neil Hicks								
Greg Majkrzak								
Patrick Singer								
Total:								

ADOPTED: \_\_\_\_\_

\_\_\_\_\_  
John Weidl, City Manager

ATTEST:

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Heather Boehm, City Clerk