

ORDINANCE NO.4002

AN ORDINANCE AMENDING SECTION 12.12 OF THE MUNICIPAL CODE OF THE CITY OF GREENFIELD

The Common Council of the City of Greenfield do ordain as follows:

PART I. Section 12.12 of the Greenfield Municipal Code is hereby repealed and recreated to read as follows:

12.12 Recycling, yard waste, refuse and solid waste.

- (1) *Title.* Recycling Ordinance for the City of Greenfield, WI.
- (2) *Purpose.* The purpose of this section is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in §. 287.11, Wis. Stats., and ch. NR 544, Wis. Adm. Code.
- (3) *Statutory authority.* This section is adopted as authorized under § 287.09(3)(b), Wis. Stats.
- (4) *Abrogation and greater restrictions.* It is not intended by this section 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 section imposes greater restrictions, the provisions of this section shall apply.
- (5) *Interpretation.* In their interpretation and 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 other power granted by Wis. Stats. Where any terms or requirements of this section may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this section is required by Wisconsin Statutes, or by a standard in NR Ch. 544, Wis. Adm. Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and NR Ch. 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.
- (6) *Severability.* Should any portion of this section be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this section shall not be affected.
- (7) *Applicability.* The requirements of this section apply to all persons within the City of Greenfield.
- (8) *Administration.* The provisions of this section shall be administered by the person(s) and/or department(s) determined in the recycling, yard waste and refuse policy set annually by the Board of Public Works.
- (9) *Effective date.* This section shall take effect and be in force from and after its publication.
- (10) *Definitions.* For the purposes of this section:
 - (a) “Bi-metal container” means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.
 - (b) “Container board” means corrugated paperboard used in the manufacture of shipping containers and related products.
 - (c) “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.

- (d) "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.
- (e) "HDPE" means high density polyethylene, labeled by the resin code # 2.
- (f) "LDPE" means low density polyethylene, labeled by the resin code # 4.
- (g) "Magazines" means magazines and other materials printed on similar paper.
- (h) "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.
- (i) "Multiple-family dwelling" means a structure containing 5 or more residential units, including units that are occupied seasonally.
- (j) "Newspaper" means a newspaper and other materials printed on newsprint.
- (k) "Non-residential facilities and properties" means commercial, retail, industrial, institutional and government facilities and properties. Non-residential 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 multiple family dwellings.
- (l) "Office paper" means a variety of high-grade printing and writing papers. This term does not include industrial process waste, newspaper or packaging.
- (m) "Other resins or multiple resins" mean plastic resins labeled by the resin code # 7.
- (n) "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.
- (o) "PETE" or "PET" means polyethylene terephthalate, labeled by the resin code # 1.
- (p) "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.
- (q) "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(17), Wis. Stats.
- (r) "PP" means polypropylene, labeled by the resin code # 5.
- (s) "PS" means polystyrene, labeled by the resin code # 6.
- (t) "PVC" means polyvinyl chloride, labeled by the resin code # 3.
- (u) "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; waste tires; and bi-metal containers.
- (v) "Solid waste" has the meaning specified in [s. 289.01\(33\), Wis. Stats.](#)
- (w) "Solid waste facility" has the meaning specified in [s. 289.01\(35\), Wis. Stats.](#)
- (x) "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.
- (y) "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.

- (z) "Yard waste" means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than 6 inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.
- (11) *Management of recyclable materials.* Recyclable materials shall be managed in accordance with the Recycling, Yard Waste and Refuse Policy set by the Board of Public Works and this section. The Recycling, Yard Waste and Refuse Policy is incorporated herein by reference.
- (12) *Separation of recyclable materials.* All occupants, including owners and tenants of single-family and 2 to 4 unit residences, multiple-family dwellings and nonresidential facilities and properties shall separate the following materials from post-consumer waste:
 - (a) Antifreeze.
 - (b) Lead acid batteries.
 - (c) Major appliances.
 - (d) Waste oil.
 - (e) Yard waste.
 - (f) Aluminum containers.
 - (g) Bi-metal containers.
 - (h) Corrugated paper or other container board.
 - (i) Foam polystyrene packaging.
 - (j) Glass containers.
 - (k) Magazines.
 - (l) Newspaper.
 - (m) Office paper.
 - (n) Rigid plastic containers made of PETE and HDPE.
 - (o) Steel containers.
 - (p) Tires.
- (13) *Separation requirements exempted.* The separation requirements of subsection (10) do not apply to the following:
 - (a) Occupants of single-family and 2 to 4 unit residences, multiple-family dwellings and nonresidential facilities and properties that send their post-consumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in subsection (10) from solid waste in as pure a form as is technically feasible.
 - (b) Solid waste which is burned as a supplemental fuel at a facility if less than 30% of the heat input to the facility is derived from the solid waste burned as supplemental fuel.
 - (c) A recyclable material specified in subsection (10)(f) through (p) for which a variance has been granted by the Department of Natural Resources under § 287.11(2m), Wis. Stats., or NR § 544.14, Wis. Adm. Code.
- (14) *Care of separated recyclable materials.* To the greatest extent practicable, the recyclable materials separated in accordance with subsection (10) shall be 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 materials shall be stored in a manner that protects them from wind, rain and other inclement weather conditions.

(15) *Composting.* Yard waste, as herein defined, may be composted at any property used for residential or commercial purposes. Compost piles or bins shall be well maintained so as not to pose an attraction or harborage for rodents or otherwise present a health nuisance. Composting material shall be maintained and well aerated so as to be free of offensive or noxious odors. Compost piles or bins for composting must be located in any rear or side yard area and at least 25 feet from any dwelling unit on an adjoining property and at least 3 feet from any property line. Each pile or bin may occupy a surface no greater than 25 square feet and may not exceed 4 feet in height. No more than 4 such piles and/or bins shall be permitted on any property. Yard waste may not be gathered except for the purposes of collection or composting.

(16) *Management of lead acid batteries, major appliances, waste oil, and yard waste.* Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties shall manage lead acid batteries, major appliances, waste oil, and yard waste as follows:

- (a) Lead acid batteries shall be brought either to a retailer, or the city drop off center.
- (b) Major appliances shall be removed by requesting a special pick up.
- (c) Waste oil shall be brought either to a retailer, or the city drop off center.
- (d) Yard waste shall be placed at the curb or brought to the city drop off center.

(17) *Preparation and collection of recyclable Materials.* Except as otherwise directed by the City of Greenfield, occupants of single family and 2-to-4-unit residences shall do the following for the preparation and collection of the separated materials specified in (12)(f) through (p):

- (a) Aluminum containers shall be rinsed.
- (b) Bi-metal containers shall be rinsed.
- (c) Corrugated paper or other container board shall be flattened.
- (d) Foam polystyrene packaging shall be flattened.
- (e) Glass containers shall be rinsed.
- (f) Magazines shall be clean.
- (g) Newspaper shall be clean.
- (h) Office paper shall be clean.
- (i) Rigid plastic containers shall be rinsed.
- (j) Steel containers shall be rinsed.
- (k) Tires shall be clean.

(18) *Responsibilities of owners or designated agents of multiple-family dwellings.*

- (a) Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in subsection (10)(f) through (p):
 - (1) 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.

- (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 are collected; how to prepare the materials in order to meet the processing requirements; collection methods or sites; locations and hours of operation; and a contact person or company, including a name, address and telephone number.

(b) The requirements specified in subparagraph (a) do not apply to the 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 subsection (10)(f) through (p) from solid waste in as pure a form as is technically feasible.

(19) *Responsibilities of owners or designated agents of non-residential facilities and properties.*

- (a) Owners or designated agents of nonresidential facilities and properties shall do all of the following to recycle the materials specified in subsection (10)(f) through (p):
 - (1) Provide adequate, separate containers for the recyclable materials.
 - (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 or sites; locations and hours of operation; and a contact person or company, including a name, address and telephone number.
- (b) The requirements specified in subparagraph (a) do not apply to the owners or designated agents of nonresidential 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 subsection (10)(f) through (p) from solid waste in as pure a form as is technically feasible.

(20) *Prohibitions 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 subsection (10)(f) through (p) which have been separated for recycling, except tires may be burned with energy recovery in a solid waste treatment facility.

(21) *Antiscavenging.* Per subsection (8) of this section, no person shall collect recyclable materials placed in a recycling bin that is serviced under the City of Greenfield recycling contract without authorization from the City.

- (a) No person shall remove any material from a waste container used for the collection of solid waste. This prohibition applies to portable, nonportable, plastic garbage bags or any type of container used to dispose of solid waste material. This section does not apply to employees and agents of the City in the performance of their duties or to materials that are removed by the person who deposited them.
- (b) No person, except the owners or occupants of the property may place or leave any substance, litter, recyclable material or solid waste into a container upon the premises, without the owners' or occupants' permission.
- (c) No person shall collect recyclable materials placed in a recycling bin that is serviced under the City of Greenfield recycling contract without authorization from the City.

(22) *Providing space for recycling in buildings.* As directed under ILHR 54-62, Adm. Rule, a person in the City of Greenfield owning or occupying a new building or a building that is remodeled or expanded by 50% or more in floor area, shall

provide a designated area for the separation, temporary storage and collection of solid waste and recyclables either within or adjacent to the building.

(23) *Container storage.*

- (a) To improve the aesthetic appearance and to protect the general public health, safety and welfare of the City residents, all new and existing multiple-family, commercial and industrial developments shall be required to provide a covered dumpster or similar type covered boxes for garbage and rubbish collections and shall be required to provide enclosures for these containers and any and all recycling containers. The enclosures shall be 4-sided with provisions for a latched gate and be a minimum of 2 feet higher than the container. (Am. #2743)
- (b) Such enclosures shall be placed according to setback requirements for accessory structures.
- (c) No person may keep, place, maintain or store any refuse or recycling containers in their front yard or other yard that abuts the street except on their collection day and as permitted in the Recycling, Yard Waste and Refuse Policy.

(24) *Hauler licensing.* No person or corporation shall engage in the business of hauling recyclables within the City of Greenfield without being licensed by the Department of Natural Resources under NR § 502.06, Wis. Adm. Code.

(25) *Purchasing of recycled content, multiple use, durable materials, equipment and supplies.* Under the direction of § 16.72(2)(e) and (f), Wis. Stats., the City of Greenfield, shall to the extent practicable, make purchasing decisions to maximize the purchasing of products made from recycled and recovered materials. Purchases shall include 40% recycled content of all paper by 1995. The City of Greenfield shall, to the extent practicable, award contracts for equipment and supplies on the basis of recyclability and ultimate disposition of products to discourage the purchase of single-use disposable products and require purchase of multiple-use, durable products.

(26) *Hauler restrictions.* Haulers may not dispose in a landfill or burn in a solid waste facility any recyclable materials generated in the City of Greenfield that have been separated for recycling, unless the recyclable materials, without intention on the part of the hauler, become so contaminated that the materials are not able to be marketed. Hauler shall maintain collected recyclable materials in a marketable condition.

(27) *Right to reject materials.* The hauler has the right to reject or leave at the curb any recyclable material that is not prepared according to the specifications in this section, the policy for recycling, yard waste, and refuse or in education material provided to the service recipients. Materials may also be left if not separated 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, including yard waste. In such cases, the hauler shall notify the generator of the materials about the reason(s) for rejecting the items.

(28) *Pollution prohibited.* No person shall place, throw or leave any garbage, noxious, nauseous or other offensive substances or waste, or any dead carcass, animal, fowl, carrion, meat, fish, entrails, manure, offal, refuse matter, rubbish, ashes, earth, sand or other substances in or upon any sewer, stream, ditch or other watercourse, sidewalk, gutter, street, alley or upon any private or public place, park or grounds in the City, except for the purpose of garbage pickup or in a manner approved by the Health Officer.

(29) *Solid waste storage.*

- (a) The owner and occupant of any premises, business establishment or industry shall be responsible for the sanitary storage of all solid waste accumulated at that premises, business establishment or industry.
- (b) Garbage shall be stored in containers that are leak proof, waterproof, rodent resistant, durable and rust resistant with tight fitting covers and 2 handles or a bail.
- (c) Reserved. (Dltd. #2743)
- (d) Residential solid waste containers placed at the curb or next to the road, or at the alley edge, may not be set out prior to 6:00 p.m. of the day preceding the scheduled collection day. All empty containers must be removed from the curb or roadside by 6:00 p.m. of the day of collection.

- (e) Toxic and hazardous waste or materials shall be stored in watertight, tightly covered, adequately labeled containers and in a location inaccessible to children, irresponsible persons and animals. The Health Officer shall determine the proper disposal of these substances.

(30) *Hazardous waste prohibited.*

- (a) Hazardous waste shall not be stored in buildings or lots.
- (b) Hazardous waste processing shall be prohibited, which shall include, but not be limited to, incineration, chemical or biological destruction, collecting or shipping.

(31) *Service charge for the collection of garbage, refuse, yard wastes and recycling services.*

- (a) Pursuant to the authority of § 66.20(16), Wis. Stats., the City hereby determines to levy special charges for garbage and refuse collection and disposal.
- (b) There is hereby levied and imposed a special charge for services rendered in the form of garbage, rubbish, yard wastes and recycling collection and disposal and other related programs as follows: (Am. #2687; #2711)
 - (1) *Individual collection (non-dumpster):* (Am. #2743; #2763; #2779; #2810; #2825; #2858; #2875; #2913; #2949; #2961; #2990; #3011; #3019; #3050)
\$ 69.79 per annum per unit for recycling services.
\$ 173.71 per annum per unit for garbage, refuse, and yard waste services.
\$243.50 per annum per unit for total special charge.
 - (2) *Reserved.* (Dltd. #2743)
 - (3) *Drop off center passes.* (Cr. #2853) Drop off center passes for residents outside the City's solid waste disposal program:
 - i. Yearly pass \$45.00
 - ii. One-time pass \$15.00
- (c) The special charges imposed herein shall be paid on an annual basis in advance, not in installments, and shall be placed on the real estate tax bill of all recipients of such service and collected with same. If the charge is not paid within the period fixed, it shall become a lien upon the premises as provided in § 66.60(15), Wis. Stats., and shall automatically be extended upon the current or next tax roll as a delinquent tax against the property and all proceedings in relation to the collection, return and sale of property for delinquent real estate taxes shall apply to such special charge.
- (d) All garbage and refuse collection rules and regulations shall be adhered to by all recipients of service.
- (e) New and existing multiple-family unit developments plus commercial and industrial facilities within the City shall not be part of the City collection program. Such units shall make private arrangements for refuse and recycling collection with pick-up cycles equal to or better than City collection. Owners of said facilities shall provide evidence of refuse and recycling arrangements within 3 days of request or be subject to a fine not to exceed \$250.00 per day. (Am. #2743)

(32) *Dumping and dumping grounds.*

- (a) No person shall dump, dispose of or store rubbish, refuse, ashes, garbage, junk, hazardous or toxic substances or any other material on public property.
- (b) The owner of private property may not permit the dumping or storage of rubbish, refuse, ashes, garbage, hazardous or toxic wastes, junk or other material thereon without providing the Health Officer with evidence of a permit thereof from the State Department of Natural Resources.

- (33) *Illegal dumping.* No person shall throw or deposit any garbage, rubbish or waste matter of any kind, or cause the same to be thrown or deposited outside the City's compactor and recycling station during hours of nonoperation.
- (34) *Yard waste.* No person shall combine yard waste with garbage and refuse and all yard waste set out for collection by the City or its hauler shall be separated from any other wastes.
- (35) *Collection of recyclable materials.* (Am. #2743) No person shall collect recyclable materials placed in a recycling container without proper authorization from the City.
- (36) *Exemptions.* The Common Council, upon recommendation from the Board of Public Works, reserves the right to designate additional solid waste materials as recyclable or currently collected materials as no longer recyclable in accordance with State law and to either add or delete them from any collection services provided by the City of Greenfield or its contractors. The City of Greenfield shall provide written notice to its service recipients of this declaration.
- (37) *Enforcement.*
 - (a) For the purpose of ascertaining compliance with the provisions of this section, any authorized officer, employee or representative of the City of Greenfield or its contractor(s) for recycling or refuse services may inspect recyclable materials separated for recycling, postconsumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and nonresidential facilities and properties, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to any authorized officer, employee or authorized representative of the City of Greenfield or its contractor(s) for recycling or refuse services who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection. Contractor authority is limited to facilities served by the contractor under contract with the City. (Am. #2743)
 - (b) Any person who violates a provision of this section may be subject to the forfeitures and penalties enumerated under this section. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this paragraph.
 - (c) Penalties for violating this section may be assessed as follows:
 - (1) Any violation which results in unsightly debris on any public right of way or lands is subject to section 9.10 of this Municipal Code.
 - (2) Except as otherwise provided herein, any persons who shall violate any provisions of this chapter or any order, rule or regulation made hereunder shall be subject to a penalty as provided in section 25.04 of this Municipal Code.

PART II. The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

PART III. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

PART IV. This ordinance shall take effect and be in force from and after its passage and publication.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 16th day of December, 2025.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk