

ORDINANCE

An Ordinance to amend Section 13.010 of the Manitowoc Municipal Code regulating Solid Waste Recycling and Disposal.

The Mayor and Common Council of the City of Manitowoc do ordain as follows:

Section 1. Section 13.010 is amended to read as follows:

“13.010 Solid Waste Recycling and Disposal

...

~~(3) **Applicability.** The provisions of this section shall be applicable to all persons who generate or possess solid waste in the City of Manitowoc, whether or not such waste is disposed of in the City of Manitowoc.~~

(3) 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.

~~(4) **Administration.** The provisions of this section shall be administered by the Department of Public Works, which may request the assistance of the Manitowoc Police Department, where necessary, and by any other City officials or departments as may be directed by the Streets Committee of the Common Council.~~

(4) 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. NR544 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.

(5) Severability. Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

~~(3)~~ **(6) Applicability.** The requirements of this ordinance shall be applicable to all persons who generate or possess solid waste in the City of Manitowoc, whether or not such waste is disposed of in the City of Manitowoc.

~~(4)~~ **(7) Administration.** The provisions of this ordinance shall be administered by the Department of Public Works, which may request the assistance of the Manitowoc Police Department, where necessary, and by any other City officials or departments as may be directed by the Public Works Committee of the Common Council.

~~(5)~~ **(8) Definitions.** For the purposes of this section:

...

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 such as crystal, or TV tubes.

HDPE means high density polyethylene, labeled by the SPI **resin** code No. 2.

LDPE means low density polyethylene, labeled by the SPI **resin** code No. 4.

...

Nonresidential 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, sports venues, conferences and exhibits.** This term does not include multiple-family dwellings.

Office paper means **a variety of** high grade printing and writing papers, ~~from offices in nonresidential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high grade.~~ This term does not include industrial process waste, **newspaper, or packaging.**

Other resins or multiple resins means plastic resins labeled by the SPI **resin** code No. 7.

Person includes any individual, corporation, **limited liability company,** partnership, association, local governmental unit, as defined in Wis. Stat. § **66.0131**(1)(a), State agency or authority or Federal agency.

PETE or PET means polyethylene terephthalate, labeled by the SPI **resin** code No. 1.

PP means polypropylene, labeled by the SPI **resin** code No. 5.

PS means polystyrene, labeled by the SPI **resin** code No. 6.

PVC means polyvinyl chloride, labeled by the SPI **resin** code No. 3.

Recyclable materials include 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.

...

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

~~(6)~~ (9) Disposal of Solid Waste.

(a) All persons who generate solid waste in the City of Manitowoc shall dispose of such solid waste as required in this section and as otherwise required by law. **The City of Manitowoc requires residents to contract with a licensed hauler for the disposal of solid waste.** 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 subsections ~~(8)~~ **(11)**(e) through (o) of this section which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility, and except that a person may dispose of a microwave oven in a solid waste disposal facility if the capacitor has been removed and disposed of in accordance with Wis. Stat. § [299.45](#)(7), if applicable.

~~(7)~~ (10) Nonrecyclable Solid Waste.

...

~~**(8)**~~ **(11) Separation of Recyclables Materials.** Occupants of single-family and two- to four-unit residences, multiple-family dwellings and nonresidential facilities and properties shall separate the following materials from postconsumer waste:

...

~~(9)~~ (12) Separation Requirements Exempted. The separation requirements of subsection ~~(8)~~ **(11)** of this section do not apply to the following:

...

(c) A recyclable material specified in subsections ~~(8)~~ **(11)**(e) through (o) of this section for which a variance has been granted by the Department of Natural Resources under Wis. Stat. § [287.11](#)(2m), or Wis. Admin. Code NR 544.14.

~~(10)~~ (13) Care of Separated Recyclable Materials. To the greatest extent practicable, the recyclable materials separated in accordance with subsection (8) of this section shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other nonrecyclable materials, including but not limited to household hazardous waste, **medical waste** and agricultural chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions.

The City of Manitowoc requires residents to contract with a licensed hauler for the collection of recyclables. Persons who hire a licensed garbage hauler for the removal of their solid waste shall, in the removal of recyclables which their hauler is required to or is willing to accept, be required to use a container acceptable to the hauler when placing such recyclables for collection, except for yard waste or other recyclables which are too large for such containers. Such persons shall follow other rules of their hauler relating to the handling of recyclables for collection.

~~(11)~~ (14) Management of Lead Acid Batteries, Major Appliances, Waste Oil, Yard Waste and Tires.

...

(d) Yard waste may be delivered to an authorized Manitowoc County compost site or disposed of on the site where generated. The City's ~~Streets and Sanitation Division~~ **Department of Public Works** will continue to collect designated yard waste at no charge to residents during the spring clean-up and the

fall leaf pickup. These programs shall be subject to such regulations as are approved by the Public Infrastructure **Works** Committee.

...

(12) (15) Yard Debris.

...

(13) (16) Preparation and Collection of Recyclable Materials. Except as otherwise directed by the Department of Public Works, occupants of single and two- to four-unit residences shall do the following for the preparation and collection of the separated materials specified in subsections ~~(8)~~ **(11)**(e) through (o) of this section which are placed for collection by a licensed garbage hauler:

...

(d) Foam polystyrene packaging shall, ~~effective January 1, 1996~~, be secured and placed in an approved recycling container.

(e) Glass containers shall be rinsed, caps removed, and placed in an approved recycling container.

(f) Magazines shall be bundled or bagged and placed in an approved recycling container.

(g) Newspapers shall be bundled or placed in a paper bag and placed in an approved recycling container.

(h) Office paper shall be bundled or placed in a paper bag and placed in an approved recycling container.

(i) Rigid plastic containers shall be prepared and collected as follows:

1. Plastic containers made of PETE (No. 1) shall be rinsed thoroughly, caps removed and be placed in an approved recycling container.

2. Plastic containers made of HDPE (No. 2), which are blow molded, shall be rinsed thoroughly, caps removed and be placed in an approved recycling container.

3. ~~Effective January 1, 1996~~, Plastic containers made of PVC (No. 3) shall be rinsed thoroughly, caps removed and be placed in an approved recycling container.

4. ~~Effective January 1, 1996~~, Plastic containers made of LDPE (No. 4) shall be rinsed thoroughly, caps removed and be placed in an approved recycling container.

5. ~~Effective January 1, 1996~~, Plastic containers made of PP (No. 5) shall be rinsed thoroughly, caps removed and be placed in an approved recycling container.

6. ~~Effective January 1, 1996~~, Plastic containers made of PS (No. 6) shall be rinsed thoroughly, caps removed and be placed in an approved recycling container.

7. Plastic containers made of other resins or multiple resins shall be handled per the direction of the ~~Streets and Sanitation~~ **Public Works** Committee.

(j) Steel containers shall be placed in an approved recycling container.

Occupants of single and two- to four-unit residences who do not hire a licensed garbage hauler to collect the recyclable materials described in this subsection **(16)** shall be required to deliver such recyclable materials to another person who will process them in compliance with State law, including applicable Department of Natural Resources regulations, and any other provisions of this section.

(14) (17) 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 subsections ~~(8)~~ **(11)**(e) through (o) of this section:

1. Provide adequate, separate containers for the recyclable materials **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 locations of drop-off collection sites to recycle materials not collected on-site. telephone number.

(b) The requirements specified in subsection (17)(a) of this section 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 subsections (11)(e) through (o) of this section from solid waste in as pure a form as is technically feasible.

(15) (18) Responsibilities of Owners or Designated Agents of Nonresidential 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 subsections (8)(11)(e) through (o) of this section:

1. Provide adequate, separate containers for the recyclable materials. recycling program established under this section. 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.

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, and locations and hours of operation, and a contact person or company, including a name, address and telephone number. of drop-off collection sites to recycle materials not collected on-site.

(b) The requirements specified in subsection (18)(5)(a) of this section 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 subsections (11)(8)(e) through (o) of this section from solid waste in as pure a form as is technically feasible.

(16) (19) 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 subsections (11)(e) through (o) that have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

(17) (20) Theft of Recyclables. Recyclable materials, upon placement at the curb or other collection site, shall become the property of the licensed garbage hauler. No person, other than a licensed garbage hauler, shall take or remove any recyclable materials which have been placed for collection by such licensed garbage hauler.

(18) (21) Regulations. The Director of Public Works is authorized to establish and promulgate reasonable regulations to effectuate the implementation of the City's recycling program, which shall be effective following approval by the Streets and Sanitation Committee and reasonable notice to the public.

(19) (22) Conflict with Other Laws. 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.

(20) (23) 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 the Wisconsin Statutes. 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 the Wisconsin Statutes, or by a standard in Wis. Admin. Code NR 544, and where the section provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Wis. Admin. Code NR 544 standards in effect on the date of the adoption of the ordinance codified in this section, or in effect on the date of the most recent text amendment to this section.

(21) (24) Enforcement and Penalties.

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Section 2. This ordinance shall take effect the day after publication.

INTRODUCED _____ ADOPTED _____

Justin M. Nickels, Mayor

Fiscal Impact:	Anticipate no more than \$300 for ordinance publication and code update, costs of which are appropriated in the 2026 adopted budget. No additional tax levy or 2026 budget amendments needed
Funding Source:	General Fund – Clerks – Pub of Legal Notices ((1100-13100-532100)
Finance Director Approval:	/SMA
Approved as to form:	/EGN

This Ordinance was drafted by Eric G. Nycz, City Attorney