

..Number
260132
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PROPOSED SUBSTITUTE
..Reference

..Sponsor
ALD. SPIKER

..Title
A substitute ordinance relating to state requirements for recycling and other purposes.

..Section
79-1-9 am
79-6.5-3-c-1 am
79-21 am
79-23-1 am
79-23-4.3 cr
79-23-4.5 am
79-23-5 rc
79-23-7 rp
79-23-11 am
79-23-13 am
79-23-14 am
79-23-15 rp
79-23-16 am
79-23-19 am
79-23-20 rp
79-23-21 rp
79-23-22 rp
79-23-23 am
79-23-25 am
79-23-27 am
79-23-28 am
79-23-29 am
79-23-30 am
79-25-1-e rn
79-25-1-e cr
79-25-2-j rp
79-27-1 am
79-31 am
79-33-1-a am
79-33-1-a-1 cr
79-33-1-a-2 cr
79-33-1-a-3 cr
79-33-1-b am
79-33-1-b-1 cr
79-33-1-b-2 cr
79-33-1-b-3 cr
79-33-1-b-4 cr

79-33-2 am
79-35-1-a am
79-35-1-b am
79-35-1-b-1 cr
79-35-1-b-2 cr
79-35-1-b-3 cr
79-35-1-b-4 cr
79-37-Title am
79-39-1 am
79-40-2 am
79-43-0 rn
79-43-2 cr
81-15.5-3 rp

..Analysis

This ordinance updates City solid waste regulations to reflect revisions to state administrative requirements under s. 287.11, Wis. Stats., and ch. NR 544, Wis. Adm. Code, and removes or updates provisions that were determined by the department to be ineffective or unenforceable.

The ordinance makes the following changes:

1. Corrects a statutory citation related to solid waste.
2. Updates definitions and reclassifies waste tires as a special recyclable material.
3. Includes owners along with occupants for certain recycling regulations.
4. Clarifies recycling collection standards and notification requirements for multi-family dwellings and non-residential facilities and properties.
5. Prohibits the relocation or obscuration of recycling bins for the purpose of deterring or preventing use by a property's users or residents.
6. Allows the issuance of citations for enforcement.
7. Eliminates a stop fee assessed for a failure to report the removal of bulky waste from private property when such a failure results in the dispatch of a City crew to that property.

..Body

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

Part 1. Section 79-1-9 of the code is amended to read:

9. PERSON includes any individual, ~~[[contractor, firm or corporation, or agent or servant thereof]]~~ >>, corporation, limited liability company, partnership, association,

local government unit, as defined in s. 66.0131(1)(a), Wis. Stats., or state agency or authority or federal agency<<.

Part 2. Section 79-6.5-3-c-1 of the code is amended to read:

79-6.5. Special Collection Charges.

3. DOMESTIC TREE AND BULKY WASTE.

c-1. The commissioner may have bulky waste exceeding one cubic yard but not exceeding 6 cubic yards removed. The costs of this action shall be collected from the owner of the property at which the bulky waste is deposited, subject to the bulky collection charge established under s. 81-15.5. Bulky waste exceeding one cubic yard shall be tagged by the commissioner with a notice to the property owner to remove the waste within 3 days or be subject to the charge. The bulky waste collection charge shall be due and payable 30 days after billing. If any owner fails, omits, neglects or refuses to pay any charge imposed under s. 81-15.5 for bulky waste collection, pursuant to s. 66.0627, Wis. Stats., the charge may be assessed against the subject property. The lien shall take effect as of the date of the delinquency. The lien 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 the property for delinquent real estate taxes shall apply to such charge. The charge shall not be payable in installments. ~~[[If any owner fails to notify the department that the bulky waste exceeding one cubic yard has been removed, resulting in a crew being dispatched to the property, the owner shall be charged a stop fee established under s. 81-15.5.]]~~

Part 3. Section 79-21 of the code is amended to read:

79-21. Purpose. The purpose of this subchapter is to promote recycling, composting and resource recovery through the administration of an effective recycling program, as provided in ~~[[s. 289.11,]]~~ >>s. 287.11,<< Wis. Stats., and ch. NR 544, Wis. Adm. Code.

Part 4. Section 79-23-1 of the code is amended to read:

79-23. Definitions.

1. BI-METAL CONTAINER means a container for ~~[[carbonated or malt]]~~ beverages that is made primarily of a combination of steel and aluminum.

Part 5. Section 79-23-4.3 of the code is created to read:

4.3. DESIGNATED AGENT means any person who, on behalf of or by agreement with the owner or operator of a multiple-family dwelling or a non-residential facility or property, provides goods or services at that location.

Part 6. Section 79-23-4.5 is amended to read:

4.5. ELECTRONIC DEVICE has the meaning given in ~~[[s. 287.17 (1) (gm)]]~~ >>s. 287.17(1)(gm)<<, Wis. Stats.

Part 7. Section 79-23-5 of the code is repealed and recreated to read:

5. GLASS CONTAINER shall mean 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, ceramic dishes, oven ware, plate glass, safety and window glass, lead-based glass such as crystal, or television tubes.

Part 8. Section 79-23-7 of the code is repealed.

Part 9. Section 79-23-11 of the code is amended to read:

11. MULTIPLE-FAMILY DWELLING means a ~~[[property]]~~ >>structure<< containing 5 or more residential units, including ~~[[these]]~~ >>units<< which are occupied seasonally.

Part 10. Section 79-23-13 of the code is amended to read:

13. NON-RESIDENTIAL FACILITIES AND PROPERTIES means commercial, retail, industrial, institutional >>,<< and governmental facilities and properties. ~~[[The term does not include multiple family dwellings.]]~~ >>The term 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.<<

Part 11. Section 79-23-14 of the code is amended to read:

14. OFFICE PAPER means high grade printing and writing papers ~~[[from offices in non residential facilities and properties]]~~. Printed white ledger paper ~~[[and computer printout are examples]]~~ >>is an example<< of office paper generally accepted as high grade. The term does not include industrial process waste >>, newspaper, or packaging<<.

Part 12. Section 79-23-15 of the code is repealed.

Part 13. Section 79-23-16 of the code is amended to read:

16. PERSON includes any individual, ~~[[contractor, firm or corporation, or agent or servant thereof]]~~ >>, corporation, limited liability company, partnership, association, local government unit, as defined in s. 66.0131(1)(a), Wis. Stats., or state agency or authority or federal agency<<.

Part 14. Section 79-23-19 of the code is amended to read:

19. 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., a hazardous substance as defined in s. 79-1-5, waste from construction and demolition of

structures, scrap automobiles or high-volume industrial waste as defined in s. 289.01(17), Wis. Stats. The term ~~[[includes]]~~ >>shall include<< domestic waste, garbage, tree waste >>, << and yard waste, as those terms are defined in s. 79-1-12.

Part 15. Section 79-23-20 to 22 of the code is repealed.

Part 16. Section 79-23-23 of the code is amended to read:

23. RECYCLABLE MATERIAL includes electronic devices, lead acid batteries, major appliances, waste oil, oil filters, yard waste, aluminum containers, bi-metal containers, corrugated paper or other container board, glass containers, magazines, newspapers, office paper, steel containers, waste tires and rigid plastic containers made of PETE ~~[[and]]~~ >>, PET, or << HDPE.

Part 17. Section 79-23-25 of the code is amended to read:

25. SOLID WASTE DISPOSAL FACILITY ~~[[means a facility that discharges, deposits, injects, dumps or places any solid waste into or on any land or water. The term does not include a facility whose handling of solid waste is limited to the transportation, storage or treatment of solid waste.]]~~ >>has the meaning given in s. 289.01(35), Wis. Stats.<<

Part 18. Section 79-23-27 of the code is amended to read:

27. SPECIAL RECYCLABLE MATERIALS means electronic devices, lead acid batteries, major appliances, >>waste tires, << waste oil, oil filters >>, << and yard waste.

Part 19. Section 79-23-28 of the code is amended to read:

28. STANDARD RECYCLABLE MATERIALS means aluminum containers, bimetal containers, corrugated paper or other container board, glass containers, magazines, newspapers, office paper, steel containers, ~~[[waste tires]]~~ and rigid plastic containers made of PETE ~~[[and]]~~ >>, PET, or << HDPE.

Part 20. Section 79-23-29 of the code is amended to read:

29. WASTE TIRE means a tire that is no longer suitable for its original purpose because of wear, damage >>, << or defect. The term includes an unserviceable tire as defined in ~~[[s. 84-48]]~~ >>s. 93-3<<.

Part 21. Section 79-23-30 of the code is amended to read:

30. YARD WASTE means leaves, grass clippings, >>yard and<< garden debris and brush >>, including clean woody vegetative material no greater than 6 inches in diameter<<. ~~[[Brush includes branches and tree limbs having a diameter of less than 6 inches.]]~~ >>This term shall not include stumps, roots, or shrubs with intact root balls.<<

Part 22. Section 79-25-1-e of the code is renumbered f.

Part 23. Section 79-25-1-e of the code is created to read:

79-25. Separation of Recyclable Materials Required.

1. SPECIAL RECYCLABLE MATERIALS.

e. Waste tires.

Part 24. Section 79-25-2- j of the code is repealed.

Part 25. Section 79-27-1 of the code is amended to read:

79-27. Exemption from Separation Requirements.

1. ~~[[Occupants]]~~ >>Owners and occupants<< of single family residences, 2 to 4 unit residences, condominium complexes, multiple-family dwellings and non-residential facilities and properties that send their postconsumer waste to a licensed solid waste processing facility that recovers the materials specified in s. 79-25 from solid waste in as pure a form as is technically feasible.

Part 26. Section 79-31 of the code is amended to read:

79-31. Residences, Except Multiple-Family Dwellings. ~~[[Occupants]]~~ >>Owners and occupants<< of single family residences, 2 to 4 unit residences and condominium complexes where collection service is provided by the department shall provide for the preparation and collection of separated standard recyclable materials in accordance with the rules of the commissioner.

Part 27. Section 79-33-1-a of the code is amended to read:

79-33. Multiple Family Dwellings.

a. Provide, at their own cost, adequate, separate containers for >>standard<< recyclable materials. Containers shall be stored on the premises in a location that is convenient for deposit and collection of recyclables. >>The number of recycling containers shall be equal to or greater than the number of trash containers and at least one of the following shall apply:<<

Part 28. Section 79-33-1-a-1 to 3 of the code is created to read:

a-1. The minimum total volume of recycling container space shall be equal to 20 gallons per week per dwelling unit.

a-2. The trash container volume shall be no more than twice the volume of the recycling container.

a-3. An alternative method of collection 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.

Part 29. Section 79-33-1-b of the code is amended to read:

b. Notify in writing, at the time of >>renting or<< leasing and at least semi-annually thereafter, all >>users,<< tenants >>,<< and occupants of the dwellings about the recycling program[[.]]>>,<< including:<<

Part 30. Section 79-33-1-b-1 to 4 of the code is created to read:

b-1. Which materials are collected.

b-2. How to prepare the materials in order to meet the processing requirements.

b-3. Collection methods or sites.

b-4. Locations of drop-off collection sites to recycle materials not collected on-site.

Part 31. Section 79-33-2 of the code is amended to read:

2. The requirements specified in sub. 1 ~~[[do]]~~ >>shall<< not apply to the owner, lessee or designated agent of a multiple-family dwelling if the postconsumer waste that is generated within the dwelling is treated at a licensed solid waste processing facility that recovers for recycling standard recyclable materials from solid waste in as pure a form as is technically feasible.

Part 32. Section 79-35-1-a of the code is amended to read:

79-35. Non-Residential Facilities and Properties.

a. Provide >>,<< at their own cost,<< adequate, separate containers for ~~[[the]]~~ >>standard<< recyclable materials. >>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.<<

Part 33. Section 79-35-1-b of the code is amended to read:

b. Notify in writing, at the time of >>renting or<< leasing and at least semi-annually thereafter, all >>users,<< tenants >>,<< and occupants of the facilities and properties about the recycling program[[.]]>>,<< including:<<

Part 34. Section 79-35-1-b-1 through 4 are created to read:

b-1. Which materials are collected.

b-2. How to prepare materials in order to meet the processing requirements.

b-3. Collection methods or sites.

b-4. Locations of drop-off sites to recycle materials not collected on-site.

Part 35. Section 79-37-Title of the code is amended to read:

79-37. Disposal of Separated ~~[[Standard]]~~ Recyclable Materials Prohibited.

Part 36. Section 79-39-1 of the code is amended to read:

79-39. Management of Special Recyclable Materials.

1. ~~[[Occupants]]~~ >>Owners and occupants<< of single family residences, 2 to 4 unit residences, condominium complexes, multiple-family dwellings and non-residential facilities and properties shall manage >>special recyclable materials<< ~~[[lead acid batteries as provided in s. 79-2-9, and shall handle electronic devices, major appliances, waste oil, oil filters and yard waste]]~~ in accordance with this section and the rules of the commissioner.

Part 37. Section 79-40-2 of the code is amended to read:

Section 79-40. Unauthorized Removal of Recyclables or Recycling Containers.

2. No person shall ~~[[remove]]~~ >>relocate or obscure<< a recycling cart, bin or other container that has been furnished by the city or by a private recyclable collector >>so as to prevent lawful use by a user, occupant, or tenant<<.

Part 38. Section 79-43-0 of the code is renumbered 1.

Part 39. Section 79-43-2 of the code is created to read:

79-43. Enforcement.

2. Any person who violates a provision of this ordinance may be issued a citation by the commissioner or his or her designee, or the commissioner of neighborhood services or his or her designee. A citation under this section 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.

Part 40. Section 81-15.5-3 of the code is repealed.

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APPROVED AS TO FORM

K. Broadnax

Legislative Reference Bureau

Date: June 9, 2026

..Attorney

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

..Requestor

Department of Public Works

..Drafter

LRB181388-2

Max Drickey

6/9/2026