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Title: A substitute ordinance relating to solid waste and recycling regulations.

Sponsors: THE CHAIR

Indexes: RECYCLING, SOLID WASTE DISPOSAL

Attachments: 1. Hearing Notice List, 2. Notice Published on 1-12-11

Date	Ver.	Action By	Action	Result	Tally
11/23/2010	0	COMMON COUNCIL	ASSIGNED TO		
11/24/2010	1	CITY CLERK	DRAFT SUBMITTED		
12/1/2010	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
12/8/2010	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	5:0
12/21/2010	2	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	4:0
12/21/2010	1	PUBLIC WORKS COMMITTEE	AMENDED	Pass	4:0
12/21/2010	1	PUBLIC WORKS COMMITTEE	RECONSIDERED	Pass	4:0
12/21/2010	1	COMMON COUNCIL	PASSED	Pass	15:0
12/21/2010	2	CITY CLERK	DRAFT SUBMITTED		
1/5/2011	1	MAYOR	SIGNED		
1/12/2011	1	CITY CLERK	PUBLISHED		

100957
SUBSTITUTE 2

THE CHAIR
A substitute ordinance relating to solid waste and recycling regulations.

- 79-1-4.3 cr
- 79-1-7 am
- 79-1-8.5 cr
- 79-1-8.7 cr
- 79-1-8.13 cr
- 79-1-12-a am
- 79-2-12 cr
- 79-2-13 cr
- 79-6.5-2 am
- 79-6.5-9 cr
- 79-16-1-f cr
- 79-23-4.5 cr

79-23-23 rc
79-23-27 am
79-23-28 rc
79-25-0 am
79-25-1 rc
79-25-2 rc
79-27-1 am
79-31 am
79-33-1-0 am
79-33-1-c am
79-35-1-c am
79-39-1 am

This ordinance updates the city code provisions relating to solid waste and recycling regulations to make the code consistent with recent changes in state law banning of the placement or disposal of certain electronic devices and used oil filters and absorbents in landfills. This ordinance also clarifies the code to specifically include condominium complexes in the city's recycling regulations.

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

Part 1. Section 79-1-4.3 of the code is created to read:

79-1. Definitions.

4.5. ELECTRONIC DEVICE has the meaning given in s. 287.17 (1) (gm), Wis. Stats.

Part 2. Section 79-1-7 of the code is amended to read:

7. LITTER shall include any waste or other things, substances or materials such as garbage, rubbish, used tires, manure, stones, gravel, sand, earth, grass, hay, leaves, twigs, shrubs, branches, ashes, cinders, sawdust, sweepings, dirt, glass, earthenware, wire, nails, construction waste, liquid waste, ice, snow, paper >> electronic devices, oil filters, oil absorbent materials<<, and all other debris and discarded materials of similar nature.

Part 3. Section 79-1-8.5, 8.7 and 8.13 of the code is created to read:

8.5. OIL ABSORBENT MATERIALS means materials that are used to absorb waste oil.

8.7. OIL FILTER means a filter for motor vehicle engine oil.

8.13. WASTE OIL means any petroleum-derived or synthetic oil that has been used or spilled.

Part 4. Section 79-1-12-a of the code is amended to read:

12. SOLID WASTE consists of the following categories:

a. Bulky waste is discarded articles including, but not limited to, furniture designed or manufactured for indoor use, including, but not limited to, upholstered furniture, left exposed in an outdoor area, including unenclosed porches. The term does not include >> electronic devices as defined in sub. 4.5 or << major appliances as defined in s. 79-23-10.

Part 5. Section 79-2-12 and 13 of the code is created to read:

79-2. Collection Regulations.

12. OIL FILTERS AND OIL ABSORBENT MATERIALS.

a. No person may place a used oil filter in mixed municipal solid waste.

b. No person may place oil absorbent materials in mixed municipal solid waste, except for the

disposal of less than one gallon of oil absorbent materials that contain waste oil resulting from a nonroutine spill.

13. ELECTRONIC DEVICES.

a. Electronic devices as specified in s. 287.07 (5), Wis. Stats., shall be collected by the department as provided under s.79-6.5-9.

b. No person may place an electronic device in mixed municipal solid waste or discard or otherwise dispose of an electronic device except by delivery to an electronic device collection or recycling facility.

Part 6. Section 79-6.5-2 of the code is amended to read:

79-6.5. Special Collection Charges.

2. DOMESTIC WASTE, OFFENSIVE OR HARMFUL. Liquid, manure and other offensive or harmful waste as specified in ~~[[s. 79-2-5]]~~ >>s. 79-2-6<<. Such waste depending on its nature and quantity may be collected without charge, refused or collected for a charge in accordance with this chapter and the rules of the commissioner.

Part 7. Section 79-6.5-9 of the code is created to read:

9. ELECTRONIC DEVICES may be collected for a charge as established by the commissioner or refused in accordance with this chapter and the rules of the commissioner.

Part 8. Section 79-16-1-f of the code is created to read:

79-16. Penalty.

1. FORFITURE. f. Each electronic device improperly disposed under s. 79-2-13-b shall constitute a separate violation.

Part 9. Section 79-23-4.5 of the code is created to read:

79-23. Definitions.

4.5. ELECTRONIC DEVICE has the meaning given in s. 287.17 (1) (gm), Wis. Stats.

Part 10. Section 79-23-23 of the code is repealed and recreated 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 HDPE.

Part 11. Section 79-23-27 of the code is amended to read:

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

Part 12. Section 79-23-28 of the code is repealed and recreated to read:

28. STANDARD RECYCLABLE MATERIALS means 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 HDPE.

Part 13. Section 79-25-0 of the code is amended to read:

79-25. Separation of Recyclable Materials Required. Except as provided in s. 79-27, occupants of single family residences, 2 to 4-unit residences, >>condominium complexes, << multiple-family dwellings and non-residential facilities and properties shall separate the following materials from postconsumer waste:

Part 14. Section 79-25-1 and 2 of the code is repealed and recreated to read:

1. SPECIAL RECYCLABLE MATERIALS.

- a. Electronic devices.
- b. Lead acid batteries.
- c. Major appliances.
- d. Waste oil and oil filters.
- e. Yard waste.

2. STANDARD RECYCLABLE MATERIALS.

- a. Aluminum containers.
- b. Bi-metal containers.
- c. Corrugated paper or other container board.
- d. Glass containers.
- e. Magazines.
- f. Newspapers.
- g. Office paper.
- h. Rigid plastic containers made of PETE and HDPE.
- i. Steel containers.
- j. Waste tires.

Part 15. Section 79-27-1 of the code is amended to read:

79-27. Exemptions from Separation Requirements.

1. Occupants of single family residences, 2 to 4-unit residences, >>condominium complexes, << multifamily 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 16. Section 79-31 of the code is amended to read:

79-31. Residences, Except Multiple-Family Dwellings. 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 17. Section 79-33-1-0 and c of the code is amended to read:

79-33. Multiple-Family Dwellings. 1. Except as provided under sub. 2, owners, lessees or designated agents of multiple-family dwellings, ~~[[except]]~~ >> as well as those<< condominium complexes >> where collection service is not provided by the department, << shall do all of the following to recycle standard recyclable materials:

c. Provide for the collection of the materials separated from the solid waste by the users, tenants and occupants and for the delivery of those materials to a recycling facility ~~[[by private collection]]~~.

Part 18. Section 79-35-1-c of the code is amended to read:

79-35. Non-Residential Facilities and Properties.

1. c. Provide for the collection of the materials separated from the solid waste by the users, tenants and occupants and for the delivery of those materials to a recycling facility ~~[[by private collection]]~~.

Part 19. Section 79-39-1 of the code is amended to read:

79-39. Management of Special Recyclable Materials.

1. Occupants of single family residences, 2 to 4-unit residences, >>condominium complexes, <<

multiplefamily dwellings and non-residential facilities and properties shall manage lead acid batteries as provided in s. 79-2-10, 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.

APPROVED AS TO FORM

Legislative Reference Bureau

Date: _____

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

Department of Public Works

LRB123389-6

JWC

12/15/10

clerical correction -- 1/12/11 -- lp