

Chapter 8.32**MANAGEMENT OF WASTE AND RECYCLABLES****Sections:**

- 8.32.010 Definitions.**
- 8.32.020 Business licenses.**
- 8.32.030 Vehicle permits for licensees.**
- 8.32.040 Refuse hauler.**
- 8.32.050 Responsibilities of refuse haulers and customers.**
- 8.32.060 Industrial hauler.**
- 8.32.070 Recyclable hauler.**
- 8.32.080 Construction/Demolition debris hauler.**
- 8.32.090 Hauler requirements—General application.**
- 8.32.100 Government entities.**
- 8.32.110 Yard waste and composting.**
- 8.32.120 Prohibited practices.**
- 8.32.130 Other methods not excluded.**
- 8.32.140 Violation—penalty.**

8.32.010 Definitions. In this chapter, unless the context clearly requires otherwise:

- A. "Ashes" means the solid residue of combustion of any type of fuel or combustible material.
- B. "Composting" means an organic mixture that consists largely of decayed matter and is used for fertilizing and conditioning land.
- C. "Construction/Demolition debris" means solid waste resulting from the construction, remodeling, repair, demolition or razing of buildings, roads and other structures, typically consisting of concrete, bricks, bituminous concrete, wood, glass, masonry, roofing, siding and plaster, alone or in combinations. It does not include hazardous waste or mixed refuse.
- D. "Construction/Demolition debris hauler" means persons, firms, or corporations licensed by the city and authorized to exclusively collect, remove and haul construction/demolition debris. A construction/demolition debris hauler may also collect, haul and remove trash and limited refuse.
- E. "Curbside and alley line refuse collection service" means the placement and collection of refuse placed adjacent to the traveled portion of the public right of way.
- F. "Customer(s)" means person(s) who contract with a hauler licensed under this chapter and whose refuse is deposited of at any licensed landfill or recycling center.
- G. "DNR" means the State of Wisconsin Department of Natural Resources.
- H. "Garbage" means all putrescible animal or vegetable matter, such as waste materials from kitchens, residences, grocery stores, butcher shops, restaurants, hotels, rooming and boarding houses, and other similar deleterious substances.
- I. "Hazardous waste" is as defined in NR 661 and 40 CFR 261.31, 261.32, and 261.33. Hazardous waste typically consists of batteries, waste paints, solvents, sealers, adhesives, petroleum products, pesticides, wood preservatives, or similar materials/wastes alone or in combination or as byproducts of combination or industrial processing.
- J. "Health department" means the Eau Claire City-County Health Department.
- K. "Health director" means the director of the Eau Claire City-County Health Department or designee.
- L. "Industrial hauler" means persons, firms, or corporations licensed by the city and authorized to collect and haul refuse exclusively from a specific industrial business for deposit at a licensed landfill or recycling center.
- M. "Mixed refuse" means garbage and trash, placed and stored together.
- N. "Prepaid bag" means an approved bag which is purchased through a refuse hauler licensed under this chapter for a price which includes the cost of its collection. Prepaid bags have a minimum thickness of two (2) mils and meet the minimum criteria of the standards of the National Sanitation Foundation.
- O. "Recyclable hauler" means any person, firm or corporation that collects and hauls recyclable materials to a transfer station or recycling center.

P. "Recyclable material(s)" or "recyclable(s)" means and includes the following:

1. Aluminum containers.
2. Foam polystyrene packaging.
3. Glass containers, not including window glass, light bulbs, white glass or ceramics.
4. Magazines or other materials printed on similar paper.
5. Newspapers or other material printed on newsprint.
6. Kraft paper.
7. Corrugated cardboard.
8. Office paper.
9. Some plastic containers, pursuant to Chapter 12.73 of the Eau Claire County Code.
10. Steel and bimetal containers.
11. Waste tires.

Q. "Refuse" means all garbage and trash including recyclable materials.

R. "Refuse hauler" means any person, firm, or corporation licensed by the city and authorized to collect refuse weekly on a fixed route from residential and non-residential facilities within the city for deposit at any licensed landfill or recycling center. A refuse hauler may also collect, remove and haul construction/demolition debris.

S. "Special collection" means the health department approved collection of refuse outside of the requirements of this chapter. Note: Special collection typically includes collections such as spring and fall clean-up initiatives, bulk item pick-ups, and recycling initiatives.

T. "Trash" means all nonputrescible solid wastes, consisting of both combustible and noncombustible wastes, such as feathers, rags, paper, boxes, glass, cans, ashes, discarded clothes or wearing apparel of any kind, or any other similar discarded object or thing, including recyclable materials.

U. "Yard waste-compostable" means grass clippings, leaves, yard and garden debris, and woodchips.

V. "Yard waste-non-compostable" means brush such as trunks, limbs, and tree branches that have not or will not be further processed into woodchips meeting the definition of compostable yard waste as in subsection U. above.

W. "Yard waste" means mixed "compostable" and "non-compostable" yard waste under subsections U. and V. above.

8.32.020. Business licenses. A. Business licenses required.

1. Except as otherwise provided in this chapter, no person, firm or corporation shall engage in the business of collection and hauling of construction/demolition debris, trash, recyclable material, refuse or garbage in the city without first obtaining a license to operate from the city clerk.

2. A person, firm, corporation, or partnership licensed under this chapter shall be licensed by the DNR under § NR 502.06, Wis. Adm. Code, if applicable. Proof of a current license shall be provided to the city clerk upon request.

B. Application and Issuance.

1. Applicant shall submit a completed application to the city clerk along with a license fee and such other information as is required or is reasonably requested by the city.

a. License applications shall be presented on forms prepared by the city clerk. Forms shall include, but not be limited to, the name of the person, firm or corporation, address, vehicle information, use of landfill or other disposal sites, and nature of business.

b. License applications shall be referred to the health department for consideration and report to the city clerk.

c. License applications in which the applicant proposes to store or dispose of recyclable materials within the city shall be referred to the department of community development for consideration and report to the city clerk. The business location and disposal facility for recyclable materials shall be in conformance with the ordinances and regulations of the city, including zoning regulations. The disposal of recyclable materials at a disposal facility shall comply with all city ordinances and regulations and state laws and regulations.

2. Upon the city council granting a license and satisfaction of all provisions of this code, the city clerk shall provide the applicant with a printed license containing a number identical to the number of the license on record in the office of the city clerk.

C. **Fees.** The license shall be an annual license, expiring on June 30th of each year. The annual license fees shall be as cited in City of Eau Claire Schedule of Fees and Licenses.

D. **Liability insurance.** No license shall be issued until the applicant has furnished the city a certificate of insurance evidencing coverage with an insurance company licensed to do business in the State of Wisconsin, providing auto and general liability insurance limits of not less than one million dollars (\$1,000,000) for each occurrence.

E. **Compliance with laws and regulations.** It is a condition of all licenses or permits granted under this chapter that the license holder shall comply with this code, county, state or federal law, the rules and regulations of the Board of Health, and the orders of the health department relating to the collection, hauling, storage and disposal of refuse and mixed refuse, recyclable materials, trash, garbage, construction/demolition debris, yard waste, and hazardous wastes. Non-compliance with any such law, ordinance, rule, regulation or order shall constitute a basis for denial, or for the revocation or suspension of any license or permit.

F. **License or permit—Denial, Revocation or Suspension--Appeal.** Any license or permit issued may be denied, revoked or suspended by the city clerk or health director, upon administrative determination that the licensee or permit holder has failed or refused to comply with the provisions of this code, any such law, ordinance, rule, regulation or order related to the collection, hauling, storage and disposal of refuse and mixed refuse, recyclable materials, trash, garbage, construction/demolition debris, yard waste, and hazardous wastes or for non-use. Appeal from the aforesaid determination shall be made to the Administrative Review Board under the procedures specified in Chapter 1.06. Appeal shall stay the contested administrative determination pending decision by the board. No person whose license or permit has been revoked shall again be issued such license or permit under this chapter within one (1) year from the date of revocation.

8.32.030 Vehicle permits for licensees. A. **Permit.** Each vehicle used by a refuse hauler, recyclable hauler or industrial hauler licensee for the collecting of refuse or recyclables shall first be issued a permit. The permit term shall coincide with that of the license under which vehicle is operated. The permit shall not be transferable to another person, firm or corporation.

B. **Application.** Application for such permit shall be on a form prepared by the city clerk. The city clerk shall provide the person obtaining a permit with a permit containing the total number of vehicles on record for that licensee.

C. **Fees.** The annual permit fee for refuse hauling vehicles and for vehicles hauling recyclable materials shall be as stated in the City of Eau Claire Schedule of Fees and Licenses.

D. **Inspection.** Prior to issuance of any such permit, the vehicle shall first be inspected and approved by the health director. If a permitted vehicle breaks down or otherwise becomes mechanically inoperable, only a vehicle that has been inspected and approved by the health director may be substituted. The health department may adopt inspection criteria consistent with this code, county, state or federal law, or to further the interests of public health, safety, or welfare.

E. **Identification.** Vehicles used by the licensee shall have painted or otherwise securely affixed, on both sides of the vehicle, the name, city, state, and U.S. DOT number (if applicable) of the owner and an identification number specific to each vehicle. The letters and numerals shall contrast sharply in color with the background on which they are placed and be readily legible during daylight hours from a distance of fifty (50) feet while the vehicle is stationary.

F. **Permit exemption:** Vehicles used to transport empty refuse and recycling containers to and from customers under subsection 8.32.050 C.2. shall not be subject to a permit under this section. In the event incidental refuse or recycling is transported in said containers, the containers shall be secured as to not allow dripping, dropping, blowing, or scattering of material therefrom.

8.32.040 Refuse hauler. A. **Business license and permit required.** A refuse hauler shall be licensed under section 8.32.020 and vehicles shall be permitted under section 8.32.030. Businesses licensed as refuse haulers shall obtain recyclable hauler licenses under section 8.32.070; however, said businesses are not required to obtain other licenses under this chapter.

1. Number of licenses.

a. The number of refuse hauler business licenses that may be granted under this chapter shall not exceed seven (7). Such license shall be an annual license in effect from July 1st to June 30th of the following year.

b. No person, firm, corporation or partnership shall hold more than one refuse hauler license. This shall be deemed to prohibit two or more related persons, firms, corporations or

partnerships from each holding a license. Under this section, "related", when applied to persons, shall mean related to each other by blood, marriage or adoption. Under this section, "related", when applied to firms, corporations or partnerships, shall mean having the same ownership, being in the position of principal and subordinate or parent and subsidiary, or where one firm, corporation or partnership has a controlling interest in another by virtue of control of management, stock ownership, capital interest or profits interest.

c. If a refuse hauler licensee acquires, merges or combines with or otherwise obtains the refuse hauler license of another licensee, then said license shall be deemed to revert to the city and may be issued to an eligible applicant.

d. By virtue of being issued a refuse hauler license or filing an application, a licensee or applicant agrees to provide to the city, on request, all agreements, records, reports or other documents which may have a bearing on making determinations under this subsection. A failure or refusal to supply all such documents shall subject a licensee to revocation of the license or an applicant to denial of a license. If requested in writing by the licensee or applicant, some or all information contained in such agreements, records, reports or other documents shall be maintained as confidential, to the extent permitted by law, provided that such information may be divulged to the city council and such other officers or employees of the city who have a need to know the information.

2. Transfer of licenses. Refuse hauler licenses may be transferred at any time upon application to the city clerk, payment of a transfer fee as stated in the City of Eau Claire Schedule of Fees and Licenses and approval by the city council. The city clerk shall thereupon issue a new license to the transferee for the unexpired portion of the license, subject to all terms and conditions of this chapter. Vehicle permits are not transferable.

3. Abandonment of license. A refuse hauler license determined abandoned by non-use shall revert to the city and may be issued to an eligible applicant. Under this section, "abandoned" shall mean the license has not been used to collect refuse weekly on a fixed route from residential and nonresidential facilities or the licensee has no vehicle permitted for refuse collection for six (6) months or more of the licensing year. When a license reverts to the city under this section, the licensee shall not be eligible to apply for a refuse hauler license for twelve (12) months from the date the license reverted to the city.

4. Annexed areas--Operator continuance. Any person engaged in the business of refuse hauling in an area at the time it is annexed to the city, and for a period of not less than one (1) year continuously and immediately prior to, may continue to collect refuse in such area after annexation as well as in any other area subsequently annexed from the same township, provided that such person applies for and obtains a license for such purpose from the city council. Such person shall make an application within one hundred twenty (120) days after the effective date of the annexation ordinance. The city council may waive such one hundred twenty (120) day time limit in any case where it finds that extenuating and mitigating circumstances exist which reasonably justify such waiver, where it finds that the existence of such time limit results in undue hardship upon the applicant due to any such annexation, and where it finds that the spirit of this chapter will be observed. The cost of such license shall be as stated in the City of Eau Claire Schedule of Fees and Licenses, ending on June 30th of each year, and may be prorated. Such licensee shall meet all standards and comply with all conditions otherwise applicable to licensees as provided in this chapter.

B. Recycling fees and reporting.

1. Fees. No fee or charge shall be imposed by a licensee for the collection and disposal of recyclables, except that such a fee or charge can be imposed to the extent authorized by Eau Claire County acting as a responsible unit for recycling purposes pursuant to Chapter 287, Wis. Stats. The amount of such fee or charge shall not exceed the rate of special charge for recycling purposes set by Eau Claire County for entities located outside the city of Eau Claire. In this section "recyclables" shall mean those materials which owners or occupants of single-family and 2 to 4 unit residences are required to separate from other refuse pursuant to subsection 12.73.100 A. of the Eau Claire County Code.

2. Monthly reporting. A licensee providing recycling services as provided in subsection 1. above shall submit a monthly report no later than twenty one (21) days after the end of the preceding month to the Eau Claire County Department of Planning and Development containing the following information:

a. The number of dwelling units serviced during the reporting month, with at least the following categories itemized: single family homes, duplexes, triplexes, and four-plexes.

b. The weights of recyclables collected during the reporting month, with at least the following materials and respective weights collected itemized: clear glass; brown glass; green glass; tin and bi-metal; aluminum; plastic as required by section 12.73.100 of the Eau Claire County Code; corrugated cardboard; newspapers; office paper; magazines and catalogues.

C. Charge for up-the-driveway refuse collection service. The charge by the licensee for mandatory once-a-week up-the-driveway collection service pursuant to subsection 8.32.050 B.5.b. shall be the cost of curbside or alley line collection service plus an additional fee not to exceed \$10 per month, except properties with unusually long driveways for which a surcharge may be added.

8.32.050 Responsibilities of refuse haulers and customers. The following are the responsibilities of refuse haulers and customers:

A. Mandatory separation.

1. Recyclable materials. Customers shall separate recyclables from refuse as required under Chapter 12.73 of the Eau Claire County Code.

2. Yard waste. Customers shall separate yard waste from all other refuse.

B. Collections.

1. Requirement and frequency. Curbside or alley line collection or up-the-drive collection of recyclables and refuse shall be provided to customer by each licensee at least once each week.

2. Times for collection.

a. Collection shall occur between the hours of five (5:00) a.m. and five-thirty (5:30) p.m., except as provided in subsection 6. below.

b. Containers shall be placed for collection no earlier than five (5:00) p.m. on the day prior to collection and shall be removed on the day of collection.

c. Containers that are collected from legal or approved container storage areas shall not be subject to subsection b. above.

3. Days for collection. Such collection occurs on the days designated for the area listed:

a. Monday and Tuesday -- the area located south of Clairemont Avenue and east of the Chippewa River.

b. Tuesday and Wednesday -- the area located north of Clairemont Avenue, east of the Chippewa River and south of the Eau Claire River.

c. Wednesday and Thursday -- the area located west of the Chippewa River.

d. Thursday and Friday -- the area located east of the Chippewa River and north of the Eau Claire River.

4. Holidays. When the regular collection day falls on one of the following holidays, such regular collections may be rescheduled to another day during the week of such holiday, and the licensee shall inform each customer of the rescheduled collection day. The holidays herein referred to are New Year's Day, Memorial Day, July Fourth, Labor Day, Thanksgiving Day and Christmas Day.

5. Placement and accessibility for collection.

a. Curbside or alley line collection. For curbside or alley line collection, refuse and recycling containers shall be readily accessible to the collector on the day of collection. No containers shall be placed for collection in, and no collection shall occur from, the traveled portion of the public right of way. Containers shall be placed adjacent to the traveled portion of the public right of way, unless other arrangements are made under subsection b. below.

b. Up-the-drive collection. Upon arrangement with the licensee, refuse and recycling containers may be placed at a readily accessible location other than as listed in subsection a. above. For special assistance to persons with disabilities or advanced age, collection may be made from a location outside of a building, an enclosed porch, garage or similar enclosure, but as near thereto as is reasonably practicable. No containers shall be placed for collection in, and no collection shall occur from, the traveled portion of the public right of way.

6. Additional collection services. The following types of services may be provided by a licensee in addition to the once-weekly service provided pursuant to subsection B. above:

a. Collection utilizing a prepaid bag. Such bag shall be placed for collection at a location which is visible to the operator of a collection vehicle from the street or alley on the route of the vehicle. Such bags shall be stored in an approved plastic or metal container, as specified in subsection C.2. below and may be placed, securely closed, outside of such container for collection. The rate charged for said collection may be agreed upon by the customer and licensee.

b. Special collection services.

i. Collection services, the terms of which may include collection at more frequent intervals, collections from inside a building, porch, garage or other enclosure, or any other conditions of collection which are not contrary to the provisions of this chapter. The rate charged for said collection may be agreed upon by the customer and licensee.

ii. The hours and days of collection stated in this chapter may be altered or extended for a reasonable time by the health director under special circumstances which in the opinion of that person are likely to affect the health, safety and welfare of persons or the community. Alterations or extensions may be city-wide or restricted to designated areas.

iii. Curbside or alley line collection of bulk items and yard waste shall be permitted on weekdays during two full weeks in April or May and two full weeks in October without compliance with subsections B.2. and B.3. above and subsection C. below, provided no charge is imposed for such collection and such collection is made in conjunction with a city-wide collection of refuse by a licensed refuse hauler. "Bulk items" means items such as furniture and other items subject to refuse hauler approval.

iv. The health department may approve special collections and transport projects for compost, refuse, or yard waste which do not affect the health, safety, and wellness of persons or the community.

C. Garbage, trash and recycling containers.

1. Violation. It is unlawful for the agent, owner, tenant or occupant of any premises to have, maintain, or keep any garbage and mixed refuse thereon except in containers as described in this section.

2. Mixed refuse containers. Such containers shall be composed of rigid, durable materials, have tight fitting covers, be fitted with handles, and be capable of preventing leakage or the entrance of water, insects and animals. Garbage or mixed refuse shall be stored within such container with the lid closed.

a. Refuse hauler provided containers. Refuse haulers providing containers used for curbside and alley line collection service under subsection B.5.a. above shall offer collection from a container having a capacity of forty five (45) gallons or less. If the licensed hauler also offers collection from containers larger than forty five (45) gallons, the charge for such larger containers shall be volume-based. In this section, "volume-based" means the charge for refuse collection is increased as the container size increases. All containers shall be provided to the customer without charge by the refuse hauler. The container shall display the name of the hauler in a manner which is readily identifiable from the right of way adjacent to the location of collection, and the container shall display a weather-resistant label that includes the regulations for storage and collection of refuse in conformance with guidelines established by the health department.

b. Other containers. Persons, firms or corporations with up the drive service under subsection B.5.b. above and providing their own containers shall have containers not exceeding thirty five (35) gallons in capacity. Containers having a capacity larger than thirty (35) gallons may be used by a refuse hauler for collection service under subsection B.5.a. above, provided the size and placement of such containers and the charge for such service shall be consistent with this code, or county, state or federal law.

c. Recycling containers. Recyclable materials shall be placed in containers in such a manner that complies with Chapter 12.73 of the Eau Claire County Code. Refuse haulers shall provide required recycling containers at no additional cost to customers.

3. Regulations. All containers under subsection C.2. above are subject to the following regulations:

a. Garbage or mixed refuse shall be placed in plastic bags or otherwise adequately wrapped before being placed in containers.

b. The total capacity of all provided containers and all bulk storage containers shall be sufficient to meet the needs of the occupants of the premises to which they relate; the adequacy of the size and number of containers may be determined by the health department.

c. All containers shall be easily filled, emptied and cleaned, and shall be maintained at all times in a clean and sanitary condition.

d. All containers in residential areas shall be stored behind the setback of a dwelling and shall not be stored on front porches or where they are clearly visible from any street except for the purposes of collection under subsection B above.

e. All containers for dwellings containing more than two (2) dwelling units shall be stored in a location not visible from any street, except for the purposes of collection under subsection B above.

4. Trash containers. Trash may be put in boxes, barrels or other containers which are easy to handle and load by one person onto a collection vehicle.

5. Bulk storage containers. Bulk storage containers which are used for the storage of garbage or mixed refuse for dwellings or for commercial operations, shall be watertight, constructed of metal or other durable material impervious to rodents, capable of being serviced without creating unsanitary conditions, and equipped with doors or covers that are tight-fitting. Such containers, as well as the area immediately surrounding them, shall be maintained in a clean sanitary condition by the owner of such container.

D. Responsibilities.

1. Refuse haulers providing containers shall monitor the condition of their containers provided to customers and replace them when they do not meet the standards set forth in this chapter.
2. If the agent, owner, tenant or occupant provides its own containers for any premises, then the agent, owner, tenant or occupant shall monitor the condition of their containers and replace them when they do not meet the standards set forth in this chapter.
3. Refuse and recyclable materials shall be placed for collection in such a manner that does not create a public nuisance.
4. A refuse hauler can refuse to perform any collection which is not in consistent with this code or county, state or federal law.
5. Refuse haulers providing collection services shall inform all customers of their refuse collection responsibilities.
6. Residential landlords shall notify tenants in writing at the beginning of a lease or rental period of the tenant's responsibilities under this chapter. The information provided shall be in compliance with guidelines established by the health department. (Ord. 7350 §1, 2019)

8.32.060 Industrial hauler. A. Business license and permit required. An industrial hauler shall be business licensed under section 8.32.020 and vehicles shall be permitted under section 8.32.030. Such license and permit are not transferable. An industrial hauler shall have no additional licenses under this chapter.

B. Vehicles. The industrial hauler license shall specify the number of vehicles which are permitted to be used by the licensee. The change in the number of permitted vehicles may be authorized, upon application, by the city council.

C. Prohibition. No vehicle so authorized shall be used to collect or haul refuse from any place other than the specific industrial establishment or establishments which are specified in the license.

8.32.070 Recyclable hauler. A. Business license and permit required. A recyclable hauler shall be business licensed under section 8.32.020 and vehicles shall be permitted under section 8.32.030. Such license and permit are not transferable.

B. Prohibition. Licensees under this section shall not engage in fixed-route collections or residential collections unless also licensed as a refuse hauler under section 8.32.040. Recyclable haulers under this section may engage in destination oriented hauling related to their business.

C. Requirements. For the hauling and disposal of recyclable materials, licensees shall adhere to and be consistent with this code, or county, state or federal law. Under this section, recyclables are limited to the recyclable materials listed in subsection 8.32.010 P.

D. Special collections. The health department may approve special collections and transport projects for recyclables which do not affect the health, safety and wellness of persons of the community.

8.32.080 Construction/Demolition debris hauler. A. Business license required. A Construction/Demolition debris hauler shall meet the licensing requirements under section 8.32.020. Licenses are not transferable.

B. Prohibition. Licensees under this section shall not engage in fixed-route collections, but may engage in destination oriented hauling related to their business.

C. Limited garbage and mixed refuse collection and hauling.

1. Licensees under this section may collect or transport refuse from a premises, such that the total accumulation of such mixed refuse or garbage on the said property does not exceed fifty five (55) gallons. If the total accumulation of such mixed refuse or garbage is greater than fifty five (55) gallons, a licensed refuse hauler, subject to the rules of this chapter, shall be contracted with to provide the collection and hauling service.

2. Mixed refuse or garbage accumulation that does not exceed fifty five (55) gallons shall be collected and transported in approved containers per subsection 8.32.050 C.2. and in such a way that the vehicle requirements of subsection 8.32.090 A. are met.

3. Licensees under this section shall transport mixed refuse or garbage by the most direct route to a transfer station or a licensed landfill.

D. Recyclables materials. Licensees under this section collecting and hauling recyclable materials listed in subsection 8.32.010 P. shall obtain a recyclable haulers license under section 8.32.070.

E. Special collections. The health department may approve special collections and transport projects for construction/demolition debris which do not affect the health, safety and wellness of persons of the community.

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8.32.090 Hauler requirements-general application. A person, firm or corporation subject to requirements of this chapter hauling construction demolition debris, trash, recyclable material, yard waste, refuse or garbage shall meet the following requirements:

A. Vehicles.

1. Trucks, trailers or other vehicles used in collection or hauling shall be of such construction that there will be no dripping, dropping, blowing, or scattering of material therefrom along streets, alleys or highways of the city, or public/private property and as not to cause a nuisance.
2. Trucks, trailers or other vehicles shall have a cover. Trees, branches, shrubs or other similar stable material may be tied or otherwise secured in lieu of providing such cover, provided the dropping or scattering of such material is thereby prevented.
3. Truck, trailer and vehicle collection openings shall be kept closed at all times, except when loading or unloading.
4. Trucks, trailers or other vehicles shall be kept off the streets of the city except for the purpose of collecting and transporting in the most direct route to a licensed landfill or other appropriate disposal site, and shall not be parked on any street, alley or public place except for the reasonable time required in the collection.
5. Except as provided in subsection 4. above, no truck, trailer or other vehicle used in collecting or hauling refuse or mixed refuse shall be parked in any alley, street or public place within the city or, unenclosed, in any place within the city within two hundred feet of any dwelling in any residential zone unless such trailer, truck or other vehicle has first been thoroughly cleaned and steamed.
6. Trucks, trailers or other vehicles shall have painted or otherwise securely affixed, on both sides of the vehicle or trailer, the name, city, state, and U.S. DOT number (if applicable) of the owner and an identification number specific to each vehicle. The letters and numerals shall contrast sharply in color with the background on which they are placed and be readily legible during daylight hours from a distance of fifty (50) feet while the vehicle is stationary.

B. Containers. Containers shall meet the standards set forth below and shall be replaced when they do not meet said standards.

1. All mixed refuse containers shall be composed of rigid, durable materials, have tight fitting covers, be fitted with handles, and be capable of preventing leakage or the entrance of water, insects and animals. Garbage or mixed refuse shall be stored within such container with the lid closed.
2. Bulk storage containers which are used for the storage of garbage or mixed refuse for dwellings or for commercial operations, shall be watertight, constructed of metal or other durable material impervious to rodents, capable of being serviced without creating unsanitary conditions, and equipped with doors or covers that are tight-fitting.
3. Roll-off boxes of varying size shall not contain mixed refuse or garbage and shall be constructed of durable materials and maintained in good condition. Such containers, as well as the area immediately surrounding them, shall be maintained in a clean sanitary condition by the owner of such container. Placement of roll-off boxes in the public right-of-way requires a permit and is subject to regulation under section 13.12.055 of this code.
4. Recyclable materials shall be placed in containers in such a manner that complies with Chapter 12.73 of the Eau Claire County Code.
5. The total capacity of all containers shall be sufficient to meet the needs of the occupants of the premises to which they relate.
6. All containers provided by haulers shall have a weather-resistant label affixed in a visible location which states the name of the hauler and contact information.

C. Prohibited materials-unacceptable wastes. The following materials shall be collected, hauled, and disposed of in accordance with applicable state and federal laws: explosive, flammable liquids, liquid paint, hazardous wastes, carcasses, stumps, significant amounts of construction/demolition debris, soil, rocks, medical and infectious waste, tires, human bodily wastes, or other similar materials.

D. Subject to inspection. The health department may investigate and inspect the condition and contents of any truck, trailer or vehicle, or any container. The health department may issue orders including cease and desist orders to any person, firm, or corporation in violation of this code or county, state or federal law. Such orders will remain in effect until such time as the health department has satisfactory evidence that the cited violation has been corrected.

8.32.100 Government entities. Government entities are exempt from business licensing and vehicle permits under this chapter. Government entities hauling refuse or recyclables shall provide to the health department an annual certificate of inspection for all vehicles used for hauling refuse or recyclables

within the city. This section does not exempt a government entity from any DNR licensing requirements under § NR 502.06, Wis. Adm. Code.

8.32.110 Yard waste and composting. A. Disposal options.

1. Approved brush site. Non-compostable yard waste may be taken to and disposed of at an approved brush collection site. Transportation of said waste shall comply with subsection B.2. below and section 8.32.090.

2. Business. A customer may contract with a person, firm or corporation who engages exclusively in the business of collecting and disposing of yard waste.

3. Compostable bags. Compostable yard waste shall be placed in compostable bags which are easy to handle by one person. Transportation and collections shall comply with subsection B. below and section 8.32.090.

4. Burning of yard waste.

a. In addition to all applicable local and state laws, no person, firm or corporation in the business of collecting and disposing of yard waste shall engage in the burning of yard waste within the city without obtaining the prior approval of the health department. The health director may deny any request for such approval if it is found that such burning is reasonably likely to cause excessive heat, smoke, or discharge of particulates, or would result in a public nuisance. The health director may place requirements upon any approval granted hereunder which are designed to avoid such conditions.

b. All burning shall be in compliance with Chapter 8.04 of the Eau Claire County Code.

c. All burning shall be in compliance with section 16.32.15 of this code.

B. Collection and hauling of yard waste.

1. A person, firm or corporation who engages exclusively in the business of collecting and disposing of yard waste is not required to be licensed under section 8.32.020, but shall adhere to the requirements of section 8.32.090.

2. Yard waste (non-compostable) shall be securely tied in bundles not greater than four (4) feet in length, thirty (30) inches in diameter, or seventy five (75) pounds in weight.

3. Yard waste (compostable) shall be placed in compostable bags which are easy to handle by one person.

4. Prohibitions and refusal of service. Except when permitted by county ordinance or by this chapter under subsection 8.32.050 B.6.b.:

a. No person, firm or corporation shall place for collection by a licensed hauler or deposit in any landfill any yard waste;

b. No licensed hauler shall collect any yard waste for deposit at any landfill, or

c. Any yard waste placed for collection not in accordance with the provisions of this section may be refused by the licensed hauler.

C. Residential composting. Residential composting is the creation and maintenance of compost bins on a residential property that contain only composting materials generated by the owner or occupant of said property. Materials for composting may not be transferred from one property to another.

1. Composting standards. The health department may adopt residential composting standards consistent with this code, county, state or federal law, and to further the interests of public health, safety or welfare.

2. Nuisance. No person shall engage in residential composting in such a manner as to create a nuisance under this chapter or Chapters 9.36 or 8.32 of this code.

8.32.120 Prohibited practices. A. Seven day retention. No garbage, mixed refuse or dead animals, excluding materials used for and following the provisions of subsection 8.32.110 C. for composting, shall be kept more than seven (7) days on any premises within the city except at an approved and properly licensed sanitary landfill site.

B. Mandatory separation of recyclables. Residential and non-residential facilities shall not commingle recyclables with refuse. Mandatory separation of recyclables and refuse is required under Chapter 12.73 of the Eau Claire County Code.

C. Mandatory separation of yard waste. Residential and non-residential facilities shall not commingle yard waste with refuse.

D. Prohibited dumping.

1. It is unlawful for any person to dump or otherwise dispose of any refuse upon any street, alley, highway, streams or water within the city, or at any place except as provided in this chapter.

2. No person shall deposit any refuse or yard waste on the lawn, dumpster, refuse container located in or upon commercial or residential property without the express permission of the property owner or lessee of said property.

E. Disturbance of refuse and recycling containers. No person shall open or disturb any refuse or recycling bag or container in a manner that would cause or contribute to litter.

F. Prohibited materials in roll-off boxes. It is unlawful for any person, firm or corporation to dispose of garbage or mixed refuse, hazardous materials or unacceptable waste pursuant to subsection 8.32.090 C. in roll-off boxes that do not meet the requirements of containers under subsection 8.32.090 B or any other county, state or federal laws governing disposal. Any spills or damage caused by violation of this subsection shall be responsibility of the person, firm or corporation in violation.

G. Private dump sites. No person shall own, operate or maintain a dumping site or landfill within the city except where the same has been approved by the DNR or other governmental agency having jurisdiction thereof, where approval is required, and such site shall be operated and maintained in a manner which does not create a nuisance.

H. Filling real property. No person owning or managing real property within the limits of the city shall collect refuse for the purpose of filling.

I. Deposit of refuse. No person owning, occupying or managing any real property within the limits of the city shall cause or permit any refuse other than that produced on the premises to be placed for collection. No person shall use any public receptacle for the disposal of refuse as a substitute for private collection.

J. Refuse accumulation--Nuisance when. The accumulation or deposit of refuse, trash or putrescible animal or vegetable matter, wood products, paper products, branches, metal objects, tires and other rubber products, and other similar articles or objects in or upon any lot or land or any public or private place within the city which causes blight or the air or environment to become noxious or offensive or to be in such a condition as to promote the breeding of flies, mosquitoes or other insects, or to provide a habitat or breeding place for rodents or other animals, or creates a fire hazard, or which otherwise becomes injurious to the public health, is prohibited and declared to constitute a nuisance. Refuse accumulation under this chapter may also be declared a public nuisance under Chapter 9.36 of this code.

K. Improper storage of furniture. No person shall place and allow to remain exposed to the elements, whether outdoors or within an unenclosed porch or similar area, any chair, sofa, bed, table or other related or similar furniture, which is not designed and intended for outdoor use and which is thereby readily susceptible to deterioration or which thereby provides a harborage for rodents. This section shall not apply to furniture which is unused and placed outside as refuse for collection and disposal.

L. Manure storage. Manure shall not be kept or maintained in a manner such that it creates unsanitary conditions or a nuisance. Manure shall be collected and disposed of pursuant to subsection 6.08.060.

M. Toxic/hazardous, infectious, and medical wastes. No person shall keep, collect, or dispose of toxic, hazardous, infectious, or medical wastes in such a manner as to violate any applicable state and federal laws governing the disposal of such wastes.

N. Abandoned refrigerators.

1. No person, firm or corporation as the owner, lessee or manager shall abandon, discard, store or keep in any place or premises under his control, which is accessible to children, a refrigerator, icebox, freezer cabinet or other container of a capacity of one and one-half cubic feet or more, which is no longer used for refrigeration purposes, without the attached doors, lids, covers, hinges or latches removed.

2. The provisions of subsection 1 shall apply to the removal of said articles to any other place or premises for the purpose of dumping or discarding the same.

O. Burning of garbage or trash.

1. No person shall burn any garbage or trash in any receptacle.

2. Under special circumstances, a license may be obtained for the operation of an incinerator which is designed and operated in accordance with all applicable governmental regulations and standards. Any such incinerator is subject to licensing and regulation as outlined in subsection 8.04.050 of the Eau Claire County Code.

P. Ash disposal. Ashes shall be adequately cooled and dried before being placed out for collection.

8.32.130 Other methods not excluded. The provisions of this chapter are not exclusive and may be used in combination with each other or with any other section of the code or state or federal law applicable to this subject matter.

8.32.140 Violation--Penalty. Any person, firm or corporation who violates any of the provisions of this chapter, upon conviction thereof, shall forfeit not less than \$20 nor more than \$500, exclusive of costs, for each offense, and in default of payment thereof shall be imprisoned in the county jail for not to exceed thirty days unless such forfeiture and costs are sooner paid. Every day of violation shall constitute a separate offense. (Ord. 7010, 2012)