

INSTRUCTION SHEET ADDITIONS TO MILWAUKEE CODE OF ORDINANCES VOLUME 1

SUMMARY

This supplement incorporates changes to Volume 1 of the Milwaukee Code of Ordinances enacted by the following Common Council files:

260132 A substitute ordinance relating to state requirements for recycling and other purposes.

Remove old MEMO (Suppl. #458)

<u>Section Affected</u>	<u>Action</u>	<u>File Number</u>	<u>Effective Date</u>	<u>Remove Pages</u>	<u>Add Pages</u>
Chapter 79 (table)				v-vi 221-222	v-vi 221-222
79-1-9	am	260132	7/11/2026	"	"
79-1-12-a	corr			"	"
79-6.5-3-c-1	am	260132	7/11/2026	228a-228b	228a-228b
79-21	am	"	"	228g-228L	228g-228L
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	"	"	"	"

<u>Section Affected</u>	<u>Action</u>	<u>File Number</u>	<u>Effective Date</u>	<u>Remove Pages</u>	<u>Add Pages</u>
79-33-1-a-3	cr	260132	7/11/2026	228g-228L	228g-228L
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	am	"	"	"	"
79-39-1	am	"	"	"	"
79-40-2	am	"	"	"	"
79-43-0	rn	"	"	"	"
79-43-2	cr	"	"	"	"
81-15.5-3	rp	"	"	255-256	255-256

Abbreviations: am=amended ra=renumbered and amended rn=renumbered
 cr=created rc=recreated rp=repealed
 corr=correction

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MEMO

If all supplements have been properly inserted, this book contains all actions of the Common Council through June 23, 2026.

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CHAPTER 79 SOLID WASTE REGULATIONS

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SUBCHAPTER 1 SOLID WASTE REGULATIONS

79-1. Definitions. The following definitions shall apply in the interpretation and enforcement of this subchapter.

1. APPROVED shall mean approved by the commissioner of public works.

2. COMMISSIONER shall mean the commissioner of public works and such supervisory employees of the department to whom his authority may be delegated.

2.5. COMPOSTING means the controlled biological reduction of organics to humus.

3. DEPARTMENT shall mean the department of public works.

4. DWELLING UNIT shall mean any habitable room or group of adjoining habitable rooms located within a dwelling and forming a single unit with facilities which are used or intended to be used for living, sleeping, cooking or eating of meals.

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

4.5. EXTRA GARBAGE CART means any city-issued garbage cart in excess of one garbage cart per dwelling unit provided for the collection of solid waste pursuant to s. 79-4-1.3.

5. HAZARDOUS SUBSTANCE means any substance or combination of substances including any waste of a solid, semi-solid, liquid or gaseous form which may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or which may

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pose a substantial present or potential hazard to human health or the environment because of its quantity, concentration, or physical, chemical or infectious characteristics. This term includes, but is not limited to, substances which are toxic, corrosive, flammable, irritants, strong sensitizers or explosives.

5.5. LANDFILL MATERIAL means material that is neither recyclable material nor suitable for composting.

6. LIQUID WASTE shall include drain oil, dirty or waste grease, paints, lacquers, varnishes, thinners, cleaning agents or solvents, and other similar waste materials.

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.

7.5. MULTIPLE-FAMILY DWELLING means a property containing 5 or more dwelling units, including those which are occupied seasonally.

8. NAUSEOUS OR OFFENSIVE MATERIALS are those which are unwholesome in nature or have an unpleasant smell or are otherwise nauseous or offensive, such as manure, filth, slops, carcasses, carrion, meat, fish, entrails, hides and hide scrapings, paint, kerosene, oily or greasy substances, and also objects that may cause injury to any person or animal, or damage to vehicle tires such as nails, tacks, pieces of metal, wire, briar thorns, broken glass, and other similar materials or substances.

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.

9. PERSON includes any individual, 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.

10. PREMISES shall mean a platted lot or part thereof or unplatted lot or parcel of land or plot of land, either occupied or unoccupied by any dwelling or nondwelling structure.

11. RECYCLABLE MATERIAL has the meaning specified in s. 79-23-23.

11.5. RESIDENTIAL DWELLING means a property containing 4 or fewer dwelling units.

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, that has been left exposed in an outdoor area, including an unenclosed porch. The term does not include electronic devices as defined in sub. 4.3 or major appliances as defined in s. 79-23-10.

b. Commercial waste is garbage, rubbish, tree waste, bulky waste, liquid waste, or nauseous or offensive materials resulting from the operation of business enterprises, including, but not limited to, factories, offices, stores or restaurants.

c. Construction waste is waste resulting from construction, demolition, alteration or repair, including excavated material. This includes, but is not limited to, roofing material, brick, stones, concrete, lumber, drywall, paneling and other construction material and is exclusive of any waste resulting from a fire, any painted bricks, blocks or concrete, any asphalt, or any concrete containing iron rods.

d. Domestic waste is garbage, rubbish, tree waste, or certain liquid waste or nauseous or offensive materials resulting from human habitation and the usual routine of housekeeping of residential or multiple-family dwelling units, churches, charitable educational institutions, charitable organizations or residence buildings used by such charitable organizations incident to their operation.

e. Garbage is all waste, animal, fish, fowl, fruit, or vegetable matter incident to and resulting from the use, preparation or storage of food for human consumption, including spoiled food.

f. Manufacturing waste is waste resulting from manufacturing or industrial processes, but shall not include waste generated by human habitation of the manufacturing or industrial premises.

g. Organics is compostable garbage and yard waste.

h. Rubbish is miscellaneous waste material resulting from housekeeping or ordinary mercantile enterprises, including boxes, cartons, excelsior, paper, ashes, cinders, tin cans, bottles, broken glass, metals, rubber, packaging, including flexible packaging or multi-layer containers, plastics, lawn or garden waste or similar materials.

administration and collection of the solid waste charge, and may make amendments thereto, subject to approval by the public safety and health committee as may be required from time to time for proper application of the solid waste charge.

4. RESPONSIBILITY OF CITY OFFICERS AND DEPARTMENTS ADMINISTERING THE SOLID WASTE CHARGE.

a. Superintendent of Water Works. The superintendent of water works shall be responsible, under the commissioner of public works, for the administration of the solid waste charge. The superintendent shall collect the charge and transmit the revenue therefrom to the city treasurer together with water and local sewerage revenues as received.

b. City Treasurer. The city treasurer shall receive revenues from the solid waste charge and shall also collect delinquent accounts when such delinquent accounts have been placed on the tax roll as provided for in this section.

c. City Comptroller. The city comptroller shall certify to the commissioner of assessments delinquent accounts to be placed on the tax roll, which shall be collected in the same manner as special charges under s. 66.0627, Wis. Stats. The comptroller shall keep separate accounts of all the funds, receipts and payments on account of said solid waste charge.

5. BILLING AND COLLECTING. The solid waste charge shall be levied against water accounts and all other sewer users who are assessed the charge under sub.2, and shall be calculated by the water works. The charge shall be added to the water/sewer user bill and shall be due and payable in the same manner as water bills.

a. An interest penalty and late charge of 3% on outstanding balances will be charged on all past due accounts each quarter. This fee may be waived by the water works where deemed warranted by special circumstances. Charges that remain unpaid for 2 full quarters on October 1 shall be deemed delinquent. Such delinquent user charges and 10% penalty shall be reported to the city comptroller for placement on the tax roll.

b. When partial payments of the combined city services user bill are made, the property owner may direct in writing how the partial payment is to be applied to the combined bill. If there is no written direction, the partial payment shall be applied to the water charges first. Any portion of the partial payment remaining after the water charges are paid for shall be applied to the

metropolitan sewerage district charges, the local sewerage charges, the storm water management charges, the solid waste charge, the extra garbage cart charge and the snow and ice removal cost recovery charge, in that order; and then late charges for the solid waste charge, the snow and ice removal cost recovery charge and the extra garbage cart charge. Any overpayment of the combined bill shall be applied to the water charge on the account for the property.

6. SAVING CLAUSE. It is the intent of the common council that the provisions of this section relating to a solid waste charge, and the application of revenue from this charge are separable. If any provision or part of this section be held unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of any other provisions or part of the section which other provisions and parts shall remain in full force and effect.

7. APPEAL PROCEDURE.

a. Whenever any solid waste charge is imposed in accordance with this section, and the person required to pay such charge feels aggrieved as a result of the imposition or collection of such charge, such person shall pay such charge when the same shall become due, but shall pay it "under protest." Within 20 days following such payment, such person may file with the commissioner of public works a complaint to the effect that such person is aggrieved by the imposition and collection of such solid waste charge, his or her specific reasons for objection and the amount of the overcharge complained of.

b. If, upon review by the commissioner of public works, it is determined that all or any part of any solid waste charge paid under protest is not just or reasonable, the commissioner shall institute necessary procedures for a refund. If any person feels aggrieved by the determination of the commissioner, the person may file a complaint with the administrative review appeals board, pursuant to s. 320-11.

79-6.5. Special Collection Charges. As provided herein, certain wastes shall be collected by the department without charge, while others may be refused, or may be collected at a charge established by the commissioner, or as specified under sub. 3-c. Such charges shall be reasonable and based upon the disposal charges and cost of labor, equipment and overhead.

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1. DOMESTIC WASTE shall be collected without charge unless otherwise provided in this section.

2. DOMESTIC WASTE, OFFENSIVE OR HARMFUL. Liquid, manure and other offensive or harmful waste as specified in 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.

3. DOMESTIC TREE AND BULKY WASTE. a. Domestic tree waste, limited to quantity and origin as specified in this chapter and the rules of the commissioner, shall be collected without charge.

b-1. Bulky waste, not exceeding one cubic yard and origin as specified in this chapter and the rules of the commissioner, shall be collected without charge.

b-2. Bulky waste, exceeding 6 cubic yards, limited to quantity or origin, as specified in this chapter and the rules of the commissioner, shall not be removed by the department.

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.

c-2. Paragraph b-2 and subdivision 1 do not apply to bulky waste collected annually during the clean and green collection period for the property as established by the commissioner.

4. COMMERCIAL WASTE may be collected only after a service charge has been deposited with the department based on charges established by the commissioner.

5. COMMERCIAL WASTE, OFFENSIVE OR HARMFUL. Liquid, manure and other offensive or harmful waste as specified in s. 79-2-5. Such waste depending on its nature and quantity may be collected for a charge or refused in accordance with this chapter and the rules of the commissioner.

6. CONSTRUCTION WASTE shall not be collected until the owner, lessee, or managing agent of the premises shall have complied with the requirements of sub. 7.

7. SPECIAL COLLECTION SERVICE. Any person desiring the removal of waste not collected in the course of regular service, except waste specified in sub. 8, may apply to the department for special service and arrange for removal at the applicant's expense. The department may estimate removal and disposal cost and upon such determination the applicant shall deposit the estimated cost with the department. The department may remove or cause removal of the waste and charge the cost against such deposit. The department may provide assistance to law enforcement agencies at their request and without charge, for special collection services, including the use of vehicles and equipment.

8. DOMESTIC WASTE; MULTIUNIT DWELLINGS. Domestic waste from multiunit dwellings with 5 or more units may be collected by the department at a charge established by the commissioner, pursuant to s. 79-2-1-b. The department shall bill apartment owners in advance of any waste being collected.

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.

79-7. Advance Deposit. Any person desiring periodic or special collection and disposal of waste not normally collected shall deposit with the department a sum sufficient to cover the estimated cost. The department shall refund any balance after the charges against such deposit have been paid.

SUBCHAPTER 2
RECYCLING

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. 287.11, Wis. Stats., and ch. NR 544, Wis. Adm. Code.

79-23. Definitions. In this subchapter:

1. BI-METAL CONTAINER means a container for beverages that is made primarily of a combination of steel and aluminum.

2. COMMISSIONER shall mean the commissioner of public works and such supervisory employees of the department to whom his or her authority may be delegated.

3. CONTAINER BOARD means corrugated paperboard used in the manufacture of shipping containers and related products.

4. DEPARTMENT means the department of public works.

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.

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

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.

6. HDPE means high density polyethylene, labeled by the SPI code #2.

8. LICENSED SOLID WASTE PROCESSING FACILITY means a solid waste processing facility that is licensed by the Wisconsin department of natural resources.

9. MAGAZINES means magazines and other materials printed on similar paper.

10. 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.

11. MULTIPLE-FAMILY DWELLING means a structure containing 5 or more residential units, including units which are occupied seasonally.

12. NEWSPAPERS means newspapers and other materials printed on newsprint.

13. NON-RESIDENTIAL FACILITIES AND PROPERTIES means commercial, retail, industrial, institutional, and governmental facilities and properties. 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.

14. OFFICE PAPER means high grade printing and writing papers. Printed white ledger paper is an example of office paper generally accepted as high grade. The term does not include industrial process waste, newspaper, or packaging.

16. PERSON includes any individual, 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.

17. PETE means polyethylene terephthalate, labeled by the SPI code #1.

18. PLASTIC CONTAINER means an individual, separate, rigid plastic bottle, can, jar or carton, except that the term does not include a blister pack that is originally used to contain a product that is the subject of a retail sale.

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 shall include domestic waste, garbage, tree waste, and yard waste, as those terms are defined in s. 79-1-12.

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, PET, or HDPE.

24. SOLID WASTE has the meaning given in s. 289.01(33), Wis. Stats.

25. SOLID WASTE DISPOSAL FACILITY has the meaning given in s. 289.01(35), Wis. Stats.

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26. SOLID WASTE TREATMENT FACILITY means a facility that handles solid waste by any method, technique or process that is designed to change the physical, chemical or biological character or composition of solid waste. The term includes a facility that incinerates solid waste.

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

28. STANDARD RECYCLABLE MATERIALS means aluminum containers, bi-metal containers, corrugated paper or other container board, glass containers, magazines, newspapers, office paper, steel containers, and rigid plastic containers made of PETE, PET, or HDPE.

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. 93-3.

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. This term shall not include stumps, roots, or shrubs with intact root balls.

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:

- 1. SPECIAL RECYCLABLE MATERIALS.**
 - a. Electronic devices.
 - b. Lead acid batteries.
 - c. Major appliances.
 - d. Waste oil and oil filters.
 - e. Waste tires.
 - f. 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.

79-27. Exemptions from Separation Requirements. The separation requirements of s. 79-25 do not apply to the following:

1. 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.

2. Solid waste that 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.

3. A standard recyclable material for which a variance has been granted by the Wisconsin department of natural resources under s. 287.11(2m), Wis. Stats., or s. NR 544.14, Wis. Adm. Code.

79-29. Care of Separated Recyclable Materials. To the greatest extent practicable, the recyclable materials separated in accordance with s. 79-25 shall be clean and kept free of contaminants such as food or product residue, oil, grease and other non-recyclable materials, including but not limited to household hazardous waste, medical waste, agricultural chemical containers and hazardous substances as defined in s. 79-1-5. Recyclable materials shall be stored in a manner that protects them from wind, rain and other inclement weather conditions.

79-31. Residences, Except Multiple-Family Dwellings. 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.

79-32. Return to Storage Location. Owners and tenants of those properties serviced by the recycling collection system, where carts are left at the alley line or curb line after servicing, shall return the carts to their proper storage locations before 10 p.m. on the day they are serviced.

79-33. Multiple-Family Dwellings. 1. Except as provided under sub. 2, owners, lessees or designated agents of multiple-family dwellings, 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:

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:

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.

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:

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.

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.

2. The requirements specified in sub. 1 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.

79-35. Non-Residential Facilities and Properties. 1. Except as provided under sub. 2, owners, lessees or designated agents of non-residential facilities and properties shall do all of the following to recycle standard recyclable materials:

a. Provide, at their own cost, adequate, separate containers for 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.

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:

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.

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.

2. The requirements specified in sub. 1 do not apply to the owner, lessee or designated agent of a non-residential facility or property if the postconsumer waste that is generated within the facility or property is treated at a licensed solid waste processing facility that recovers for recycling standard recycling materials from solid waste in as pure a form as is technically feasible.

79-37. Disposal of Separated Recyclable Materials Prohibited. No person shall dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any recyclable materials which have been separated for recycling, except that waste tires may be burned with energy recovery in a solid waste treatment facility.

79-39. Management of Special Recyclable Materials. 1. 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 in accordance with this section and the rules of the commissioner.

2. A microwave oven may be disposed of in a solid waste disposal facility if the capacitor has been removed and disposed of in accordance with s. 287.07(1m)(a), Wis. Stats., if applicable.

79-40. Unauthorized Removal of Recyclables or Recycling Containers. 1. No person shall remove any material from a recycling cart, bin or other container that has been furnished by the city or by a private recyclable collector for the purpose of accumulating recyclable materials for collection by the city or the private collector. This prohibition applies to recycling containers located in or by residential and non-residential buildings, at self-help stations and in public places.

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2. No person shall 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.

3. This section does not apply to employees and agents of the city or of a private recyclable collector in the performance of their duties or to materials that are removed by the person who deposited them.

79-41. Administration and Confidentiality of Record. 1. The commissioner, the department and the operations division shall be responsible for administration of the provisions of this subchapter.

2. The commissioner is authorized to make reasonable rules for the regulation and administration of this subchapter, including charges for extraordinary, unusual or special services as may be necessary and exemptions for hardship cases, provided such rules do not contravene the specific provisions of this subchapter. Such rules shall be available at the office of the city clerk.

3. To the extent permitted by law, records relating to recycling activities shall be kept confidential when necessary to protect proprietary information.

79-43. Enforcement. 1. For the purpose of ascertaining compliance with the provisions of this subchapter, any authorized officer, employee or representative of the commissioner, the department or the department of neighborhood services may use any lawful means to adequately enforce the requirements of this subchapter including, but not limited to, education and information programs and inspections to ascertain proper separation, preparation, collection and disposition of recyclable materials.

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.

79-47. Penalties, Liens and Citations.

1. **PENALTIES.** a. A person who fails to comply with s. 79-29 shall receive a written notice with respect to the alleged violation of s. 79-29. Failure to comply with s. 79-29 following such notification shall result in a special charge of \$25, and the second and each subsequent failure to comply with s. 79-29 within a calendar year shall result in a special charge of \$50.

b. A person who violates s. 79-33 or 79-35 shall forfeit as follows:

b-1. Not less than \$50 nor more than \$200 for a first or 2nd violation within a 12-month period, and the costs and disbursements of such action. Each day of violation shall be a separate offense.

b-2. Not less than \$100 nor more than \$500 for a 3rd or subsequent violation within a 12-month period, and the costs and disbursements of such action. Each day of violation shall be a separate offense.

c. A person who violates s. 79-37 shall forfeit as follows:

c-1. Not less than \$500 nor more than \$1,000 for a first violation within a 12-month period, and the costs and disbursements of such action. Each day of violation shall be a separate offense.

c-2. Not less than \$1,000 nor more than \$5,000 for a 2nd or subsequent violation within a 12-month period, and the costs and disbursements of such action. Each day of violation shall be a separate offense.

d. A person who violates s. 79-40 shall forfeit not less than \$25 nor more than \$500 for each violation, and the costs and disbursements of such action.

e. Any person who fails to comply with s. 79-32 shall be subject to a special charge of \$30 and shall receive a written notice with respect to the alleged violation of s. 79-32. Failure to comply following such notification shall result in a special charge of \$40, and each subsequent failure to comply within a calendar year shall result in a special charge of \$70.

2. **LIENS.** a. Whenever a person fails, omits, neglects or refuses to obey an order of a department or city officer that is made on account of noncompliance with any provision of this subchapter, pursuant to s. 66.0627, Wis. Stats., a special charge shall be made against the subject property.

b. A person who fails to comply with s. 79-25 shall receive a written notice with respect to the alleged violation of s. 79-25. Failure to comply with s. 79-25 following such notification shall result in a special charge of \$10, and the second and each subsequent violation within a calendar year shall result in a special charge of \$25.

c. Special charges made under this subsection shall be due and payable 30 days after billing or if not paid within that time become a lien on the subject property as provided in s. 66.0627, Wis. Stats. The lien shall take effect on the date of the delinquency and shall include an administrative charge of \$10. 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 the special charge. The special charge shall not be payable in installments.

d. Whenever a special charge is made against property that is either a single family residence or a 2-family residence, the department assessing the special charge may bill both the occupant of the residence and the owner of the residence, if the department knows that the occupant and the owner are not the same and if the identity of the occupant is known to the department. If the department bills the occupant the occupant of the residence shall be solely responsible for payment of the special charge within 30 days after billing. If the special charge is not paid within that time, the owner shall become responsible for payment of the special charge on the date of the delinquency. Whenever an occupant is billed for a special charge and the payment is not made within 30 days after billing, the department shall promptly give written notice of such nonpayment to the owner of the residence. Whenever an owner becomes responsible for payment of a special charge because of the delinquency of an occupant under this paragraph, the owner may recover the amount of that special charge under sub. e and s. 200-20.5.

e. Whenever a special charge is assessed under this subsection, a landlord may require a responsible tenant to pay the amount of the special charge under s. 200-20.5.

3. CITATIONS. In addition to other applicable enforcement procedures and pursuant to the authority of s. 66.0113, Wis. Stats., the commissioners of public works and neighborhood services or their designees may issue citations pursuant to the citation procedure as set forth in s. 50-25 to any person who violates any provision of this subchapter.

For the legislative history of chapter 79, contact the Municipal Research Library.

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to the public during normal business hours, or a special request has been approved by the department of neighborhood services to waive this requirement for the exemption.

d-4. The usable square footage of the property is not increased by the addition or alteration.

(See s. 307-6.)

81-9.5 Bed and Breakfast Establishment Permit.

1. A non-refundable fee of \$200 shall be charged at the time of application to anyone intending to operate a bed and breakfast establishment.

2. The fee for renewal shall be \$100.

a. A portion of the fee shall be used to pay the state of Wisconsin administrative fee, the amount of which is on file with the health department.

b. Each bed and breakfast permit shall be valid for one year from the date of issuance. (See s. 75-5.)

81-10. Bicycle License.

1. Each license shall be valid for the life of the bicycle for which the license is issued or for the time the owner owns the bicycle.

2. There shall be no fee charged for a bicycle license. (See s. 102-5.)

81-10.5. Bicycle Locker Fees.

1. The permit fee for the use of a city-installed bicycle locker for the period April 1 through October 31 shall be \$25.

2. The permit fee for the use of a city-installed bicycle locker for the calendar year shall be \$40.

3. A key deposit of \$25 shall be paid prior to issuance of a key for a bicycle locker. This deposit shall be returned to the locker user upon receipt of the key by the city before the end of the permit period.

(See s. 101-33.5.)

81-11. Bicycle Parking Facility Permit.

1. Each bicycle parking facility permit shall be issued for a license year commencing on July 1 and expiring on the following June 30.

2. The fee for each permit shall be \$16. (See s. 115-32.5.)

81-11.5 Bicycle Redemption Fee. The fee for redemption of a bicycle that has been impounded by the police department is \$25.

(See s. 102-11-5-a.)

81-12. Bill Posting License.

1. Each license shall be valid for 2 years from the date of issuance.

2. The fee for each license shall be \$400.

(See s. 84-10.)

81-12.5. Boating Permits.

1. For exhibition speedboat trials the fee shall be \$80 per day.

2. For motorboat races the fee shall be \$70 per day.

3. For scuba diving the fee shall be \$30 per day. Seasonal permits for underwater work may be obtained from the harbor master at no charge.

4. For water ski or aquaplane exhibits or aquatic events the fee shall be \$70 per day.

(See s. 118-80.)

81-14. Building Mover License.

1. Each building mover license shall be issued for the calendar year.

2. The fee for each license shall be \$120.

(See s.116-19.)

81-15. Building Mover Permits.

1. ON ROLLERS. For the moving of buildings or structures on rollers, the fee charged per building or structure shall be determined at the following rate:

a. For the first 2 city blocks or part thereof: \$370.

b. For each additional city block or part thereof: \$110.

2. ON PNEUMATIC TIRE TRAILERS.

a. Except as provided in par. b, for the moving of buildings or structures on pneumatic tire trailers the total fee per structure shall be \$340.

b. For any subsequent moving by the same owner of a building or structure that is similar to the original building or structure for which a moving permit was obtained, and is moved over the same route for the same location to the same site as the original building or structure, the fee shall be assessed at the following rate:

b-1. For the first 5 miles in the city of Milwaukee or fraction thereof: \$135.

b-2. For each additional 5 miles in the city of Milwaukee or fraction thereof: \$110.

3. INSPECTION. An additional fee shall be charged for each building mover permit processed to cover costs of inspection in the amount of \$80.

81-15.5 License and Permit Fees

4. PROCESSING FEE. There shall be a processing fee of \$20 for each permit issued. (See s. 116-19.)

81-15.5. Bulky Waste Collection Charge. The bulky waste collection charge authorized under s. 79-6.5-3-c shall be as follows:

1. \$90 for bulky waste in excess of one cubic yard, but not in excess of 4 cubic yards.
2. \$250 for bulky waste in excess of 4 cubic yards, but not in excess of 6 cubic yards.

81-16. Campground and Camping Resort Fees.

1. A non-refundable of \$450 shall be charged at the time of new application.
2. The renewal fee for a campground or camping resort shall be as follows:
 - a. 1-25 sites: \$250.
 - b. 26-50 sites: \$325.
 - c. 51-100 sites: \$375.
 - d. Over 100 sites: \$450.
3. 20% of the fee will shall be used to pay the state of Wisconsin administrative fee under sub. 2.
4. Each campground and camping resort permit shall be valid for a one-year period following the date of issuance. (See s. 64-01.)

81-17.5. Catch Basin/Storm Inlet Equity Fee. The fee for recovery of the city's equity in any catch basin/storm inlet in a vacated street or alley shall be \$750.

81-17.7. Center for the Visual and Performing Arts.

1. Each center for the visual and performing arts license shall be issued and shall expire on the same date as the public entertainment premises license held by the same premises.
2. The fee for each license shall be based on the maximum capacity of the premises established by the common council under s. 108-7-3:
 - a. 25 or fewer persons, or a premises without a specified capacity: \$175.
 - b. 26-79 persons: \$290.
 - c. 80-99 persons: \$430.
 - d. 100-149 persons: \$575.
 - e. 150-179 persons: \$805.

- f. 180-299 persons: \$1,150.
 - g. 300-499 persons: \$1,725.
 - h. 500 or more persons: \$2,300.
- (See s. 90-37.)

81-19. Certified Survey Map Filing Fee. The fee for each certified survey map shall be \$700. This fee shall be nonrefundable. (See s. 119-4.)

81-19.2. Change of Circumstances. The fee to file for a hearing related to changed circumstances under s. 85-15 shall be \$105. Fees shall not be refunded once a written statement of changed circumstances is filed.

81-19.5. Charges for Payments Returned Unpaid. The processing charge for a payment returned unpaid to the city of Milwaukee shall be \$35. (See s.304-37.)

81-21. Cigarette and Tobacco License.

1. Each cigarette and tobacco license shall be issued for a period of one year from the date of issuance.
2. The fee for each license shall be \$100. (See s.84-43.)

81-21.5. "Class A" Cider License.

1. There shall be no fee for a "Class A" cider license. However, the applicant shall pay all publication fees associated with the license.
2. A "Class A" cider license shall be valid for the same period as the Class "A" fermented malt beverage retailer license issued for the same premises. (See s. 90-5.5.)

81-22. Class "A" Fermented Malt Beverage Retailer's License (Package Store).

1. The fee for each Class "A" fermented malt beverage retailer's license shall be \$350.
2. Each license shall be valid for one year effective from the date the license is issued. (See s. 90-4.)

81-23. "Class A" Retailer's Intoxicating Liquor License.

1. The fee for each "Class A" retailer's intoxicating liquor license shall be \$500.
2. Each license shall be valid for one year effective from the date the license is issued. (See s. 90-4.)