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DEPARTMENT OF PUBLIC WORKS

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TO: Municipal Services Committee

FROM: Kurt W. Craanen, Inspections Supervisor
Paula Vandehey, Director of Public Works

SUBJECT: Proposed Ordinance – Composting

DATE: August 11, 2015

Attached is a proposed ordinance that establishes standards for residential composting.

Staff has received numerous complaints over the last few years relating to smell and rodent infestation that has been related to homeowners composting. These cases have put staff in a difficult situation because staff would like to encourage responsible composting, but also maintain a safe and clean environment in our residential neighborhoods.

Currently, there are no composting standards that can be enforced in the city of Appleton. The Wisconsin Department of Natural Resources provides recommendations for maintaining compost bins, but these recommendations cannot be enforced, only encouraged. Staff has also routinely encouraged residents interested in composting to contact the Outagamie County Department of Recycling and Solid Waste. The County offers compost bins (Geobins®) for sale.

Staff has looked at ordinances from other local communities such as Neenah, Kimberly and Madison. The draft ordinance attached most closely resembles Madison's ordinance.

Therefore, the Department of Public Works recommends approval of the proposed ordinance creating Sec. 12-37. Composting.

cc: Tim Mirkes
Karen Harkness

Sec. 12-37. Composting.

(a) *Purpose and intent.* The purpose of this section is to promote the recycling of yard waste and food scraps through composting, and to establish minimum standards for proper compost maintenance.

(b) *Exemptions. Composting done by the following parcels is exempt from this section:*

- (1) Parcels that are zone Agriculture or have obtained a Special Use as an Urban Farm, in accordance with Section 23(h) (m) of the Zoning Ordinance.
- (2) Parcels owned by the City of Appleton or are being used by the City of Appleton for municipal composting purposes.

(c) *Definitions.*

- (1) *Composting* shall mean a controlled biological reduction of organic wastes to humus.
- (2) *Compost barrel or barrel* shall mean a barrel made of metal or plastic, fifty-five (55) gallons or larger, with a minimum of six (6) rows of one-half (½) inch holes drilled into the barrel for ventilation, with a block or stone pedestal base for water release.
- (3) *Compost bin or bin* shall mean a bin that is enclosed and free standing, constructed of rot-resistant wood such as cedar, arsenic free treated wood, plastic lumber, metal post and woven wire or hardware cloth. Bins shall be fastened to the ground to form stability. A bin shall be a minimum three (3) feet tall and at maximum five (5) feet tall, with a minimum width of three (3) feet and a maximum width of five (5) feet. Yard waste shall mean leaves, grass clippings, garden debris and brush.
- (4) *Compost pit or pit* shall mean a pit in the ground that is a minimum of two (2) feet deep and a maximum of four (4) feet deep and covered at all times with a minimum of one (1) inch to a maximum of three (3) inches of soil.
- (5) *Compost trench or trench* shall mean a trench in the ground that is at minimum eighteen (18) inches deep and covered at all times with a minimum of one (1) inch to a maximum of three (3) inches of soil.
- (6) *Food scraps* shall mean raw fruits and vegetables and other food remains, such as, but not limited to, apples (peels and cores), cabbage, carrots, celery, coffee (grounds and filters), clean egg shells, grapefruit, lettuce, onion peels, orange peels, pears, pineapple, melon rinds, potatoes, pumpkin shells, squash, tea leaves, tomatoes, turnip leaves, etc.
- (7) *Yard waste* shall mean leaves, grass clippings, garden vegetation and brush.

(d) ***Maintenance.*** All compost bins, pits, trenches, and barrels shall be maintained using approved composting structures and procedures to comply with the following requirements:

- (1) Yard waste composting: Yard waste shall be composted in bins. Yard waste must be turned every one (1) to two (2) weeks. Yard waste bins may also contain food scrap. Any yard waste bin that is also used to compost food scraps must have a lid with a latching assembly system.
- (2) Food scrap composting: Food scraps may be composted in bins, pits, trenches or barrels. Food scraps must be turned or tilled with soil every two (2) to three (3) weeks. Barrels and bins must have a lid with a latching assembly system.
- (3) Should there be signs or evidence of rodents in or near a compost barrel, bin, pit, or trench, the Health Department must be notified and shall be authorized proceed under Sections 7-67 and 7-68.
- (4) Should there be any unpleasant odor from the compost bin, barrel, pit or trench, steps must be taken immediately to abate the odor.

(e) ***Location.***

- (1) Compost bins, pits, trenches, and barrels shall be located in the rear yard only.
- (2) Compost bins, pits, trenches and barrels shall be at least three (3) feet from the side and rear property line.
- (3) Subsections (e)(1) and (e)(2) shall not apply to a compost bin, pits, trenches, and barrels located in a side yard substantially screened from view from the street and from the ground level of the adjacent residences by shrubs and other plantings or by fencing, provided that such plantings or fencing shall at all times exceed the height of the compost bin or pile by no less than one (1) foot.

(f) ***Ingredients.***

- (1) No compost bins, pits, trenches, and barrels shall contain any of the following:
 - a. Lakeweeds;
 - b. Cooked food scraps, except coffee grounds and tea leaves;
 - c. Fish, meat or other animal products;
 - d. Dairy products;
 - e. Large items that will impede the composting process.

(2) Permitted ingredients in a compost bins, pits, trenches, and barrels shall include:

- a. Yard waste;
- b. Food Scraps;
- c. Commercial compost additives.

(g) ***Owner Responsibility.*** Every owner or operator shall be responsible for maintaining all property under his or her control in accordance with the requirements of this section. Compost material generated shall be for private use only; to be used on the same parcel it was generated. Compost may not be sold.

(h) ***Penalty.*** Any person violating this section shall be subject to a forfeiture of not less than ten dollars (\$10.00) or more than two hundred dollars (\$200.00). Each day such violation continues shall be considered a separate offense.