

December 29, 2004

Mayor Bell & Common Council Members  
7525 West Greenfield Avenue  
West Allis, WI 53214

Honorable Mayor and Council Members:

Over the last few months there has been increased interest in establishing some method of licensing scavengers/junkers. I suspect, in part, this interest is an outgrowth of today's relatively high value of scrap metal.

At present the West Allis code book addresses the issue of junking or scavenging in three different sections. Section 7.05 (Refuse Collection), in part, specifically prohibits a person from picking through, sorting, scavenging or removing refuse from any premise in the City of West Allis unless permission has been first obtained from the owner of the property.

Similarly, Section 7.051 (Recycling) contains language which prohibits any person, other than employees of the Public Works Department, from picking through, sorting, scavenging or removing recyclable materials sorted for collection from a private property.

Finally, Section 9.14 (Junkers and Junk Pickers) provides for the licensing of a person, firm or corporation that picks up, gathers, assorts, carries away...material of any kind on a public or City dump for salvage, junking or scavenging. This section of the code book was, I believe, promulgated in the 1960's when the City operated a number of open dump sites where residents or the City dropped white goods prior to final disposal.

The question before us now is "should the City provide additional licenses to individuals which would allow them to operate freely in the City as scavengers?" I believe that the short answer is NO. While I'm a believer in entrepreneurship, I am concerned that such entrepreneurship could oftentimes come at the expense of the City.

If the City were to license individual scavengers, it would be equivalent to putting the City's stamp of approval on their activities-activities that we cannot monitor. Thus, a licensed scavenger could remove an item from a private property which he/she believes is "scrap material" where the owner had no intention of disposing of the item. In all likelihood, the owner would not even see the item removed, assume some scavenger licensed by the City removed the item and file a claim against the City. The simple process of investigating and denying any one claim would not come anywhere near covering the \$20 to \$50 fee suggested for such licensing.

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Rather, I propose that rather than licensing scavengers, the City continue with its existing program. That is, any scavenger interested in collecting white goods, metals, etc., notify the Public Works Department as to what the scavenger will or won't collect, fees, if any, and a phone number where the person can be reached. The Department keeps an updated list of such scavengers and when a resident calls, scavenger information is given to that resident. It is then the responsibility of the resident to make arrangements for the removal of an item(s) from whichever scavenger the resident so chooses.

This procedure has been very effective over the last number of years. For all intents and purposes, the Department has shifted all potential liability claims away from the City. Furthermore, this procedure is completely within the language of the existing ordinances. Since the property owner is contracting with the scavenger and arranging for the collection of the item from the property, the owner has given permission for the item's removal. If additional items are taken in the process, or damage to the property occurs, this is an issue between the property owner and the scavenger-not the City.

In conclusion, I do not believe that the City should embark on a process of licensing scavengers to operate in this city. The Public Works Department currently has a system in place that effectively addresses the needs of our residents needing to have specific bulk items removed from their properties with little or no liability exposure for the City.

Given the above brief explanation, I would hope that you support my position on this issue. Should you have any further questions or concerns, please feel free to contact me.

Respectfully submitted,

Michael F. Pertmer  
Director of Public Works

cc: Scott Post

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