

**CITY OF WEST ALLIS
ORDINANCE O-2026-0028**

**ORDINANCE TO ADJUST SOLID WASTE COLLECTION RESTRICTIONS ON
ITEMS PRESENTED OUTSIDE OFFICIAL CONTAINER**

AMENDING SECTION 7.24

WHEREAS, Wis. Stat. 66.0405 allows cities to remove solid waste from such classes of places in the city as the council directs, and different regulations may be applied to each class of property;

NOW THEREFORE, the common council of the City of West Allis do ordain as follows:

SECTION 1: **AMENDMENT** “7.24 Solid Waste And Yard Waste” of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

7.24 Solid Waste And Yard Waste

1. Definitions. All terms and phrases used in state law shall have the same meaning in the context in which they are used in this section. In addition, the following terms have their corresponding meanings in this section:

Term	Meaning
Director	The public works director or their designee
Eligible properties	Detached one-family, two-family, and three-family dwellings, condominium units, and attached one-family dwellings that are located within the City of West Allis
Terrace area	The right-of-way between a roadway and a sidewalk. If no space exists between a sidewalk and roadway, the part of the sidewalk closest to the edge of the roadway. but not extending into the roadway If no sidewalk exists, the right-of-way closest to the edge of the roadway.

2. Designation. The director is authorized to enforce the provisions of this section.
3. Services Funded by the General Tax
 - a. Solid Waste Collection. Based on the schedule determined by the board of public works, the director shall collect solid waste from eligible properties that desire the service, and that service shall be funded by the general tax upon the

property of the City if all the following applies:

- i. The solid waste is contained in a receptacle approved by the director or properly presented for bulk pickup. Any object presented for bulk pickup may be removed and discarded. Solid waste is properly presented for bulk pickup if all the following applies:
 - (1) All solid waste outside the approved receptacle does not exceed a combined 1 cubic yard in volume.
 - (2) The solid waste is ~~no more than 3 objects~~ presented in a manner that ~~they can each~~ be removed or emptied by a single person ~~with ordinary effort~~.
 - (3) The solid waste is presented in a manner that ensures it will not be a source of food or harborage for rodents.
 - (4) The solid waste is presented in a manner that does not pose a threat of injury to persons or property.
 - (5) No object exceeds 50 pounds in weight.
- ii. There are no more than 2 city refuse receptacles and 2 city recycling receptacles per residential unit served.
- iii. All solid waste presented is in a condition so that no dust, ash, liquid, pet waste, or other material leaks out of the receptacle or into the air when the receptacle is tipped into the vehicle collecting that solid waste.
- iv. The solid waste is placed at or near the collection point.
 - (1) The collection point for properties abutting an alley is on or near the property line abutting that alley.
 - (2) The collection point for properties not abutting an alley is on the terrace area or driveway apron adjacent to but not extending into the roadway.
- v. The receptacle is airtight, watertight, and otherwise in a condition that prevents animals from accessing the contents of the receptacle.
- vi. The receptacle is readily accessible without interference due to vehicles, snow, or other obstructions and presented with the lid closed and its lid hinge located opposite the alley or roadway.
- vii. Recyclable solid waste is stored within a recycling receptacle, and nonrecyclable solid waste is stored within a refuse receptacle. The following materials may not be included in any receptacles:
 - (1) Yard waste
 - (2) Acids
 - (3) Explosives and ammunition
 - (4) Paints, lacquers, and varnishes
 - (5) Liquid fossil fuels or their containers
 - (6) Combustible alloys or chemicals
 - (7) Medical waste, unless contained within a proper separate container designed for that medical waste
 - (8) Feces and pet waste, unless contained within a separate airtight container

(9) Lithium ion batteries

- viii. The receptacle weight is reasonable and evenly distributed so it can be maneuvered for collection service.
 - ix. The solid waste presented for collection does not create a danger for the public or the persons who are collecting that solid waste.
- b. Yard Waste Collection. Based on the schedule determined by the board of public works and subject to any conditions imposed by the director, the director shall collect yard waste, except grass clippings, from eligible properties that desire the service, and that service shall be funded by the general tax upon the property of the City.
- i. Leaves. Leaves may be placed up to 12 inches into the roadway next to the curb or on the shoulder if there is no curb.
 - ii. Yard and Garden Debris. Yard and garden debris such as weeds, flowers, vines, and fibrous stems, may be placed on the roadway next to curb or on the shoulder if there is no curb. Any fruit, seed, vegetable, or similar garbage that decomposes quickly or could be a food source for rodents may be composted or properly bagged and placed in a refuse receptacle, but may not be placed on the roadway or shoulder.
 - iii. Brush. Up to 1 cubic yard of clean woody vegetative material such as sticks, branches, and shrubs no greater than 4 inches in diameter may be placed in the terrace area.
- c. Drop-Off Services. The director may accept solid waste and yard waste, except grass clippings, when delivered to the director's designated site by owners or occupants of eligible properties and may charge the fee established in the Fee Schedule to receive that solid waste or yard waste.
4. Services Funded by the Special Charge. The director may impose upon the property served the appropriate fee listed in the Fee Schedule for any of the following.
- a. Minimum Receptacles. The director shall deliver 1 refuse receptacle and 1 recycling receptacle to any eligible property if the property owner desires City service to remove solid waste from that property.
 - b. Maximum Receptacles. A property owner may acquire additional receptacles but may not possess more than 2 refuse receptacles and 2 recycling receptacles for each residential unit located on an eligible property.
 - c. Replacement Receptacle. When an existing receptacle is not capable of being presented in an airtight, watertight condition, the director may remove the non-functioning receptacle and deliver a replacement receptacle.
 - d. Improperly Presented for Collection. When solid waste or yard waste is presented for collection in a manner that does not comply with this section, the director shall either:
 - i. Collect the improperly presented solid waste or yard waste for a fee, or
 - ii. Leave the improperly presented solid waste or yard waste in its place and notify the owner or occupant to remove the solid waste and

properly dispose of it.

- e. Ineligible Solid Waste. When solid waste or yard waste that is not eligible for collection services from the City is presented for collection, the director shall either:
 - i. Collect that ineligible solid waste or yard waste for a fee, or
 - ii. Leave the in eligible solid waste or yard waste in its place and notify the owner or occupant to remove the solid waste and properly dispose of it.
- f. Custom Collection Point. When no occupant in a household is physically able to bring a receptacle to the proper collection point, the director and property owner may agree to utilize a custom collection point on the property that is readily accessible without interference due to vehicles, snow, or other obstructions.
- g. Overflowing Solid Waste. When any property served by a private refuse and recycling disposal service has a designated waste container that cannot be closed due to excessive solid waste within the container or has solid waste stored outside of the designated waste container, the director or the code enforcement director may cause all solid waste inside and outside that container to be removed. This provision applies to commercial containers located on private or public property, but if the removal is from private property, the director or code enforcement director shall comply with [Wis. Stat. 66.0628\(2m\)](#) before imposing a fee under this provision.

5. Collection of Fees

- a. Notice. Except as required by [Wis. Stat. 66.0628\(2m\)](#), the director may impose the fees above by providing the service with or without advance notice. As soon as practicable after providing the service, the director shall notify the property owner by first class mail or email of the following:
 - i. The address of the property served
 - ii. The type of service rendered
 - iii. The date upon which the service was provided
 - iv. The cost allocated for the service
 - v. The right to contest the fee.
- b. Appeal. The City adopts this appeal process in lieu of the process under [Wis. Stat. Ch. 68](#).
 - i. Right to Appeal. An aggrieved person may contest a fee imposed under this section by submitting an appeal to the city clerk no later than 30 days after the date on the notice under par. (a).
 - ii. Clerk's Duty. If the clerk receives a timely appeal to any fee imposed under this section, the clerk shall place the appeal on the agenda for the next meeting of the administrative appeal review board.
 - iii. Board's Duty. The administrative appeal review board shall hear any appeal of a fee imposed under this section. The board shall first take evidence from the director, and then take evidence from the aggrieved person. Upon receiving all evidence, the board shall determine whether the fee was properly imposed and affirm, modify, or rescind

- the fee.
- c. Special Charge. The director may place a fee on the tax roll as a special charge against the property served if that fee has remained unpaid after 30 days have elapsed since the notice of fee was sent and there is no pending appeal. For any fee imposed under this section that was timely appealed, the director may place that fee on the tax roll as a special charge against the property served only in the amount as it is affirmed or modified by the administrative appeal review board.
 - d. Fee Cancellation. The director may cancel any fee imposed under this section for good cause. The director shall cancel any fee that is rescinded on appeal.
6. Recycling Program. As a responsible unit under [Wis. Stat. 287.09\(1\)\(a\)](#), the City maintains the following programs to comply with [Wis. Stat. 287.09\(2\)](#):
- a. Solid Waste Management Program
 - i. Public Education. The director shall, on a regular basis, inform residents of the City of the reasons to recycle, local opportunities to recycle, and the prohibitions in [Wis. Stat. 287.07\(3\)](#) and [\(4\)](#).
 - ii. Recyclable Processing System. The director shall develop a system for the processing and marketing of recyclable materials collected by the City.
 - iii. Nonrecyclable Processing System. The director shall develop provisions for the management of postconsumer waste that is not separated for recycling or recovery consistent with the highest feasible priority under [Wis. Stat. 287.05\(12\)](#).
 - b. Notices About Electronic Waste. The director shall provide information to City residents about the prohibitions under [Wis. Stat. 287.07\(5\)\(a\)](#), why it is important to recycle electronic devices, and opportunities available to those persons for recycling electronic devices.
7. Public Nuisance. The following conditions are public nuisances for which property owners have an affirmative duty to prevent and abate. Any person who maintains a public nuisance under this section may be required to forfeit up to \$500 for each violation. Each day for which an ongoing violation continues shall constitute a separate offense. This provision does not preclude the City from taking any other lawful action to abate a public nuisance.
- a. Placement for Collection. No property owner may allow a receptacle to be placed at a collection point facing a roadway earlier than 6:00 p.m. on the day prior to a scheduled collection. No property owner may allow a receptacle to remain at a collection point facing a roadway later than 8:00 p.m. on the scheduled day of collection.
 - b. Storage Location. Except when a receptacle is presented for collection, no property owner may allow a receptacle to be stored on that person's property unless it is screened or otherwise stored inconspicuously from public view from the front setback of the property.
 - c. Container Size. No property owner may allow more solid waste to be stored outdoors on the property than the amount the receptacles on that property can

- hold.
- d. Compost. Outdoor composts are public nuisances unless the property owner who maintains an outdoor compost complies with the following regulations:
 - i. The compost area may not pose an attraction or harborage for rodents or otherwise present a health nuisance.
 - ii. The compost area may not be located in the front setback
 - iii. The composting materials may not be located within 25 feet from any dwelling unit on the premises or any adjoining premises and not within 3 feet from any property line.
 - iv. No more than 3 compost areas may be located on a property, the total of which may not cover more than 25 square feet of the property.
 - v. No compost area may be more than 4 feet in height.
 - vi. Composting material shall be well-aerated so as to be free of offensive or noxious odors.
 - vii. No food waste or other such putrescibles shall be composted.
 - e. Offensive Waste. No property owner may allow any infectious waste, hazardous waste, or any other substance of offensive odor, or a liquid of a hazardous, flammable or deleterious nature, or other hazardous, nauseous or unwholesome substances, or any dead carcass, animal, fowl, carrion, meat, fish, entrails, manure or pet waste, offal, refuse matter, rubbish, recyclables, tires, ashes, earth, sand or other substances or material of any kind or nature in or upon any location or container not designed for the purpose of storing or disposing of that substance.
 - f. Grass Clippings. No property owner may allow grass clippings to be discharged or placed in or upon any public property, or to store grass clippings on private property in such a manner that the grass clippings yield an offensive or nauseous odor.
8. Solid Waste Regulations. Any person who violates this subsection may be required to forfeit up to \$500 for each violation. Each day for which an ongoing violation continues shall constitute a separate offense.
- a. Batteries, Major Appliances, and Oil. [Wis. Stat. 287.07\(1m\)](#) is hereby adopted.
 - b. Failure to Recycle. No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any material identified under [Wis. Stat. 287.07\(3\)](#) and [\(4\)](#) that is separated for recycling.
 - c. Separation of Recyclables. The occupants of single-family residences, buildings containing 2 or more dwelling units, and commercial, retail, industrial and governmental facilities in the City shall separate the materials identified in [Wis. Stat. 287.07\(3\)](#) and [\(4\)](#) from postconsumer waste.
 - d. Duty on Multi-Family Dwelling Owners. Owners of buildings containing 5 or more dwelling units shall do all of the following:
 - i. Provide adequate, separate containers for recycling.
 - ii. Notify tenants at the time of renting or leasing the dwelling and semiannually thereafter of all recycling requirements.
 - iii. Provide for the collection of recyclable materials separated from solid

- waste by the tenants and the delivery of the recyclable materials to a recycling facility.
- e. Duty on Other Business Property Owners. Owners of commercial, retail, industrial and governmental facilities shall do all of the following:
 - i. Provide adequate, separate containers for recycling.
 - ii. Regularly notify all users and occupants of the facilities of all recycling programs.
 - iii. Provide for the collection of recyclable materials separated from solid waste by the users and occupants and the delivery of the recyclable materials to a recycling facility.

SECTION 2: **EFFECTIVE DATE** This Ordinance shall be in full force and effect on and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COMMON COUNCIL

	AYE	NAY	ABSENT	ABSTAIN
Ald. Ray Turner	_____	_____	_____	_____
Ald. Kimberlee Grob	_____	_____	_____	_____
Ald. Chad Halvorsen	_____	_____	_____	_____
Ald. Marissa Nowling	_____	_____	_____	_____
Ald. Suzzette Grisham	_____	_____	_____	_____
Ald. Danna Kuehn	_____	_____	_____	_____
Ald. Dan Roadt	_____	_____	_____	_____
Ald. Patty Novak	_____	_____	_____	_____
Ald. Kevin Haass	_____	_____	_____	_____
Ald. Marty Weigel	_____	_____	_____	_____

Attest

Presiding Officer

Tracey Uttke, City Clerk, City Of West Allis

Dan Devine, Mayor, City Of West Allis