

**CITY OF WEST ALLIS
ORDINANCE O-2024-0043**

**ORDINANCE TO CONSOLIDATE AND UPDATE REFUSE, RECYCLING, AND
YARD WASTE LAWS**

CREATING SECTION 7.20 AND REPEALING SECTIONS 7.05, 7.051, AND 7.055

WHEREAS, Wis. Stat. 66.0405 allows cities to remove ashes, garbage, and rubbish from such classes of places in the city as the council directs; and

WHEREAS, districts may be created and removal provided for certain districts only, and different regulations may be applied to each removal district or class of property; and

WHEREAS, the cost of removal may be funded by special assessment against the property served, by general tax upon the property of the respective districts, or by general tax upon the property of the city; and

WHEREAS, Wis. Stat. 66.0627 allows the council to impose a special charge against real property for garbage and refuse disposal rendered by allocating all or part of the cost of the service to the property served; and

WHEREAS, the garbage collection services for which these fees are associated were funded by fees and not funded in 2013 by the city's tax levy, so no reduction in levy limit is required by Wis. Stat. 66.0602(2m)(b)2.;

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

SECTION 1: **ADOPTION** “7.20 Solid Waste And Yard Waste” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

7.20 Solid Waste And Yard Waste(*Added*)

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	<u>The public works director or their designee</u>
	<u>Detached one-family, two-family, and three-family dwellings.</u>

<u>Eligible properties</u>	<u>condominium units, and attached one-family dwellings that are located within the City of West Allis</u>
----------------------------	--

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. All solid waste presented is contained in a receptacle approved by the director.
- ii. There are no more than 2 refuse receptacles and 2 recycling receptacles per residential unit served.
- iii. All solid waste presented is in a condition so that no dust, ash, liquid, 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 receptacle 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, unless contained within a separate airtight container
- viii. The total weight of a receptacle does not exceed 75 pounds.
- 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 the 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 on the roadway next to 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 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 on the part of the right-of-way that is adjacent to but not extending into the roadway.

4. Drop-Off Services. The director may accept solid waste and yard waste, except grass clippings, that is 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.

5. 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 may collect the improperly presented solid waste or yard waste.
- 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 may collect that ineligible solid waste or yard waste.
- 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.

6. 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 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.

7. 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.

8. 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 on the property than the amount the receptacles on that property can hold.
 - d. Compost. Outdoor composts are allowed if 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.

9. 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: **AMENDMENT** “13.28 Property Maintenance Code” of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

13.28 Property Maintenance Code

1. Title. Section 13.28 shall be known and cited as the Property Maintenance Code of the City of West Allis (hereinafter Code).
2. Legislative Intent.
 - a. Purpose. It is hereby declared that in order to arrest or prevent the deterioration of properties which can spread to surrounding properties and result in the

depreciation of property values, and in order to protect the environment and preserve the aesthetic character of neighborhoods and the health, safety and welfare of the public, the City of West Allis adopts this Code.

- b. Scope. The provisions of this Code shall apply to all buildings in the City, including the premises on which they are located, together with all accessory buildings or structures, except as otherwise provided. **[Ord. O-2016-0038, 8/2/2016]**
3. Definitions. Where terms are not defined in this section and are defined in those Building, Zoning, Health and Fire Department Codes presently in force in the City, they shall have the meaning ascribed to them as in such codes. When terms are not defined under the provisions of this or any other City code, they shall have ascribed to them their ordinary accepted meanings or such as the context herein may imply.
 - a. "City" shall mean the City of West Allis.
 - b. Meaning of certain words. Whenever the words "building" or "premises" are used in this section, they shall be construed as though they were followed by the phrase "or any part thereof."
 - c. "State Fair Parking District" shall mean an area bound by the north City limits to the north, 92nd Street to the west, the Union Pacific Railroad tracks to the south, and 70th Street to the east. **[Ord. O-2018-0042, 11/5/2018]**
4. Inspection of Premises.
 - a. The Code Enforcement Director is authorized to assign persons to administer this Code and directed to make inspections to determine the condition of buildings and premises in the City, as regulated by the Code.
 - b. Inspections shall be made only under the following circumstances:
 - i. When the Building Inspector finds that there are reasonable grounds to believe that there are violations of the provisions of this Code which affect the health, safety or welfare of the public or as directed by the Common Council or District Alderperson.
 - ii. Upon a complaint in writing being made about the building or premises.
 - iii. It shall be the responsibility of the Building Inspector, whenever possible, to coordinate his inspections with those of other City Departments so as to minimize inconvenience to tenants and owners of properties.
 - c. In the event that the Building Inspector is denied voluntary access during a reasonable hour to any premises covered by this Code for the purpose of determining conditions that may be adverse to public health, safety and welfare, he may order an inspection in writing or secure a warrant under the terms of sec. 66.0119 of the Wisconsin Statutes.
 - d. Every occupant of a building shall give the owner or his agent access to the unit or premises at all reasonable times for the purposes of making such repairs as might be necessary to gain compliance with any provisions of this Code.
5. Service of Notices and Orders.
 - a. Violations of this Code, as determined by the Building Inspector, shall be outlined in written form and shall be served upon all affected occupants or

- owners or their agents. Such notice and order shall be served by the Building Inspector, or by such employee of the City designated by him, or by mail to the last known address of the person to be notified.
- b. Such notices and orders shall include:
 - i. An adequate description of the real estate so affected.
 - ii. A statement of the alleged violation, including the corresponding reference to the Code requirement.
 - iii. An order for remedial action to correct such violation.
 - iv. A reasonable time for compliance to the Code requirements.
 - c. The time period for compliance may be extended only at the discretion of the Building Inspector who shall base his decision on the seriousness of the problem and the time required to remedy it.
6. Emergency Orders. If the Building Inspector determines that a building or premises is in such condition that it constitutes a public nuisance or that there is great and immediate danger to public health, safety and welfare; or, that the building is unsanitary or unfit for human habitation, occupancy or use, he may post a notice on the premises to that effect, in accordance with the terms of sec. 66.0413 of the Wisconsin Statutes, in the same manner as described therein. In addition to posting such property as unfit, unsafe and/or unsanitary, he shall order the building or that portion of it so affected to be vacated in the manner prescribed by the applicable provisions of sec. 66.0413 of the Wisconsin Statutes. No person shall remove or deface any placard placed by the Building Inspector on any building which has been declared unfit or unsafe for human habitation or use.
7. Maintenance, Workmanship, Codes Referenced.
- a. Maintenance. Buildings and Structures, and parts thereof, shall be maintained in a safe and sanitary condition in accordance with Section 13.01(6).
 - b. Workmanship. Installations, alterations, repairs and maintenance work shall be in accordance with Section 13.06(7).
 - c. Codes Referenced. The Health and Sanitation Codes as in Chapter 7, the Zoning Codes as in Chapter 12, the Building and Heating/Ventilation Codes as in Chapter 13, the Electrical Codes as in Chapter 14, and the Plumbing Codes as in Chapter 14 of the City of West Allis Revised Municipal Code are hereby incorporated into this Code.
8. Responsibility of Property Owner and Tenant.
- a. Owner Responsibility. Property owners shall maintain their properties in a clean, safe, and sanitary condition to include, but not limited to; buildings, structures, and lot maintenance in accordance with this Code.
 - b. Tenant Responsibilities. All tenants, occupants, renters or similar users of properties shall maintain their property use areas, to include their personal property located thereon, in accordance with this Code and in a clean, safe and sanitary condition and shall notify the property owner of any unsafe or unsanitary condition found in a building, structure or common area on the subject property.
 - c. All other requirements of this code are the joint responsibility of the owner and occupant(s).

- d. Extermination of Pests; Responsibilities. Whenever insect or rodent infestation occurs in a single unit of the building, the occupant(s) of such unit shall be responsible for the extermination. Whenever insect or rodent infestation occurs in more than one (1) unit in a building or in shared or common areas of a building containing two (2) or more units, the owner of the building shall be responsible for the extermination.
9. Minimum Standards for Buildings and Structures. All buildings and structures and appurtenances shall be maintained in good repair as to prevent deterioration and infestation by rodents and insects. The exterior of all buildings and structures shall be maintained and not permitted to be a blighting influence to the surrounding properties, the neighborhood or the City in general.
- a. Roofs, Walls, Foundations, Floors, Etc.
 - i. All roofs, walls (including siding), and/or floor systems shall be weathertight and rodentproof, capable of affording privacy and maintained in good repair.
 - ii. Exterior surfaces, to include, but not limited to, roofs, walls, siding, flooring and appurtenances to include, but not limited to, eaves, soffits, chimneys, porches, decks, guardrails and handrails, shall be weathertight and painted or provided with a comparable finish in order to prevent deterioration, exclude insects and rodents and preserve the visual aesthetic character of the neighborhood.
 - iii. Chipping, flaking or peeling paint on any exterior surface is prohibited.
 - b. Windows, Doors and Other Openings.
 - i. All windows and doors, to include storms and screens to windows and doors, and all other openings shall be weathertight, rodent- and insect-resistant and maintained in good repair.
 - ii. Exterior openings, to include but not limited to, windows, doors, storms, etc., shall be painted or provided with comparable finish in order to prevent deterioration and preserve the visual aesthetic character of the neighborhood.
 - c. Porches, Decks, Stoops, Stairs, Etc.
 - i. Every porch, deck, stoop, and all appurtenances thereto, to include, but not limited to, guardrails, handrails and steps shall be maintained in good repair.
 - ii. Stairways shall be maintained with uniform risers and proper guardrails and handrails.
 - d. Gutters, Downspouts and Extensions.
 - i. Habitable buildings of one- and two-family properties shall have gutters and downspouts with extensions to carry stormwaters away from such buildings.
 - ii. All buildings on commercial properties are to direct downspouts and extensions directly into on-site storm systems, when available, or surfaced drained away from buildings in accordance with the

- Plumbing Code.
- iii. Gutters, downspouts, extensions and parts thereof shall be maintained in good repair and in working order.
- e. Accessory Buildings and Structures. **[Ord. O-2016-0038, 8/2/2016]**
- i. Every accessory building or structure shall be maintained as stated in Subsections (a) through (d).
 - ii. Accessory structures shall be maintained in accordance with Chapter 12 and Section 13.23 of this Code.
 - iii. Accessory buildings and structures shall have weather-tight, secure and properly operating overhead, service and other access doors.
- f. Infill of Exterior Openings and Other Exterior Building Changes.
- i. Infill of openings, such as windows, and other exterior changes to any building or structure shall be made with the use of approved materials.
 - ii. For multi-family, commercial, manufacturing, institutional and two-family (original construction after February 15, 2000), changes to exterior openings and other exterior building changes shall be approved in accordance with section 12.13, Architectural and Site Plan Review and Procedures. Building permits are required for exterior changes.
- g. Corrosion of Metal.
- i. All ferrous (metal) equipment, trim, metal parts or other shall be protected and maintained free of rust or corrosion.
 - ii. Rusted/corroded metal equipment, trim or metal parts are not permitted.
- h. Address of Property To Be Posted.
- i. The assigned address of each property shall be posted in a conspicuous place on the front of each main building so as to be easily seen and read from the public street.
 - ii. Each property abutting an alley shall post the assigned address as to be readily visible from the alley.
- i. Building Permits Required. Building permits for additions, alterations, structural changes and repairs are required in accordance with section 13.05.
10. Outdoor Areas to be Maintained. Outdoor areas shall be maintained in a clean and sanitary condition and shall not be permitted to be a blighting influence to the surrounding properties, the neighborhood or the City in general.
- a. Vacant Lots. The provisions of this Code, to the extent practical, shall also apply to vacant lots.
 - b. Lawn Areas. **[Ord. O-2012-0022, 7/3/2012; Ord. O-2018-0025, 6/5/2018]**
 - i. Grass shall not exceed six (6) inches in height.
 - ii. Noxious weeds are not permitted and shall be destroyed, as provided in § 66.0407 of the Wisconsin Statutes.
 - iii. Lawn areas shall be graded properly to allow for maintenance. This section shall include any damaged or unimproved areas, whether caused by people, vehicles, or naturally, which create a condition that allows for eroded dust, soil, dirt, or mud from the property to become

- deposited on adjacent private or public property.
- iv. If the property owner fails or refuses to maintain lawn areas as provided in this subsection, the Code Enforcement Director or his or her designated agent is authorized to perform the required maintenance after providing written notice to the property owner and/or posting notice on the property at least three business days prior to performing the maintenance. The cost of such maintenance shall be charged against the owner of the property as provided in §§ 66.0627 and 66.0703 of the Wisconsin Statutes.
- c. **Public Property Abutting Private Property.** The public areas between the property line and the paved street shall be maintained by the abutting property owner in accordance with Section 11.13.
 - d. **Sidewalks, Driveways and Other Improvements.**
 - i. Sidewalks, walks, driveways, open parking areas, retaining walls and other concrete, asphalt, brick, gravel, stone or similar areas shall be maintained in sound condition and in good repair.
 - ii. Property conditions resulting in dust, dirt, loose stones or other aggregate being deposited on public property is prohibited.
 - e. **Trees and Debris.**
 - i. Properties shall be kept free of diseased or fallen trees, branches or bushes.
 - ii. Trees shall not be allowed to grow near the foundations of buildings and structures so as to damage the building or structure.
 - f. **Fences.** Every fence shall be maintained in a state of good repair.
 - g. **Drainage of Premises.**
 - i. Every premises shall be properly drained as to prevent stagnant water from accumulating thereon.
 - ii. Discharge of stormwater from sump pumps, gutter extensions and surface drainage shall be directed to drain away from habitable buildings and shall not cause a nuisance to the public streets, alleys or sidewalks.
 - h. **Refuse Storage.**
 - i. See [WAMC 7.20](#) ~~Section 7.05~~ for specific refuse requirements.
 - ii. Refuse containers shall have tight-fitting covers, be maintained in good repair and shall be rodent- and water-proof.
 - iii. Refuse and rubbish shall be stored within proper containers excepting as permitted for recyclables and bulk refuse.
 - iv. Refuse containers shall not be stored in the front yard.
 - i. **One- and Two-Family Off-Street Parking Areas. [Ord. O-2010-0021, 6/1/2010; Ord. O-2018-0042, 11/5/2018]**
 - i. Off-street parking areas, including driveways access areas, shall be maintained in accordance with the Code in effect at the establishment of a parking area. Expanded parking areas shall conform to the Code in effect at the time of the expansion.

- ii. Parking shall not be permitted on lawns or unimproved surfaces, except as permitted in Subsection (i)2a below.
 - (1) Parking on lawns or unimproved surfaces on private property is allowed in the State Fair Parking District only when all of the following requirements are met:
 - (A) Parking is allowed from one day prior to the start of the Wisconsin State Fair until one day after the end of the Wisconsin State Fair in the same calendar year.
 - (B) The owner of the property where the vehicles will be parked is not delinquent on payment of any taxes, fees or other monies to the City.
 - (C) The property where the vehicles will be parked does not currently have any outstanding property maintenance orders on it.
 - (D) The parked vehicles are entirely on private property; do not extend over sidewalks, streets or alleys; and do not interfere with the vision of vehicles or pedestrians at corners or intersections.
 - (E) If the property owner does not reside at the premises, the owner has registered their property in compliance with RMC 6.13.
 - (F) Parking of wagons, trailers, or any vehicles used to transport livestock is prohibited.
 - iii. Parking surfaces legally established as unimproved prior to February 26, 1956, and all other parking surfaces shall not be allowed to erode or otherwise deposit gravel or aggregate materials on adjacent private or public property.
 - iv. Parking areas shall be maintained to support the weight of vehicles using the area.
- j. Multifamily and Commercial Off-Street Parking Areas. **[Ord. O-2018-0042, 11/5/2018]**
- i. All off-street parking areas shall be improved and maintained in accordance with an approved site and landscaping plan approved by the Plan Commission in accordance with the Zoning Code.
 - ii. Parking shall not be permitted on unimproved surfaces or lawn areas.
 - iii. Parking areas shall be maintained to support the weight of vehicles using the area.
 - iv. Parking areas shall not be allowed to erode or otherwise allow dust, dirt, loose stones or aggregate to be deposited onto adjacent public and private properties.
- k. Outside Storage of Materials.
- i. All outdoor premises shall be kept free and clear of and shall not be used for the outdoor storage of materials, to include, but not limited to, lumber, metal scraps, motor vehicle parts, abandoned vehicles,

discarded or nonfunctional household appliances or accessories, furniture and other articles which from its worn condition renders it practically useless for the purpose for which it was made. Private possessions stored inside a building, the outdoor storage of building materials while permitted construction or alterations are taking place on the site, recreational equipment useable and in good repair and all yard obstructions permitted by the Zoning Code are not applicable to this subsection.

- ii. Outdoor storage of firewood shall be neatly stored in the rear yard of the property. The firewood must be cut to lengths of four (4) feet or less and measure less than two (2) feet in diameter. Outdoor storage of firewood shall not exceed four (4) cords. Firewood storage shall not include any chemically treated or painted wood.
- iii. Commercial properties may also have materials stored outdoors consistent with the Zoning Code and the permitted use of the property.
- iv. Use of industrial buckets or containers, whether the buckets or containers are used for the manufactured purpose or an alternate use, shall be limited to twenty-five (25) industrial buckets or containers per parcel. This prohibition pertains to residential properties consisting of four-unit multifamily dwellings and smaller. **[Ord. O-2016-0034, 9/6/2016]**

l. Prohibited Parking on Private Property. [Ord. O-2017-0046, 11/7/2017]

- i. It is prohibited for vehicle owners or persons having custody of a vehicle to:
 - (1) Park or store any private passenger vehicle, truck, boat, camper, snowmobile, recreational vehicle, mobile home, trailer, or any similar vehicle on an unpaved surface or lawn.
 - (2) Park or store any vehicle not in accordance with the Zoning Code.
 - (3) Park, store, or advertise any vehicle that is for sale on a commercial parcel which is not licensed and permitted for vehicle sales.
 - (4) Park or store any vehicle on property with a principal use that is vacant.
 - (5) Park or store any abandoned vehicle, as defined in Section 6.015.
 - (6) Park or store any vehicle on property that has no principal use or does not have a commercial parking lot occupancy permit.
- ii. It is prohibited for any person to permit or allow to remain the parking, storage, or advertising for sale of any vehicle that is prohibited in Subsection (l)1 of this section, on property that the person controls or owns.

11. Major Repairs — Demolition Ordered.

- a. The Building Inspector may order the owner of premises upon which is

located any building or part thereof which, in his judgment, is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use, and so that it would be unreasonable to repair the same, to raze and remove such building or part thereof, or, if it can be made safe by repairs, to repair and make safe and sanitary or to raze and remove, at the owner's option.

b. Major Alterations and/or Repairs. If alterations and/or repairs in excess of fifty percent (50%) of the value of an existing building or structure are made to any existing building or structure within any period of twelve (12) months, the entire building or structure shall be made to conform with the requirements given herein for new construction; provided, however, that any existing building or structure which, for any reason, requires repairs at any one time in excess of fifty percent (50%) of the value thereof, not deducting from such value any loss caused by fire or any other reason, shall be made to conform to the requirements of this Code for new buildings or structures or shall be entirely demolished. "Value" shall mean the full assessed value as determined by the last value placed upon the building as published by the City at the adoption of the assessment role.

12. Failure to Comply with Order. The Code Enforcement Director and any designees are authorized to issue citations to enforce the provisions of this Code or may refer the matter to the City Attorney to commence legal action to effectuate the purpose of this Code.

Editor's Note: Former Subsection (13), Penalties for Violations, which immediately followed this subsection, was repealed 2/4/2014 by Ord. O-2014-0002. For current penalty provisions, see Section 13.26. Former Subsection (14), Property Maintenance Code Appeals Board, as amended, was repealed 8/2/2016 by Ord. O-2016-0037.

[Ord. 6311, 5/6/1997; Ord. 6579, 7/2/2001; Ord. O-2003-0076, 12/2/2003]

SECTION 3: AMENDMENT "18.03 Public Nuisances" of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

18.03 Public Nuisances

The following acts, omissions, places, conditions, and things are specifically declared to be public nuisances, but such enumeration shall not be construed to exclude other nuisances:

1. Nuisances Affecting Health, Welfare, and Enjoyment of Property.
 - a. Noxious Odors, Etc. Any use of property, substances, or things within the City emitting or causing any foul, offensive, noisome, noxious or disagreeable

odors, gases, effluvia, or stenches extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure, or inconvenience the health of any appreciable number of persons within the City.

- b. Street Pollution. Any use of property which causes any noxious or unwholesome liquid or substance or any dirt, mud, sand, gravel, stone, or other materials to flow into or be deposited upon any street, gutter, alley, sidewalk, or public place within the City.
- c. Release of Dust Into the Air. The handling, transportation, or disposition of any substance or material which is likely to be scattered by the air or wind, or is susceptible to being airborne or wind-borne, or operating or maintaining or causing to be operated or maintained any premises, open area, right-of-way, storage pile of materials, vehicle, construction, demolition or wrecking operations, stone or concrete crushing operation, or any other enterprise, which involves any dust likely to be scattered by the wind or air, or susceptible to being wind-borne or airborne such that there is a discharge of any dust emissions and the visible settlement of dust on property beyond the property on which it originated so as to damage or to interfere with the use and enjoyment of adjacent properties, including public property and right-of-way.
 - i. "Dust" shall mean solid particulate matter released into or carried in the air by natural forces, by any combustion, construction work, or mechanical or industrial processes or devices.
 - ii. "Interfere with the use of adjacent properties" includes, but is not limited to, requiring the owner, occupants, or users of the adjacent property to close doors or windows on buildings or vehicles to prevent dust from entering, requiring the owner or user of vehicles or other tangible personal property to wipe, brush, wash, or blow off accumulated dust prior to normal operation or use, or requiring the sweeping, washing, or other cleaning of paved surfaces to prevent further tracking or scattering of the dust.
- d. General Pollution. Waste which is prepared or stored on any premises in a manner which creates or may create a public health hazard, safety hazard or blighting condition.

2. Nuisances Affecting Morals and Decency. **[Ord. O-2005-0008, 2/1/2005]**

- a. For the purposes of this section, "nuisance activity" means any of the following activities, behaviors or conduct whenever engaged in by premises owners, operators, occupants or persons associated with the premises:
 - i. Disorderly Houses. All disorderly houses, gambling houses and buildings or structures kept or resorted to for the purpose of gambling, or any drug or criminal gang houses as defined in sec. 823.113, (1) and (1)(b) Wis. Stats., and all buildings or structures where the sale, manufacture or delivery of drug paraphernalia as defined in sec. 961.571(1)(a), Wis. Stats., occurs.
 - ii. Gambling Devices. The keeping of gambling devices.
 - iii. Unlicensed Sale of Liquor and Beer. All places where intoxicating

- liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license as provided by the ordinances of the City.
- iv. Continuous Violation of City Ordinances. Any place or premises within the City where City ordinances or state laws relating to public health, safety, peace, morals or welfare are repeatedly violated.
 - v. Illegal Drinking. Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of state laws.
 - vi. Establishment Violating Laws Related to Obscenity, Etc. Any place or premises within the City where the laws related to obscenity and related offenses set forth in secs. 944.20 to 944.34 of the Wisconsin Statutes occur.
 - vii. An act of harassment as defined in sec. 947.013, Wis. Stats.
 - viii. Disorderly conduct as defined in sec. 947.01, Wis. Stats.
 - ix. Battery, substantial battery or aggravated battery as defined in sec. 940.19, Wis. Stats.
 - x. Littering of premises as defined in [Wis. Stat. 287.81](#) ~~Section 7.05 of the West Allis Revised Municipal Code~~.
 - xi. Theft as defined in sec. 943.20, Wis. Stats.
 - xii. Arson as defined in sec. 943.02, Wis. Stats.
 - xiii. Possession, manufacture or delivery of a controlled substance or related offenses as defined in Chapter 961, Wis. Stats.
 - xiv. Gambling as defined in sec. 945.02, Wis. Stats.
 - xv. Keeping an animal in violation of Section 7.12 of the West Allis Revised Municipal Code. **[Ord. O-2007-0041, 10/16/2007]**
 - xvi. Trespass to land as defined in sec. 943.13, Wis. Stats., or criminal trespass to dwelling as defined in sec. 943.14, Wis. Stats.
 - xvii. Any conspiracy to commit, as defined in Section 6.02(5) of the West Allis Revised Municipal Code or sec. 939.31, Wis. Stats., or attempt to commit, as defined in sec. 939.32, Wis. Stats., any of the activities, behaviors or conduct enumerated in Paragraphs (1) to (16).
 - xviii. Discharge of a firearm or air rifle as defined in Section 6.01(1) and (2) of the West Allis Revised Municipal Code.
 - xix. Loitering as defined in Section 6.02(9) of the West Allis Revised Municipal Code.
 - xx. Persons associated "with" means any person who, whenever engaged in nuisance activity, enters, patronizes, visits or attempts to enter, patronize or visit, or wishes to enter, patronize or visit, a premises or person present on the premises, including any officer, director, customer, agent, employee or independent contractor of a premises owner.

3. Nuisances Affecting Peace and Safety.

- a. Dangerous Signs and Billboards. All signs, billboards, awnings, and other similar structures over or near streets, sidewalks, public grounds, or places

frequented by the public, so situated, constructed, or maintained as to endanger the public safety.

- b. **Illegal Buildings.** All buildings erected, repaired, altered, or maintained without a permit or in violation of City ordinances relating to materials and manner of construction of buildings.
- c. **Unauthorized Traffic Signs.** All unauthorized signs, signals, markings, or devices placed or maintained upon or in view of any public highway or railway crossing which purport to be or may be mistaken as official traffic control devices or railroad signs or signals or which, because of their color, location, brilliance, or manner of operation, interfere with the effectiveness of any such device, sign, or signal.
- d. **Obstruction of Intersections.** All trees, hedges, billboards, or other obstructions which prevent persons driving vehicles on public streets, alleys, or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.
- e. **Low-Hanging Tree Limbs.** All limbs of trees, bushes, shrubs, or other plants which project over or into any public sidewalk, street, or other public place and interfere with the full use and enjoyment thereof.
- f. **Dangerous Trees.** All trees which are a menace to public safety because of disease or other condition of the tree or are the cause of substantial annoyance to the general public.
- g. **Dilapidated Buildings.** All buildings or structures so old, dilapidated, or out of repair as to be dangerous, unsafe, unsanitary, or otherwise unfit for human use.
- h. **Low-Hanging Wires and Cables.** All wires and cables over streets, alleys, or public grounds which are strung less than fifteen (15) feet above the surface thereof.
- i. **Noisy Animals.** The keeping or harboring of any animal which, by frequent or habitual howling, yelping, barking, crowing, or making of other noises, to the great discomfort of the peace and quiet of the neighborhood or in such a manner as to materially disturb or annoy persons in the neighborhood who are of ordinary sensibilities.
- j. **Obstructions of Streets; Excavations.** All obstructions of streets, alleys, sidewalks, or crosswalks and all excavations in or under the same, except as permitted by the ordinances of the City but including those which, although made in accordance with such ordinances, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished or which do not conform to the permit.
- k. **Blighted Buildings and Premises.** Premises existing within the City which are blighted because of faulty design or construction, failure to maintain them in a proper state of repair, improper management, or due to the accumulation thereon of junk or other unsightly debris, structurally unsound fences and other items which depreciate property values and jeopardize or are detrimental to the health, safety, enjoyment of property, or welfare of the people of the City.

- l. Suffocation Hazards. Any abandoned, unattended or discarded ice box, refrigerator, walk-in cooler, or other container of any kind, which has an air-tight door, left outside of any building or dwelling without first removing the door from the said ice box, refrigerator, walk-in cooler, or other container.
- m. Excessive Noise. The making, continuation, or causing to be made or continued any noise which either injures, endangers the comfort, repose, health, or safety of another, or substantially annoys another between the hours of 10:00 p.m. and 7:00 a.m. This provision shall not apply to noise necessary for the protection or preservation of property, or the health, or safety of a person or to emergency short-term operations which are necessary to protect the public health, safety, and welfare including emergency utility and public works operations.

SECTION 4: AMENDMENT “18.10 Registration Of Properties Pending Foreclosure” of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

18.10 Registration Of Properties Pending Foreclosure

1. Findings. The Common Council finds that a significant relationship exists among properties in the foreclosure process, the prevalence of blight and abandoned buildings, increased calls for police service, higher incidence of fires, both accidental and intentional, and decline and disinvestment in neighborhoods. Property owners involved in foreclosure have less incentive to maintain their properties, and properties in foreclosure have a higher incidence of building code violations than properties not in foreclosure. The foreclosure process may also result in abandonment. Abandoned buildings become havens for vandalism, arson and drug crimes, draining valuable governmental resources and creating a significant reduction in quality of life for the surrounding neighborhood. Registration, inspection and aggressive monitoring of properties in the foreclosure process help to stabilize and improve affected neighborhoods and aid in code enforcement efforts, as well as public safety. A mortgagee that does not register, inspect, secure, and maintain, as required in this section, places an undue and inappropriate burden on the taxpayers of the City and poses an increased risk to public health, safety and welfare.
2. Purpose and Scope. The purpose of this section is to establish a registration program to monitor all real properties pending foreclosure to identify at-risk properties and to regulate the securing and maintenance of abandoned properties in foreclosure. This section is intended to reduce and prevent neighborhood blight; to ameliorate conditions that threaten public health, safety and welfare; to promote neighborhood stability and occupancy by preserving the condition and appearance of properties; and to maintain property values and assessments. It is declared a matter of public policy and an exercise of the City's police power that mortgagees initiating foreclosure proceedings

against a property are required to register with the City of West Allis. This registration process will give City departments the means of contacting those responsible for the foreclosure proceedings and mortgages at issue, those responsible for the inspections required in this section, and those responsible for the securing and maintenance of abandoned property as required in this section. The purpose of the registration fee is to partially recover administrative costs associated with this registry. Nothing in this section shall be construed as waiving, relieving, or otherwise excusing an owner of property from complying with applicable building codes and ordinances. The owner shall at all times comply with applicable building codes and ordinances, and the owner shall at all times remain responsible and liable therefor. Nothing in this section is intended to affect the right to foreclose as provided by state law.

3. Definitions. In this section:

a. "Abandoned property" means any real property that is in mortgage default, bank owned (REO) and/or is vacant as a result of the relinquishment of occupancy, possession or control by a mortgagor and those claiming by, through or under the mortgagor, including tenants, whether or not the mortgagor relinquished equity and title. A property may be deemed abandoned when there is evidence of conditions, taken separately or as a whole, which would lead a reasonable person to conclude that the property is abandoned, including:

- i. Violation of the lawn regulations as set forth in Section 13.28(10)(b) of the Revised Municipal Code or the weed regulations set forth in Sec. 66.0407 of the Wisconsin Statutes.
- ii. Accumulation of newspapers, circulars, flyers, or mail.
- iii. Past-due utility notices.
- iv. Accumulation of junk, litter, trash, or debris.
- v. Absence of window treatments, such as blinds, curtains, or shutters.
- vi. Absence of furnishings and personal items.
- vii. Statements by neighbors, delivery agents, or similarly situated persons that the property is vacant.
- viii. Any of the items specified in Sec. 846.102(2), Wis. Stats.
- ix. Violation of the minimum standards for buildings and structures set forth in Section 13.28(9) of the Revised Municipal Code.
- x. Broken or open doors or windows or the exterior of a building's structure otherwise is not secured from the elements or entry by trespassers.
- xi. Graffiti has not been removed from the buildings, structures, or equipment on the property as required by Section 18.08 of the Revised Municipal Code.
- xii. The buildings, structures, or premises are otherwise dilapidated, deteriorated, or create a dangerous condition.
- xiii. Snow and/or ice have been allowed to accumulate and remain on the public sidewalk abutting the property contrary to Section 11.12 of the Revised Municipal Code.
- xiv. Any real property located in the City, whether vacant or occupied,

that is encumbered by a mortgage in default, is subject to an ongoing foreclosure action by the mortgagee or trustee, is subject to an application for a tax deed or pending tax assessor's lien sale, or has been the subject of a foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure/sale.

- b. "Accessible structure" means a building that is accessible through a compromised door, wall, window, or similar building feature and that is unsecured in a manner that allows access to interior space by unauthorized persons.
- c. "Agent" means a person or entity, including a servicing company, acting on behalf of the mortgagee regarding the mortgage or mortgage loan, the foreclosure proceedings, or the mortgaged property, including the inspection, maintenance and securing duties required in this section, except that an attorney shall not be deemed to be an agent if the attorney is retained solely to represent the mortgagee or agent in connection with the foreclosure proceedings in court.
- d. "Department" means the City of West Allis Code Enforcement Department.
- e. "Director" means the Code Enforcement Director.
- f. "Foreclosure" means the process prescribed by Chapter 846, Wis. Stats. and the process for nonjudicial sale authorized by a power of sale clause in a mortgage.
- g. "Mortgage" means a written instrument creating a lien on real property whereby the property is used as security or collateral for performance of an act or payment of funds. For purposes of this section, mortgage also includes a land contract.
- h. "Mortgagee" means the person or entity that lends money to a borrower for the purpose of purchasing a piece of real property or the person or entity to which the mortgage has been granted or assigned.
- i. "Mortgagor" means the person or entity that obtained a mortgage to purchase or refinance a piece of real property.
- j. "Occupied property" means a residential property with a structure on which any person, including an owner, operator, or tenant, but not a trespasser, lives, sleeps, cooks, or otherwise maintains actual possession.
- k. "Person" means any person, firm, organization, or corporation.
- l. "Residential property" means a property used in whole or in part for residential purposes, including single-family, two-family, and multifamily dwelling; mixed-use commercial and residential structures, but not residential condominium units.
- m. "Servicing company" means a person or entity that provides services to the mortgagee or to an agent of a mortgagee, including debt servicing, collection of payments, administration of escrow and insurance accounts, managing loss mitigation, foreclosing, and securing and managing properties on behalf of the mortgagee or the mortgagee's agent.

4. Registration Required.

- a. Within five (5) working days of filing with the court of the foreclosure proceedings against a residential property, the mortgagee or agent shall register the property in the name of the mortgagee with the Department on a form or by an electronic process prescribed by the Director. This form shall include all of the following:
 - i. Information identifying the property by address and tax key number.
 - ii. The mortgagor of record and the mortgagee of record.
 - iii. The Register of Deeds recording document number for the mortgage being foreclosed and the date of recording.
 - iv. The current owner of the note or instrument secured by the mortgage, and the registered agent and registered office for that owner.
 - v. The date of recording of the lis pendens for commencement of the foreclosure proceedings.
 - vi. The case number of the foreclosure action and the plaintiff in the foreclosure action.
 - vii. The servicing company or other agent acting on behalf of the mortgagee, and the registered agent and registered office for that servicing company or agent.
 - viii. Contact information for a person with the mortgagee or agent who will be responsible for inspecting, securing, and maintaining the property as required under this section.
 - b. A mortgagee or agent for a residential property in foreclosure proceedings for whom the proceedings were initiated prior to the effective date of this section and who remains subject to the foreclosure proceedings shall register with the City within thirty (30) days of the effective date of this section. The mortgagee or agent shall be subject to the requirements of this section, except for the initial inspection under Subsection (7)(a).
5. Amendment. Within twenty (20) days of a change in information for the registration of a property, including a change in ownership of the mortgage or a change in agent, servicing company or contact person, the mortgagee or the mortgagee's agent shall file an amended registration with the Department on a form or by an electronic process prescribed by the Director.
6. Termination of Registration.
- a. To terminate a registration, the mortgagee or the mortgagee's agent shall file a registration termination with the Department on a form or by an electronic process prescribed by the Director within ten (10) days of either of the following, whereupon the duties of the mortgagee or the agent under this section shall cease:
 - i. A court-confirmed sale of the property in foreclosure with the deed having been issued in the foreclosure proceedings and the deed or evidence of the deed having been recorded in the Register of Deeds office.
 - ii. A court order dismissing the foreclosure proceedings and a discharge of the lis pendens having been recorded in the Register of Deeds office.

- b. The mortgagee or agent shall provide in the termination filing the Register of Deeds recording information for one (1) of the following:
 - i. The deed or the evidence of the deed, as provided in Subsection (6)(a)(1).
 - ii. The lis pendens discharge, as provided in Subsection (6)(a)(2).
 - c. If the court dismisses the foreclosure proceedings due to a discharge or satisfaction of the mortgage, the mortgagee or agent shall also provide with the termination filing the Register of Deeds recording information for the discharge or satisfaction of the mortgage.
7. Inspection of Abandoned Property.
- a. Initial Inspection. Whenever a mortgagee or agent initiates foreclosure proceedings against a property, the mortgagee or agent shall cause a physical inspection to be made of the property not later than thirty (30) days from the date of filing of the foreclosure proceedings. One (1) or more photographs shall be taken of the property accurately portraying the condition of the exterior premises. Photographs shall be dated and preserved.
 - b. Periodic Inspections. The mortgagee or agent shall perform a reinspection of the property subject to the foreclosure proceedings at least once every thirty (30) days following the initial inspection until a registration termination is filed. One (1) or more photographs shall be taken at each reinspection and shall be dated and preserved.
 - c. Records. A mortgagee or agent shall maintain written records, including photographs, of any inspection or reinspection required by this section, and, in the case of abandoned property, records of actions taken under Subsection (9). Written records and photographs of inspection and reinspection shall be made available to the Department upon request.
8. Notification of Abandoned Property. If inspection of the property required under Subsection (7) shows the property is abandoned, or if the mortgagee or agent otherwise becomes aware of abandonment, the mortgagee or agent shall file notification of the abandoned property within five (5) business days on a form or by an electronic process prescribed by the Director or his or her designee, that includes a description of the external condition of the property and whether there is an accessible structure on the property. The notification filing shall identify the person authorized by the mortgagee to enter upon the property and to conduct repairs or maintenance and secure access, as required in Subsection (9).
9. Duty to Secure, Maintain, and Post Abandoned Property.
- a. The property maintenance duties of a mortgagee or agent with an abandoned property shall be limited to the following:
 - i. Ensuring that there are no accessible structures on the premises.
 - ii. Ensuring that there are no conditions upon the property presenting an immediate risk to public health, safety, or welfare, including:
 - (1) Removing or abating fire hazards.
 - (2) Removing or containing potentially toxic materials and explosives.

- (3) Securing the perimeters of swimming pools, ponds, or other bodies of water.
 - (4) Maintaining public walkways and thoroughfares free from ice, snow, mud, and other debris consistent with the requirements of Section 11.12 of the Revised Municipal Code.
 - (5) Mowing grass and eliminating weeds and other plant growth consistent with the requirements of Section 13.28(10)(b) of the Revised Municipal Code or the weed regulations set forth in Sec. 66.0407 of the Wisconsin Statutes.
- b. A mortgagee or agent shall include a statement in the abandonment notification identifying action taken or planned to be taken to comply with the requirements of Subsection (9)(a).
- c. Upon filing notification of the abandoned property or at the time that notification is required to be made, and until there has been a registration termination filed regarding the abandoned property, the Director may make a finding that the condition of the property constitutes an immediate threat to public health, safety and welfare and, upon such finding, may issue a written order to the mortgagee or agent, or both, to abate the condition. Upon failure to comply with the Director's order within ten (10) days, the mortgagee or agent, or both, shall be responsible and shall be subject to a penalty in the same manner and to the same extent as the owner of the property under any of the following Revised Municipal Code sections:
- i. Section ~~7.20s-7.05 and 7.051, refuse and recycling collection; littering of premises.~~
 - ii. Sections 11.07(7) and 11.12, sidewalks to be kept clean and unobstructed.
 - iii. Section 6.015, abandoned vehicles.
 - iv. Section 18.03, public nuisances.
 - v. Section 7.035, noise control.
 - vi. Section 7.06, noxious chemicals.
 - vii. Section 13.35, swimming pools.
 - viii. Section 18.08, graffiti abatement.
 - ix. Sections 13.28(9) and 13.28(10), maintenance of premises.
 - x. Section 7.14(3), rat harborages.
 - xi. Section 13.18, condemnation of unsafe structures.
- d. The minimum requirements of a mortgagee or agent for preservation and protection of residential property, absent a specific order of the Director to abate a condition of the premises, shall be consistent with 24 CFR 203.377 and the rules, regulations and other requirements published by the Federal Housing Administration (FHA) of the United States Department of Housing and Urban Development for the preservation and protection of single-family residential properties secured by FHA loans, as those requirements may be amended by FHA mortgagee letters or otherwise, and as applied by the FHA to the State of Wisconsin, including guidelines related to winterization and

heating systems. The Director may issue a written order to the mortgagee or agent, or both jointly and severally, to abate the condition. The mortgagee or agent, or both, shall be held liable for failure to abate and for repayment to the City of the reasonable costs incurred by the City related to abatement of conditions that are subject to FHA guidelines specified in this subsection, or which are subject to an order under Subsection (9)(c) and which threaten public health, safety, and welfare.

- e. A mortgagee or agent, upon receiving information or determining that the residential property is abandoned, and until the property is no longer abandoned, shall post and maintain signs affixed or adjacent to all entrances to the building indicating:
 - i. The name, address and telephone number of the agent authorized by the mortgagee to be responsible for maintenance and management of the property, as specified under Subsection (8).
 - ii. That no trespassing is allowed upon the premises without consent of the agent.

10. Fees.

- a. The fee for registration of property pending foreclosure shall be listed in the Fee Schedule and shall be due upon registration.
- b. The registration form and fee may be transmitted electronically or by any other means to be determined by the Director or his or her designee. The annual registration shall be valid from the date the property was initially obligated to register pursuant to the governing ordinance, the registration form is completed and filed with the Department or its designee and the registration fee is received by the Department or its designee.
- c. There shall be no fee for filing an amended registration or for filing a registration termination.

11. Penalties.

- a. Failure to Register or to File Amendment. Any mortgagee or agent that fails to register as required under Subsection (4), fails to file an amendment as required under Subsection (5), or fails to file a termination as required under Subsection (6), shall be jointly and severally responsible, and, upon conviction, shall forfeit not less than five hundred dollars (\$500) nor more than two thousand dollars (\$2,000), together with the cost of the prosecution. In default of payment thereof, the person shall be imprisoned in the Milwaukee County House of Correction until such forfeiture and costs are paid, but not more than the number of days set forth in Section 800.095(1)(b)1 of the Wisconsin Statutes. Each and every day that an offense continues constitutes a separate offense.
- b. Failure to Inspect. Any mortgagee or agent that fails to inspect or reinspect a property as required under Subsection (7) shall be jointly and severally responsible, and, upon conviction, shall forfeit not less than two hundred fifty dollars (\$250) nor more than one thousand dollars (\$1,000), together with the cost of the prosecution. In default of payment thereof, the person shall be imprisoned in the Milwaukee County House of Correction until such

forfeiture and costs are paid, but not more than the number of days set forth in Section 800.095(1)(b)1 of the Wisconsin Statutes. Each and every day that an offense continues constitutes a separate offense.

- c. Failure to Notify about Abandoned Property. Any mortgagee or agent that fails to file notification of an abandoned property as required under Subsection (8) shall be jointly and severally responsible and, upon conviction, shall forfeit not less than five hundred dollars (\$500) nor more than two thousand dollars (\$2,000) together with the cost of the prosecution. In default of payment thereof, the person shall be imprisoned in the Milwaukee County House of Correction until such forfeiture and costs are paid, but not more than the number of days set forth in Section 800.095(1)(b)1 of the Wisconsin Statutes. Each and every day that an offense continues constitutes a separate offense.
- d. Failure to Secure and Maintain Abandoned Property. Any mortgagee or agent having a duty to register abandoned property that fails its duty to secure and maintain the property as required under Subsection (9) shall be jointly and severally responsible, and, upon conviction, shall forfeit not less than eight hundred dollars (\$800) nor more than two thousand five hundred dollars (\$2,500), together with the cost of the prosecution. In default of payment thereof, the person shall be imprisoned in the Milwaukee County House of Correction until such forfeiture and costs are paid, but not more than the number of days set forth in Section 800.095(1)(b)1 of the Wisconsin Statutes. Each and every day that an offense continues constitutes a separate offense.
- e. Failure to Maintain Records or to Post. Any mortgagee or agent that fails to maintain or provide records required in Subsection (7), or to post signage as required in Subsection (9) shall be jointly and severally responsible, and, upon conviction, shall forfeit not less than one hundred dollars (\$100), nor more than five hundred dollars (\$500), together with the cost of the prosecution. In default of payment thereof, the person shall be imprisoned in the Milwaukee County House of Correction until such forfeiture and costs are paid, but not more than the number of days set forth in Section 800.095(1)(b)1 of the Wisconsin Statutes. Each and every day that an offense continues constitutes a separate offense.

[Ord. O-2015-0042, 9/1/2015; Ord. O-2016-0018, 3-15-2016]

SECTION 5: **REPEAL** “7.05 Refuse Collection” of the City Of West Allis Municipal Code is hereby *repealed* as follows:

REPEAL

~~7.05 Refuse Collection~~ (*Repealed*)

1. **Definitions. As used in this Section.**

- a. "Bulk refuse" means solid waste, exclusive of construction waste, which cannot be readily stored in approved containers. It includes, but is not limited to, furniture.
- b. "Commercial" means a business enterprise, except manufacturing, and the activities associated therewith. It includes, for the purpose of this Section, all mixed units (buildings, housing, business and residential), churches, public and parochial education institutions and charitable organizations.
- c. "Commercial container" means a receptacle for the storage of refuse on a multi-family or commercial premises, which is constructed, maintained and located as provided in Subsection (4)(b) below.
- d. "Composting" means a controlled biological reduction of organic yard waste to humus.
- e. "Condominium" means a premises subject to a condominium declaration under Chapter 703 of the Wisconsin Statutes, including household activities associated therewith.
- f. "Construction waste" means solid waste resulting from building construction, alteration or repair.
- g. "Department" means the Public Works Department of the City.
- h. "Director" means the Director of the Public Works Department and his duly authorized deputies and agents. **[Ord. O-2004-0012, 4/5/2004]**
- i. "Garbage" means discarded materials resulting from the handling, processing, storage and consumption of food.
- j. "Hazardous substance" means the meaning given in Wis. Stats. § 292.01(5).
- k. "Hazardous waste" has the meaning given in Wis. Stats. § 291.01(7).
- l. "Infectious waste" means solid waste which contains pathogens with sufficient virulence and quantity so that exposure to the waste by a susceptible host could result in an infectious disease. It includes isolation wastes, cultures and stocks of infectious agents and associated biologicals, human blood and blood products, pathological waste, contaminated sharps, contaminated animal carcasses, body parts and bedding.
- m. "Inorganic waste" means concrete, asphalt, brick, block, stone, ground and, for purposes of this subsection, sod.
- n. "Manufacturing" has the meaning given in Wis. Stats. § 70.995(a).
- o. "Multi-family" means a premises improved with a building containing four (4) or more dwelling units, including household activities associated therewith.
- p. "Person" means any person, firm, partnership, association, corporation, company or organization, which is acting as a group or unit.
- q. "Premises" means a designated parcel or tract of land and any buildings and structures thereon, established by plat, subdivision or otherwise as permitted by law, which is used or developed as a unit.
- r. "Refuse" means all components of the solid waste stream including, but not limited to, garbage, rubbish, trash and ashes.
- s. "Residential" means a premises improved with a condominium unit or a building containing three (3) or fewer dwelling units, including the household

activities associated therewith.

- t. "Residential container" means a receptacle that is approved and issued by the Department for the storage of residential refuse between collections and required for the collection of residential refuse by the Department.
- u. "Rubbish" means solid waste, excluding ashes and garbage., consisting of both combustible and noncombustible solid waste materials. It is specifically limited to small hand-carried objects which can be readily stored in approved refuse containers.
- v. (Reserved)
- w. "Solid Waste" means garbage, rubbish, ash, bulk refuse, yard and construction wastes and all other unwanted or discarded substances and material resulting from community activities.
- x. "Yard waste" means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than six (6) inches in diameter; however, it does not include stumps, roots or shrubs with intact root balls.

2. Collection.

- a. Paid by General Tax. The Department will collect refuse from residential premises or a detached single-family residential unit on a commercial premises funded through the general tax without a separate fee against the property served, except the Department will not collect refuse under this subsection if that refuse is any of the following:
 - i. Prepared or stored or stored in violation of subsection (3).
 - ii. Collected from a multi-family, commercial, or manufacturing premises.
 - iii. Collected from a residential premises or detached single-family residential unit on a commercial premises if that unit is an adult family home under Wis. Stat. 50.01(1) or community-based residential facility under Wis. Stat. 50.01(1g).
- b. Paid by Special Assessment. The Department may collect refuse for a fee or special assessment against the property served for any refuse collection that is not paid by the general tax.

3. Preparation, Storage and Disposal.

- a. Residential. Except as provided in Paragraph (b) below, residential wastes shall be prepared and stored as follows:
 - i. Garbage. Garbage shall be drained of all free liquid and packaged by securely wrapping in several thicknesses of paper, placed in plastic bags or other similar means and stored in residential containers.
 - ii. Rubbish. Rubbish shall be stored in residential containers. Rubbish which may become airborne shall be securely wrapped and/or placed in plastic bags prior to being stored in a residential container.
 - iii. Bulk Refuse. Small amounts of bulk refuse will be removed as ordinary refuse. Furniture and other bulk refuse not conforming to size and weight requirements may be collected, in accordance with Subsection (5) below.

- iv. **Construction Wastes.** Small quantities of construction wastes resulting from the direct activity of the owner or occupant of the building shall be collected by the Department if securely tied in compact bundles, where applicable, not exceeding four (4) feet in length and seventy-five (75) pounds in weight. Lumber with protruding nails will not be collected. Construction wastes resulting from the activities of a contractor or other non-occupant of the premises will not be collected by the Department.
 - v. **Inorganic Waste.** Small quantities of inorganic wastes resulting from the direct activity of the owner or occupant of the property may be collected as part of the normal refuse collection, except as provided for under Subsection (5) below.
 - vi. **Yard Waste.** Yard waste shall not be collected by the Department. Residents wishing to dispose of certain types of yard waste generated on their properties may do so at a site(s) approved by the Director.
 - vii. **Ashes.** Ashes and similar material shall be dampened and placed in a secure, disposable container and stored with residential refuse.
 - viii. **Animals.** Small dead animals shall be enclosed in a plastic bag and placed in a secure cardboard box or other secure, disposable container.
 - ix. **Manure and Other Noxious Wastes.** Animal and fowl manure and/or other noxious wastes from residential properties shall be prepared and stored as residential refuse. Excessive quantities will not be collected from residential properties.
 - x. **Deleterious Substances.** Any substance whose collection, destruction or disposal would be harmful or dangerous to personnel or equipment shall not be included with refuse for collection. The term "deleterious substances" includes, but is not limited to, acids, blasting material, ammunition, paints, lacquers and varnishes, liquid fossil fuels or their containers, and combustible alloys or chemicals. Such deleterious substances shall be disposed of in accordance with rules promulgated by the Director.
 - xi. **Infectious Wastes.** Infectious wastes from residential properties shall not be included with refuse for collection and shall not be collected by the Department. Such wastes shall be prepared and disposed of in accordance with federal and state laws and rules promulgated by the Director.
- b. **Multi-family, Commercial and Manufacturing.** Garbage and refuse shall be stored in commercial containers. All other solid wastes shall be stored in accordance with laws, statutes, ordinances and regulations as applicable.
4. **Containers.**
- a. **Weight.** The Department may decline to collect refuse from any residential container weighing over 75 pounds.
 - b. **Location.** Containers shall be stored on the residential premises where the

refuse is generated and not upon any other private property, or any street, alley or other public ground; except as provided herein for refuse collection from the premises. Containers shall not be stored on the front side of any home. All containers shall be placed in one area for collection. If a premise abuts an alley, containers shall be placed at the alley edge for collection. Properties not serviced by an alley collection shall locate refuse containers at the curb/street edge of the property on the scheduled day of collection. The Director may, for a fee listed in the Fee Schedule, pick up refuse containers from another location for any household in which no occupant is physically able to comply with the requirements of this paragraph. Containers shall be readily accessible to collectors without interference due to vehicles, snow or other obstructions. Containers shall not be stored in any location which creates or may create a public health hazard. Containers shall not be placed at the curb for collection before 6:00 p.m. on the day prior to the scheduled day of refuse collection and must be removed by 8:00 p.m. on the scheduled day of refuse collection.

- c. Multi-family, commercial and manufacturing containers shall be constructed, maintained and located as follows:
 - i. Construction. Containers shall be of substantial metal or plastic construction with covers which render the container waterproof.
 - ii. Location. Containers shall be located on the premises where the waste is generated or other private property in accordance with Chapter 12 of this Code; provided; however, the Board of Public Works pursuant to Section 11.165 of this Code may permit containers to be located on public property if a premises does not contain a suitable location for collection as determined by the Board. Containers shall not be located within any building on the premise, unless specific written approval is obtained from the Director.
 - iii. Capacity Required. The owner, occupant or managing agent of each premises shall provide sufficient containers to ensure adequate storage capacity for twice the normal collection period.
 - iv. Multiple use. Where multiple businesses located upon a single premises utilize a designated refuse storage container and such properties have more than one refuse container, the names and/or addresses of the businesses must be visibly located on the container assigned for their use.
 - d. Special Charge. If a residential property does not have a residential container for refuse collection for each dwelling unit, the City shall furnish to that residential customer a residential container for each dwelling unit and assess the cost thereof as a special charge upon the real estate, pursuant to Wis. Stat. § 66.0627(2).
5. Other Collection. Excessive quantities of refuse or refuse not prepared and stored for collection, as provided in Subsection (2) above, shall not be collected by the Department as part of its regular collection services. The owner or occupant of a premises where any such refuse is stored shall be responsible for its disposal. Such owner or occupant may apply to the Department for special collection of any such

refuse, including delivery of such refuse to City collection sites. The Director shall promulgate rules governing special collection services and establish fees based upon actual costs for such services.

6. Composting. Yard waste, as herein defined, may be composted on any residential premises for use on the premises. Compost piles or bins shall be well-maintained so as not to pose an attraction or harborage for rodents or otherwise present a health nuisance. Compost piles or bins for composting shall not be located in front of any building or in any required yard under Chapter 12 and one (1) must be at least twenty-five (25) feet from any dwelling unit on the premises or any adjoining premises and at least three (3) feet from any property line. Each pile or bin may occupy a surface area no greater than twenty-five (25) square feet and may not exceed four (4) feet in height. No more than three (3) such piles and/or bins shall be permitted on any premises. Composted material shall be well-aerated so as to be free of offensive or noxious odors. No food waste or other such putrescibles shall be composted.

7. Public Nuisance. Refuse which is prepared or stored on any premises in a manner which creates or may create a public health hazard, safety hazard or blighting condition is hereby declared to be a public nuisance. The Director or Health Commissioner shall order, in writing, the immediate abatement or removal of any such nuisance. If the owner or occupant of the premises fails to comply with such order within the time prescribed, they shall be in violation hereof and the Director or Health Commissioner may cause the immediate abatement or removal of the nuisance. The cost of such abatement or removal by the Director or Health Commissioner may be collected from the owner or occupant of the premises or upon certification by the Director or Health Commissioner, assessed for real estate as other special taxes. Such costs shall be in addition to any forfeiture imposed for violation hereof. [Ord. O-2004-0012, 4/5/2004]

8. General Regulations.
 - a. It shall be unlawful for a person to place, throw or leave any solid, infectious or hazardous waste, slop, dirty water or other liquid 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, offal, refuse matter, rubbish, recyclables, yard waste, tires, ashes, earth, sand or other substances or material of any kind or nature in or upon any sewer, stream, ditch or other watercourse, sidewalk, gutter, street, alley or upon any private premises or public place, park or grounds in the City of West Allis.
 - b. It shall be unlawful for a person to allow grass clippings to be discharged or placed in or upon any sewer, stream, ditch or other watercourse, sidewalk, gutter, street, alley or upon any public place, park or grounds in the City of West Allis, or to store grass clippings on private property in such a manner that the grass clippings yield an offensive or nauseous odor.
 - c. It shall be unlawful for a person to allow any slop, dirty water, or hazardous, flammable or deleterious liquid or any liquid of offensive odor or of otherwise nauseous or unwholesome character, to flow from any premises into or upon

any street, gutter, sidewalk, alley, road or other public ground, or upon any vacant land in the City of West Allis.

d. It shall be unlawful for a person to allow fruit from a tree or a shrub located on such person's premises to drop onto and remain upon any street, gutter, sidewalk, alley, road or other public ground.

e. It shall be unlawful for a person to pick through, sort, scavenge or remove refuse from any premises in the City of West Allis when such refuse is stored in approved containers or otherwise stored for collection in accordance with this ordinance and any applicable Department rules, unless permission has been first obtained from the owner of the premises This prohibition does not apply to city employees engaged in the collection process or enforcement of the provisions of this section.

9. Penalties. Any person violating the provision of this section shall be subject to the penalties provided in Section 7.16 of this chapter.

10. Director to Establish Rules. The Department is hereby designated as the agency to administer the provisions of this section, and the Director shall prepare, promulgate and enforce such additional rules, regulations and conditions required by this section or deemed necessary for its implementation. Such rules, regulations and conditions shall be subject to approval by the Board of Public Works and shall be filed with the City Clerk.

11. Applicability. The requirements of this section apply to all persons within the City of West Allis. All property owners shall ensure that their tenants or occupants comply with this section at the property or properties the owner owns regardless of whether the owner occupies the premises. [Ord. O-2016-0025, 5/3/2016]

~~{Ord. 6129 (repeal and recreate), 10/18/1994; Ord. 6166, 6/20/1995; Ord. 6533 (repeal and recreate), 10/3/2000}~~

SECTION 6: REPEAL “7.051 Recycling” of the City Of West Allis
Municipal Code is hereby *repealed* as follows:

REPEAL

~~7.051 Recycling (Repealed)~~

1. Purpose. The purpose of this section is to promote recycling and resource recovery through the administration of an effective recycling program, as provided in § 287.11 of the Wisconsin Statutes, and Chapter NR 544, Wis. Administrative Code. **[Ord. 6534, 10/3/2000]**

2. Statutory Authority. This section is adopted as authorized under § 287.09(3)(b) of the Wisconsin Statutes. **[Ord. 6534, 10/3/2000]**

3. Abrogation and Greater Restrictions. It is not intended by this section to repeal, abrogate, annul, impair or interfere with any existing rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, whenever this section imposes greater restrictions, the provisions of this section shall apply.
4. Interpretation. In their interpretation and application, the provisions of this section shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any terms or requirements of this section may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this section is required by Wisconsin Statutes, or by a standard in Chapter NR 544, Wis. Administrative Code, and where the section provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Chapter NR 544 standards in effect on the date of the adoption of this section, or in effect on the date of the most recent text amendment to this section.
5. Applicability. The requirements of this section apply to all persons within the City of West Allis. All property owners shall comply or shall ensure that their tenants or occupants comply with this section at the property or properties the owner owns regardless of whether the owner occupies the premises. **[Ord. O-2016-0025, 5/3/2016]**
6. Administration. The Director of Public Works shall administer the provisions of this section.
7. Rules. The Director is hereby authorized to prepare, promulgate and enforce such rules and regulations as may be required or deemed necessary for the administration and enforcement of this section. Such rules and regulations shall be subject to the approval of the Board of Public Works and shall be kept on file in the office of the City Clerk.
8. Definitions. As used in this Section:
 - a. "Bi-metal container" means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.
 - b. "Container board" means corrugated paperboard used in the manufacture of shipping containers and related products.
 - c. "Department" means the Public Works Department.
 - d. "Director" means the Director of Public Works or his agents.
 - e. "Foam polystyrene packaging" means packaging made primarily from foam polystyrene that satisfies one of the following criteria:
 - i. Is designed for serving food or beverages.
 - ii. Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.
 - iii. Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.
 - f. "HDPE" means high-density polyethylene, labeled by the SPI code #2.
 - g. "LDPE" means low-density polyethylene, labeled by the SPI code #4.
 - h. "Magazines" means magazines and other materials printed on similar paper.
 - i. "Major appliance" means a residential or commercial air conditioner, furnace,

- clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, stove, water heater, boiler or dehumidifier.
- j. "Multiple-family dwelling" means a property containing five (5) or more residential units, including those which are occupied seasonally.
 - k. "Newspaper" means a newspaper and other materials printed on newsprint.
 - l. "Non-residential facilities and properties" means commercial, retail, industrial, institutional and governmental facilities and properties, churches, public and parochial education institutions, charitable organizations and, for purposes of this section, includes all mixed-used facilities (properties or buildings housing business and residential units). This term does not include multiple-family dwellings.
 - m. "Office paper" means high-grade printing and writing papers from offices in nonresidential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high-grade. This term does not include industrial process waste.
 - n. "Other resins or multiple resins" means plastic resins labeled by the SPI code #7.
 - o. "Person" means any person, firm, partnership, association, corporation, company or organization acting as a group or unit, as well as an individual.
 - p. "PETE" means polyethylene terephthalate, labeled by the SPI code #1.
 - q. "Plastic container" means an individual, separate, rigid plastic bottle, can, jar or carton, except for a blister pack, that is originally used to contain a product that is the subject of a retail sale.
 - r. "Post-consumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in § 291.01(7) of the Wisconsin Statutes, waste from construction and demolition of structures, scrap automobiles or high-volume industrial waste, as defined in § 289.01(17) of the Wisconsin Statutes. **[Ord. 6534, 10/3/2000]**
 - s. "PP" means polypropylene, labeled by the SPI code #5.
 - t. "PS" means polystyrene, labeled by the SPI code #6.
 - u. "PVC" means polyvinyl chloride, labeled by the SPI code #3.
 - v. "Recyclable materials" includes lead-acid batteries; major appliances; waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspaper; office paper; rigid plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins; steel containers, waste tires; and, bi-metal containers.
 - w. "Residential properties" means any property containing four (4) or fewer dwelling units and the household activities associated therewith but does not include any community-based residential facility or adult family home.
"Residential properties" also includes properties developed as condominiums.
 - x. "Solid waste" has the meaning specified in § 289.01(33) of the Wisconsin Statutes. **[Ord. 6543, 10/3/2000]**
 - y. "Solid waste facility" has the meaning specified in § 289.01(35) of the

Wisconsin Statutes. **[Ord. 6543, 10/3/2000]**

- z. "Solid waste treatment" means any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste. "Treatment" includes incineration.
 - aa. "SPI" means Society of the Plastic Industry.
 - ab. "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.

 - ac. "Yard waste" means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than six (6) inches in diameter; however, it does not include stumps, roots or shrubs with intact root balls.
9. Separation of Recyclable Materials. Property owners shall ensure that all tenants and occupants of properties the owner owns comply with this section. Tenants and occupants of residential properties, multiple-family dwellings, and nonresidential facilities and properties shall separate the following materials from post-consumer waste: **[Ord. 6543, 10/3/2000; Ord. O-2016-0025, 5/3/2016]**
- a. Lead acid batteries.
 - b. Major appliances.
 - c. Waste oil.
 - d. Yard waste.
 - e. Aluminum containers.
 - f. Bi-metal containers.
 - g. Corrugated paper or other container board.
 - h. Glass containers.
 - i. Magazines.
 - j. Newspaper.
 - k. Rigid plastic containers made of PETE (#1) and HDPE (#2).
 - l. Steel containers.
 - m. Waste tires.

In addition to the separation of the above listed recyclables, nonresidential properties shall also separate office paper from the waste stream.

10. Preparation, Storage, and Collection of Recyclable Materials. Once separated in accordance with Paragraph (9) above, recyclable materials, to the greatest extent possible, shall be clean and kept free of contaminants such as food, oil or grease and other nonrecyclable wastes. The Department shall collect recyclable materials from residential properties which are prepared and stored as provided in this subsection. Recyclables which are prepared for collection, as described herein, should be screened from public view. Recyclables placed at the curb or alley edge for collection may not be set out before 6:00 p.m. on the day prior to the scheduled day of recyclable collection. The Director may, for a fee listed in the Fee Schedule, pick up recycling containers from another location for any household in which no occupant is physically able to comply with the requirements of this paragraph.
- a. Aluminum containers, bi-metal containers, glass containers, rigid plastic

containers (SPI code #1-2) and steel containers shall be prepared and stored in a container as approved by the Director and placed at the curb or alley edge on the day of collection.

- b. Corrugated paper or other container board shall be flattened, reduced to a size no greater than two feet by two feet (2' x 2'), securely bundled and placed at the curb or alley edge on the day of collection.
- c. Magazines and newspaper shall be securely bundled or contained in a typical Kraft (grocery) paper bag and placed at the curb or alley edge on the day of collection.
- d. Lead acid batteries will not be removed by the Department. Persons shall dispose of such batteries by returning them to a retail distributor or recycling facility.
- e. Major appliances will not be removed by the Department. Persons shall contact a private hauler appropriately licensed by the state for the transfer and disposal of said appliances.
- f. Waste oil must be disposed of at an approved waste oil recovery site.
- g. Yard waste shall be managed in accordance with the provisions of Section 7.05 of this Chapter.
- h. Antifreeze shall be disposed of at a drop-off site designed by the Director.
- i. Waste tires may be returned to the retailer or at a drop-off site designated by the Director.
- j. The Director shall promulgate rules governing special collection and/or drop-off services and establish fees based upon the actual costs providing such services.

11. Responsibilities of Owners or Designated Agents of Multiple-Family Dwellings.

Owners or designated agents of multiple-family dwellings shall do all of the following to recycle materials specified in Paragraphs (9)(e) through (l):

- a. Provide adequate, separate containers for the recyclable materials.
- b. Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
- c. Provide for the collection of the materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.
- d. Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.

12. Responsibilities of Owners or Designated Agents of Nonresidential Facilities and Properties. Owners or designated agents of nonresidential facilities and properties shall do all of the following to recycle the materials specified in Paragraphs (9)(e) through (m), including office paper.

- a. Provide adequate, separate containers for the recyclable materials.
- b. Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.

- c. Provide for the collection of the materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.
 - d. Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.
13. Prohibitions on disposal of recyclable material separated for recycling. **[Ord. 6143, 12/6/1994]**
- a. No person may dispose of, in a solid waste disposal facility or burn in a solid waste treatment facility, any of the material specified in Paragraphs (9)(e) through (m), which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.
 - b. This prohibition may be waived by the Director for specific recyclables, if the Wisconsin Department of Natural Resources has granted a variance in accordance with § 287.11(2m) of the Wisconsin Statutes, or NR 544.14, Wisconsin Administrative Code. **[Ord. 6543, 10/3/2000]**
14. Scavenging. **[Ord. 6143, 12/6/1994]**
- a. It shall be unlawful for any person, other than authorized employees of the Department, to pick through, sort, scavenge or remove recyclable materials from a private residential property, when such recyclables are sorted and stored for collection as prescribed in this section.
 - b. It shall be unlawful for any person other than those approved by the owner or manager to pick through, sort, scavenge or remove recyclable materials from multiple-family dwellings and/or private nonresidential facilities or properties.
15. Enforcement. **[Ord. 6143 (repeal, recreate & renumber), 12/6/1994]**
- a. For the purpose of ascertaining compliance with the provisions of this section, any authorized officer, employee or representative of the Department may inspect recyclable materials separated for recycling, post-consumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and nonresidential facilities and properties and any records relating to recycling activities, which shall be kept confidential, when necessary, to protect proprietary information. No person may refuse access to any authorized officer, employee or authorized representative of the Department, who requests access for purposes of inspection and who presents appropriate credentials. No person may obstruct, hamper or interfere with such an inspection.
 - b. Any person who violates any provision of this section is subject to a forfeiture, as set forth in Subsection (c). The issuance of a citation or summons and complaint 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 or summons and complaint under this section.
 - c. Penalties for violation of this ordinance may be assessed as follows:

- i. Any person who violates paragraph (13) shall be subject to a forfeiture of fifty dollars (\$50) for the first violation, two hundred dollars (\$200) for a second violation, and not more than two thousand dollars (\$2,000) for a third or subsequent violation.
- ii. Any person who violates a provision of this section, except paragraph (13), shall be subject to a forfeiture of not less than ten dollars (\$10) nor more than one thousand dollars (\$1,000) for each violation.
- iii. Each and every day that a violation continues constitutes a separate offense.
- iv. In addition to the forfeiture, the costs of prosecution shall be imposed; and, in default of payment of said forfeiture and costs, punishment shall be suspension of the defendant's operating privilege, pursuant to secs. 343.30 and 345.47 of the Wisconsin Statutes, or by imprisonment in the Milwaukee County House of Correction or Milwaukee County Jail until payment of the forfeiture and costs, but not in excess of the number of days set forth in sec. 800.095(4) of the Wisconsin Statutes.

~~{Ord. 6114, 8/2/1994}~~

SECTION 7: **REPEAL** “7.055 Waste Oil Receptacle Regulations” of the City Of West Allis Municipal Code is hereby *repealed* as follows:

REPEAL

~~7.055 Waste Oil Receptacle Regulations (Repealed)~~

1. Authority of Department. The Director of Public Works may, with the approval of the Board of Public Works, from time to time establish appropriately sited and equipped locations for the depositing of used or waste motor oil for the purposes of disposal of the same.
2. Regulations for Use of Disposal Site.
 - a. Only waste motor oil shall be deposited for disposal at such sites. Other forms of grease or fat shall not be disposed of at such sites.
 - b. All waste oil deposited for disposal at such sites shall be deposited within the receptacle provided. The leaving of waste oil at the disposal site in containers other than the receptacle provided shall be prohibited.
 - c. No person shall spill or cause to be spilled any waste motor oil on the ground, either at such waste oil disposal site or anywhere else in the City of West Allis.
3. Violations of this section shall be punished, as provided by Section 7.16(d) of the Revised Municipal Code.

SECTION 8: **EFFECTIVE DATE** This Ordinance shall be in full force and effect on and after January 1, 2025.

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS 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

Rebecca Grill, City Clerk, City Of West Allis

Dan Devine, Mayor, City Of West Allis