

**CITY OF WEST ALLIS
ORDINANCE O-2022-0037**

**ORDINANCE TO AUTHORIZE REFUSE AND RECYCLING CART COLLECTION
FEE FOR REMOVAL FROM NON-STANDARD LOCATIONS**

AMENDING SECTIONS 7.05(4)(A) AND 7.051(10)

WHEREAS, some occupants of property included in the City's waste collection service are physically unable to move the official City refuse and recycling carts to the proper pickup locations due to physical limitations; and

WHEREAS, the City wishes to provide an additional service to affective occupants and recoup a portion of the additional cost for this service;

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

SECTION 1: **AMENDMENT** "7.05 Refuse Collection" of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

7.05 Refuse Collection

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. The Department will collect refuse from residential premises or a detached single-family residential unit on a commercial premises only; provided, however, that all such refuse is prepared and stored as provided in Subsection (3) below. The Department will not collect refuse from multi-family, commercial or manufacturing premises.]

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 ~~in accordance with Chapter 12 of this Code~~ 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 ~~or in any required yard under Chapter 12 of this Code~~. 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. ~~{Ord. O-2004-0012, 4/5/2004}~~
- 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 2: **AMENDMENT** “7.051 Recycling” of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

7.051 Recycling

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. It 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.

~~{Ord. 6151 (repeal & recreate), 2/21/1995; Ord. 6534, 10/3/2000; Ord. O-2009-0014, 4/21/2009}~~

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

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL APRIL 19, 2022.

	AYE	NAY	ABSENT	ABSTAIN
Ald. Angelito Tenorio	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Ald. Vince Vitale	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Ald. Tracy Stefanski	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Ald. Marty Weigel	<u> </u>	<u> </u>	<u>X</u>	<u> </u>
Ald. Suzzette Grisham	<u> </u>	<u> </u>	<u>X</u>	<u> </u>
Ald. Danna Kuehn	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Ald. Thomas Lajsic	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Ald. Dan Roadt	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Ald. Rosalie Reinke	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Ald. Kevin Haass	<u>X</u>	<u> </u>	<u> </u>	<u> </u>

Attest

Presiding Officer



Rebecca Grill, City Clerk, City Of
West Allis



Dan Devine, Mayor City Of West Allis

