

**CITY OF WEST ALLIS
ORDINANCE O-2021-0092**

**ORDINANCE REQUIRING USE OF CITY-ISSUED CONTAINERS FOR ONE-,
TWO-, AND THREE-FAMILY RESIDENTIAL REFUSE COLLECTION**

AMENDING SECTION 7.05

WHEREAS, the City may remove ashes, garbage, and rubbish from such classes of places in the city as the council directs and impose regulations on the collection of refuse pursuant to Wis. Stat. 66.0405; and

WHEREAS, the use of a standardized collection container promotes efficiency in service, reduces injuries for city employees collecting refuse, deters pests with an airtight seal on the container, and increases the consistency of collection routes;

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 ~~which is constructed, maintained and located, as provided in Subsection (4)(a) below~~ 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. ~~"Semi-automated mechanically loaded container" means a receptacle for the storage of refuse which is used as specified under Subsection (4) below.~~
(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. ~~[Ord. 6650, 1/7/2003]~~

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. ~~Residential containers shall be constructed, maintained~~ Weight. The Department may decline to collect refuse from any residential container weighing over 75 pounds, and located as follows:

~~i. Construction. Containers shall be of substantial metal construction, tapered and provided with at least two (2) handles and a waterproof, tight fitting cover. Loose bricks, rocks or other weighted objects which are not integral to the container shall not be used to secure the cover to the container. Containers shall have a capacity of not less than twenty (20) gallons, nor more than thirty-two (32) gallons, and shall weigh not more than seventy-five (75) pounds when filled. Exceptions may be made for containers designed for mechanical collection which are approved by the Director.~~

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. 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]

~~i. Capacity Required. The owner, lessee or managing agent of each~~

~~residential premises shall provide sufficient containers to ensure adequate storage capacity for twice the normal collection period.~~
~~{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]**

~~a. City-issued containers. After one written warning, notice, or order per year alleging violations of Section 7.05(3)(a) 1 and 2, 7.05(4)(a)1, 3, or 7.05(7) are issued to a residential property owner, an order shall be directed to the property owner to purchase a City-issued garbage container(s) within thirty (30) days of service. The order shall state the size of container and number of containers to be purchased, where and when to purchase the container(s), the cost of the container(s), and notice of appeal procedure. Service of the order shall be achieved by mailing it, via first-class mail, to the property owner or by personal service. Where the property owner fails to purchase the required City-issued container(s) within thirty (30) days, the City shall furnish the required containers and assess the cost thereof as a special charge upon the real estate, pursuant to Wis. Stat. § 66.0627(2). Failure to use the City-issued containers in compliance with Section 7.05 may cause the Department to cease refuse collection at said property. **[Ord. O-2013-0024, 5/21/2013]**~~

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/Treasurer.
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: **EFFECTIVE DATE** This Ordinance shall be in full force and effect on June 1, 2022.

SECTION 3: **TRANSITION PERIOD** The Department of Public Works shall offer to all customers eligible for refuse collection by the Department an official 96-gallon or 64-gallon container for purchase starting January 1, 2022. Notwithstanding the Fee Schedule, the purchase price for official containers between January 1, 2022, and May 31, 2022, shall temporarily be 50% of the actual cost per unit. The Department of Public Works shall charge the amount authorized by the Fee Schedule for any official containers purchased on or after June 1, 2022.

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL

_____.

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

Attest

Presiding Officer

Rebecca Grill, City Clerk, City Of
West Allis

Dan Devine, Mayor City Of West
Allis