



# City of West Allis

## Legislation Text

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An ordinance to create Section 15.03 of the Revised Municipal Code relating to user fees solid waste recycling.

PART I. Section 15.03 of the Revised Municipal Code is hereby created to read:

### 15.03 Recycling Program User Fees.

(1) Purpose. It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare and convenience of the City to collect charges from all residential properties impacted by the City's recycling collection program. The proceeds of such charges will be used to offset the overage of costs over and above the amount reimbursed by the state for the City's implementation of the State Mandated Recycling Requirement. 287.093(1) (a)1 Wisconsin Statutes

(2) Definitions. Unless specifically indicated, the meaning of terms used in this section shall be as follows:

"City" means the City of West Allis.

"Common Council" means the Common Council of the City.

"Dwelling Unit" means a single living unit, providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

"Fiscal Year" means a twelve (12) month period commencing on the first day of January of any year.

"Mobile Home" means a single dwelling unit within a mobile home park.

"Multifamily" means a residential property with two (2) or more dwelling units.

"Operating Budget" means estimated revenues and the estimated costs for operations and maintenance for each fiscal year

"Operation and Maintenance" means the current expenses, paid or accrued, of operations, as calculated in accordance with sound accounting practice and includes, without limiting the generality of the foregoing, insurance premiums, administrative expenses, labor, executive compensation, the cost of materials and supplies used for current operations and charges for the accumulation of appropriate reserves for current expenses not annually incurred, but which are such as may reasonably be expected to

be incurred in accordance with sound accounting practice.

"Rate means" the user fee charged on each dwelling unit. The rate is determined by the Common Council for each fiscal year.

"Residential Property" means a single family home, mobile home or multifamily dwelling having between one and four dwelling units.

"Revenues" means all rates, fees, assessments, rentals, fines or other charges or other income received by the City, in connection with the management and operation of the program, including amounts received from the investment or deposit of moneys in any fund or account, as herein required, and any amounts contributed by the City, all as calculated in accordance with sound accounting practices.

"Single Family" means any residential property with exactly one dwelling unit.

"Solid Waste Recycling Program", "Recycling Program" or "Program" means the existing recycling collection program of the City which by this section is constituted as the responsibility of the City, to be operated as an enterprise fund to, among other things, collect, control, manage and submit for recycling any and all applicable commodities as mandated by State Law.

"User Fee" means the charge established by the Common Council on dwelling units in the City to pay operations and maintenance for the recycling program.

(3) Disposition of Revenue.

(a) The user fees hereunder shall generate adequate annual revenues to pay costs for the recycling program in excess of the State reimbursement to the City for implementing the State mandated program.

(b) The portion of the total user fees collected which are designated for operation and maintenance, shall be deposited in a separate non-lapsing fund known as the "Solid Waste Recycling Program Fund" and will be kept in one (1) primary account as follows:

An account designated for the specific purpose of defraying operation and maintenance costs. (operation and maintenance account).

(c) Fiscal year end balances in the operation and maintenance account shall be carried over to the same account in the subsequent fiscal year and shall be used for no other purpose than those designated for this account. Moneys, which have been transferred from other sources to meet temporary shortages in the operation and maintenance account, shall be returned to their respective accounts upon appropriated adjustment of the user fee rates. The user fee rate shall be adjusted such that the transferred monies will be returned to their respective accounts within the fiscal year following the fiscal year in which the monies were borrowed.

(4) User Fees and Rates.

(a) User Fee. The Common Council shall require that adequate revenues be generated through user fees to provide for a balanced operating budget. The Common Council hereby authorizes the imposition of user fees on all residential properties, in the City.

(b) Rates. The Common Council will establish rates for each fiscal year. All rates established by the Common Council will be fair and reasonable and calculated to achieve a balanced operating budget for the program. The rate for each dwelling unit shall be uniform. Current rates will be on file in the office of the City Clerk/Treasurer.

(c) Billing Schedule. The billing schedule is as follows:

<u>Customer Class</u> <u>Schedule</u>	<u>Recycling</u> <u>Billing</u>
Single family, Duplexes, Triplexes, Mobile Homes with Individual Water Metered Activity, Four-Family without Private Collection Services	Quarterly on Utilities Bill
Mobile home without Individual Water metered activity	Monthly
Four-Family with Private Collection Services, Undeveloped Lands	No Charge

(5) Billing and Payment. Bills for the user fee shall be rendered as part of the utilities bill for the property and become due and payable on the same date as the utilities bill, for those invoiced quarterly on the water bill. For those residential units billed monthly, they are due and payable on the 15<sup>th</sup> of the following month, to be collected and administered by the Mobile Home Park Owner or agent. A penalty of one and one-half percent (1- 1/2%) per month shall be added to bills not paid by the due date.

(6) Lien. All user fees established hereunder shall be a lien upon the property served pursuant to secs. 66.076(7) and 66.069 of the Wisconsin Statutes and shall be collected in the manner therein provided.

(7) Severability. If any provision or part of this section is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this section shall not be effective thereby.

PART II. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

PART III. This ordinance shall take effect and be in force from and after January 1, 2006, following its passage and publication.