

## ORDINANCE 2021-05

### **An Ordinance Repealing and Recreating Sections of Chapter 3 Refuse Collection and Disposal in Title 8 Health and Sanitation**

The Common Council of the City of Cedarburg, Wisconsin, does hereby ordain as follows:

**SECTION 1.** Sections 8-3-5, 8-3-6, 8-3-10(k) and 8-3-13(k) of the Code of Ordinances of the City of Cedarburg are hereby amended as follows:

#### **SEC. 8-3-5 APPROVED WASTE AND REFUSE CONTAINERS.**

- (a) **General Container Standards.** City residents will be provided with an approved refuse container(s) furnished by the refuse and recycling collection contractor. Residents shall maintain containers in a nuisance- and odor-free condition and they shall prevent the scattering of contents by weather conditions or animals. Dumpsters for commercial or multi-family properties shall be screened, subject to the approval of the Building Inspector.
- (b) **Approved Containers.**  
All refuse shall be placed inside refuse containers provided by the refuse and recycling collection contractor. Any refuse placed outside of the refuse container will not be picked up, including refuse in bags, boxes, or other containers.
- (c) **Householder Responsibility for Containers.** It shall be the duty of every occupant, tenant and proprietor of any residential unit to provide, and at all times keep in a suitable place readily accessible to the garbage collector, approved garbage containers provided by the refuse and recycling collection contractor and are capable of holding all garbage which would ordinarily accumulate on such premises between the times of successive collections.
- (d) **Defective Containers.**  
Any damaged or defective contractor provided containers shall be brought to the attention of the contractor by the householder. The contractor will determine whether the container is eligible for repair or replacement.

#### **SEC. 8-3-6 COLLECTION OF REFUSE.**

- (a) **Placement For Collection**
  - (1) Residential solid waste shall be accessible to collection crews. Collection by packer truck is limited to rubbish and garbage. Residential solid waste in approved containers shall be placed immediately behind the curb of the public street for collection. Bulky wastes will not be collected. During winter months, containers shall not be placed on top of the snowbank nor shall they be placed in the roadway. The owner shall either shovel out an area behind the curb in which to place their refuse and recycling containers or shall place them in their driveway. Collection crews will not collect residential solid waste unless it is placed inside the approved container at the curb of a public street. Residential units shall bring their containers to the public right-of-way for collection. Should collection crews be unable to discharge contents of garbage containers into collection vehicles using their established safe handling procedures, the containers, including contents, will be left

at curb side. The owner shall make provisions to assure that the solid waste therein can be collected on the next collection day. Collection crews cannot leave their vehicles to move containers or pick up additional items.

- (2) No garbage containers or other containers for refuse other than those provided by the refuse and recycling contractor shall be placed, kept, stored or located within the right-of-way of a street or alley; however, the Director of Engineering and Public Works may authorize the location of such containers within the public right-of-way at specified places and times when such location is necessary for the expeditious collection and disposition of refuse. (Ord. 95-36)

(b) **Restriction on Time of Placement.**

- (1) The City refuse and recycling contractor shall provide collection of residential refuse once per week. (Ord. 95-36)
- (2) All containers for refuse shall be placed in collection locations as designated in Subsection (a) above only after 5:00 p.m. on the evenings prior to the regular collection time the following day and no later than 6:30 a.m. on the day of pickup. All containers shall be removed from the curbside collection point within twenty-four (24) hours after the regular collection time. Refuse and recycling containers must be stored within a garage or accessory structure or in a location screened from street view. City employees or employees of licensed collectors will not enter any structures to remove garbage or refuse, except by written agreement with the property owner. (Ord. 91-05)(Ord. 91-07)(Ord. 95-36)(Ord. 2001-15)(Ord. 2003-34) (Ord. 2008-15)

(c) **Qualifications to Receive Municipal Refuse & Recyclable Collection Service.**

Effective January 1, 2021, all occupied buildings are eligible to receive refuse and recyclable collection service, subject to the following limitations:

- (1) The base level of service per eligible tax key number for refuse will be one (1) ninety-six (96) gallon refuse container or one (1) sixty-four (64) gallon refuse container per eligible tax key number per week. If a building generates more refuse than this amount, the building owner may purchase a second container directly from the refuse and recycling contractor. Refuse collection frequency will remain at once per week. If more than two refuse containers are required, the tax key number would not be eligible for service under the City contract. Any refuse material placed outside of the container will not be picked up. (Ord. 2008-15)
- (2) The base level of service per eligible tax key number for recycling will be one (1) ninety-six (96) gallon recycling container or one (1) sixty-four (64) gallon recycling container per residential tax key number biweekly (every two weeks). If a building generates more recycling than this amount, the building owner may purchase a second recycling container directly from the refuse and recycling contractor. Recycling collection frequency will remain biweekly (every two weeks). If more than two recycling containers are required, the tax key number would not be eligible for service under the City contract. All recyclable material must be placed within the container. Any recyclable material placed outside of the container will not be picked up. (Ord. 2008-15)
- (3) Buildings regularly exceeding the described municipal service limits for refuse amounts shall have their service revoked. For the purpose of this ordinance, regularly exceeding shall mean having more garbage than the described limits for two (2) consecutive weeks, or five (5) times in a calendar year. (Ord. 2008-15)
- (4) The Director of Engineering & Public Works shall be responsible for making

decisions regarding refuse and recycling service qualification. If a building is to have service revoked, such service shall cease no sooner than fourteen (14) days following notice of the Director of Engineering & Public Works. Building owners who have had their service revoked may appeal this decision to the Public Works Commission. The Public Works Commission shall render a final decision regarding garbage and recyclable service appeals.

- (5) Buildings which have had service revoked may request restoration of the service no sooner than the beginning of the next calendar year following the year of their revocation. Such request must also include a statement from the building owner on how they reduced their volume to meet the prescribed limits.

#### **SEC. 8-3-10 PROHIBITED ACTIVITIES AND NON-COLLECTABLE MATERIALS.**

(k) **Non-Collectible Materials.** It shall be unlawful for any person to place for collection any of the following wastes:

- (1) Hazardous waste.
- (2) Toxic waste.
- (3) Chemicals.
- (4) Explosives or ammunition.
- (5) Drain or waste oil or flammable liquids.
- (6) Large quantities of paint.
- (7) Inoperable vehicles.
- (8) Lumber which is not bundled, exceeds four foot in length, or exceeds 50 pounds in total.
- (9) Trees and shrubbery.
- (10) Lead acid batteries. (Ord. 91-05)
- (11) Major appliances. (Ord. 91-05)
- (12) Grass clippings, leaves, brush and organic garden and yard waste. (Ord. 92-37)
- (13) Bulky wastes (items larger than four (4) feet in any direction and/or weighting more than fifty (50) pounds.

#### **SEC. 8-3-13 RECYCLING** (Ord. 94-46) (Ord. 2008-15)

(k) **Preparation and Collection of Recyclable Materials.** Except as otherwise directed by the Director of Engineering & Public Works, occupants eligible to receive municipal recyclable collection service shall do the following for the preparation and collection of the separated materials specified in Section 8-3-13(g).

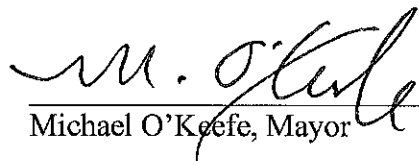
- (1) Aluminum containers shall be mixed together with other recyclables within the provided sixty-four (64) or ninety-six (96) gallon recycling container and placed at the curb on the designated collection day. (Ord. 2008-15)
- (2) Bi-metal containers shall be mixed together with other recyclables within the provided sixty-four (64) or ninety-six (96) gallon recycling container and placed at the curb on the designated collection day. (Ord. 2008-15)
- (3) Corrugated paper or other container board, magazines, newspapers and office paper shall be mixed together with other recyclables within the provided sixty-four (64) or ninety-six (96) gallon recycling container and placed at the curb on the designated collection day. (Ord. 2008-15)

- (4) Glass containers shall be mixed together with other recyclables within the provided sixty-four (64) or ninety-six (96) gallon recycling container and placed at the curb on the designated collection day. (Ord. 2008-15)
- (5) Rigid plastic containers including PETE (#1), HDPE (#2), PVC (#3), LDPE (#4), PP (#5), PS (#6), and other resins or multiple resins (#7) shall be mixed together with other recyclables within the provided sixty-four (64) or ninety-six (96) gallon recycling container and placed at the curb on the designated collection day. (Ord. 2008-15)
- (6) Steel containers shall be mixed together with other recyclables within the provided sixty-four (64) or ninety-six (96) gallon recycling container and placed at the curb on the designated day of collection. (Ord. 2008-15)
- (7) Waste tires shall be disposed at designated local authorized dealer accepting this product.
- (8) All recyclable material must be placed within the container. Any recyclable material placed outside the container will not be picked up.

**SECTION 2. SEVERABILITY.** The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

**SECTION 3. EFFECTIVE DATE.** This ordinance shall take effect and be in force from and after its passage and publication as provided by law.

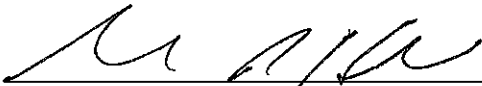
Passed and adopted this 25th day of January 2021.

  
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Michael O'Keefe, Mayor

Attest:

  
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Tracie Sette, City Clerk

Approved as to form:



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Michael P. Herbrand, City Attorney