

ORDINANCE 2013 - 15

AMENDING CHAPTER 355 OF THE CODE OF ORDINANCES RELATING TO GARBAGE, TRASH, WASTE AND LARGE ITEM PICKUP AND DISPOSAL IN THE CITY OF RICHLAND CENTER

The Common Council of the City of Richland Center, Wisconsin, does ordain as follows:

SECTION 1:

Chapter 355 of the Code of Ordinances of the City of Richland Center is amended to provide as follows:

CHAPTER 355

REGULATION OF GARBAGE, TRASH, WASTE AND LARGE ITEM PICKUP AND DISPOSAL WITHIN THE CITY OF RICHLAND CENTER

355.01 DEFINITIONS. As used in this Chapter the following words shall have the definitions hereinafter set forth:

(1) **"City"** as used herein shall mean the City of Richland Center.

(1) **"Commercial property"** as used herein shall mean a property wherein the primary activity carried on is a business. It shall also include hospitals, nursing homes, retirement homes, boarding houses, half-way houses, dormitories, rooming houses and any similar places and all properties upon which more than four (4) dwelling units are located. Any building containing both one or more business uses and two or more dwelling units shall also be deemed a commercial property.

(2) **"Dumpster-type container"** as used herein shall mean a metal bin with a cover, intended for the deposit of garbage or trash and typically intended to be emptied by mechanical means into a specially-equipped garbage or trash hauling vehicle for transportation to a disposal site.

(3) **"Dwelling Unit"** as used herein shall mean a single-family house, and shall also mean one apartment or similar self-contained living unit having its own kitchen or food-preparation area, which is a part of a duplex, an apartment building or similar multiple family or multiple unit structure.

(4) **"Garbage"** as used herein shall include all kinds of organic kitchen waste resulting from the preparation or consumption of food and all decayed or spoiled food products from any source whatsoever, but shall not include bodily waste.

(5) **"Large waste items"** as used herein shall include:

(a) Household appliances, including but not limited to stoves, refrigerators, freezers, washers, dryers, dishwashers or microwave ovens.

(b) Household furniture including but not limited to sofas, couches, love seats, tables, chairs, recliners, mattresses, box springs or bed frames.

(c) Copy machines, televisions, dehumidifiers, air conditioners, stereo system components, computer CPUs, printers, monitors and other computer peripherals.

(d) Water heaters and water softeners.

(e) Rugs or carpeting.

(6) "**Recyclables**" as used herein shall mean items of trash which the City may from time to time designate to be separated from the total trash collected, for the purpose of salvage and reuse or for sale or other transfer to others for such salvage and reuse.

(7) "**Standard garbage/trash container**" as used herein shall mean a container furnished by the City or by a party who has contracted with the City for waste collection and disposal within the City or a dumpster-type container furnished by a private waste removal contractor pursuant to a contract with a property owner.

(8) "**Trash**" as used herein shall include household waste products such as aluminum cans, tin cans, wire or metal of any kind, paper, plastic, cardboard, glass, china, crockery or other non-garbage waste material which results from the normal operation of a residential household.

Trash shall not include large waste items, garbage, bodily waste, garden waste, construction waste, landscaping waste, logs, branches, earth, sod, rock, concrete, tires, wheels or other vehicle parts, by-products of building demolition, construction or remodeling such as plaster, lath, boards, scrap lumber, siding, shingles, other roofing materials and similar non-household materials.

355.02 GARBAGE DISTRICTS. There shall be established several garbage districts within the City, all of which are subject to the provisions of this Chapter. The boundaries of such districts and the pickup days for each district may be established or changed by the City's waste disposal contractor pursuant to its contract with the City.

355.03 CONTAINERS REQUIRED.

(1) One or more standard garbage/trash containers of sufficient capacity to contain garbage and trash which may accumulate between the regular collections of garbage and/or trash shall be furnished by the owner or by the occupant of every dwelling unit in a building containing less than five (5) dwelling units, and of every business premises within the City of Richland Center, unless the City's waste disposal contractor furnishes such containers pursuant to its contract with the City.

(2) As an alternative, the owner of a building containing less than five (5) dwelling units may provide at such place of business one or more dumpster-type containers of sufficient capacity to contain all garbage or trash that may accumulate between collections at the place of business.

(3) The owner or occupant of every commercial property shall procure one or more dumpster-type containers of sufficient capacity to contain all garbage or trash that may accumulate between collections at the place of business or shall haul all garbage or trash from the place of business to a legal place of disposal at his/her/its expense including tipping fees.

355.04 STORAGE OF GARBAGE BETWEEN COLLECTIONS. All garbage accumulating between the times of collection shall be placed and enclosed in standard garbage/trash containers or dumpster-type containers, secure from cats, dogs, raccoons, opossum, rodents or other animals or birds.

355.05 COLLECTION OF GARBAGE AND TRASH.

(1) The City Council may from time to time contract with one or more private parties or entities to provide garbage and/or trash collection and disposal on behalf of the City, in which case such waste contractors shall act as City garbage collector and make collections and disposal on behalf of the City, and all references herein to collection by the City shall mean collection by the entity with whom the City has contracted. All garbage and trash shall be collected and conveyed by the City's waste contractor to such place as the City Council may direct or as may be established by contract with the waste collection contractor, there to be properly disposed of in a manner in conformity with state law.

(2) The general public residing in the City of Richland Center or residing in such other political unit as may from time to time by contract acquire for its residents the right to utilize the City's disposal site shall have the right to convey garbage or trash to such site as designated by the City Council, under the restrictions herein or as provided in the agreement between the City and the other political unit, during the dumping hours set by the City Council or the Public Works Committee of the City Council and posted at such site, under the supervision of the landfill caretaker.

355.06 REGULATIONS AS TO TIMES AND CONDITIONS OF COLLECTION.

(1) Days and hours of collection for each garbage district and/or for any specified high-volume sources, including any specification of days for collection of recyclables, shall be established by the City or as provided in a contract with the City's waste removal contractor.

(2) The City or, if required by contract with the City, the City's waste disposal contractor shall give notice of such regulation or contract or of any change in such regulation or contract by publication of a notice not less than one time in **The Richland Observer**, which, when published, shall become a part of this Chapter. Such days and times may be changed from time to time if it is deemed necessary to the expedient and efficient collection of garbage and trash, and notification of such changes shall be similarly published and become a part of this Chapter.

355.07 LIMITATION ON PLACING CONTAINERS BY CURB. No garbage or trash containers or bundles shall be placed at the curb or street edge more than twenty-four (24) hours before the designated collection time for such location, and all empty containers shall be removed from the curb or street edge within twenty-four (24) hours after collection.

355.08 ITEMS WHICH WILL NOT BE COLLECTED.

(1) Materials which are not garbage or trash and which will not be collected or transported by the City of Richland Center or the City's waste disposal contractor shall include the following:

- (a) Large waste materials;
- (b) Logs, branches, brush or other plant materials;
- (c) Earth;
- (d) Sod;
- (e) Rock;
- (f) Concrete or asphalt;
- (g) Tires, wheels or other vehicle parts;
- (h) By-products of building demolition, construction or remodeling such as plaster, lath, boards, scrap lumber, shingles or other roofing materials;
- (i) Other similar non-household materials.

(2) Undrained garbage or any bundle or container of garbage or trash which weighs more than

fifty (50) pounds will not be collected.

(3) Large waste items as defined herein.

(4) In the event that any of such materials are placed or accumulated at the curb, in a boulevard area or in a yard abutting a public street or street edge for more than four (4) days, such placement or accumulation shall constitute a violation of this Chapter. In such event, the City may but is not required to remove and dispose of such materials or have its waste contractor do so and in the event of such removal and disposal may impose a charge against the owner of the property for such removal in an amount established by resolution.

355.09 COLLECTION AND DISPOSITION OF LARGE HOUSEHOLD ITEMS; TAGGING SYSTEM.

(1) The City hereby creates a tagging system applicable to large waste items. Any resident of the City who desires to have an acceptable large waste item collected and disposed of by the City's waste removal contractor shall purchase from the City Clerk's office a disposal tag and pay the fee therefor. The tag shall then be permanently appended to the large item and the item placed by the street. The City's waste removal contractor shall then pick up the tagged item and transport it for disposal. The Public Works Committee is hereby granted authority by the Common Council to set the tag fees for each class or type of item, subject to the right of the Council to override the Committee's determination of the amount of such fees.

(2) The Public Works Committee is hereby granted authority by the Common Council to add or remove items from the list of large waste items subject to the tagging system and to set or revise the tag fees for various items.

(3) A tag is not required for those large waste items placed by the street for pickup and disposal during a citywide large item pickup.

(4) Nothing in this section shall be deemed to prohibit a resident of the City from transporting their own large items originating in the City to the landfill site for disposal and paying any tipping fee therefor.

(5) No person shall remove a tag purchased by another person from a tagged article placed by a street for pickup nor attempt to utilize a tag purchased by another person.

(6) Nothing in this chapter shall prevent the City from contracting for one or more special large item pick up and disposal days.

355.10 FEES AND LIMITATIONS ON GARBAGE AND TRASH PICKUP AND DISPOSAL.

(1) Residential Properties Having Fewer Than 5 Dwelling Units.

(a) There is established a basic fee per dwelling unit for City garbage and trash removal from non-commercial properties having not more than four (4) dwelling units, specifically including single family homes and one to four dwelling units which share a building with a commercial use. The amount

of such fee shall be that set by the contract with the City's waste disposal contractor, unless the Common Council sets a fee different from the contracted fee.

(b) Such basic fee shall be billed monthly. The City may arrange with the City Utilities to include and collect such fees with the utility bills for each dwelling unit.

(c) Any basic fee not paid on or before its due date shall have added thereto interest at the rate of one per-cent (1%) per month from the due date until paid.

(d) The City Council may from time to time change the amounts of such fees by resolution. In the event of such change, the City Council shall give notice of such resolution by publication of a notice one time in **The Richland Observer**, which resolution shall, when adopted by the City Council, become a part of this Chapter.

(e) The owner of the real estate from which trash, garbage or waste is removed pursuant to this subsection shall be ultimately liable for all unpaid fees for trash, garbage or waste removal services furnished to the real estate or to improvements to the real estate, regardless of whose name the utility billings are addressed to. Notices of unpaid billings shall be sent to the owner of the property to which the services were provided at the address shown for such owner in the records of the Richland County Treasurer. Such bills with accrued interest shall be due and payable to the City Utilities as agent for the City Treasurer within 30 days after mailing of the bill.

(f) The costs of trash, garbage or waste removal services rendered to real property remaining unpaid as of November 1 of any year shall be imposed as a special charge against the real estate to which the trash, garbage or waste removal service was provided and shall be placed on the tax roll as a delinquent special charge pursuant to Section 66.0627 of the Wisconsin Statutes. The mailing of a bill or notification by the City to the property owner at the address to which real estate tax bills for the property are sent as set forth in the records of the Richland County Treasurer shall constitute notice of the special charge.

(2) Commercial Properties and Residential Properties Having 5 or More Dwelling Units.

Residential properties having five or more dwelling units and commercial properties shall not be eligible for City garbage or trash collection. It shall be the responsibility of the owner or person in charge of such properties to contract directly with a garbage and trash hauler or to haul their own material to an approved disposal site and to pay any applicable tipping fees.

(3) Tipping Fees. Any person who shall haul or cause to have hauled garbage, trash or other acceptable waste to a City disposal site shall, as a condition precedent to acceptance of such material at the disposal site, pay such tipping fee as the City Council may from time to time by resolution or contract impose. Any person who owes unpaid tipping fees may be required to pay all delinquent fees as a condition of future disposal of waste at the City disposal site and/or to pay the cost of such disposal in cash before being allowed to deposit waste at the site.

355.11 DUTY OF OFFICERS. It shall be the duty of the Chief of Police, all police officers, and the Public Works Superintendent or his designated public works department employees to strictly enforce the provisions of this Chapter and see that all violations thereof are promptly abated and the violators thereof prosecuted, to sign complaints as the complainant and to appear in court and testify as to their knowledge of any violation of this Chapter.

355.12 PROHIBITED ACTS; PENALTY FOR VIOLATION.

(1) No person shall transport or convey into the City of Richland Center any trash, garbage or large waste item originating in any village or town other than the City for the purpose of depositing same in any container for collection or transportation to any disposal site by the City garbage collector, regardless of whether such person has permission from the owner or person in charge of such trash or garbage container to deposit trash or garbage therein.

(2) No person shall transport or convey into the City of Richland Center or to any City disposal site any trash or garbage originating in any village or town other than the City for the purpose of depositing same in any disposal site owned or operated by the City of Richland Center. This paragraph shall not prohibit persons who are bona fide residents of a political unit which has in force a contract with the City of Richland Center whereby residents of that political unit are allowed to utilize the City's disposal site or sites from depositing trash or garbage originating in their political unit of residence, as permitted by any such contract.

(3) No person shall deposit any trash or garbage in any standard trash-garbage container or dumpster-type container within the City of Richland Center without express permission to make such deposit from the owner or other person lawfully in charge of such container.

(4) No person shall deposit or leave any trash or garbage upon any lands or property of another located within the City of Richland Center without express permission to do so from the owner or other person lawfully in charge of such lands or property, nor shall any person deposit or leave any trash or garbage upon any lands or property owned by the City of Richland Center, including but not limited to streets, parkways, sidewalks, parks or public parking lots.

(5) No person shall assist, permit or allow any person to deposit any trash or garbage originating in any village or town other than the City outside the City of Richland Center into any container for collection or transportation to any disposal site owned or operated by the City of Richland Center, regardless of whether such collection or transportation is carried out by the City garbage collector, by a privately hired garbage or trash collector, or by a private individual.

(6) No person shall place or leave or have present on any real estate owned or occupied by him, her or it at curbside or in a boulevard area of any street or on the roadway of any street in the City any large waste item unless it is tagged for collection and disposal or it is placed within 72 hours prior to a citywide large item pickup.

(7) **Penalty for Violating sec. 355.12.** Any person who violates any of the provisions of this section 355.12 shall, upon conviction thereof, forfeit to the City of Richland Center not less than Fifty Dollars (\$50.00) nor more than Four Hundred Dollars (\$400.00) plus all applicable costs, fees and surcharges imposed under Ch. 814 Wis. Stats., and in the event such forfeiture, costs, fees and surcharges are not paid, such person, any partner of such partnership, or any officer, director or managing member of any corporation or limited liability company or any officer of such voluntary association may, upon order of the Circuit Court, be imprisoned in the Richland County jail until such forfeiture, costs and assessment are paid, but not to exceed 90 days, or may be subject to any other sanctions imposed by the Court for such failure to pay. Each day that a violation is maintained or permitted to exist shall constitute a separate violation.

355.13 GENERAL PENALTY.

(1) Forfeiture. Any person, partnership, corporation, limited liability company, voluntary association or other legal entity who shall violate or fail or refuse to comply with any provision of this Chapter for which no specific penalty is herein provided may be prosecuted for such violation and shall, upon conviction, forfeit to the City of Richland Center not less than \$100.00 nor more than \$400.00, plus all applicable costs, fees and surcharges imposed under Ch. 814 Wis. Stats., and in the event such forfeiture, costs, fees and surcharges are not paid, such person, any partner of such partnership, or any officer, director or managing member of any corporation or limited liability company or any officer of such voluntary association may, upon order of the Circuit Court, be imprisoned in the Richland County jail until such forfeiture, costs and assessment are paid, but not to exceed 90 days, or may be subject to any other sanctions imposed by the Court for such failure to pay. Each day that a violation is maintained or permitted to exist shall constitute a separate violation.

(2) Other Remedies. In addition to or as an alternative to the imposition of a forfeiture or other procedures under this Chapter, the City may, in circumstances deemed appropriate by the City, proceed by court action against any violation or violator of this Chapter for injunction, abatement of a nuisance or other remedy available to the City.

(3) Remedies Not Exclusive. Such proceeding seeking other remedies shall not be deemed waived by the City by the imposition of a forfeiture for the same violation, nor shall imposition of a forfeiture be deemed a waiver of or a bar to proceeding for other remedies.

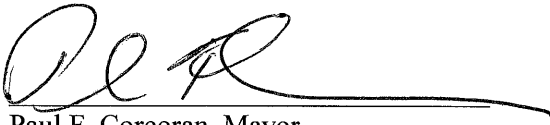
355.14 SEVERABILITY. It is the intent of this Chapter that its provisions are severable and the holding of any provision thereof unconstitutional, illegal or otherwise unenforceable shall not affect the remainder thereof.

355.15 REPEAL OF PRIOR ORDINANCE UNAFFECTED. The repeal of prior Ordinance No. 355 contained in Ordinance 1985-1 shall not be affected by this Chapter.

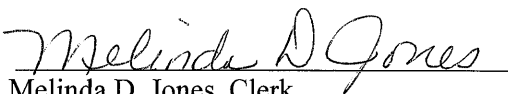
SECTION 2: EFFECTIVE DATE.

This ordinance shall be in full force and effect from and after its passage and publication.

Enacted the 5th day of November, 2013


Paul F. Corcoran, Mayor

ATTEST:


Melinda D. Jones, Clerk