

**The Common Council
of the
City of Waukesha, Wisconsin**

Ordinance No. 2024 – 3

**An Ordinance Amending Section 13.055 of the Waukesha Municipal Code,
Regarding Residential Solid Waste and Recyclables Collection**

The Common Council of the City of Waukesha do ordain as follows:

Section 1. Municipal Code §13.055 is amended to read in its entirety as follows:

13.055 Residential Solid Waste and Recyclables Collection.

- (1) **Definitions.** For purposes of this Section 13.055, capitalized terms have the following meanings:
- (a) **Bulky Item.** Bulky Item means a Solid Waste item that is either too large to fit alone entirely within an empty Cart; or any single item weighing more than 50 pounds. Items considered Bulky Items are listed in the Residential Recycling and Solid Waste Regulations.
 - (b) **Cart.** Cart means the approved Solid Waste or Recyclables container specifically designed for Automated Service and delivered to Eligible Properties by the City or its agents.
 - (c) **Container.** Container means containers used by Eligible Properties receiving Manual Service collection. Containers shall not be provided by the City and shall be obtained by owners at their expense. Containers must meet the requirements of subsection (6)(a).
 - (d) **Department.** Department means the City of Waukesha Department of Public Works.
 - (e) **Recyclables.** Recyclables means household waste that is accepted by the Waukesha County recycling program, and is listed in the current Waukesha County recycling guidelines.
 - (f) **Residential Solid Waste and Recycling Regulations.** Residential Solid Waste and Recycling Regulations means the regulations authorized in subsection (11) and published by the Department.
 - (g) **Solid Waste.** Solid Waste means household waste that is not recyclable, is not yard waste, is not prohibited by law from disposal in Wisconsin landfills, and is not listed in the current Waukesha County guidelines for recycling.
- (2) **Provision of Collection Services.** The City shall provide either Solid Waste or Recyclables collection services, or both, to Eligible Properties, subject to all of the terms and conditions of this Section 13.055. Solid Waste and Recyclables collection shall not be provided by the City to properties that are not Eligible Properties and the owners and occupants of properties that are

not Eligible Properties shall dispose of their Solid Waste and Recyclables in compliance with all applicable laws, at their sole expense.

- (3) **Collection Schedule.** Solid Waste shall be collected once every week, on a scheduled collection day, Monday through Friday. Collection days for defined areas within the City shall be determined by the Department. Collection schedules may be altered due to holidays or other circumstances, in the Department's discretion. Recyclables shall be collected on a periodic basis to be determined by the Department, on the same scheduled collection day as Solid Waste.

(4) **Determination of Service Types and Eligible Properties.**

- (a) **Service Type.** The type of collection service provided to Eligible Properties shall be one of the following, determined in the sole discretion of the Department:

- i. **Automated Service.** Collection by automated equipment where the collection location allows for it.
- ii. **Manual Service.** Manual collection where the collection location does not allow Automated Service, including but not limited to Eligible Properties in the Central Business District, as defined in Municipal Code §7.04(6); and Eligible Properties assigned alley pickup by the Department.

- (b) **Eligible Properties.** A building that meets all of the following criteria is an Eligible Property for Solid Waste, Recyclables, and Bulky Item collection services:

- i. Is located within the corporate limits of the City of Waukesha.
- ii. Is used exclusively for residential purposes. Home businesses occupying no more than 5% of the total floor space of any residential unit shall not disqualify the building from being deemed used exclusively for residential purposes.
- iii. Contains no more than four Dwelling Units as defined in Municipal Code §22.05(64); or for Rooming Houses as defined in Municipal Code §22.05(155), has no more than four bedrooms.
- iv. Its front elevation faces a public street; except that any building comprised of only one Dwelling Unit may be oriented in any way with respect to the public street on which it is located.
- v. Is not subject to a contract or recorded covenant that specifies that the City shall not provide Solid Waste collection at the property.
- vi. Where more than one building shares an access driveway, no more than 8 total Dwelling Units are accessed by the driveway.

- (c) **Central Business District Apartments.** Apartments in the Central Business District, as defined in Municipal Code §7.04(6), shall not be disqualified from being Eligible Properties by reason of non-residential use in the building, provided the building meets the remainder of the criteria stated in subsection (4). Such eligibility shall extend only to residential apartments in the building, and not to any non-commercial portions of the building.

- (d) **Planned-Unit Developments.** Planned-unit developments that receive City Solid Waste and Recyclables collection pursuant to a development agreement with the City as of August 4, 2015 shall be deemed to be Eligible Properties, even though they may not meet the

criteria of subsection (4)(b), until they are no longer entitled to receive City collection services pursuant to the terms of the development agreement. After August 4, 2015, variances from the requirements of this Section by planned-unit development agreement shall be prohibited.

- (e) **Discretionary Eligibility.** The Department may, in its sole discretion, deem certain properties to be Eligible Properties even though they may not strictly meet all of the criteria listed in subsection (4)(b), provided the criteria or the reasons underlying the criteria are substantially met, or other factors make it advisable for the Department to do so. This Discretionary Eligibility may be revoked by the Department, at any time, in its sole discretion.
 - (f) **Grandfather Provisions for Recyclables Collection at Certain Properties.** A property that does not meet the eligibility criteria in subsections (4)(b)iii and (4)(b)iv can continue to receive Recyclables collection if it had received Recyclables collection service from the City as of August 4, 2015; provided, however, such eligibility shall terminate upon the expiration of the contract with the collection contractor that is in effect as of August 4, 2015.
- (5) **Automated Service Rules.** The following rules apply to Eligible Properties receiving Automated Service:
- (a) **Appropriate Carts Required.** All Solid Waste and Recyclables must be in their respective Carts, and all other containers for Solid Waste and Recyclables collection are prohibited.
 - (b) **Cart Placement.** Carts shall be placed adjacent to a public street, as designated by the Department for the specific Eligible Property. Carts shall not be placed adjacent to private roads. Carts shall be positioned as close to the curb as possible, aligned so that the pick-up bar faces the street without obstruction between the Cart and the street so the automated arm on the truck can reach it without repositioning of the Cart by the driver, and not beneath low-clearance items that would obstruct automated pick-up. Carts shall be placed within property boundaries of Eligible Properties. Carts shall be placed at least 3 feet laterally from other Carts or other objects. Workers are not required to move Carts from behind or away from parked vehicles for collection.
- (6) **Manual Service Rules.** The following rules apply to Eligible Properties receiving Manual Service:
- (a) **Appropriate Containers Required.** Manual Service Properties shall not use Carts, and shall instead use Containers separately marked for Solid Waste and Recyclables, having tight-fitting lids, not exceeding 32 gallons in capacity, not exceeding 50 pounds in weight when fully loaded, and having handles enabling lifting and emptying. All Containers shall comply with Municipal Code §12.03(5) and §17.04(3)(b).
 - (b) **Number of Containers.** Manual Service Properties may not set out more than 3 total Containers for Solid Wastes and Recyclables, for a total limit of 96 gallons of Solid Waste and 96 gallons of Recyclables.
 - (c) **Container Placement.** Containers shall be placed adjacent to a public street or alley, as designated by the Department for the Eligible Property. Containers shall not be placed on private roads or driveways. Containers shall be placed as close to the curb as possible, or at the edge of pavement where there is no curb, adjacent to the Eligible Property. Containers for collection in alleys shall not be left at the alley's edge at all times, and must be removed on non-collection days.

(d) **Placement and Removal Times.** In the Central Business District, Containers shall be placed for collection no earlier than 5:00 p.m. the day before scheduled collection.

(7) **Cart and Container Rules.** The following rules apply to Automated Service Carts and to Manual Service Containers, as the context requires:

(a) **Only Materials in Carts or Containers Will Be Collected.** Materials that are not placed in the appropriate Cart or Container will not be collected, except for Bulky Items collected pursuant to subsection (8). All Solid Waste and Recyclables must fit within the Cart and not extend beyond the upper edge of the Cart to the point where it may fall or blow out. Owners and occupants shall be responsible for compressing Solid Waste or Recyclables to fit, reducing production of Solid Waste or Recyclables, or obtaining a larger or additional Cart pursuant to subsections (7)(j) or (7)(k), as necessary to comply.

(b) **Only Solid Waste and Recyclables Allowed in Carts and Containers.** Only Solid Waste and Recyclables may be placed in their respective Carts and Containers, and placement of any other materials in Carts and Containers, or placement of Solid Waste in Recyclables Carts or Containers or Recyclables in Solid Waste Carts or Containers, is prohibited.

(c) **Placement and Removal Times.** Carts and Containers shall be placed for collection no earlier than noon the day before scheduled collection, and no later than 6:00 a.m. the day of scheduled collection. Carts and Containers that have been emptied shall be removed from the collection location no later than 9:30 p.m. the day of scheduled collection; Carts and Containers that have not been emptied shall be removed from the collection location no later than noon the day after scheduled collection. Violations of this subsection may result in Carts and Containers being removed by the City, and fees for the removal and return of the Carts and Containers being charged to the owner or occupant responsible for the placement of the Carts or Containers, as provided in the Residential Solid Waste and Recycling Regulations.

(d) **Placement of Items in Others' Carts or Containers Prohibited.** No one other than the owners or occupants of the Eligible Properties with which the Carts or Containers are associated may place any items in Carts or Containers.

(e) **Care and Replacement of Carts and Containers.** The owners or occupants of Eligible Properties are responsible for the proper usage and care of Carts and Containers. Carts and Containers shall be kept in a clean and sanitary condition. Carts may not be altered in any way. Owners and occupants shall be responsible, at their expense, for the replacement of Carts and Containers that are stolen, lost, damaged, or are rendered unusable by user acts or neglect. Cart replacement costs shall be as shown in the Residential Solid Waste and Recycling Regulations published and updated periodically by the Department.

(f) **Cart Use Restricted to Eligible Properties.** Properties that are not Eligible Properties are prohibited from using City-supplied Carts.

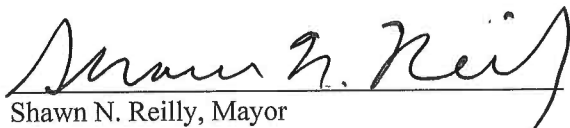
(g) **Initial Cart Delivery.** Carts will be assigned and delivered to Eligible Properties by the City or its agents. The initial delivery shall be at the City's expense.

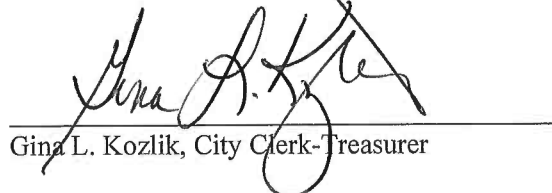
(h) **Ownership of Carts.** Carts remain solely the property the contractor providing collection services for the City, and shall not be the property of the owner or occupant of the Eligible Property.

- (i) **Carts Stay with Eligible Properties.** Carts shall remain at their assigned Eligible Properties, regardless of any changes in ownership or occupancy of the Eligible Property.
- (j) **Cart Exchange.** Owners or occupants of Eligible Properties may exchange their Carts for Carts of different sizes, provided the Cart to be traded in is in the condition required by subsection (7)(d), and the owner or occupant pays the exchange fee shown on the Residential Solid Waste and Recycling Regulations published and updated periodically by the Department.
- (k) **Additional Carts.** Each Eligible Property designated for Automated Service shall be entitled to one Solid-Waste Cart and one Recyclables Cart. Owners or occupants of Automated Service properties may obtain one additional Solid Waste and one additional Recyclables Cart, provided the owner or occupant pays the exchange fee shown on the Residential Solid Waste and Recycling Regulations. The City's collection contractor may impose additional fees for collection of Solid Waste and Recyclables from additional Carts, and the owner or occupant of the Eligible Property shall be responsible for payment of all such additional fees to the contractor.
- (8) **Bulky Item Collection.** Bulky Items shall be picked up only by special collection, separately from regular Solid Waste. Arrangements for pick-up of such items shall be made according to instructions found in the Residential Solid Waste and Recycling Regulations. Such items shall be placed in the area between the sidewalk and curb in front of the Eligible Property premises and separated from the Solid Waste and Recyclables Carts, no earlier than noon the day before scheduled collection, and no later than 6:00 a.m. the day of scheduled collection. The items may not remain at the collection location for more than 24 hours, and if collection is missed, the items must be removed until collection is rescheduled. Additional Bulky Item rules are listed in the Residential Solid Waste and Recycling Regulations.
- (9) **Scavenging Prohibited.** Solid Waste and Recyclables placed for collection shall remain the property of the owner or occupant that placed the items until the items are collected by the City's collection contractor. No persons other than the owner or occupant that placed the items for collection, the City, or the City's collection contractor, may take possession of such items.
- (10) **Penalty.** Any person violating any of the provisions of this Section 13.055 may be subject to forfeiture in an amount not to exceed \$50 per violation, and suspension of collection services. Each day of a continuing violation shall be a separate violation.
- (11) **Regulations.** The Board of Public Works is authorized to create, publish and enforce reasonable regulations to carry out the intents and purposes of this Section, without further approval of the Common Council.

Section 2. This ordinance shall be effective the day after its publication.

Passed the 6th day of February, 2024.


Shawn N. Reilly, Mayor


Gina L. Kozlik, City Clerk-Treasurer