

~~13.055 Residential Solid Waste and Recyclables Collection~~

~~1. GENERAL. The City shall provide either Solid Waste or Recyclables collection, 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, except as specifically provided in subsection (4)(a), and the owners and occupants of those properties shall dispose of their Solid Waste and Recyclables in compliance with all applicable laws, at their sole expense.~~

DEFINITIONS~~13.055 Residential Solid Waste and Recyclables Collection.~~

~~2.~~(1) Definitions. For purposes of this Section 13.055, ~~the following~~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.

~~1.~~(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 1.1.

~~2.~~(d) Department." Department means the City of Waukesha Department of Public Works.

~~3.~~(e) "Recyclables." Recyclables means household waste that is accepted by the Waukesha County recycling program, and is listed in the ~~Residential Recycling Regulations published and updated periodically by the Department. Material that is not listed in the Residential Recycling Regulations will not be collected, and its placement in Recyclables Carts for collection is prohibited.~~current Waukesha County recycling guidelines.

~~4.~~ "Rooming House." Rooming House means a rooming house as defined in Municipal Code §22.05(155).

(f) "Solid Waste."~~Residential Solid Waste and Recycling Regulations.~~ Residential Solid Waste and Recycling Regulations means the regulations authorized in subsection (11) and published by the Department.

~~5.~~(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 ~~Residential Recycling Regulations published and updated periodically by the Department. Placement in Solid Waste Carts of materials that are listed in the Residential Recycling Regulations is prohibited.~~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. ~~ELIGIBILITY FOR COLLECTION SERVICES. Properties may~~ Recyclables shall be eligible for collected on a periodic basis to be determined by the Department, on the same scheduled collection services for day as Solid Waste, Recyclables, or both, according to.

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

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

i. ~~Solid Waste.~~ **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.

1-(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:

1-i. Is located within the corporate limits of the City of Waukesha.

2-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. ~~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.~~

3-iii. Contains no more than four ~~dwelling units~~, 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.

4-iv. Its front elevation faces a public street; except that any building comprised of only one ~~dwelling unit~~ Dwelling Unit may be oriented in any way with respect to the public street on which it is located.

5. ~~Is not subject to a contract or recorded covenant that specifies that the City shall not provide Solid Waste collection at the property.~~ Is not subject to a contract or recorded covenant that specifies that the City shall not provide Solid Waste collection at the property.

v. ~~Recyclables.~~ A

2. ~~Where more than one building that meets all of the following criteria is~~ shares an Eligible Property for Recyclables collection services:

- ~~1. — Is located within the corporate limits of the City of Waukesha.~~
 - ~~2. — 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.~~
 - ~~3.vi. Contains access driveway, no more than four dwelling units, or for Rooming Houses, has no more than four bedrooms. 8 total Dwelling Units are accessed by the driveway.~~
 - ~~4. — Is located on a public street or on a private drive; provided the private drive is of sufficient size to accommodate collection vehicles and the owner of the building executes a release and waiver of damages to the private drive caused by the collection contractor's vehicles, if required by the contractor. The determination of a private drive's sufficiency shall be in the sole discretion of the Department.~~
 - ~~5. — Is not subject to a contract or recorded covenant that specifies that the City shall not provide Recyclables collection at the property.~~
- ~~3. — Grandfather Provisions. A building that does not meet the criteria of eligibility for Recyclables collection in subsections (3)(b)iii or (3)(b)iv shall be deemed to be an Eligible Property for Recyclables collection if it is receiving Recyclables collections 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. A Rooming House that does not meet the criteria of eligibility for Solid Waste collection in subsections (3)(a)iii or (3)(a)iv shall be deemed to be an Eligible Property for Solid Waste collection if it is receiving Recyclables collections 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.~~

~~4. — ADDITIONAL ELIGIBILITY RULES.~~

- ~~1. — **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 (3), 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.**~~
- ~~2.(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 (3)(4). Such eligibility shall extend only to residential apartments in the building, and not to any non-commercial portions of the building.~~
- ~~3.(d) **Eligibility by Contract. Planned-Unit Developments.** Planned-unit developments ~~and planned development districts~~ that receive City Solid Waste and Recyclables collection pursuant to a development agreement ~~agreements or other contracts~~ 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 (3)(4)(b), until they are no longer entitled to receive City collection services pursuant to the terms of the development ~~agreements or~~~~

~~contracts 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.~~**GENERAL COLLECTION RULES.**

(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.(5) Automated Service Rules. The following rules apply to ~~all~~ Eligible Properties, ~~except as provided otherwise in subsection (6):~~ receiving Automated Service:

~~1. 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.~~

(a) Containers Other than Appropriate Carts Prohibited Required. All Solid Waste and Recyclables must be in their respective Carts, and all other containers for Solid Waste and Recyclables collection are prohibited.

~~2. Cart Placement of any Solid Waste or Recyclables for collection in any containers other than Carts is prohibited.~~

3.(b) Cart Placement. Carts shall be placed adjacent to a public street ~~or alley~~, 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 in the area between the sidewalk and the curb, or at the edge within property boundaries of pavement where there is no curb, adjacent to 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.

~~4. Collection Schedule.~~ ~~Solid waste shall be collected once every week, on a scheduled collection day, Monday through Friday. Collection days 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 once every other week, on the same scheduled collection day as Solid Waste.~~

(6) Manual Service Rules. The following rules apply to Eligible Properties receiving Manual Service:

~~5. Appropriate Placement and Removal Times.~~ ~~Carts shall be placed for collection no earlier than noon the day before scheduled collection, and no later than 6:30 a.m. the day of~~

~~scheduled collection. Carts that have been emptied shall be removed from the collection location no later than 9:30 p.m. the day of scheduled collection; Carts 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 being removed by the City, and fees for the removal and return of the Carts being charged to the owner or occupant responsible for the placement of the Carts, as described in the Residential Solid Waste and Recycling Cart Regulations published and updated periodically by the Department.~~

6. ~~Cart Use Limited to Eligible Properties. Properties that are not Eligible Properties are prohibited from using City-supplied Carts as defined in subsection (2)(a).~~

6. ~~EXCEPTIONS FOR SPECIAL PROPERTIES.~~

1. ~~Special Properties. The following Special Properties shall be subject to the Special Rules in subsection (6)(b):~~

1. ~~Eligible Properties located in the Central Business District, as defined in Municipal Code §7.04(6).~~

2. ~~Eligible Properties assigned alley pickup by the Department.~~

3. ~~Other Eligible Properties where automated Cart collection is not feasible, as determined in the sole discretion of the Department.~~

2. ~~Special Rules:~~

~~(a) Allowable Containers. Special **Required. Manual Service** Properties shall not use Carts, and shall instead use appropriate, clean, sanitary, and serviceable Containers separately marked for Solid Waste and Recyclables, having tight-fitting lids, not exceeding 3332 gallons in capacity, and not exceeding 50 pounds in weight when fully loaded; and shall use standard, blue recycling bins for, and having handles enabling lifting and emptying. All Containers shall comply with Municipal Code §12.03(5) and §17.04(3)(b).~~

~~1.(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.~~

~~2.(c) Container Placement. ~~Solid Waste and Recyclables containers~~Containers shall be placed adjacent to a public street or alley, as designated by the Department for the ~~specific property.~~Eligible Property. Containers shall not be placed on private roads or driveways. Containers shall be placed ~~in the area between the sidewalk and the~~as close to the curb as possible, or at the edge of pavement where there is no curb, adjacent to the ~~properties.~~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.~~

~~3.(d) Placement and Removal Times. In the Central Business District, ~~containers~~Containers shall be placed for collection no earlier than 5:00 p.m. the day before scheduled collection.~~

~~(7) All Other Cart and Container Rules Apply. All. 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 (5)(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. apply to Special Properties, except as modified in 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.

4.(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. (6)(b), and by substituting "container" for "Cart," as required. 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 context-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.

7.(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. CART RULES.

4.(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.

~~2. Care and Replacement of Carts. The owners or occupants of Eligible Properties are responsible for the proper usage and care of Carts assigned to their Eligible Properties. Carts 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 that are stolen, lost, damaged, or are otherwise rendered unusable. Replacement costs shall be as shown in the Residential Solid Waste and Recycling Cart Regulations published and updated periodically by the Department.~~

~~3.~~**(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.

~~4.~~**(i) 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)(b);(7)(d)~~, and the owner or occupant pays the exchange fee shown on the Residential Solid Waste and Recycling ~~Cart~~ Regulations published and updated periodically by the Department.

~~5.~~**(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 ~~Eligible Properties~~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 ~~Cart~~ Regulations ~~published and updated periodically by the Department~~. 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. SPECIAL SOLID WASTE RULES.~~

~~1. Waste Must Fit in Cart. Solid Waste shall be placed only in Solid Waste Carts that are assigned to the Eligible Property. All Solid Waste 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 to fit, reducing production of Solid Waste, or obtaining a larger or an additional Cart pursuant to subsections (7)(d) or (7)(e), as necessary to comply.~~

~~2.~~**(8) Bulky Item Pickup. Collection. Bulky** Items ~~large enough so that they will not fit alone in an empty Cart, including but not limited to appliances, televisions, and tires; and other single items weighing more than 50 pounds;~~ shall be picked up only by special collection, separately from regular Solid Waste. Arrangements for pick-up of such items shall be made ~~by the owner or occupant of the Eligible Property with the collection contractor,~~ according to instructions ~~published found in the Residential Solid Waste and updated periodically by the Department~~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 ~~6:30~~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 ~~and replaced on the next scheduled~~until collection ~~day. Tire collection without additional charge is limited to four times per Eligible Property, per year, and additional tire collections shall result in the charge of a fee as shown~~rescheduled. Additional Bulky Item rules are listed in the Residential Solid Waste and Recycling Regulations ~~published and updated periodically by the Department.~~

~~9. SPECIAL RECYCLABLES RULES. Recyclables shall be placed only in Recyclables Carts that are assigned to the Eligible Property. All 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 Recyclables to fit, reduce their production of Recyclables, or obtain a larger or an additional Cart pursuant to subsections (7)(d) or (7)(e), as necessary to comply.~~

~~10.~~**(9) SCAVENGING PROHIBITED. 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.

~~11. PLACEMENT OF ITEMS IN OTHERS' CARTS PROHIBITED. No one may place any items in Carts, except the owners or occupants of the Eligible Properties to which the Carts are assigned.~~

~~12.~~**(10) PENALTY****Penalty.** Any person violating any of the provisions of this Section 13.055 ~~shall~~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.

~~13.~~**(11) REGULATIONS****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. ~~The Department shall publish an Eligibility Chart summarizing the eligibility rules contained in this Section.~~