

..Number

100691

..Version

PROPOSED SUBSTITUTE B

..Reference

..Sponsor

ALD. MURPHY and ALD. KOVAC

..Title

A substitute ordinance relating to solid waste collection regulations and charges.

..Sections

79-1-4.5 cr

79-4-1.3 cr

81-51.5 cr

..Analysis

Beginning January 1, 2011, this ordinance authorizes the department to charge dwelling units requiring extra garbage carts a quarterly \$5 per cart extra garbage cart charge. The extra garbage cart charge will be included as a charge on the municipal services bill.

..Body

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 79-1-4.5 of the code is created to read:

**79-1. Definitions.**

**4.5. EXTRA GARBAGE CART** means any city-issued garbage cart in excess of one garbage cart per dwelling unit provided for the collection of solid waste pursuant to s. 79-4-1.3.

Part 2. Section 79-4-1.3 of the code is created to read:

**79-4. Waste Container Regulations.**

**1.3. EXTRA GARBAGE CART CHARGE.**

a. Purpose. The purpose of this subsection is to permit the city as authorized under ss. 66.0405 and 66.0627, Wis. Stats., to recover costs relating to providing extra garbage carts for the collection of solid waste from one, 2-, 3- and 4- family dwelling units.

b. Charge. The department may authorize the issuance or retention of extra garbage carts, if necessary, to provide for proper storage and disposal of domestic waste and garbage. Owners of properties that receive or retain extra garbage carts shall pay an extra garbage cart fee as provided for under s. 81-1.3.

c. Overall Responsibility for Administering the Extra Garbage Cart Charge. The commissioner of public works shall administer the extra garbage cart charge. The commissioner may formulate and promulgate rules which shall be applicable with

respect to the administration and collection of the extra garbage cart charge, and may make amendments thereto, subject to approval by the public works committee as may be required from time to time for proper application of the extra garbage cart charge.

d. Responsibility of City Officers and Departments Administering the Extra Garbage Cart Charge. d-1. Superintendent of Water Works. The superintendent of water works shall be responsible, under the commissioner of public works, for the administration of the extra garbage cart charge. The superintendent shall collect the charge and transmit the revenue therefrom to the city treasurer together with solid waste, water, snow and ice removal cost recovery charge and local sewerage revenues as received.

d-2. City Treasurer. The city treasurer shall receive revenues from the extra garbage cart charge and shall also collect delinquent accounts when the delinquent accounts have been placed on the tax roll as provided for in this section.

d-3. City Comptroller. The city comptroller shall certify to the commissioner of assessments delinquent accounts to be placed on the tax roll, which shall be collected in the same manner as special charges under s.66.0627, Wis. Stats. The comptroller shall keep separate accounts of all the funds, receipts and payments on account of the extra garbage cart charge.

e. Billing and Collecting. e-1. The extra garbage cart charge shall be levied against the water account and shall be calculated by the water works. The charge shall be added to the city services user bill and shall be due and payable in the same manner as water bills.

e-2. An interest penalty and late charge of 3% on outstanding balances shall be charged on all past due accounts each quarter. This fee may be waived by the water works where deemed warranted by special circumstances. Charges that remain unpaid for 2 full quarters shall be deemed delinquent. The delinquent user charges and 10% penalty shall be reported to the city comptroller for placement on the tax roll.

e-3. When partial payments of the combined city services user bill are made, the property owner may direct in writing how the partial payment is to be applied to the combined bill. If there is no written direction, the partial payment shall be applied to the water bill first. Any portion of the partial payment remaining after the water bill is paid for shall be applied to the extra garbage cart charge, the solid waste charge and the snow and ice removal cost recovery charge, only after payments for the metropolitan sewerage district and sewer user charges have been made.

f. Saving Clause. It is the intent of the common council that the provisions of this section relating to an extra garbage cart charge, and the application of revenue from this charge are separable. If any provision or part of this section be held unconstitutional or invalid by a court of competent jurisdiction, the decision shall not affect the validity of any other provisions or part of the section which other provisions and parts shall remain in full force and effect.

g. Appeal Procedure. g-1. Whenever any extra garbage cart charge is imposed in accordance with this section, and the person required to pay the charge feels

aggrieved as a result of the imposition or collection of the charge, the person shall pay the charge when the same shall become due, but shall pay it "under protest." Within 20 days following the payment, the person may file with the commissioner of public works a complaint to the effect that the person is aggrieved by the imposition and collection of the extra garbage cart charge, his or her specific reasons for objection and the amount of the overcharge complained of.

g-2. If, upon review by the commissioner of public works, it is determined that all or any part of any extra garbage cart charge paid under such protest is not just or reasonable, the commissioner shall institute necessary procedures for the refund. If any person, following the review of the objection feels aggrieved by the determination of the commissioner, the person may, within 10 days, appeal to the common council. The common council shall make such determination as is just and reasonable.

g-3. Notwithstanding the appeal procedure provided in this paragraph and as an alternative right of appeal, any person required to pay the extra garbage cart charge shall have the unconditional right to file a complaint with the administrative review appeals board, pursuant to s.320-11.

Part 3. Section 81-51.5 of the code is created to read:

**81-51.5 Extra Garbage Cart Charge.** The extra garbage cart charge shall be \$5 per quarter for each extra garbage cart provided under s. 79-4-1.3.

Part 4. This ordinance takes effect January 1, 2011.

..LRB:  
APPROVED AS TO FORM

\_\_\_\_\_  
Legislative Reference Bureau  
Date: \_\_\_\_\_

..ATTORNEY  
IT IS OUR OPINION THAT THE ORDINANCE  
IS LEGAL AND ENFORCEABLE

\_\_\_\_\_  
Office of the City Attorney  
Date: \_\_\_\_\_

..Department  
..Drafter  
LRB121961-5  
JWC  
10/26/10

