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March 24, 2010

Ronald D. Leonhardt, City Clerk  
200 East Wells Street, Room 205  
Milwaukee, WI 53202

Re: Common Council File No. 091528  
Ordinance Relating to Commercial Garbage Receptacles

Dear Mr. Leonhardt:

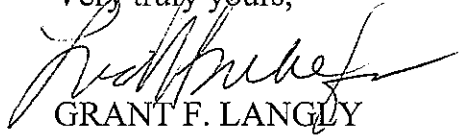
We have reviewed the attached Common Council file, which is scheduled for a vote at the March 24, 2010 Common Council meeting. We have signed the file as legal and enforceable with the understanding that the sponsor, Alderman Davis, will offer an amendment at the Council meeting deleting the phrase "and shall be free and fully accessible at all times for handling and collection" from the proposed § 79-3-4-a-1.

The proposed requirement that commercial receptacles "...shall be free and fully accessible at all times for handling and collection" conflicts with the current MCO § 79-3-4-a, entitled "Receptacles to be secured," which requires the owners or operators of commercial establishments to secure their solid waste receptacles by locking or enclosing the receptacles in such a manner so as to prevent ready access to their contents. We understand that the proposed phrase quoted above was simply transferred from § 79-3-1 which governs residential garbage receptacles. With adoption of Alderman Davis's amendment, the proposed ordinance is legal and enforceable.

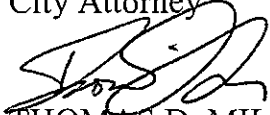
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If you have any comments or concerns or require any additional information, please do not hesitate to contact the undersigned.

Very truly yours,



GRANT F. LANGLY  
City Attorney



THOMAS D. MILLER  
Assistant City Attorney

TDM:wt  
Attachment

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