



Legislation Details (With Text)

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Title: A substitute ordinance relating to the placement of waste containers outside Class "A" intoxicating liquor and Class "A" fermented malt beverage licensed premises and licensed food dealer premises.

Sponsors: ALD. HENNINGSEN

Indexes: ALCOHOL - REGULATION AND LICENSING, GARBAGE CARTS, LITTER, SOLID WASTE DISPOSAL

Attachments: 1. Letter from City Attorney.PDF

Date	Ver.	Action By	Action	Result	Tally
2/27/2001	0	COMMON COUNCIL	ASSIGNED TO		
3/1/2001		LICENSES COMMITTEE	REFERRED TO		
3/8/2002		LICENSES COMMITTEE	REFERRED TO		
7/18/2002	1	CITY CLERK	DRAFT SUBMITTED		
10/17/2003	1	LICENSES COMMITTEE	HEARING NOTICES SENT		
10/17/2003	1	LICENSES COMMITTEE	HEARING NOTICES SENT		
10/21/2003	1	LICENSES COMMITTEE	RECOMMENDED FOR PLACING ON FILE	Pass	4:0
11/5/2003	1	COMMON COUNCIL	PLACED ON FILE	Pass	16:0

001617
SUBSTITUTE 1

ALD. HENNINGSEN

A substitute ordinance relating to the placement of waste containers outside Class "A" intoxicating liquor and Class "A" fermented malt beverage licensed premises and licensed food dealer premises.

- 68-4-5 rn
- 68-4-5 cr
- 68-4-6 rn
- 68-4-7 rn
- 68-4-8 rn
- 68-4-9 rn
- 68-4-10 rn
- 68-4-11 rn
- 68-4-12 rn
- 68-4-13 rn
- 68-4-14 rn
- 68-4-15 rn
- 68-4-16 rn

68-4-17 rn
79-3-5 cr
79-3-6 cr
81-134 cr
90-24.5 cr
115-32-1-o cr
115-33.8 cr

This ordinance requires that waste containers be placed outside Class "A" intoxicating liquor, Class "A" fermented malt beverage licensed premises and licensed food dealer premises, with specific exemptions, and creates standards for those containers which will be located on private property and on the public right-of-way.

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

Part 1. Section 68-4-5 to 17 of the code is renumbered 68-4-6 to 18.

Part 2. Section 68-4-5 of the code is created to read:

68-4. Food Dealer License.

5. OUTDOOR WASTE CONTAINERS.

a. Findings. The common council finds that for commercial establishments where the manner of packaging and serving of the products offered for sale encourages the consumption of the products outside of the building, the outside consumption of the products substantially contributes to the amounts of litter deposited on premises surrounding those commercial establishments. The common council further finds that it is important to the health, safety and welfare of the residents of this city that regulations are enacted which will diminish the amounts of litter deposited upon any premises.

b. Waste Containers Required. Any individual licensed as a food dealer shall provide outdoor waste containers in front of the licensed premises.

c. Exemptions. The requirements of this subsection do not apply to any of the following licensed premises:

c-1. Commercial establishments in which the principal activity is not the direct sale of food to the general public.

c-2. Sitdown restaurants as defined in s. 295-201-501.

c-3. Licensed premises which are located in enclosed shopping structures, enclosed commercial buildings or hospitals, and cannot be entered by customers directly from the outside.

c-4. Commercial establishments which are otherwise required to provide outdoor waste containers pursuant to s. 79-3-3.

d. Waste Container Standards. Outdoor waste containers shall meet all of the following standards:

d-1. Be made of metal or some other material which is durable for outside service.

- d-2. Be emptied in a timely manner so as to prevent the dispersal of litter and becoming a nuisance.
- d-3. Have lids or tops of such design so as to prevent the dispersal of litter and entry of rats.
- d-4. Be 2 feet or less in diameter.
- d-5. Be located on private property, rather than public right-of-way, if possible.
- e. Waste containers which are located on the public right-of-way shall comply with s. 115-33.8.

Part 3. Sections 79-3-5 and 6 of the code are created to read:

79-3. Waste Containers Required.

5. CLASS "A" LICENSED PREMISES. All Class "A" retailer's intoxicating liquor and Class "A" fermented malt beverage retailers licensees shall provide outdoor waste containers in front of the licensed premises as provided in s. 90-24.5-2.

6. FOOD DEALER LICENSED PREMISES. Any individual licensed as a food dealer shall provide outdoor waste containers in front of the licensed premises as provided in s. 68-4-5-b.

Part 4. Section 81-134 of the code is created to read:

81-134. Waste Container Fee.

- 1. Each waste container permit shall be issued for a 2-year period, expiring on June 30 in even-numbered years.
- 2. The fee for each waste container shall be \$22.
- 3. The permit shall renew automatically upon the payment of the fee and the filing of a signed statement that no new waste containers have been added to the location since the original permit application was filed.
(See s. 115-33.8.)

Part 5. Section 90-24.5 of the code is amended to read:

90-24.5 Outdoor Waste Containers for Class "A" Premises.

1. FINDINGS. The common council finds that for commercial establishments where the manner of packaging and serving of the products offered for sale encourages the consumption of the products outside of the building, the outside consumption of the products substantially contributes to the amounts of litter deposited on premises surrounding those commercial establishments. The common council further finds that it is important to the health, safety and welfare of the residents of this city that regulations are enacted which will diminish the amounts of litter deposited upon any premises.

2. REQUIRED. All Class "A" retailer's intoxicating liquor and Class "A" fermented malt beverage retailers licensees shall provide outdoor waste containers in front of the licensed premises. These

containers shall meet all of the following standards:

- a. Be made of metal or some other material which is durable for outside service.
- b. Be emptied in a timely manner so as to prevent the dispersal of litter and becoming a nuisance.
- c. Have lids or tops of such design so as to prevent the dispersal of litter and entry of rats.
- d. Be 2 feet or less in diameter.
- e. Be located on private property, rather than public right-of-way, if possible.

3. WASTE CONTAINERS ON THE PUBLIC RIGHT-OF-WAY. Waste containers which are located on the public right-of-way shall comply with s. 115-33.8.

Part 6. Section 115-32-1-o of the code is amended to read:

115-32. Obstruction on Public Ways.

1.

- o. Waste containers as provided by s. 115-33.8.

Part 7. Section 115-33.8 of the code is created to read:

115-33.8. Waste Containers.

1. PERMIT REQUIRED. No person shall place a waste container on any public right-of-way without having first secured a permit. No permit shall be required for placement of a waste container by the department of public works.

2. PERMIT. Applications for permits shall be made on forms provided by the commissioner of public works and shall include the following:

- a. Name and address of the applicant.
- b. The planned location of each waste container.
- c. Evidence of liability insurance.
- d. A photograph or drawing of the waste container, which denotes both the size and type of material.
- e. Payment of the fee as specified in s. 81-134.
- f. Such other reasonable and pertinent information that the commissioner may require.

3. ISSUANCE OF PERMIT. If the commissioner finds that the information on the application is satisfactory, the commissioner may issue a permit to the applicant.

4. REGULATIONS. Waste containers permitted under this section shall:

- a. Be made of metal or some other material which is durable for outside service.
- b. Be emptied in a timely manner so as to prevent the dispersal of litter.
- c. Have lids or tops of such design so as to prevent the dispersal of litter and attraction of rats.
- d. Not be attached to the public right-of-way in any manner.
- e. Be 2 feet or less in diameter.

4. LIABILITY. The applicant shall be held liable for any damages to persons or property caused by the waste container. The city shall be held harmless and assigned from all loss, damage, injury or liability of any kind whatsoever due to the placement or maintenance of any waste container.

5. RESPONSIBILITY. The applicant accepts all responsibility for the placement and maintenance of any waste container under this section and agrees to place a waste container in such a manner so as to minimize interference with pedestrian traffic.

6. REMOVAL. a. The commissioner reserves the right to require the removal, replacement or repair of any waste container. Any cost of work involved in such operations shall be done at the licensee's expense.

b. The commissioner also reserves the right to require the removal of any waste container if it is deemed to be in the public's best interest, or if the licensee does not comply with this section.

APPROVED AS TO FORM

Legislative Reference Bureau

Date: _____

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

LRB02185-2

RGP

7/15/02