



Legislation Text

File #: 990085, Version: 2

990085
SUBSTITUTE 2

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A substitute ordinance relating to licensing of private waste collectors and removal of graffiti on private waste containers.

79-9-2 rc

79-9-3 cr

79-9-4 cr

- Analysis -

This ordinance requires that:

1. A licensed private waste collector submit one application for its activities, rather than one application per vehicle. The fee remains at \$40 per vehicle.
2. Graffiti on private waste containers be removed within 3 working days following notification of the private waste collector by the department of neighborhood services or within 3 working days of the last time the container was emptied.
3. Each private waste container be clearly marked or have signage noting the name and phone number of the company responsible for maintenance.
4. Failure to comply with graffiti-removal provisions may result in a fine, or suspension or revocation of a private collector's license by the department of neighborhood services.

This ordinance takes effect 90 days after passage and publication.

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

Part 1. Section 79-9-2 of the code is repealed and recreated to read:

79-9. Private Waste Collector Regulations.

2. PRIVATE COLLECTOR'S LICENSE.

a. No person, except employes of the department in the regular performance of duty, shall collect or transport waste materials on any street or alley, except those acting under the authority of a licensed private waste collector. Each vehicle used by a collector shall bear a license sticker corresponding to the authorized licensed private waste collector. The sticker shall be prominently displayed on each vehicle.

b. See ch. 81 for the required license fee.

Part 2. Section 79-9-3 and 4 of the code is created to read:

3. GRAFFITI CONTROL. a. In this subsection, "graffiti" has the definition provided in s. 275-35-1.

b. Each licensed private waste collector or applicant for a private waste collector's license shall submit a plan for ongoing and scheduled removal of graffiti on waste containers. The plan shall be attached to the application for a new license or license renewal filed with the city clerk's office. The plan shall include a fax number and the name of the administrator responsible for maintenance for the applicant or licensee and the plan shall be forwarded to the department of neighborhood services.

c. Each private waste container shall be clearly marked or have signage noting the name and phone number of the company responsible for maintenance of the waste container.

d. Graffiti on private waste containers shall be removed within 3 working days following notification by the department of neighborhood services or within 3 working days of the last time the container was emptied, irrespective of any plan submitted under par. b.

4. PENALTY.

a. Any licensed private waste collector who violates any provision of this section shall forfeit not less than \$250 nor more than \$1,000 for each offense, and the costs and disbursements of such action, and in default thereof, shall be imprisoned in the county jail or house of correction for not less than 10 days nor more than 40 days, until such forfeiture costs are paid.

b. Each day of violation shall be a separate offense.

c. Every private waste collector's license may be suspended or revoked by the commissioner of the department of neighborhood services for failure to comply with s. 79-9-3.

d. Every private waste collector's license may be suspended or revoked by the commissioner of public works for failure to comply with any of the rules of the commissioner or if the licensee is convicted of illegal dumping of waste within the city or outside the city under any applicable state statute or code provision.

Part 3. This ordinance shall take effect 90 days after passage and publication.

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: _____

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5/21/99