



Legislation Text

File #: 081474, **Version:** 2

081474
SUBSTITUTE 2

ALD. PUENTE, BOHL AND MURPHY

A substitute ordinance relating to publicly accessible collection bins and bin permit regulations and fees.

200-33-44.5-a am
200-33-44.5-b-2 am
200-33-44.5-c-2 am
239-13-1-c rn
239-13-1-c cr
239-13-3-c-4 am
239-13-3-c-7 cr
239-13-7-a am
239-13-7-c am
239-13-7-e am
239-13-7-i am
239-13-7-k cr
239-13-7-L cr
239-13-7-m cr
239-13-7-n cr

This ordinance amends code provisions relating to publicly accessible collection bin permits by changing the permit period from one year beginning on May 1, and ending on the following April 30, to one year beginning on October 1, and ending on the following September 30. This ordinance also increases the bin permit renewal fee for each bin from \$25 to \$50 annually and the bin provider renewal fee for each provider from \$250 to \$500 annually.

This ordinance also amends code provisions relating to publicly accessible collection bins by specifying that bins may be no larger than 6 feet in height when measured at lot grade. This height shall include any pad or elevation which is higher than the parking lot grade.

In addition this ordinance creates the following code provisions relating to publicly accessible collection bins:

1. Only one publicly accessible collection bin per premises is allowed.
2. A publicly accessible collection bin may be located on any premises in a commercial, industrial or institutional zoning district.
3. In a residential or downtown zoning district, a publicly accessible collection bin may only be located on a premises containing an elementary or secondary school or religious assembly.
4. Each publicly accessible collection bin shall be located a minimum of 500 feet from any other publicly accessible collection bin. The distance between any 2 bins shall be measured as the closest distance between the property lines of the properties containing the bins.
5. Each publicly accessible collection bin shall be located on an approved surface.

6. Adds a definition of “local operator” such that various regulations relating to publicly accessible collection bins shall be applicable to the local operator if the owner of the property is different from the owner of the business.

7. The application for a publicly accessible collection bin permit shall require a site plan demonstrating compliance with code provisions governing bin height, lettering, insurance, cleanliness, location, etc.

Whereas, Non-profit charities and for-profit entities place unattended publicly accessible collection bins throughout the City to facilitate clothing and household goods collection; and

Whereas, Unattended publicly accessible collection bins are not adequately monitored or maintained, and material is allowed to accumulate outside of the containers; and

Whereas, Unattended publicly accessible collection bins are placed without authorization on public property and other locations potentially hazardous to pedestrian and vehicular traffic; and

Whereas, The proliferation and concentration of these bins in certain areas of the City, as documented by a list and a map which is attached to this file, is accompanied by trash, graffiti, and an overall lack of maintenance creating a safety hazard; and

Whereas, It is therefore necessary to prescribe regulations for unattended publicly accessible collection bins, including but not limited to spacing of bins and location of bins in zoning districts; and

Whereas, Moreover, spacing of bins is required in that there are 10 locations in the city of Milwaukee where 2 bins are located at one address and establishing a minimum spacing requirement of 500 ft, which is a little less than 1/10 of a mile, is necessary to minimize litter concerns; and

Whereas, Both s. 62.11(5) Wis. Stats., and s. 4-10, Milwaukee city charter, provide that the Common Council may enact legislation for the health, safety and welfare of the citizens of the City of Milwaukee: now, therefore

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

Part 1. Section 200-33-44.5-a, b-2 and c-2 of the code are amended to read:

200-33. Fees.

44.5. PUBLICLY ACCESSIBLE COLLECTION BIN PROVIDER AND BIN PERMITS.

a. Permits shall be issued for a period of one year beginning on ~~[[May]]~~>>October<< 1, and ending on the following ~~[[April]]~~>>September<< 30. Those publicly accessible collection bin provider and bin permits whose permits are due to expire April 30, 2009 shall be extended to expire on September 30, 2009.

b-2. The permit renewal fee for a publicly accessible collection bin provider shall be ~~\$\$[[250]]~~>>500<<.

c-2. The permit renewal fee for each publicly accessible collection bin shall be ~~\$\$[[25]]~~>>50<<.

Part 2. Section 239-13-1-c of the code is renumbered 239-13-1-d.

Part 3. Section 239-13-1-c of the code is created to read:

239-13. Publicly Accessible Collection Bins.

1. DEFINITION.

c. "Local operator" means an operator as defined in s. 200-51.5-2-e.

Part 4. Section 239-13-3-c-4 of the code is amended to read:

3. APPLICATION.

c-4. The name, address and phone number of the ~~[[business where the bin is located]]~~ >> local operator <<, if the owner of the property is different from the owner of the business.

Part 5. Section 239-13-3-c-7 of the code is created to read:

c-7. A site plan demonstrating compliance with the regulations set forth in sub. 7, for each publicly accessible collection bin application.

Part 6. Section 239-13-7-a, c, e and i of the code are amended to read:

7. REGULATIONS

a. A bin shall be no larger than 6 feet in height >> measured at lot grade; however, the height shall include any pad or elevating device which is higher than the parking lot grade. A bin shall also be no larger than << ~~[[by]]~~ 6 feet in width by 5 feet in depth. The storage compartment of a bin shall be able to be securely locked at all times so as to limit access by the public to the material placed inside the bin.

c. A bin shall be emptied no less than once per week. Whenever the commissioner of neighborhood services notifies the provider of the bin, the owner > of the property or the ~~[[business]]~~ >> local operator << where the bin is located of the fact that material of the type intended to be collected in the bin has been left outside the bin, the provider, owner or ~~[[business]]~~ >> local operator << shall have 72 hours to remove the material.

e. A bin shall be maintained in a clean condition and kept in good repair. The provider of the bin shall monitor each bin so that it is kept clean and free of graffiti and other unauthorized writing, painting, drawing, or other markings or inscriptions, and is kept in good repair. The provider shall also ensure that each bin under his or her ownership or control is not used as a depository for the placement of refuse. Whenever the commissioner of neighborhood services notifies the provider of the bin where the bin is located of the fact that the bin contains graffiti or refuse, the provider, owner or ~~[[business]]~~ >> local operator << shall have 72 hours to have the graffiti or refuse removed.

i. No publicly accessible collection bin shall be placed on any private property without written permission of the property owner >> or local operator <<. A copy of this agreement shall be filed with the commissioner of neighborhood services at the time a permit application is submitted for

a publicly accessible collection bin.

Part 6. Section 239-13-7-k to n of the code are created to read:

k. Only one publicly accessible collection bin per premises shall be allowed.

L. A publicly accessible collection bin may be located on:

L-1. Any premises in a commercial, industrial or institutional zoning district.

L-2. In a residential or downtown zoning district, only a premises containing an elementary or secondary school or religious assembly.

m. Each publicly accessible collection bin shall be located a minimum of 500 feet from any other publicly accessible collection bin. The distance between any 2 bins shall be measured, without regard to intervening structures, as the closest distance between the property lines of the properties containing the bins.

n. Each publicly accessible collection bin shall be placed on an approved surface, as specified in s. 252-74-1-a.

..LRB
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:_____

LRB09057-3
AEH
6/16/2009