



## Legislation Text

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**File #:** 171049, **Version:** 1

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### 171049 SUBSTITUTE 1

#### ALD. BAUMAN

A substitute ordinance relating to regulations for licensed private waste collectors.

79-9               rc  
80-67-9          am

This ordinance revises the licensing procedures and regulations for private waste collectors. Specifically, the code currently provides that private waste collector licenses are issued by the city clerk. This ordinance provides that private waste collector licenses shall be issued by the city clerk upon being granted by the common council. The ordinance also gives the common council the authority to not renew, suspend or revoke private waste collector licenses.

Including the revisions made by this ordinance, the regulations applicable to a licensed private waste collector shall be as follows:

- a. Each vehicle used to transport waste shall be so operated and of such construction that the contents do not blow, fall, scatter, leak or spill upon streets or alleys, or otherwise create a nuisance.
- b. The licensed private waste collector shall submit a plan for ongoing and scheduled removal of graffiti on waste containers.
- c. Graffiti on a private waste container 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.
- d. 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.
- e. Waste collection shall occur only between the hours of 7:00 a.m. and 10:00 p.m. whenever the collection activity takes place on or in connection with any premises that is within 1,000 feet of a residential premises. Regardless of time of day, excessive noise created by the lifting or moving of a waste container, such as banging, dropping or dragging the container, shall be prohibited.
- f. At no time shall waste, litter or debris be permitted to remain in the vicinity of a waste container owned by the licensee.
- g. At no time shall the contents of a waste container owned by the licensee overflow the container, such that the container's lid or lids are not fully closed.

Failure to comply with any of these regulations shall be grounds for non-renewal, suspension or

revocation of a private waste collector license.

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

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 Section 79-9 of the code is repealed and recreated to read:

**79-9. Private Waste Collector Regulations. 1. LICENSE REQUIRED.** a. No person, except an employee of the department in the regular performance of duty, shall collect or transport waste materials on any street or alley unless the person has obtained a private waste collector license granted by the common council and issued by the city clerk.

b. The procedures for common council hearings and review of private waste collector licenses, including applications for new licenses and nonrenewal, suspension or revocation of existing licenses, shall be as set forth in subch. 1 of ch. 85.

c. The administrative procedures applicable to a private waste collector license application, and to a private waste collector license once granted and issued, shall be as set forth in subch. 2 of ch. 85.

d. Each vehicle used by a licensed private waste collector shall bear a license sticker. The sticker shall be prominently displayed on each vehicle.

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

**2. REGULATIONS.** A licensed private waste collector shall be in compliance with the following regulations at all times:

a. Each vehicle used to transport waste shall be so operated and of such construction that the contents do not blow, fall, scatter, leak or spill upon streets or alleys, or otherwise create a nuisance.

b. The licensed private waste collector shall submit a plan for ongoing and scheduled removal of graffiti, as defined in s. 275-35-1, 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 the name and phone number of the company responsible for maintenance of the applicant or licensee's waste containers, including the removal of graffiti from the containers. The city clerk shall forward the graffiti removal plan to the department of neighborhood services.

c. Graffiti on a private waste container 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.

d. 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.

e. Waste collection shall occur only between the hours of 7:00 a.m. and 10:00 p.m. whenever the collection activity takes place on or in connection with any premises that is within 1,000 feet of a residential premises. Regardless of time of day, excessive noise created by the lifting or moving of a waste container, such as banging, dropping or dragging the container, shall be prohibited.

f. At no time shall waste, litter or debris be permitted to remain in the vicinity of a waste container

owned by the licensee.

g. At no time shall the contents of a waste container owned by the licensee overflow the container, such that the container's lid or lids are not fully closed.

**3. GROUNDS FOR NON-RENEWAL, SUSPENSION OR REVOCATION.** In addition to any applicable grounds for non-renewal, suspension or revocation of a license specified in s. 85-4-4, probative evidence concerning non-renewal, suspension or revocation may include evidence of failure of a licensed private waste collector to comply with any of the regulations of sub. 2.

**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, together with the costs and disbursements of such action, and in default thereof, shall be imprisoned as provided by law.

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

c. Every private waste collector's license may be suspended or revoked by the common council in accordance with the procedures of subch. 1 of ch. 85 and sub. 3 of this section.

Part 2. Section 80-67-9 of the code is amended to read:

**80-67. Exemption.**

**9. TRASH COMPACTING AND COLLECTION.** Trash compacting and collection is exempt from the provisions of s. 80-64-1. However, no person shall operate any trash compacting mechanism on any motor vehicle or on any premises, nor shall any person engage in any trash, rubbish or garbage collection activity between the hours of 10:00 p.m. and 7:00 a.m., when such compacting or collection activity takes place on or in connection with any premises that is within ~~[[200]]~~ >>1,000<< feet of a residential premises. City sanitation operations involving solid waste and recycling material are exempt from this provision.

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: \_\_\_\_\_

LRB170176-2  
Jeff Osterman  
10/24/2017