

ORDINANCE NO. 2021-05

AN ORDINANCE TO REPEAL AND RE-CREATE SECTION 276-3 OF THE VILLAGE OF FOX POINT MUNICIPAL CODE CONCERNING SOLID WASTE COLLECTION

WHEREAS, under Wisconsin Statutes Section 61.34(1) the Village of Fox Point Village Board has broad powers to act for the government and good order of the Village, for its commercial benefit and for the health, safety, welfare, and convenience of the public; and

WHEREAS, Wisconsin Statutes Section 66.0405 further empowers the Village of Fox Point Village Board to remove ashes, garbage, and rubbish from such classes of places in the Village as the Village Board directs, including among others the authority to create districts within the Village, to provide for removal for certain districts only, and to apply different regulations to each removal district or class of property; and

WHEREAS, the Village Manager and Village staff have recommended for cost and efficiency reasons that the current Village policies on solid waste and rubbish removal be revised and updated and incorporated into the Village Municipal Code; and

WHEREAS, the Village Board of the Village of Fox Point has carefully reviewed the recommendation of the Village Manager and Village staff, and finds that the revised solid waste collection policy set out in this ordinance should result in cost savings to the Village and in increased efficiency in solid waste collection paid for by the Village; and

Based on the above, the Village Board of the Village of Fox Point finds that it is in the interest of the Village and the public that the Municipal Code of the Village of Fox Point be amended as provided below.

NOW, THEREFORE, the Village Board of the Village of Fox Point, Milwaukee County, Wisconsin DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Section 276-3 entitled "Solid Waste Collection" of Article I entitled "Collection and Disposal" of Chapter 276 entitled "Solid Waste" of the Municipal Code of the Village of Fox Point is repealed and recreated to read as follows:

Section 276-3. Solid Waste Collection

A. Definitions. As used in this section, the following terms shall have the meanings indicated:

COMMERCIAL OR BUSINESS PREMISES

Means any public or private place, building and/or enterprise devoted in whole or in part to a business enterprise, whether nonprofit or profitmaking in nature, except for purposes of this chapter, where such place, building and/or enterprise constitutes a single-family premises or multiple-family premises.

DWELLING UNIT

Means any habitable room or group of adjoining habitable rooms located within a building and forming a single unit with facilities which are used or intended to be used for living, sleeping, cooking and eating of meals, and is interchangeable with the word "household."

INSTITUTIONAL PREMISES

Means any institutional enterprise, including, but not limited to, hospitals, churches, schools, nursing homes, hotels, motels, and homes for the aging.

MULTIPLE-FAMILY PREMISES

Means all buildings having three or more dwelling units.

NON-RESIDENTIAL PREMISES

Means commercial or business premises, institutional premises and multiple-family premises; but specifically excludes single-family premises.

PERSON

Has the meaning specified in Village Ordinance §276-13.

PREMISES

Means a plotted lot or part thereof or an unplotted lot or parcel of land or plot of land, either occupied or unoccupied by any dwelling or nondwelling structure.

SINGLE-FAMILY PREMISES

Means a residential building containing a single-family dwelling unit. For the purposes of this section, any one-dwelling unit residential building or two-dwelling unit residential building shall fall into this category, and each dwelling unit shall be regarded as a single-family dwelling unit.

YARD WASTE

Has the meaning specified in Village Ordinance §276-13.

B. Solid waste collection regulations generally.

(1) Solid waste shall be collected from single-family premises as defined in this section, provided such waste is properly prepared, contained, stored and located in conformance with this section and the rules and regulations established by the Village Manager or the Manager's designee.

(a) The Village collection of solid waste from properties within the Village is restricted to collection of rubbish, yard waste and recyclables.

(b) The following items, in any form, shall be prohibited, and shall not be placed for collection by any person or entity:

1. Appliances, generally referred to as "white goods," including refrigerators, stoves, washers, dryers, dishwashers, water heaters, microwaves, humidifiers, dehumidifiers, televisions, stereos, stereo components, and any and all types of computer equipment or other electronics.

2. Tires.
 3. Hazardous materials.
 4. Construction materials having an approximate mass in excess of one cubic yard.
 5. Scrap metal materials.
 6. Lawn clippings.
 7. Synthetic motor oils.
 8. Waste oil.
 9. Latex and oil paints.
 10. Soil, dirt, concrete, stones, rocks, blocks, and concrete block.
 11. Vehicle batteries.
- (c) Yard waste shall be collected as set out in Section 276-17(C) of this Chapter.
- (d) Storage of solid waste shall conform with the rules and regulations concerning preparation, storage and collection established by the Village Manager or the Manager's designee.
1. The owner and/or occupant of each dwelling unit shall be responsible for the proper and sanitary storage of all solid waste accumulated at that dwelling unit and placing the solid waste out for collection in appropriate containers until solid waste is collected by the Village.
 2. The occupant of each one-dwelling unit residential building and the owner of each two-dwelling unit residential building shall provide containers of an approved type sufficient to receive all solid wastes generated by that premises between the times of collection.
 3. Containers shall conform to regulations established by the Village Manager or the Manager's designee. In addition, the containers shall be regulated as follows:
 - a. The maximum number of containers that may be placed for collection shall be no more than three containers per dwelling unit. The maximum size shall be no greater than 32 gallons. The Village will not collect solid waste from a dwelling unit or premises placing containers for collection that exceed the maximum size or maximum number unless the owner and/or occupant of the premise/dwelling unit contacts the Village and schedules a special pick-up.
 - b. Containers shall be durable, rust resistant, nonabsorbent, watertight, rodentproof, disposable or easily cleaned with close-fitted fly-tight covers. The containers shall be made of metal, plastic or other suitable

materials having adequate handles or bails to facilitate handling. No dumpsters or roll-off containers or containers exceeding 32 gallons are permitted.

- c. All containers for the storage of solid waste shall be maintained in such a manner as to prevent the creation of a nuisance or menace to public health.
 - d. Any and all containers deemed defective or otherwise inadequate by the Village Manager or the Manager's designee must be replaced within one week's time following proper notification by the Village Manager or the Manager's designee. Any defective container not replaced subsequent to the proper notification shall be confiscated by the Village.
- (2) Solid waste shall not be collected by the Village from non-residential premises as defined in this section.
- (3) The Village Manager or the Manager's designee is hereby authorized to make reasonable rules for the regulation and administration of solid waste collection, removal and disposal. Such rules shall be available to the public at the office of the Village Clerk and as otherwise directed by the Village Manager or the Manager's designee.

SECTION 2: CONTINUATION OF EXISTING PROVISIONS.

The provisions of this ordinance, to the extent that they are substantively the same as those of the ordinances in force immediately prior to the enactment of this ordinance, are intended as a continuation of such ordinances and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinances. In addition, the adoption of this ordinance shall not affect any action, prosecution or proceeding brought for the enforcement of any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance for the time that such provision was in effect, and the repeal of any such provisions is stayed pending the final resolution of such actions, including appeals.

SECTION 3: SEVERABILITY.

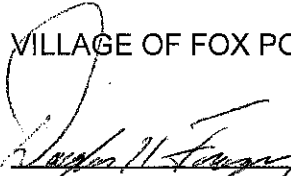
The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 4: EFFECTIVE DATE.

This ordinance shall take effect on January 1, 2022, following passage and posting or publication as provided by law.

Dated this 13th day of October, 2021.

VILLAGE OF FOX POINT



Douglas H. Frazer, Village President

ATTEST:



Kelly Meyer, Village Clerk

Published and/or posted this 14th day of October, 2021.