



VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN

ORDINANCE NO. 18-015

AN ORDINANCE AMENDING SECTION 66.111 RESPONSIBILITIES OF
RESIDENTIAL UNIT OWNERS AND OCCUPANTS (C) AND (D)

The Village Board of the Village of Weston, Marathon County, Wisconsin, do ordain as follows:

SECTION 1: The following subsections of Chapter 66, Sec. 66.111 Responsibilities of Residential Unit Owners and Occupants (c) and (d) is hereby amended to read as follows:

Sec. 66.111 Responsibilities of Residential Unit Owners and Occupants

(c) Properly prepared bi-metal containers, container board, foam polystyrene packaging, glass containers, HDPE, LDPE, magazines, newspaper, other resins or multiple resins, PETE, plastic containers, PP, PS, PVC and aluminum cans within the recycling cart shall be collected at curbside according to a schedule set by the Village. The recycling cart shall not be placed at the curbside collection point sooner than the night before the day of collection, **and no later than 6:00 a.m. on the day of collection.** The cart shall be removed from the collection point within 12 hours after collection. In order to prevent carts from being an obstruction to snowplows, carts are prohibited from being placed within the roadway. The Village will not be responsible for carts that are damaged due to being struck by Village snowplows.

(d) Non-recyclable post-consumer waste contained within a non-recyclable cart shall be collected at curbside according to a schedule set by the Village. Overflow refuse bags containing non-recyclable post-consumer waste shall be collected at curbside if the bag weighs less than 50 pounds and an overflow sticker is attached to the bag. Overflow stickers may be purchased from the Village. The non-recyclable cart and any overflow bags shall not be placed at the curbside collection point sooner than the night before the day of collection, **and no later than 6:00 a.m. on the day of collection.** The cart and any uncollected solid waste shall be removed from the collection point within 12 hours after collection. In order to prevent carts from being an obstruction to snowplows, carts are prohibited from being placed within the roadway. The Village will not be responsible for carts that are damaged due to being struck by Village snowplows.

SECTION 2: SEVERABILITY. If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. If an application of this Ordinance to a particular structure, land, or water is adjudged unconstitutional or invalid

by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment. If any requirement or limitation attached to an authorization given under this Ordinance is found invalid, it shall be presumed that the authorization would not have been granted without the requirement or limitation and, therefore, said authorization shall also be invalid. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

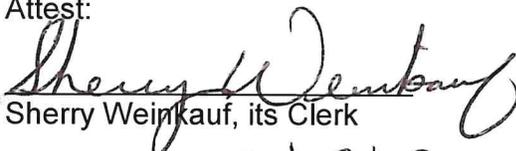
SECTION 3: EFFECTIVE DATE. This ordinance shall take effect upon approval and publication.

Dated the 18 day of June, 2018

WESTON VILLAGE BOARD

By: 
Barbara Ermeling, its President

Attest:


Sherry Weinkauff, its Clerk

APPROVED: 6/18/18

PUBLISHED: 6/23/18

lithium-ion batteries, major appliances, waste oil, used oil filters, oil absorbent materials with visible free-flowing oil and electronics with a collector at the occupant's request and expense, except occupants of residential units may contact the Village's contracted collector for curbside removal and disposal of lead-acid batteries and containerized waste oil at no additional expense. Yard waste may be disposed of at the Weston Municipal Yard Materials site, removed by a collector at the occupant's request and expense, or composted pursuant to Sec. 66.121.

(Ord. of 8-22-1994, § 1(7); Ord. 3-20-2014) [Amended via Ord. No 15-027, 11/18/2015]

Sec. 66.111. Responsibilities of Residential Unit Owners and Occupants.

- (a) Except as otherwise directed by the Village, owners and occupants of residential units shall follow the preparation and collection of recycling materials as adopted by Board resolution to meet vendor and market conditions.
- (b) All residential units shall be provided a wheeled recycling cart and a wheeled non-recyclable post-consumer waste cart by the Village's contracted collector. Provided carts are to be maintained by the residential unit owners and occupants in a good, clean and sanitary condition and shall not be removed from the premises by the residential unit owner or occupant. These carts shall be water tight and fly-proof at all times. Covers shall be kept tightly on the carts to prevent materials from blowing or spilling. The carts will be rented to each residential unit and paid for in accordance with Wis. Stat. § 287.093. A service fee shall be placed on the tax roll, as a special charge, per dwelling unit.
- (c) Properly prepared bi-metal containers, container board, foam polystyrene packaging, glass containers, HDPE, LDPE, magazines, newspaper, other resins or multiple resins, PETE, plastic containers, PP, PS, PVC and aluminum cans within the recycling cart shall be collected at curbside according to a schedule set by the Village. The recycling cart shall not be placed at the curbside collection point sooner than the night before the day of collection, and no later than 6:00 a.m. on the day of collection. The cart shall be removed from the collection point within 12 hours after collection. In order to prevent carts from being an obstruction to snowplows, carts are prohibited from being placed within the roadway. The Village will not be responsible for carts that are damaged due to being struck by Village snowplows.
- (d) Non-recyclable post-consumer waste contained within a non-recyclable cart shall be collected at curbside according to a schedule set by the Village. Overflow refuse bags containing non-recyclable post-consumer waste shall be collected at curbside if the bag weighs less than 50 pounds and an overflow sticker is attached to the bag. Overflow stickers may be purchased from the Village. The non-recyclable cart and any overflow bags shall not be placed at the curbside collection point sooner than the night before the day of collection, and no later than 6:00 a.m. on the day of collection. The cart and any uncollected solid waste shall be removed from the collection point within 12 hours after collection. In order to prevent carts from being an obstruction to

snowplows, carts are prohibited from being placed within the roadway. The Village will not be responsible for carts that are damaged due to being struck by Village snowplows.

- (e) No person shall place the following materials at the curbside collection point for collection by the Village's contracted collector unless the person has made separate arrangements for the collection at the person's own expense:
- (1) Non-separated recyclable and non-recyclable post-consumer waste;
 - (2) Hazardous waste as defined in Wis. Stat. § [291.01\(7\)](#);
 - (3) Paint or stain (latex-based paint cans can go in the trash, as long as contents in can are dried out);
 - (4) Flammable liquid;
 - (5) Explosives;
 - (6) Chemicals;
 - (7) Carcasses;
 - (8) Home generated sharps unless they are deposited in an FDA approved sharps collection container;
 - (9) Infectious waste as defined by Wis. Stat. § [287.07\(7\)\(c\)1.c](#), and other waste that contains or may be mixed with infectious waste;
 - (10) Automotive parts or accessories;
 - (11) Metal;
 - (12) Yard waste;
 - (13) Tires;
 - (14) Major appliances;
 - (15) Lead acid, nickel cadmium, and lithium-ion batteries unless prior arrangements are made with the Village's collector;
 - (16) Used oil filters;
 - (17) Oil absorbent materials with visible signs of free-flowing oil;

- (18) Waste oil unless prior arrangements are made with the Village's collector;
- (19) Electronic devices listed in Wis. Stat. § [287.07\(5\)](#);
- (20) Items that do not fit within the provided cart unless the items are placed in overflow refuse bags that weigh less than 50 pounds and an overflow sticker purchased from the Village is attached to each bag.

(Ord. of 8-29-1988, § 2; Ord. of 8-22-1994, § 1(8); Ord. of 1-24-2013; Ord. 3-20-2014)
[Amended via Ord. No 15-027, 11/18/2015]

Sec. 66.112. Responsibilities of Owners or Designated Agents of Multiple-Family Dwellings.

- (a) The owner of a multi-family dwelling shall arrange for the removal of non-recyclable post-consumer waste and recyclable materials specified in Sec. 66.107(1) through (10) from the multi-family dwelling at the owner's expense. The owner or designated agent of a multi-family dwelling shall provide adequate separate containers for the disposal of both non-recyclable post-consumer waste and those recyclable materials specified in Sec. 66.107(1) through (10). A non-recyclable post-consumer waste container of at least 95 gallons shall be provided per dwelling unit. Dumpsters may be provided using this size equivalency, such that an eight-unit dwelling would require at least a four-yard dumpster, a ten-unit dwelling would require at least a six-yard dumpster, etc. The owner or designated agent of a multi-family dwelling shall also provide recyclable material containers of at least the same size as the non-recyclable post-consumer waste containers. Non-recyclable post-consumer waste shall be removed and disposed of by a collector at the owner's expense at least once each week. Recyclable materials specified in Sec. 66.107(1) through (10) shall be removed by a collector at the owner's expense at least once every other week. To ensure compliance, the owner of a multi-family dwelling shall provide the Village with a copy of its current collection contract within five (5) business days of a written request from the Village.

The owner or designated agent may apply in writing for a special exception from the Village's Planning and Development Department regarding the minimum size of containers. The Village may grant a special exception if the applicant clearly shows that the ordinance requirement creates an unnecessary hardship and granting the special exception will not harm the public interest or undermine the purpose of this ordinance. The Village reserves the right to revoke the special exception at any time, for any reason.

- (b) The owner or designated agent of a multi-family dwelling shall do all of the following:

Notice of Newly Enacted Ordinances

Please take notice that the Village Board of Weston, Wisconsin enacted Ordinance No. 18-015 *An Ordinance Amending Section 66.111 (c) and (d) Responsibilities of Residential Unit Owners and Occupants* on June 18, 2018.

The full text of the newly enacted Ordinances may be obtained at the office of the Village Clerk, 5500 Schofield Avenue, Weston, Wisconsin or through the Village's website at <http://www.westonwi.gov/499/Adopted-Ordinances>.

Dated this 19th day of June 2018
Sherry Weinkauff, Village Clerk

Published: 6/23/18

DAILY HERALD media

A GANNETT COMPANY

STATE OF WISCONSIN
BROWN COUNTY

VILLAGE OF WESTON
5500 SCHOFIELD AVE
WESTON WI 544764333

I, being duly sworn, doth depose and say I am an authorized representative of The Wausau Daily Herald, a newspaper at Wausau Wisconsin and that an advertisement of which the annexed is a true copy, taken from said paper, which published therein on:

VOUCHER APPROVAL

Account Number: GWM-1081606
Order Number: 0002995717
No. of Affidavits: 1
Total Ad Cost: \$11.67
Published Dates: 06/23/18

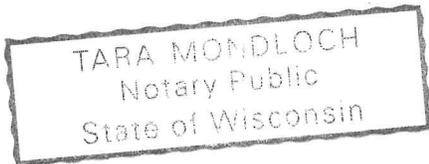
Account Number: 10-01-51420 -321-000
Description: WDH affidavit of Publication
Ord No 18-015 Sec 66.111
Approved by [Signature] 7/6/18
Initials Date

\$11.67

(Signed) [Signature] (Date) 6/27/18
Legal Clerk

Signed and sworn before me

[Signature]



My commission expires Aug. 6. 2021

VILLAGE OF WESTON
Re: Newly Enacted Ordinances

Notice of Newly Enacted Ordinances
Please take notice that the Village Board
of Weston, Wisconsin enacted Ordinance
No. 18-015 An Ordinance Amending
Section 66.111 (c) and (d) Responsibilities
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Village's website at <http://www.westonwi.gov/499/Adopted-Ordinances>.
Dated this 19th day of June 2018
Sherry Weinkauff, Village Clerk
Published: June 23, 2018 WNAJLP

**VILLAGE OF WESTON, WISCONSIN
AGENDA ITEM COVER SHEET**

MTG/DATE: Board of Trustees – 06/18/18

FROM: Jennifer Higgins, Director of Planning and Development
Valerie Parker, Planning Technician

DESCRIPTION: Ordinance No. 18-015 An Ordinance to Amend Chapter 66
Solid Waste, Section 66.111 (c) and (d).

ACTION:	<input checked="" type="checkbox"/> Approve	<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Proclamation
	<input type="checkbox"/> Deny	<input type="checkbox"/> Policy	<input type="checkbox"/> Report
	<input type="checkbox"/> Expenditure	<input type="checkbox"/> Procedure	<input type="checkbox"/> Resolution

QUESTION:

Should the Board of Trustees approve the attached amendments to Chapter 66 Solid Waste.

BRIEF: It has been an unwritten policy that residents, covered under the Village's contracted refuse & recycling services, have their refuse and recycling carts out either the night before collection or no later than 6:00 a.m. on the day of collection. When the Solid Waste Ordinance was re-written in 2014, language was added stating carts shall not be placed at the curbside collection point sooner than the night before the day of collection, but did not include language stating that carts should not be placed out any later than 6:00 a.m. on the day of collection. This Ordinance amendment is now including that additional language.

Please take a look specifically at Sec. 66.111 (c) and (d) where the addition of "...", **and no later than 6:00 a.m. on the day of collection.**" is being added.

RECOMMEND: Director and Planning Technician recommends approval.

COMMITTEE: Public Safety Committee 05/29/18 – Recommended Approval.

REQUEST: Adopt Ordinance No. 18-015 as proposed.

Is there an additional briefer with this agenda item?

Are there additional reference documents which have been attached to this report?

VILLAGE OF WESTON, WISCONSIN

AGENDA ITEM BRIEFER

1. Policy Question:

Should the Board of Trustees approve amendments to the Solid Waste Ordinance?

2. Purpose:

The purpose of asking this question is to receive guidance and feedback from Village policymakers regarding the "policy question" written out above.

3. Background:

We have found that some people will put their carts out later in the morning, as the truck usually gets to their specific location later in the morning; however, from time to time, if a back-up driver is filling in on a route, he/she may run the route differently from the regular driver, and servicing houses at a much earlier time than usual, which causes issues where the resident misses their pick-up because they did not have their cart out in time. This causes resident complaints, which typically, Advanced Disposal Services will give the resident the benefit of the doubt, and go back and empty the carts. There have been a few instances in the past where Advanced Disposal Services had brought to my attention about chronic cases where certain residents continuously are late getting their carts out, and then calling Advanced Disposal Services to come back and empty their carts.

4. Issue Analysis:

Though we have indicated in newsletters and social media announcements that carts should be out by 6:00 a.m., it's best if there is a specific time written in the Solid Waste Ordinance for residents to follow.

The attached is a full amendment to the Solid Waste Ordinance.

5. Fiscal Impact:

None.

6. Legal Impact:

None.

7. Prior Review:

Public Safety Committee recommended approval at their 05/29/2018 meeting.

Director of Planning & Development has reviewed the ordinance amendment and is in favor of the Board making the Amendments to the Ordinance.

8. Policy Choices:

1. Approve Ordinance No. 18-015.
2. Approve the Ordinance Amendment with changes (additions and/or deletions).
3. Deny the Ordinance Amendment Request.

9. Recommendation:

I recommend that the Board of Trustees approve the Ordinance No. 18-015 as proposed.

10. Attachments:

Ordinance No. 18-015
Chapter 66 Solid Waste showing proposed amendments.