

GENERAL ORDINANCE NO. 13-11

AN ORDINANCE
AMENDING CHAPTER 9,
GREEN BAY MUNICIPAL CODE,
RELATING TO COLLECTION OF SOLID
WASTE ON CONDOMINIUM PROPERTIES

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 9.01, Green Bay Municipal Code, is hereby amended by adding thereto the following definitions:

9.01 **DEFINITIONS.**

(9) CONDOMINIUM. A residential property which is subject to the provisions of Ch. 703, Wis. Stats, and governed by a declaration or bylaw that requires all units to be owner-occupied.

SECTION 2. Section 9.02(7)(e), Green Bay Municipal Code, is hereby amended as follows:

(7) The Director of Public Works is hereby authorized to control the collection, removal, and hauling of solid waste in the City in conformity with the following administrative regulations:

(e) Storage and Collection.

1. The owner and/or occupant of any premises shall be responsible for proper and sanitary storage, separation and preparation of all solid waste accumulated at that premises until collected by the collecting and transporting service.

2. Mobile Home Park **and Condominium** Waste. On the scheduled day of collection, mobile home park **and condominium** solid waste shall be properly prepared and placed at the curblin**e of the adjacent public street**, or if directed by the Department of Public Works Sanitation Section, at the alley line. No collection will be made on private property ~~unless~~ **except under the following conditions:**

a. ~~The property owner and lessee, if applicable,~~ individual, company, or association which owns the land utilized for waste collection, shall provide the City with an indemnification and hold harmless agreement protecting the City from any

and all liability for coming upon such private property, in a form to be approved by the City Attorney's Office; and

b. The property owner shall also maintain a policy of liability insurance, the terms and limits of which shall be determined by the City ~~Insurance~~ **Risk Management** Department, in which the City of Green Bay shall be named as an additional insured, protecting it from any and all liability for coming upon said property.

c. City collection vehicles are able to enter and leave the private property ~~while~~ **proceeding only** in a forward motion, the private driveways or alleys are of an adequate width to ~~safely~~ **accommodate safe movement and turning of** City collection vehicles **without leaving the pavement** and the solid waste is placed out for collection in an open area readily accessible for collection. If waste stored on private property is not disposed of properly, the City will see that proper disposal is made and charge the property owner the actual cost of said disposal.

3. Residential Waste. Residential waste shall be properly prepared and placed at the curblin. Pickups shall not be made in the alley adjoining residential property. No collection shall be made on private property **except for mobile home parks and condominiums as defined above.**

4. Recyclable Waste. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions. Recyclable wastes shall be properly prepared and placed at the curblin next to regular solid waste for collection. Recyclable waste collection shall be made on the same day as regular solid waste collection. Pickups shall not be made on residential; private property, or in the alley adjoining residential property **except for mobile home parks and condominiums as defined above.**

5. Mobile Home Park **and Condominium** Waste. Waste from mobile home parks **and condominiums** shall be considered residential waste and shall be stored and collected under the provisions of §9.02(7)(e)2, Green Bay Municipal Code.

6. Pickups shall not be made at the rear of the residence or back door unless certified to by the City Department of Public Works that a hardship exists due to physical handicap.

7. Any solid waste, when placed out for collection, shall be out by 6:00 A.M. from June 1 through August 31 and shall be out by 7:00 A.M. from September 1 through May 31 on the scheduled day of collection, but shall not be placed out more than 12 hours before collection day and shall be removed not more than 12 hours after collection day. Solid waste for collection shall be placed along the curb line immediately adjacent to the property which has generated the solid waste. Failure to comply may result in the issuance of a citation.

8. Items too large or otherwise unsuitable for storage containers shall be stored in a nuisance-free manner consistent with regulations established by the Director of Public Works.

9. All solid waste placed out for collection becomes City property upon being collected.

10. (Rep. & Rec. GO 43-04) Garbage, recycling, yard waste, or refuse containers shall be stored during the time period between collection days in an enclosed structure or building, or stored in ~~rigid~~ **rigid** metal or plastic containers designed in accordance with §§9.02(7)(c)2. - 5., which are screened from view of a public right-of-way. Garbage, recycling, yard waste, or refuse shall not be stored in the following locations:

a. In front of a building, the front herein defined to be that side numbered in accord with §9.31, Green Bay Municipal Code.

b. At that side of a building on a corner lot that faces the street.

c. On, under, or along side of a front porch, stoop, steps, landing, accessible ramp, or deck fronting on a public right-of-way.

d. Within 15' of the public right-of-way, except during collection time periods.

11. There shall be no variance from this section without the prior approval of the Director of Public Works therefore.

12. Any garbage, recycling, yard waste, or refuse container stored in violation of this chapter, irrespective of the provisions of §9.02(6)(f)10. above, shall be subject to the following:

a. The Director of Public Works shall have the authority to order that any exterior storage of garbage, recyclables, or refuse be enclosed in a structure if, in his determination, the storage of such garbage, recyclables, or refuse is unsanitary or creates or tends to create a nuisance to public health or safety.

b. In determining whether an exterior storage structure shall be required under this section, the Director of Public Works shall take into account the location of the waste storage, its proximity to residential areas, the likelihood of human exposure or contact with the waste storage areas, and the type of waste being stored. These considerations are to be deemed illustrative and not exclusive.

c. All structures ordered under this section shall be at least three sided and constructed of opaque materials sufficient to ensure the waste is impervious to view from the exterior of the three sides. The walls of the structure shall be of a height equal to 1' taller than the garbage or refuse receptacle, but in no event in excess of 6' in height, and shall be painted and maintained in a neat and orderly manner.

d. Any person aggrieved by such an order by the Director of Public Works to enclose said waste containers shall have the opportunity to bring such order before the Improvement and Service Committee for its review within 30 days of the issuance of the order.

SECTION 3. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 4. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin this 18th day July, 2011.

APPROVED:

James J. Schmitt
Mayor

ATTEST:

Lauri A. Marenger
Clerk

First Reading - 6/21/11
Effective Date - 7/23/11