



# City of Madison Master

City of Madison  
Madison, WI 53703  
www.cityofmadison.com

**File Number: 00677**

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**File Type:** Ordinance

**Status:** Report of Officer

**Version:** 1

**Reference:**

**Controlling Body:** SOLID WASTE  
ADVISORY  
COMMITTEE

**Requester:** SOLID WASTE  
ADVISORY  
COMMITTEE

**Cost:**

**Introduced:** 02/23/2005

**File Name:** storage of recycling/trash carts

**Final Action:**

**Title:** Creating new Section 10.18(13) of the Madison General Ordinances to set aside and declare unenforceable covenants in deeds and various other agreements which govern the storage, placement, location or use of carts required by the City for recycling and trash and renumbering current Sections 10.18(13) and (14) to Sections 10.18(14) and (15), respectively

**Notes:** REO/3650carts  
04-1005

**Code Sections:**

**Agenda Date:** 05/15/2007

**Indexes:**

**Agenda Number:** 76

**Sponsors:** David J. Cieslewicz

**Enactment Date:**

**Attachments:** UDC Rpt doc

**Enactment Number:**

## History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Attorney's Office/Approval Group	02/23/2005	Approved As To Form				
1	Attorney's Office	02/23/2005	Fiscal Note Required / Approval	Comptroller's Office/Approval Group		05/10/2007	
1	Comptroller's Office/Approval Group	02/23/2005	Approved Fiscal Note By The Comptroller's Office	Attorney's Office		06/02/2005	
	<b>Notes:</b> Fruit						
1	Attorney's Office	02/24/2005	Refer for Introduction				
	<b>Notes:</b> Solid Waste Advisory Committee, Plan Commission, Urban Design Commission						
1	COMMON COUNCIL	03/01/2005	Refer	SOLID WASTE ADVISORY COMMITTEE		04/05/2007	
1	COMMON COUNCIL	03/01/2005	Refer	PLAN COMMISSION		04/18/2005	
1	COMMON COUNCIL	03/01/2005	Refer	URBAN DESIGN COMMISSION		09/15/2005	

1	PLAN COMMISSION	04/04/2005	Rerefer	PLAN COMMISSION	04/18/2005	Pass
	<b>Notes:</b>	<i>The Plan Commission members were interested in obtaining an opinion from the drafter on the intent and purpose of the ordinance.</i>				
1	URBAN DESIGN COMMISSION	04/06/2005	Return to Lead with the Recommendation for Denial	SOLID WASTE ADVISORY COMMITTEE	04/05/2007	Pass
	<b>Notes:</b>	<i>The Commission in its recommendation to reject the ordinance amendment stated its support for the establishment of the automated collection of recyclables and trash programs; at the same time felt that the ordinance amendment was unnecessary to facilitate these programs and results in significant negative aesthetic impacts on the City as a whole with the allowance of the storage of the recyclables and trash carts at the front of buildings. The Commission also noted that future consideration of an ordinance amendment to 7.36, Madison General Ordinances also involving standards for the location and storage of automated refuse containers should be referred to the Urban Design Commission for formal consideration</i>				
1	PLAN COMMISSION	04/18/2005	Return to Lead with the Recommendation for Approval	SOLID WASTE ADVISORY COMMITTEE	04/05/2007	Pass
1	SOLID WASTE ADVISORY COMMITTEE	04/05/2007	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER			Pass

**Text of Legislative File 00677**

**..Fiscal Note**

No appropriation required.

**..Title**

Creating new Section 10.18(13) of the Madison General Ordinances to set aside and declare unenforceable covenants in deeds and various other agreements which govern the storage, placement, location or use of carts required by the City for recycling and trash and renumbering current Sections 10.18(13) and (14) to Sections 10.18(14) and (15), respectively

**..Body**

The Common Council of the City of Madison do hereby ordain as follows:

1. New Subsection (13) entitled "Storage of Carts Used for Automated Recycling and Refuse Collection" of Section 10.18 entitled "Collection of Refuse and Recycling of Waste" of the Madison General Ordinances is created to read as follows:

"(13) Storage of Carts Used for Automated Recycling and Refuse Collection.

In furtherance of public health and welfare concerns, covenants in deeds, and covenants or provisions in condominium owner's agreements, homeowner's association agreements, leases, and all other private agreements, to the extent such covenants or provisions apply to the storage, placement, location or use of carts required by the City to be used for automated collection of recyclables and trash are set aside and declared unenforceable as against public policy. This subsection applies to all such covenants and provisions, including those created prior to the enactment of this ordinance "

2. Current Subsections (13) and (14) of Section 10.18 entitled "Collection of Refuse and Recycling of Waste" of the Madison General Ordinances are renumbered to Subsections (14) and (15), respectively