Legistar File No. 83632 Body-Version 2

DRAFTER'S ANALYSIS: This ordinance makes several changes to update the City's ordinances regarding large item collection and the City's electronic waste recycling program. Historically, the City provided broad large item collection services across the City and utilized a sticker system for the collection, disposal and recycling of certain large items and electronic waste. However, the City no longer provides this broad service and now utilizes a work order system to make this program more efficient. In addition, while properties not receiving City refuse collection services are supposed to provide their own large item collection, some properties have not been doing this, leading to the unauthorized disposal of large items on the terraces, creating hazardous and blighting conditions that can be a negative influence on a neighborhood. A companion resolution approving the City's Large Item Collection and Electronic Waste Recycling Policy, File No. 83634, will be considered contemporaneously with this ordinance.

This ordinance repeals existing language in Sec. 10.18(11) regarding appliance disposal, as that is now part of the large item collection provisions. The large item collection language in renumbered 10.18(11) is being updated to reflect current operations, and to expressly prohibit the placement of large items on the terrace contrary to the City's Large Item Collection Policy. The electronic waste recycling language in renumbered 10.18(12) is being updated to better reflect current state law and to make it clear that these items are not for curbside collection, but must be recycled consistent with the City's Electronic Waste Recycling Policy. Section 10.18(13)(e)5 is being created to establish penalties for violating these updated provisions so that additional enforcement options are available to ensure compliance with the Ordinances and the Policies and hopefully encourage use of the work order system, while eliminating unauthorized large item disposal on the terraces. Additionally, Section 27.05(2)(dd) is being added to the property maintenance code to provide the Building Inspection Division with the ability to directly address the placement of large items on the terrace contrary to the Policy. Sec. 1.08(3)(a) is being amended to add a bond schedule for violations associated with these updated and new ordinances.

The substitute eliminates the delayed effective date.

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

1. Subsection (11) entitled “Appliance Fees” of Section 10.18 entitled “Collection of Refuse and Recycling of Waste” of the Madison General Ordinances is repealed.

2. Subsection (12) entitled “Large Item Fees” of Section 10.18 entitled “Collection of Refuse and Recycling of Waste” of the Madison General Ordinances is renumbered to Subsection (11) and amended as follows:

“(~~12~~11) Large Item Fees.

(a) The Streets Division offers curbside large item collection pursuant to the City’s Large Item Collection Policy. For the purposes of this subsection, large items are items that are too large to fit into City provided receptacles but are meant for disposal, either as waste or recycling. Large items include such things as furniture, mattresses, appliances, certain remodeling or construction debris, and tires. Large items do not include electronics, which are subject to Sub. (12).

(~~a~~b) No large item shall be placed on any terrace or curbside for collection contrary to the City’s Large Item Collection Policy ~~by the City unless the large item bears a large item sticker issued by the Street Superintendent~~. Every property owner shall be responsible for maintaining all of their property, along with the terrace area adjacent thereto, in accordance with this subsection. Fees for such large item collection ~~stickers~~ shall be set by the Street Superintendent.

(~~b~~c) The Street Superintendent shall cause all large items which have been placed at curbside or on the terrace of properties contrary to the City’s Large Item Collection Policy ~~without a large item sticker~~ to be removed and disposed of properly. The Street Superintendent shall keep an accurate account of the expenses thereof and report the same to the Finance Director, who shall annually prepare a statement of the expenses so incurred in front of or on each lot or parcel of land and report the same to the City Clerk, and the amount therein charged to each lot or parcel of land shall be entered by said Clerk in the tax roll as a special charge against said lot or parcel of land, and the same shall be collected in all respects like other special charges upon real estate under Wis. Stat. § 66.0627.”

3. Subsection (13) entitled “Electronics” of Section 10.18 entitled “Collection of Refuse and Recycling of Waste” of the Madison General Ordinances is renumbered to Subsection (12) and amended as follows:

“(~~13~~12) Electronics.

(a) Wis. Stat. § 287.07(5) and § 287.17, and regulations and guidelines adopted by the Wisconsin Department of Natural Recourses, prohibit the disposal of certain electronic waste, including ~~No~~ televisions, ~~computer monitors, laptop or desktop~~ computers, ~~or CPUs may~~ printers, monitors, computer accessories, video players, and cell phones. Such items must be recycled and cannot be placed or kept on any terrace or curbside for collection by the City. Every owner shall be responsible for maintaining all their property in accordance with this subsection. ~~Televisions, computer monitors, laptop or desktop computers, or CPUs~~ Such electronic waste must be disposed of at an authorized recycling deposit site or in any other lawful manner, consistent with State law. No person shall deposit such recyclables at any authorized recycling center or deposit site while the site is closed. No ~~televisions, computer monitors, laptop or desktop computers, or~~

~~CPUs~~ electronic waste shall be deposited at an authorized public recycling site contrary to the City's Electronic Recycling Policy. ~~unless the item bears a fee sticker issued by the Street Superintendent. Fees for such stickers~~ Appropriate recycling fees for these items shall be set by the Street Superintendent.

(b) The Street Superintendent shall cause all ~~televisions, computer monitors, laptop or desktop computers, or CPUs which have been~~ electronic waste placed at curbside or on the terrace contrary to this Subsection to be removed and disposed of properly. The Street Superintendent shall keep an accurate account of the expenses thereof and report the same to the Finance Director, who shall annually prepare a statement of the expenses so incurred in front of or on each lot or parcel of land and report the same to the City Clerk, and the amount therein charged to each lot or parcel of land shall be entered by said Clerk in the tax roll as a special charge against said lot or parcel of land, and the same shall be collected in all respects like other special charges upon real estate under Wis. Stat. § 66.0627."

4. Subsection (14) entitled "Penalty" of Section 10.18 entitled "Collection of Refuse and Recycling of Waste" of the Madison General Ordinances is renumbered to Subsection (13).

5. Subdivision (e) of Subsection (13) entitled "Penalty" of Section 10.18 entitled "Collection of Refuse and Recycling of Waste" of the Madison General Ordinances is created as follows:

"(e) Any person who violates Subsections (11) or (12) shall be subject to a forfeiture of not less than fifty dollars ($50) nor more than two hundred dollars ($200) for the first offense, not less than two hundred dollars ($200) nor more than five hundred dollars ($500) for the second offense, and not less than five hundred dollars ($500) nor more than one thousand dollars ($1000) for the third and any subsequent offense."

6. Subsection (15) entitled "Severability" of Section 10.18 entitled "Collection of Refuse and Recycling of Waste" of the Madison General Ordinances is repealed.

7. Subdivision (dd) entitled "Large Items on Terrace" of Subsection (2) of Section 27.05 entitled Safe and Sanitary Maintenance of Property" of the Madison General Ordinances is created as follows:

"(dd) Large Items on Terrace. Large items, as that term is defined in Sec. 10.18(11)(a), may not be placed on the terrace, except temporarily, contrary to the City's Large Item Collection Policy. Property owners are responsible for the removal of such items."

8. Subdivision (a) of Subsection (3) entitled "Schedule of Deposits" of Section 1.08 entitled "Issuance of Citations for Violations of Certain Ordinances and Providing a Schedule of Cash Deposits" of the Madison General Ordinances is amended by creating and amending therein the following:

"Offense	Ord. No./Adopted Statute No.	Deposit *

Depositing large items without approval at curb/terrace	10.18(11)	$100, 1st $300, 2nd $500, 3rd $1,000, 4th+
Improper disposal of electronic waste	10.18(12)	$50, 1st $200, 2nd $500, 3rd+
Large items on terrace	27.05(2)(dd)	$100, 1st $200, 2nd"

EDITOR'S NOTE: New bail deposits must be approved by the Municipal Judge prior to adoption. This deposit has been so approved.

~~9. This ordinance will go into effect on November 1, 2024.~~

EDITOR'S NOTES:
Section 10.18(11) entitled "Appliance Fees" of Section 10.18 entitled "Collection of Refuse and Recycling of Waste" of the Madison General Ordinances currently reads as follows:

"(11) Appliance Fees.
(a) No appliance shall be placed on any terrace or curbside for collection by the City unless the appliance bears an appliance sticker issued by the Street Superintendent. Every owner shall be responsible for maintaining all her/his property in accordance with this subsection. Fees for such appliance stickers shall be set by the Street Superintendent.
(b) The Street Superintendent shall cause all appliances which have been placed at curbside or on the terrace without an appliance sticker to be removed and disposed of properly. The Street Superintendent shall keep an accurate account of the expenses thereof and report the same to the Finance Director, who shall annually prepare a statement of the expenses so incurred in front of or on each lot or parcel of land and report the same to the City Clerk, and the amount therein charged to each lot or parcel of land shall be entered by said Clerk in the tax roll as a special charge against said lot or parcel of land, and the same shall be collected in all respects like other special charges upon real estate under Wis. Stat. § 66.0627."

Section 10.18(15) entitled "Severability" of Section 10.18 entitled "Collection of Refuse and Recycling of Waste" of the Madison General Ordinances currently reads as follows:

"(15) Severability. Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected."

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<u>The substitute eliminates the delayed effective date.</u>