LEGISTAR #50982 – Substitute Body

DRAFTER'S ANALYSIS: Lately, Mall Concourse maintenance staff, who are responsible for the emptying of the public trash cans on State Street and within the Mall Concourse area, have noticed that adjacent business, news box operators, food carts, and other commercial entities have been using the City's public trash cans to dispose of their commercial waste. This has led to them having to empty the City's trash cans more frequently and bins being filled up leaving no room for the public. These public trash cans are meant for the public to use so that trash and refuse is not improperly disposed of and State Street and the Mall Concourse remain safe, sanitary and free of vermin or other pests. Private property owners and commercial interests should, and are required to, secure other means to dispose of their refuse and waste—whether through a dumpster or even the City's weekly garbage collection program. This ordinance amendment, in addition to rearranging the existing language, makes it clear that property owners and commercial interests are not to use the City's public trash receptacles. This limitation does not apply to customers of the business. This substitute is meant to clarify that the disposal of trash in the City receptacles that is not related to the use of the property or the business operation is not a violation of the prohibition. Throwing out food waste from a restaurant would be a violation; an employee throwing out a candy wrapper would not. The substitute also makes it clear that the tan and green refuse and recycling carts provided to all property owners in the City as part of the City's refuse and recycling program are not subject to this new prohibition. This prohibition is only meant to address the City-owned refuse and recycling containers that are not put out and brought in weekly by the adjoining properties.

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

1. Section 10.19 entitled "Dumping of Rubbish" of the Madison General Ordinances is amended to read as follows:

"**10.19. DUMPING OF RUBBISH <u>OR REFUSE</u>.**

(1) <u>Dumping on Public Property.</u> It shall be unlawful to dump rubbish <u>or refuse</u> in any street, alley or public place within the City of Madison.

(2) ~~Any person, firm, association or corporation who violates this section shall be subject to a forfeiture of not more than two thousand dollars ($2000). Each day such violation continues shall be considered a separate offense.~~ <u>Misuse of City Receptacles. No property owner or commercial interest, including news box operators, or an employee, agent or representative of a property owner or commercial interest, shall place, or cause to have placed, any rubbish or refuse in the City owned and publicly maintained trash and recycling receptacles located in the State Street Mall Concourse area or other public right-of-way, unless such disposal is incidental unrelated to the use of the property or the business operation. This prohibition does not extend to the disposal or refuse or waste by customers of a business. The City receptacles subject to this subsection do not include refuse and recycling carts provided to property owners as part of the Street Division's refuse and recycling program.</u>

<u>(3) Dumping on Private Property. No person shall deposit any brush, newsprint, yard waste, solid waste or other refuse or rubbish of any kind whatsoever on a lawn or a terrace or in a dumpster or other refuse container located in or upon commercial or residential property without the permission of an owner or lessee of said property.</u>

<u>(4) Any person who violates subsection (1) shall be subject to a forfeiture of not more than two thousand dollars ($2000). Any person who violates subsection (2) shall be subject to a forfeiture of not less than fifty dollars ($50) nor more than two hundred dollars ($200) for each offense within twelve months and not less than one hundred dollars ($100) nor more than five hundred dollars ($500) for the third and any subsequent violation within any twelve-month period. Any person who violates subsection (3) shall be subject to a forfeiture of not less than fifty dollars ($50) nor more than two hundred dollars ($200) for each separate offense. Each day such violation continues shall be considered a separate offense."</u>

2. 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 as follows:

“Offense	Ord. No./Adopted Statute No.	Deposit
Misuse of City receptacles.	10.19(2)	$100, 1st w/in 1 yr. $200, 2nd w/in 1 yr. $300, 3rd w/in 1 yr.”

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