

**Article I. Citywide Collection of Solid Waste for Defined Residential Units**

**220.1 Citywide Collection of Residential Solid Waste, Refuse & Recyclables**

**(A) General.** All residential units in the City of New Berlin shall have their solid waste collected by the contractor retained by the City, the cost of which shall be levied as a special charge against each said residential unit pursuant to Wis Stats §66.0627. For purposes of Chapter 220 a “residential unit” shall be defined as a single-family residence or a dwelling unit within a multifamily building of four or fewer units. Solid Waste collection shall not be provided by the City to properties not considered “residential properties” and the owners and occupants of those properties shall dispose of their Solid Waste in compliance with all applicable laws, at their sole expense.

**(B) Definitions.** For purposes of this Section 220.1, the following terms have the following meanings:

**(1) Cart.** Cart means the approved Refuse or Recyclables container delivered to residential units by the City or the collection contractor retained by the City.

**(2) Recyclables.** Recyclables means household waste that is accepted by the Waukesha County recycling program. (e.g. cans, bottles, paper, plastics, newsprint, cardboard)

**(3) Refuse.** Solid Waste comprised of rubbish, trash and garbage, excluding recyclables, yard waste, and bulky items that are diverted for reuse or recycling.

**(4) Residential Unit.** Single-family residence or a dwelling unit within a multi-family building, including apartments, duplexes and condos having four or fewer units - The residential unit may be located on a public or private drive provided the private drive is of sufficient size to accommodate collection vehicles and the owner of the building(s) executes a release and waiver of damages to the private drive caused by the collection contractor’s vehicles. The determination of a private drive’s sufficiency shall be the sole discretion of the City and its collection contractor.

**(5) Solid Waste.** Includes refuse, recyclables and bulky items but excluding unpermitted waste as may be determined from time to time by the City of New Berlin and subject to applicable State of Wisconsin and Waukesha County standards.

**(6) Bulky Item.** Item that does not fit in an empty cart, with no one item exceeding 50 pounds - This includes, but is not limited to, such items as furniture, sinks, doors, toys, and bicycles. Items qualifying as a Bulky Item are subject to change in accordance with the collection contractor’s definition of Bulky Items.

**(C) General Collection Rules:** The following rules apply to all residential units of the Citywide collection services:

**(1) Initial Cart Delivery.** Carts will be delivered by the City or its collection contractor. The initial delivery and cart costs shall be at the City’s expense.

**(2) Containers other than Carts Prohibited.** All Refuse and Recyclables must be in Carts; all other containers for Refuse and Recyclables collection are prohibited.

**(3) Cart Placement.** Carts shall be placed in the area between the sidewalk and the curb line in front of the premises, or adjacent to the paved roadway area where no curb exists, or at the rear of the premises where pickup is in an alley. Placement of carts shall further be governed by such rules as may be established from time to time by the City of New Berlin or its collection contractor. Carts shall be aligned so that the pick-up bar faces the street, without obstruction between the Cart, the street or other objects.

**(4) Collection Schedule.** Refuse shall be collected once every week, on a scheduled collection day, and Recyclables shall be collected once every other week on the same scheduled collection day as Refuse. Collection days shall be determined by the City's collection contractor. Collection schedules may be altered due to holidays or other circumstances.

**(5) Placement and Removal Times of Carts.** Carts shall be placed out for collection no later than 6:30 am on the day of scheduled collection and no more than 24 hours prior to the customary pickup time.

**(D) Cart Rules**

**(1) Ownership of Carts.** Carts remain solely the property of the contractor providing collection services for the City and shall not be the property of the owner or occupant of the residential unit. Carts shall remain with the residential unit, regardless of any changes in ownership or occupancy.

**(2) Care and Replacement of Carts.** The owners or occupants of the residential unit are responsible for the proper usage and care of Carts assigned their unit. Carts shall be kept in a clean, neat and sanitary condition at all times, and the lid shall be kept shut except during depositing of materials into it or the removal of such items by the collection contractor. Owners and occupants shall be responsible, at their expense, for the replacement of Carts that are stolen or lost. Replacement costs shall be determined by the City of New Berlin and its collection contractor. Carts broken due to normal wear and tear will be fixed or replaced for free.

**(3) Cart Exchange.** Owners or occupants may exchange only their Refuse Cart for another available size as determined by the City's collection contractor, provided the Cart to be traded in is in good condition and the owner or occupant pays the exchange fee as determined by the City of New Berlin and its collection contractor.

**(4) Additional Carts.** Owners or occupants of residential units may obtain one additional Refuse and Recyclables Cart provided the owner or occupant pays all required additional fees to the collection contractor.

**(E) Solid Waste and Recycling Rules**

**(1) Refuse/Recycling Must Fit in Cart.** The collection contractor retained by the City of Berlin for collection will only accept such refuse and recycling material as may be placed and fits within the Carts provided by the collection contractor. No Refuse or Recyclables shall be collected which cannot be placed in the container due to its size, nature or content.

**(2) Materials Prohibited from other than the Applicable Residential Unit.** No person shall transport or convey into the City any solid waste originated in any other political unit for the purposes of depositing same in any cart for collection, regardless of whether such person has permission from the owner or person in charge of such property or cart. In addition, no one may place any items in Carts, except the refuse or recycling generated by the owners or occupants of the residential unit to which the Cart has been assigned.

**(3) Scavenging Prohibited.** Refuse, bulky items and Recyclables placed for collection shall remain the property of the owner or occupant that placed the items until the items are collected by the City's Collection Contractor. No persons other than the owner or occupant that placed the items for collection, or the City's Collection Contractor, may take possession of such items.

**(4) Drainage of Liquids.** All refuse and recyclables shall be drained of liquids before being deposited in carts for collection.

**(5) Bulky Item Pickup.** Only one bulky item per week will be collected on the same day as regular service. Arrangements for the pickup of Items weighing more than 50 pounds and other items which do not qualify as a "bulky item" shall be made between the owner or occupant of the residential unit and the collection contractor. Charges payable to the collection contractor may be applicable for large items.

**(6) Yard Waste.** The City's collection contractor shall offer the collection of yard waste as defined in Wisconsin Statute 287.01(17). (e.g. leaves, grass clippings, yard and garden trimmings) for an additional fee. Arrangements for yard waste collection shall be made solely between the owner or occupant of the residential unit and the City's collection contractor.

**(F) Violations**

- (1) Failure to separate recyclables from non-recyclable materials.
- (2) Usage of Carts for other than as defined in §220-1
- (3) Scavenging as outlined in §220.1(E)(3)

**(G) Cost for Collection of Refuse and Recyclables to Residential Units**

(1) The costs for collection shall be established from time to time by the City Council as a special charge. Failure to pay any special charge for collection as provided hereunder shall result in the special charge being placed on the property tax roll.

(2) Pursuant to Wis Stats §66.0627, a special charge is hereby established for refuse and recyclable collection. The special charge shall be established from time to time by action of the Common Council. All special charges for refuse and recyclable collection shall be payable in advance and shall be due at the time of the initial payment of real estate taxes for the year preceding the year of service. Any residential unit for which service is provided and for which a building permit is issued shall pay a special charge at the time of the issuance of an occupancy permit. Said charge shall be in the sum of 1/12 of the annual service charge commencing the month after which the occupancy permit is issued or required and for the remaining months of that year and shall be collected as provided for herein.

(3) The Common Council shall set the amount of the charge per residential unit annually by resolution and prior Class I newspaper notice of the intent to adopt such resolution establishing such amount, except that in any year in which such a resolution is not adopted, the levy shall be the same as the most recent levy for each residential unit. All receipt from the special charge shall be deposited in a special revenue non-lapsing fund entitled "Garbage/Recycling Collection."

(4) There will no exceptions to the designation of a residential unit as defined in this §220.1 and hence its applicable fee for city collection charges.