

Wauwatosa Solid Waste Ordinance – 2026 Proposed Updates (Track Changes Version)

CHAPTER 8.24 SOLID WASTE COLLECTION AND DISPOSAL

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8.24.010 Definitions

- A. As used in this chapter, the following words and phrases shall have the meanings ascribed to them in this section:

"Combined refuse" is the refuse of animal, vegetable or synthetic substances which have been used or intended as food or other products for humans or animals, excluding recyclables ~~and including, but not limited to, blister packs, bones, crockery and pyrex containers~~, as may be accumulated in the customary use of a dwelling or place of business.

"Commercial/institutional" refers to business enterprises, except manufacturing, and the activities associated therewith. It includes churches, public and parochial education institutions, charitable organizations, and apartment buildings of more than four units, and all combination business residential properties, investment firms, managing real estate and any individual owning more than one property for profit.

"Construction waste" is waste resulting from building construction, alteration or repair, and earth from excavation.

~~"Covered electronic device" means a consumer video display device, a consumer computer, or consumer printer.~~

"Curbside" means the area within five feet of the edge of the traveled portion of any public street or alley affording reasonable access to waste collection crews from the street or alley line, but only such portion thereof as lies on the roadway side of any drainage ditch.

"Domestic" refers to dwelling units and the household activities associated therewith and includes apartment buildings of four units or smaller.

"E-Waste" includes all covered electronic devices including a consumer video display device, consumer computers and related accessories (such as hard drives/towers, printers, keyboards, mice, and monitors), cell phones and televisions.

"~~Garbage~~Food scraps" ~~are~~ is all waste, animal, fish, fowl, fruit or vegetable matter incidental to and resulting from the use, preparation and storage of food for human consumption, including spoiled food, but exclusive of such items when enclosed in containers of a noncombustible nature.

"Manufacturing wastes" is any and all wastes or refuse generated in the manufacturing process and/or activities associated therewith shall be excluded from any type of collection as furnished by the city.

"Person" is any person, firm, partnership, association, corporation, company or organization of any kind.

"Recyclables" consist of materials in the waste stream that can be remanufactured into useful products, specifically those materials described under ~~Wisconsin Section 8.25 Statutes 159.07(3).~~

"Responsible unit" or "RU" is the city who, for recycling grant purposes, has information available where city residents can take their covered electronic devices generated within the city for disposal. The director of public works is the authorized representative.

"Solid waste" is all domestic wastes including street sweepings and catch basin cleanings, except recyclables, yard waste, abandoned motor vehicles, sewage treatment residues, liquid or industrial wastes, and hazardous wastes including pathological wastes, explosives, and toxic chemicals or other wastes which according to existing or future laws or regulations require special handling in their collection and disposal.

"Special refuse" consists of large items such as discarded furniture, mattresses, and/or other large household equipment items, excluding "appliances" as defined in Section 8.25.090.

"Violator" means the person responsible for a violation of any provision of this chapter. The head of the household, manager or person in charge of the premises shall be presumed to be the person responsible.

"Yard waste" is all leaves, yard, and garden debris (except grass in the city of Wauwatosa) and brush, including clean woody vegetative material no greater than six inches in diameter. This term does not include stumps, roots or shrubs with intact rootballs or fruit from fruit-bearing trees.

(Ord. O-88-26 § 1 (part), 1988; Ord. O-94-49 §§ 1, 2 (part), 3—7, 1994; Ord. O-97-43 § 1 (part), 1997; Ord. O-10-02, §§ I—IV, 3-2-2010)

8.24.020 Preparation, Storage And Disposal Of Solid Wastes

- A. Domestic solid waste shall be collected and disposed of on a weekly basis by the public works operations division if prepared and stored in the manner prescribed in Section 8.24.030 or in Chapter 8.25.
- B. Commercial/institutional solid waste is not collected or handled by the city and must be managed properly through a service agreement between the commercial/institutional entity

~~and a licensed waste hauler. However, the city will dispose of commercial/institutional wastes from city of Wauwatosa commercial/institutional enterprises if delivered to the Wauwatosa transfer station floor and upon payment of a user fee established by the common council for such purposes. Other commercial/institutional refuse generated from outside the city of Wauwatosa may utilize the Wauwatosa transfer station if specifically permitted by the board of public works and the appropriate user fees are paid prior to, or at the time waste is delivered.~~

- C. Container Enclosures. The board of public works is empowered to require the construction of adequate enclosures for refuse containers whenever the location is such that weather elements or vandalism result in refuse being scattered about the premises so as to constitute a health hazard or a nuisance, or when, in the opinion of the board of public works, the location of the refuse containers for the property will have an adverse effect for adjoining properties or when the property will be aesthetically enhanced by such refuse enclosures. Any enclosures for refuse containers shall be large enough so that the containers will not bind, and shall have adequate openings so it will be feasible to remove the containers by sliding rather than lifting.

(Ord. O-88-26 § 1 (part), 1988; Ord. O-94-49 §§ 2 (part), 8, 1994)

8.24.030 Domestic Solid Wastes

Domestic solid wastes collected and disposed of by the city include the following options for the handling of domestic solid wastes:

Option 1. Use of a city-furnished wheeled refuse cart, stored on the premises at each residence, and placed at the curbside or alley for pickup and disposal by city forces.

~~Option 2. Use of cans and/or disposable containers furnished by the resident and/or property owner and stored on the premises and placed at the curbside or alley for pickup and disposal by city forces.~~

Option 23. Use of backyard collection service utilizing ~~cans and/or disposable containers~~ a city-furnished wheeled refuse cart stored in an off-street location on the premises for pickup and disposal by city forces and subject to payment of a nonrefundable annual user fee established by the common council. Yard refuse-waste and special refuse are not a part of backyard service.

Under the above options, domestic solid waste shall be prepared and stored as follows:

- A. ~~Garbage-Food scraps~~ shall be drained of all free liquid, ~~and packaged by~~ securely bagged, ~~wrapping in paper or other approved means~~ and placed in ~~an approved container~~ a city-furnished refuse cart including, but not limited to, a refuse cart, garbage cans with disposable liners, or other disposable container. Improperly prepared and stored garbage-food scraps of a liquid or semiliquid nature will not be collected.
- B. Combined Refuse. Combined refuse shall be placed in a secure bag within a ~~an approved city-furnished refuse~~ container ~~or securely tied in bundles so that it cannot readily be blown or scattered~~.
- C. Bulky or Heavy Refuse. Bulky or heavy refuse that does not fit within a city-furnished refuse cart shall be placed in approved containers and will not be collected if placed at the designated location without scheduling a fee-based special collection. Fee information and process can be

~~found on the City website. Carpeting, furniture, lumber and other bulky items not placed in refuse carts shall be securely tied in compact bundles not exceeding four feet in length or fifty pounds in weight. Lumber with protruding nails will not be collected. Furniture, mattresses, stones, bricks, concrete and other bulky or heavy refuse not conforming to the above requirements shall be collected as provided for in Section 8.24.070.~~ Yard waste shall be collected according to Section 8.25.130.

- D. Ashes, Soot and Fly Ash. Ashes shall be wetted just sufficiently to impact them and prevent spreading of particles of dust, and ~~stored in an approved container separate from other types of refuse placed in a secure bag within refuse cart.~~ Hot ashes shall not be placed out for collection.
- E. Small Dead Animals. Small dead animals ~~can be placed in a secure bag within the refuse cart. will be collected from domestic premises by the department upon request. Such dead animals shall be placed in an approved disposable container.~~
- F. Animal and Fowl Manure. Animal and fowl manure and other noxious wastes from domestic establishments, if handled and stored in a manner similar to domestic garbage, will be removed as ordinary refuse. Manure and noxious wastes from commercial/institutional establishments and excessive quantities of improperly stored garbage from domestic establishments will not be collected by the department.

~~1.—Construction Wastes. Construction wastes resulting from the activities of a contractor or other nonoccupant of the premises will not be collected or accepted by the department from any properties in the city, except as hereafter designated.~~

~~2.—Deleterious Substances. Any substance whose collection, destruction or disposal would be harmful or dangerous to personnel or equipment shall not be included with refuse for collection. The term "deleterious substances" includes, but is not limited to, acids, blasting materials, ammunition, paints, lacquers and varnishes, combustible alloys or chemicals and/or any radioactive material. Such items shall be the responsibility of the resident or business to recycle in a legal manner as directed in Section 8.25.230.~~

~~3.—Lead Acid Batteries. Lead acid storage batteries of any type, size or description are not a part of the city's domestic solid waste collection or disposal program. Lead acid batteries from any residential or commercial/institutional source will not be collected, handled, or disposed of by the city. Such items shall be the responsibility of the resident or business to dispose of in a legal manner as directed in Section 8.25.130.~~

~~4.—Waste Motor Oil. Waste oil shall not be combined with other household wastes and will not be collected from city residences as a part of the domestic waste disposal program of the city. Recycling of waste oil at the city's oil drop-off centers shall be limited to those residences defined in this chapter as "domestic" and shall be recycled according to Section 8.25.150.~~

(Ord. O-88-26 § 1 (part), 1988; Ord. O-90-39 § 1, 1990; Ord. O-94-49 §§ 2 (part), 9—12, 1994; Ord. O-97-43 § 1 (part), 1997)

8.24.040 Separation Of Refuse--Categories

Each and every owner, operator, manager, housekeeper, tenant or occupant of every dwelling, building or portion thereof receiving refuse service by city forces, and wherein any refuse accumulates, shall collect the same into the following containers:

~~1.—Ashes—Containers. Ashes shall be kept in containers preferably made of metal, no larger than two bushel size, with suitable handles thereon and of such weight as can be easily handled by one person and so constructed as to prevent the spillage or leakage of the contents. Such containers shall be of fireproof construction.~~

A. Combined Refuse Pickup—~~Containers~~City-furnished refuse carts. The owner, operator, manager, housekeeper, tenant or occupant of every dwelling, building or portion thereof receiving refuse service by city forces, shall use a city-furnished wheeled refuse cart, ~~or shall provide suitable containers of such weight as can be easily handled by one person, not to exceed fifty pounds which shall have suitable handles thereon for the storage of combined refuse pickup. Each such container shall have a separate close-fitting cover which shall be properly affixed at all times. Plastic or paper bags meeting standard regulations as to manufacture and designed especially for refuse disposal purposes may also be used. Sufficient containers, not exceeding a total of ten, shall be provided by the owner, operator, manager, housekeeper, tenant or occupant.~~ Each owner, operator, manager, housekeeper, tenant or occupant of every dwelling, building or portion thereof, receiving refuse service by city forces shall be responsible for keeping the close-fitting covers properly affixed at all times and for maintaining the container storage area free and clear of paper, debris, ice and snow, and easily accessible to public employees. Any agreement between either the owner, operator, manager, housekeeper, tenant or occupant in regard to compliance with the provisions of this chapter shall not relieve any party to such agreement from the provisions of this chapter.

Refuse carts remain the property of the city of Wauwatosa and shall be used in accordance with the applicable provisions of Section 8.24.030(C). The owner of the property to which a refuse cart is furnished, shall be responsible for exercising normal care in its use. Any damage due to negligence, exclusive of normal wear and tear, on the part of the property owner, his tenants, or agents for failure to exercise such care, shall be the responsibility of the affected property owner, including reimbursement to the city for the cost of repair or replacement as required.

The city refuse cart, by use of a unique serial identification number is permanently assigned to residential property receiving service by the city. Such cart shall remain on the premises at all times, regardless of ownership or change of ownership of the property.

~~Except for the use of city-furnished carts, refuse shall be placed in metal containers, boxes or baskets as can be easily handled by one person and are capable of sustaining the weight of the refuse placed therein. Plastic or paper bags meeting national standard regulations as to manufacture and design especially for refuse disposal purposes, may be used. Garden carts, paper, or fiber barrels shall not be used.~~

~~When a city-furnished refuse cart is used, and such cart has been filled to its capacity (not more than two hundred pounds) the owner, operator, manager, housekeeper, tenant, or occupant of any dwelling, building or portion thereof receiving refuse service by city forces, may use up to~~

~~five supplementary containers placed out with the refuse cart. Such containers must be disposable and will be disposed of along with the refuse in them. Garbage cans, baskets, buckets or other containers which are not to be disposed of, may not be used in conjunction with the use of a city furnished refuse cart.~~

~~City Furnished Refuse Carts. Wheeled refuse carts when requested, shall be delivered to the residence and used exclusively for refuse generated by this residence. Refuse carts remain the property of the city of Wauwatosa and shall be used in accordance with the applicable provisions of Section 8.24.030(C).~~

~~The owner of the property to which a refuse cart is furnished, shall be responsible for exercising normal care in its use. Any damage due to negligence, exclusive of normal wear and tear, on the part of the property owner, his tenants, or agents for failure to exercise such care, shall be the responsibility of the affected property owner, including reimbursement to the city for the cost of repair or replacement as required.~~

~~The city refuse cart, by use of a unique serial identification number is permanently assigned to residential property receiving service by the city. Such cart shall remain on the premises at all times, regardless of ownership or change of ownership of the property.~~

- B. Recyclables. The owner, operator, manager, housekeeper, tenant or occupant of every single and two to four family residence multiple-family dwelling and nonresidential facility and property shall separate and recycle recyclables according to ~~Chapter~~ Section 8.25. Multiple-family dwelling and nonresidential facilities are required to provide adequate recycling container volume as described in Section 8.25.

(Ord. O-88-26 § 1 (part), 1988; Ord. O-94-49 §§ 13, 14, 1994; Ord. O-97-43 § 1 (part), 1997)

8.24.050 Time Limitations

The placing out of combined refuse for curbside or alley collection by city forces, shall be by seven a.m. on the scheduled day of collection, but not sooner than two-thirty p.m. on the day prior to collection including Saturdays and Sundays.

The refuse containers shall be removed from the curb side or alley prior to eight a.m. on the day following collection service.

(Ord. O-88-26 § 1 (part), 1988; Ord. O-97-43 § 1 (part), 1997)

8.24.060 Refuse Containers--Location

Containers for the collection of refuse shall be kept in the following listed places:

- A. At a single location outside of a dwelling or building (and not in a garage) readily accessible and convenient to city forces collecting same, but not on a public roadway, alley, or public sidewalk. Refuse containers shall not be located where they constitute a nuisance or a hazard to health. The board of public works or its designee is empowered to require the relocation of any such container.

~~1.—A weekly combined collection will be made under normal conditions. Each property however, must have enough containers for a two-week period when conditions prevent the normal weekly pickup.~~

B. Backyard Collection. Subscribers to this optional service shall provide and maintain a clear and unobstructed thirty-six-inch pathway at all times on collection days, which is free of snow and ice accumulation and clear of other obstructions such as vehicles from the public roadway or alley to the on-premise storage site for refuse containers.

C. Curbside or Alley Collection. Refuse carts ~~and other approved containers~~ placed out for curbside or alley pickup shall be located in the area between the sidewalk and curb and as near the street curb or edge of alley as practical. Placement on or as close as possible to drive approaches, if existing, is preferred. All refuse carts shall be at least three feet from all other carts and at least three feet from any other object, such as a tree, mailbox, sign post, fence, utility pole or parked vehicle. Carts should be positioned with the front (lid opening) facing the street or alley.

~~C.D.~~ Items that are placed outside of refuse carts and carts with excess material preventing the lid from closing cannot be collected.

~~D.E.~~ Access to all refuse containers by city forces on the day of collection must be maintained under all conditions, and particularly such containers must be stored in a clear area, free of snow and ice accumulation in winter months.

(Ord. O-88-26 § 1 (part), 1988)

8.24.070 Special Refuse Or Recyclables Collection

A. Bulky Items. Large bulky items such as discarded furniture, lumber, household equipment, and so forth, which exceed size and weight limitations, or are not otherwise permitted as a part of the regular weekly domestic waste collection and recycling programs shall be collected and disposed of by the city for a special charge to the resident as provided for in subsection (E) of this section or section 8.25.250. The sanitation division shall be notified by the resident of requests for the collection of these items either in person, by telephone or in writing, prior to placing items out for pickup. These items must be placed in readily accessible locations near the curb or alleyline for ~~weekly pickup and not earlier than Monday of the week of~~ pickup. ~~The sanitation division shall be notified by the resident of requests for the collection of these items either in person, by telephone or in writing, prior to placing items out for pickup.~~ Large bulky items for which a special charge is applicable and placed out at the curb/alleyline by the resident without prior notification to the sanitation division, will be collected by the city and a special charge will be imposed in accordance with subsection (E) of this section. Discarded lumber, carpeting and other similar large items shall be cut into lengths of four feet or less and tied into bundles under fifty pounds, except recyclable appliances appropriate for special pick-up which are covered under Section 8.25.140.

~~1.—Special Services. Whenever any person desires the removal of wastes not removed in the course of the regular refuse service furnished without special charge by the city, such person shall apply to the department to have the same removed at his own expense. A charge, based upon costs~~

~~involved, shall be made for removal of any excessive or unusual quantities, or wastes requiring unusual handling.~~

~~2. Special service collections shall be prearranged with the board of public works or designee by the resident, who shall furnish written instructions which shall describe the material, its location (and authorization and waiver of property damage if location is adjacent to a private driveway or private property), and the day such material shall be available for removal. Materials which require a special service collection shall be located outside of the dwelling, adjacent to the curblines, street, driveway or alley access and shall be collected on a prearranged basis for a fee.~~

- B. Building Material. Special service pickup of large quantities of resident-generated loose demolition, remodeling material, tree branches, earth, sod, stones, concrete or building material of any description from building construction, repairing or remodeling, shall be collected on a prearranged custom basis for a fee. The board of public works or their designee shall have the authority to set limits on the amount of curb refuse to be picked up at any one time by the collection crew from one location, and may require a special service collection fee on excessive amounts picked up, as provided in subsection (E) of this section. Materials generated by a contractor will not be collected by the city and must be managed properly by the contractor.
- C. Special Service Collection Fee. Special service collection fee shall be as determined by the board of public works, who will arrange for the use of a truck or may provide the services of a mechanical loader for a fee calculated on current cost of labor, equipment and unusual disposal costs as described on a work order.

If charges for special service collections are not paid within a reasonable time, such charges shall be certified in a proper manner to have them levied as special charges against such property served and the clerk is authorized and directed to enter such charges on to the tax roll.

The board of public works or their designee shall have the right and authority to refuse a request for a special service collection if it determines it would be a special service collection for which he cannot afford manpower or equipment.

(Ord. O-88-26 § 1 (part), 1988; Ord. O-91-8 § 1, 1991; Ord. O-94-49 § 15, 1994)

8.24.080 Public Dumping Ground Prohibited--Deemed Nuisance

Public dumping grounds are prohibited within the limits of the city of Wauwatosa. A "public dumping ground" for the purpose hereof is defined to be a place where refuse, rubbish, ashes or garbage might be deposited or dumped by the public or by any municipal corporation. Such public dumping ground is a nuisance.

(Ord. O-88-26 § 1 (part), 1988)

8.24.090 Depositing Malodorous Waste Material Prohibited

The placing or causing to be placed or deposited or maintained upon any private or city property of any waste material that shall give off offensive odors or become combustible is hereby declared to be a public nuisance and is prohibited.

(Ord. O-88-26 § 1 (part), 1988)

8.24.100 Placing Paper And Rags Blown By Wind Prohibited

The placing or causing to be placed within the corporate limits of the city of Wauwatosa any paper, rags, or other similar materials so that the same may be blown about by the wind is a public nuisance and is prohibited.

(Ord. O-88-26 § 1 (part), 1988)

8.24.110 Materials Prohibited from Refuse Cart

The placing or causing to be placed of recyclables, yard waste, ~~abandoned motor vehicles, scrap metals, lead acid and other vehicle batteries, contractor-generated waste, sewage treatment residues, liquid or industrial wastes, and hazardous wastes including pathological wastes, explosives, and toxic chemicals~~ or other wastes which according to existing or future laws or regulations require special handling in their collection and disposal is prohibited.

Items prohibited from refuse carts shall be managed as indicated in Section 8.25.

8.24.12~~10~~ Citations For Violations

Police officers, officers of the city or agents so assigned by the city of Wauwatosa are empowered to issue citations for the violation of any ordinance codified in this chapter, and the citation shall contain the following information:

- A. The name and address of the alleged violator;
- B. The alleged offense;
- C. The time and place of the offense;
- D. The section of ordinances violated;
- E. A statement which informs the alleged violator of the following:
 1. That he may make a cash deposit of a specified amount to be mailed to the municipal court within a specified time,
 2. That if he makes such a deposit, he need not appear in court unless he is subsequently summoned,
 3. That if he does make a cash deposit and does not appear in court, either he will be deemed to have tendered a plea of no contest and submitted to a forfeiture not to exceed the amount of the deposit or he will be summoned into court to answer the complaint if the court does not accept the plea of no contest,
 4. If he does not make a cash deposit and does not appear in court at the time specified, a warrant will be issued for his arrest;

- F. A direction that if the alleged violator elects to make a cash deposit, he shall sign an appropriate statement which accompanies the citation to indicate that he read the statement required under subsection E of this section and shall send the signed statement with a cash deposit.

(Ord. O-88-26 § 1 (part), 1988)

8.24.1320 Commercial/Private Solid Waste Haulers

~~1. License.~~

- ~~1. No person, business or corporation shall engage in solid waste collecting or hauling service on any street or alley in the city without a license in its own name. Each license shall be numbered. The license number shall be prominently displayed on each vehicle used by such licensee in its business as provided in this section. Such license shall be used only by the person, business or corporation in whose name it is issued. Each license applicant shall complete an application form which shall be supplied by the city clerk. The application may request any useful information including a list of the names and addresses of all the customers served by the applicant in Wauwatosa. Such license shall be issued by the city clerk upon approval of the committee on government affairs. The license fee for one year or fraction thereof shall be as shown in the fee schedule. Each license shall automatically expire on January 1st following issuance.~~
- ~~2. Any license issued under this section may be suspended or revoked, upon notice and hearing, by the director of public works for violation of the provisions of this chapter or the rules and regulations established by the public works department. Appeal from such suspension or revocation may be made by filing an appeal, in writing, with the city clerk within five days after the decision of the director of public works is issued. The appeal shall be heard by the board of public works.~~

- A. Compliance with All City Ordinances. All commercial haulers shall comply with the ordinances of the city of Wauwatosa. Failure to comply with applicable city ordinances could result in the loss of ~~license and~~ the ability to do business in the city.

B. Hours of Pick-Up.

- 1. Commercial haulers shall limit their pick-up and hauling of solid waste in residentially zoned districts as well as the residential areas abutting or adjacent to commercial areas to the hours between seven a.m. and nine p.m.
- 2. Commercial haulers who violate the time restrictions noted above shall be cited and penalized as follows:

| | |
|---------------------------------|----------------------------|
| First violation | Warning |
| Second violation | \$100.00 forfeiture |
| Third and subsequent violations | Double the last forfeiture |

(Ord. O-95-52 § 1, 1995; Ord. O10-02, § V, 3-2-2010)

HISTORY

Amended by Ord. O-15-07 § V on 2/17/2015

Amended by Ord. O-19-34 pt. XXII on 12/17/2019