



Wauwatosa, WI

Government Affairs Committee

Meeting Agenda - Final

7725 W. North Avenue
Wauwatosa, WI 53213

Tuesday, March 17, 2026

6:30 PM

Common Council Chambers and Zoom:
<https://servetosa.zoom.us/j/86222394038>,
Meeting ID: 862 2239 4038

Regular Meeting

HYBRID MEETING INFORMATION

Members of the public may observe and participate in the meeting in-person or via Zoom at the link above. To access the Zoom meeting via phone, call 1-312-626-6799 and enter the Meeting ID.

CALL TO ORDER

ROLL CALL

GOVERNMENT AFFAIRS COMMITTEE ITEMS

1. Consideration of application for appointment of successor Agent: Jailin Smiley, Walgreens Company, d/b/a Walgreens #04095, 10800 Capitol Dr. [26-0483](#)
2. Consideration of application for appointment of successor Agent: Clayton Perron, Kwik Trip, Inc., d/b/a/ Kwik Spirits 523, 11712 W. North Avenue [26-0529](#)
3. Consideration of applications for Fireworks User Permit by Kevin Heus, Wauwatosa School District, for the property address located at 11400 W. Center Street for a salute to 2026 graduates of Wauwatosa West High School on June 12, 2026, from 8:00 PM - 9:00 PM and for a salute to 2026 graduates of Wauwatosa East High School on June 13, 2026, from 11:00 AM - 12:00 PM [26-0356](#)
4. Consideration of request from the Sustainability Manager for approval of modifications to the City of Wauwatosa Recycling and Solid Waste ordinances [26-0484](#)
5. Consideration of proposal and resolution to expand Wauwatosa Dispatch capabilities to handle wireless (cellular) 911 calls [26-0425](#)
6. Consideration of April 2026 Common Council meeting schedule [26-0489](#)
7. Confirmation of denial of Operator's License based on prior criminal record [26-0488](#)

ADJOURNMENT

NOTICE TO PERSONS WITH A DISABILITY

Persons with a disability who need assistance to participate in this meeting should call the City Clerk's office at (414) 479-8917 or send an email to tclerk@wauwatosa.net, with as much advance notice as possible.



Wauwatosa, WI

7725 W. North Avenue
Wauwatosa, WI 53213

Staff Report

File #: 26-0483

Agenda Date: 3/17/2026

Agenda #: 1.

Consideration of application for appointment of successor Agent: Jailin Smiley, Walgreens Company, d/b/a Walgreens #04095, 10800 Capitol Dr.

Submitted by:

Deyanira Nevarez

Department:

City Clerk

A. Issue

Walgreen Company has appointed a new agent for the "Class A" Combination Beer/Liquor License for Walgreens #04095, 10800 Capitol Dr.

B. Qualifications

A Criminal background check was conducted. There were no violations substantially related to licensing activities and/or no habitual offenses. The Agent meets all other qualifications

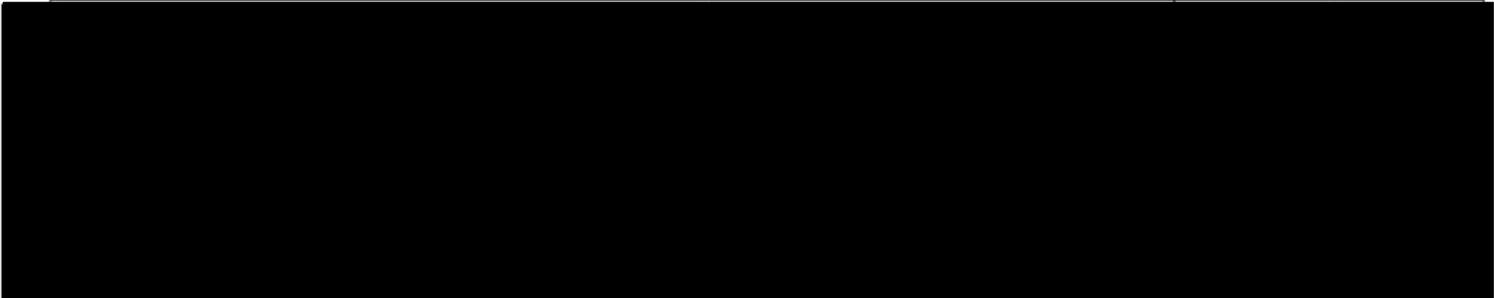
C. Requested Action

If acceptable, recommend the Common Council approve the application for appointment of successor Agent, Jailin Smiley, for Walgreen Company, d/b/a Walgreens #04095, 10800 Capitol Dr.

Agent Type (check one)	
<input type="checkbox"/> Original (no fee)	<input checked="" type="checkbox"/> Successor (\$10 fee for municipal licensees only)

Part A: Business Information	
1. Legal Business Name (individual name if sole proprietor) Walgreen Co.	
2. Business Trade Name or DBA Walgreens #4095	
3. Entity Type (check one) <input type="checkbox"/> Limited Liability Company <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Nonprofit Organization	
4. Alcohol Beverage Business Authorization (check one) <input type="checkbox"/> Municipal Retail License <input checked="" type="checkbox"/> State Permit	5. If successor agent, provide State Permit or Municipal Retail License Number 456-000045504-05
6. Describe the reason for appointing a successor agent, if successor is checked above. Previous agent has been transferred to a new location	

Part B: Agent Information		
1. Last Name	2. First Name	3. M.I.



Part C: Agent Questions	
1. Have you satisfied the responsible beverage server training requirement? Submit proof of completion.	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. Have you completed Form AB-100, <i>Alcohol Beverage Individual Questionnaire</i> (licensee) or Form AB-300, <i>Alcohol Beverage Personal Questionnaire</i> (permittee)?	<input type="checkbox"/> Yes <input type="checkbox"/> No
3. Have you been a Wisconsin resident for at least 90 continuous days?	<input type="checkbox"/> Yes <input type="checkbox"/> No
See instructions for exceptions.	

Continued →

Part D: Business Attestation

READ CAREFULLY BEFORE SIGNING: I, the **Undersigned**, authorize the above-named individual to act for the above-named corporation, nonprofit organization, or limited liability company with full authority and control of the premises and of all alcohol beverage activities on such premises. I certify that I am authorized by the above-named entity to authorize this individual to act on behalf of the entity. If I am appointing a successor agent, I rescind all previous agent appointments for this premises. Further, I understand that I may be prosecuted for submitting false statements and affidavits in connection with this application, and that any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000 if convicted.

Last Name Gates		First Name Richard	M.I. P.
Title SVP	Email licenseadministration@walgreens.com		Phone 847-527-2759
Signature 		Date 2/4/26	

Part E: Agent Attestation

READ CAREFULLY BEFORE SIGNING: I, the **Agent**, hereby accept this appointment as agent for the above-named corporation, nonprofit organization, or limited liability company and assume full responsibility for the conduct of all alcohol beverage activities on the premises for the above-named business. I further understand that I may be prosecuted for submitting false statements and affidavits in connection with this application, and that any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000 if convicted.

Last Name		First Name	M.I.
Signature		Date 2/9/2026	

Form AB-101 Instructions

Alcohol Beverage Appointment of Agent

Who must complete Form AB-101?

State law requires corporations and limited liability companies (LLCs) to appoint an agent that takes responsibility for the licensed or permitted premises.

Use this form to appoint an agent for a new premises or to appoint a successor agent when there is a change before the license or permit is up for renewal.

Where do I submit Form AB-101?

Submit Form AB-101 to the appropriate issuing authority, either the clerk of the municipality in which the business or organization is located, or the Division of Alcohol Beverages.

Form AB-101 may be submitted with a license or permit application or at any time to indicate there is a change in agent prior to the license or permit renewal period.

Specific Instructions

Date:

- Date the form in the top right corner.

Agent Type:

- Select original appointment if you are applying for your license or permit for the first time or are renewing a license or permit.
- Select successor agent if you are reporting a change of agent during the licensing or permitting period.

Part A: Business Information

- Box 1: Enter the legal business name. If a sole-proprietorship, enter the individual's first and last name.
- Box 2: Enter the trade name or "doing business as", if different than the name in box 1.
- Box 3: Check one entity type to indicate how the business is legally organized.

Note: This business information must match the information on the license or permit application.

- Box 4: Select which alcohol beverage authorization you hold or are applying for.
- Box 5: For appointment of a successor agent, enter your state permit number (15-digit Wisconsin Tax ID number) or municipal retail license number (if applicable) for which you are appointing a successor agent. If you do not have a municipal retail license number, provide any applicable identifier (e.g., store number or location).
- Box 6: For appointment of a successor agent, describe the reason for the change in agent.

Part B: Agent Information

- Provide all requested personal information.

Part C: Agent Questions

- Question 1: Wisconsin law requires all agents of corporations and LLCs to successfully complete a Wisconsin approved responsible beverage server (RBS) training course within the past two years unless:
 - The applicant is renewing a municipal alcohol beverage retail license, or
 - Within the past two years:
 - a. The applicant held a manager's or operator's (bartender) license.
 - b. The applicant held or was the agent of a corporation or LLC that held any municipally issued retail alcohol beverage license in Wisconsin.

- Some agents for state permittees are exempt from responsible beverage server course requirements. The following permittees are exempt from RBS course requirements: Alcohol Beverage Warehouse, Industrial Fermented Malt Beverages, Wholesalers, Manufacturers, Rectifiers, Direct Wine Shippers, Wholesale Alcohol, Medicinal Alcohol, Industrial Alcohol, and Industrial Wine.
 - If you are applying to be the agent of one of these exempt permittees, answer “yes” to Question 1.
- To learn about your responsibility to complete the responsible beverage server requirement, review [Publication 302, Information for Wisconsin Alcohol Beverage and Tobacco Retailers](#).
- Question 2: Appointed agents for a retail licensee must complete Form AB-100, *Alcohol Beverage Individual Questionnaire*, and submit it to the municipal clerk in which the licensed business is located. Appointed agents for a permittee must complete and submit Form AB-300, *Alcohol Beverage Personal Questionnaire*, and submit it to the Division of Alcohol Beverages.
- Question 3: Appointed agents must be Wisconsin residents for at least 90 continuous days prior to the date of application, except for direct wine shipper permittees.

Part D: Business Attestation

- An authorized representative should sign, date, and provide requested personal information on behalf of the business.

Part E: Agent Attestation

- The agent being appointed should read the attestation carefully, then sign and date.

Assistance

If you have questions about alcohol beverage laws and regulations, you may contact the Department of Revenue using the contact information below.

Website: [DOR Alcohol Beverage \(wi.gov\)](http://wi.gov)

Write: DORAlcohol@wisconsin.gov

Call: (608) 266-2526

Alcohol Beverage Individual Questionnaire

Date

All individuals involved in the alcohol beverage business must complete this form, including:

- sole proprietor
- all partners of a partnership
- all officers, directors, and agent of a corporation or nonprofit organization
- members and agent of a limited liability company

Your alcohol beverage application or renewal is not complete until all required Individual Questionnaires are submitted.

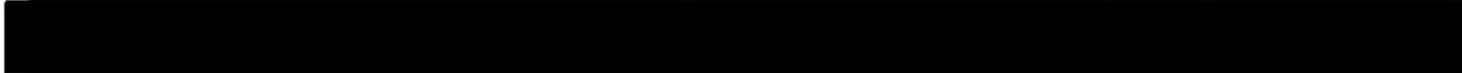
Part A: Business Information	
1. Legal Business Name (individual name if sole proprietor) Walgreen Co.	
2. Business Trade Name or DBA Walgreen #4095	
3. Entity Type (check one)	
<input type="checkbox"/> Sole Proprietor <input type="checkbox"/> Partnership <input type="checkbox"/> Limited Liability Company <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Nonprofit Organization	

Part B: Individual Information		
1. Last Name	2. First Name	3. M.I.
4. Relationship to Business (Title)		



Part C: Address History	
1. Do you currently live in Wisconsin?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, provide the month and year when you permanently moved to Wisconsin	(MM/YYYY)

2. List in chronological order all of your addresses within the last 5 years. Attach additional sheets if necessary.



Previous Address 2	City	State	Zip Code
Previous Address 3	City	State	Zip Code
Previous Address 4	City	State	Zip Code
Previous Address 5	City	State	Zip Code

3. List all states and counties you have lived in as an adult. Attach additional sheets if necessary.

State	County	State	County	State	County	State	County
State	County	State	County	State	County	State	County

Continued →

Part D: Criminal History

1. Have you ever been convicted of any offenses (excluding traffic offenses unless related to alcohol beverages) for violation of any federal, Wisconsin, or another state's laws or of any county or municipal ordinances? Yes No
 If yes to question 1, please list details of each conviction below. Attach additional sheets as needed.

Law/Ordinance Violated	Location	Conviction Date
Penalty Imposed		Was sentence completed? <input type="checkbox"/> Yes <input type="checkbox"/> No
Law/Ordinance Violated	Location	Conviction Date
Penalty Imposed		Was sentence completed? <input type="checkbox"/> Yes <input type="checkbox"/> No
Law/Ordinance Violated	Location	Conviction Date
Penalty Imposed		Was sentence completed? <input type="checkbox"/> Yes <input type="checkbox"/> No

2. Are charges for any offenses currently pending against you (excluding traffic offenses unless related to alcohol beverages) for violation of any federal, Wisconsin, or another state's laws or any county or municipal ordinances? Yes No
 If yes to question 2, describe nature and status of pending charges using the space below. Attach additional sheets as needed.

Part E: Attestation

READ CAREFULLY BEFORE SIGNING: Under penalty of law, I have answered each of the above questions completely and truthfully. I certify that I am not prohibited from participating in this business due to any involvement in another tier of the alcohol beverage industry as a restricted investor. I understand that any license issued contrary to Wis. Stat. Chapter 125 shall be void under penalty of state law. I further understand that I may be prosecuted for submitting false statements and affidavits in connection with this application, and that any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000 if convicted.

Signature	Date
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Form AB-100 Instructions

Alcohol Beverage Individual Questionnaire

Who must complete Form AB-100?

All persons involved in the applicant business who are sole proprietors, partners of a partnership, officers, directors, members, managers, or agents must complete and submit Form AB-100. These persons are identified in Form AB-101, *Alcohol Beverage Appointment of Agent*, Form AB-200, *Alcohol Beverage License Application*, or an alcohol beverage permit application.

Where do I submit Form AB-100?

If applying for a retail alcohol beverage license, submit this form with Form AB-200, *Alcohol Beverage License Application* to the clerk of the municipality in which the applicant business is located.

If applying for an alcohol beverage permit, submit this form as required by the permit application to the Division of Alcohol Beverages.

To update the agent for an alcohol beverage license or permit, submit this form with Form AB-101, *Alcohol Beverage Appointment of Agent* to the issuer of the authorization.

Specific Instructions

Date

- Date the form in the top right corner.

Part A: Business Information

- Box 1: Enter the legal business name. If sole proprietor, enter the individual's first and last name.
- Box 2: Enter the business trade name or "doing business as" name, if different than the name in box 1.
- Box 3: Check one entity type to indicate how the business is legally organized.

Note: This business information must match the information on any license application (Form AB-200) or existing license certificate.

Part B: Individual Information

- Provide all requested personal information.
- Box 4: Enter your title or describe your relationship to the business. Examples: President, Treasurer, Director, Chief Financial Officer, Member, Partner, Agent, etc.

Part C: Address History

- Question 2: List in chronological order all residential addresses within the last five years starting with your most recent address.

Part D: Criminal History

- Question 1: Disclose any civil or criminal violations of law in any jurisdiction (federal, state, or local ordinance), and include detailed descriptions of any violations of law involving alcohol beverages (OWI, disorderly conduct, etc.).
- Question 2: Disclose any pending charges against you in any jurisdiction and include detailed descriptions of any charges involving alcohol beverages.

Note: Subject to the Wisconsin Fair Employment Law (Ch. 111, Wis. Stats.), persons with convictions or pending charges may, if those offenses are sufficiently relevant, be prohibited from holding alcohol beverage license and permits under sec. 125.04(5)(a)(1) Wis. Stats. See the Department of Revenue's Permit Predetermination Common Questions for offenses that may prevent someone from holding a license.

Part E: Attestation

- Read the attestation carefully, then sign and date.

Assistance

This form is designed by the Department of Revenue for use by municipal governments. Reach out to your municipal clerk for assistance with the following:

- Submission of the retail license application and supplemental forms
- Availability and cost of certain licenses.

If you have questions about alcohol beverage laws and regulations, you may contact the Department of Revenue using the contact information below.

Website: [DOR Alcohol Beverage \(wi.gov\)](http://wi.gov)

Write: DORAlcohol@wisconsin.gov

Call: (608) 266-2526

Resources Provided by the Department of Revenue

[License frequently asked questions](#)

[Publication 302](#) *Information for Wisconsin Alcohol Beverage and Tobacco Retailers*

[Publication 309](#) *Retail Alcohol Beverage Licensing Guide for Municipalities*

[Fact Sheet 3101](#) *Licenses for Retail Sale of Alcohol Beverages*

[Fact Sheet 3103](#) *Licensed or Permitted Premises Description*

[Fact Sheet 3116](#) *Reserve "Class B" Liquor Licenses*

[Fact Sheet 3118](#) *"Class B" Liquor License Quotas*

Wisconsin Responsible Beverage Seller/Server Training

JAILIN SMILEY

has met all training requirements and successfully completed the above course and/or exam.



Date of Completion: 02/03/2025

Kelly Bailey

Authorized Signature

This certificate represents the successful completion of an approved Wisconsin Department of Revenue Responsible Beverage Server Course in compliance with secs. 125.04(5)(a)5., 125.17(6), and 134.66(2m), Wis. Stats. Present this certificate to your local municipal clerk's office to receive your Operator's or Retail license.

Diversys Learning, Inc.
1101 Arrow Point Drive, Suite 302
Cedar Park, TX 78613



Wauwatosa, WI

7725 W. North Avenue
Wauwatosa, WI 53213

Staff Report

File #: 26-0529

Agenda Date: 3/17/2026

Agenda #: 2.

Consideration of application for appointment of successor Agent: Clayton Perron, Kwik Trip, Inc., d/b/a/ Kwik Spirits 523, 11712 W. North Avenue

Submitted by:

Deyanira Nevarez

Department:

City Clerk

A. Issue

Kwik Trip has appointed a new agent for the "Class A" Combination Beer/Liquor License for Kwik Spirits 523, 11712 W. North Avenue

B. Qualifications

A Criminal background check was conducted. There were no violations substantially related to licensing activities and/or no habitual offenses. The Agent meets all other qualifications

C. Requested Action

If acceptable, recommend the Common Council approve the application for appointment of successor Agent, Clayton Perron, for Kwik Trip, Inc., Kwik Spirits 523, 11712 W. North Avenue.

Alcohol Beverage Individual Questionnaire

Date:

All individuals involved in the alcohol beverage business must complete this form, including:

- sole proprietor
- all partners of a partnership
- all officers, directors, and agent of a corporation or nonprofit organization
- members and agent of a limited liability company

Your alcohol beverage application or renewal is not complete until all required Individual Questionnaires are submitted.

Part A: Business Information	
1. Legal Business Name (individual name if sole proprietor) Kwik Trip, Inc.	
2. Business Trade Name or DBA Kwik Spirits 523	
3. Entity Type (check one) <input type="checkbox"/> Sole Proprietor <input type="checkbox"/> Partnership <input type="checkbox"/> Limited Liability Company <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Nonprofit Organization	

Part B: Individual Information		
1. Last Name Perron	2. First Name Clayton	3. M.I. A



Part C: Address History			
1. Do you currently live in Wisconsin? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			(MM/YY) 06/1999
If yes, provide the month and year when you permanently moved to Wisconsin			
2. List in chronological order all of your addresses within the last 5 years. Attach additional sheets if necessary.			
Previous Address 1 1300 Meadowcreek Dr., Apt. 3	City Pewaukee	State WI	Zip Code 53072
Previous Address 2 571 W32584 Sandie Ln.	City Mukwonago	State WI	Zip Code 53149
Previous Address 3	City	State	Zip Code
Previous Address 4	City	State	Zip Code
Previous Address 5	City	State	Zip Code
3. List all states and counties you have lived in as an adult. Attach additional sheets, if necessary.			
State WI	County Waukesha	State	County
State	County	State	County

Continued →

Part D: Criminal History

1. Have you ever been convicted of any offenses (excluding traffic offenses unless related to alcohol beverages) for violation of any federal, Wisconsin, or another state's laws or of any county or municipal ordinances? Yes No

If yes to question 1, please list details of each conviction below. Attach additional sheets as needed.

Law/Ordinance Violated	Location	Conviction Date
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Penalty Imposed	Was sentence completed?	<input type="checkbox"/> Yes <input type="checkbox"/> No
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Law/Ordinance Violated	Location	Conviction Date
------------------------	----------	-----------------

Penalty Imposed	Was sentence completed?	<input type="checkbox"/> Yes <input type="checkbox"/> No
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Law/Ordinance Violated	Location	Conviction Date
------------------------	----------	-----------------

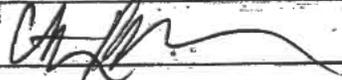
Penalty Imposed	Was sentence completed?	<input type="checkbox"/> Yes <input type="checkbox"/> No
-----------------	-----------------------------------	--

2. Are charges for any offenses currently pending against you (excluding traffic offenses unless related to alcohol beverages) for violation of any federal, Wisconsin, or another state's laws or any county or municipal ordinances? Yes No

If yes to question 2, describe nature and status of pending charges using the space below. Attach additional sheets as needed.

Part E: Attestation

READ CAREFULLY BEFORE SIGNING: Under penalty of law, I have answered each of the above questions completely and truthfully. I certify that I am not prohibited from participating in this business due to any involvement in another tier of the alcohol beverage industry as a restricted investor. I understand that any license issued contrary to Wis. Stat. Chapter 125 shall be void under penalty of state law. I further understand that I may be prosecuted for submitting false statements and affidavits in connection with this application, and that any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000 if convicted.

Signature: 

Date: 03/03/2026

Alcohol Beverage Appointment of Agent

Date: _____

Agent Type (check one)

Original (no fee)

Successor (\$10 fee for municipal licensees only)

Part A: Business Information

1. Legal Business Name (individual name if sole proprietor)

Kwik Trip, Inc.

2. Business Trade Name or DBA

Kwik Spirits 523

3. Entity Type (check one)

Limited Liability Company

Corporation

Nonprofit Organization

4. Alcohol Beverage Business Authorization (check one)

Municipal Retail License

State Permit

5. If successor agent, provide State Permit or Municipal Retail License Number

6. Describe the reason for appointing a successor agent, if successor is checked above.

New agent assigned to the store.

Part B: Agent Information

1. Last Name

Perron

2. First Name

Clayton

3. M.I.

A.

5. Phone

Part C: Agent Questions

1. Have you satisfied the responsible beverage server training requirement?
Submit proof of completion.

Yes No

2. Have you completed Form AB-100, *Alcohol Beverage Individual Questionnaire* (licensee) or
Form AB-300, *Alcohol Beverage Personal Questionnaire* (permittee)?

Yes No

3. Have you been a Wisconsin resident for at least 90 continuous days?
See instructions for exceptions.

Yes No

Continued →

Part D: Business Attestation

READ CAREFULLY BEFORE SIGNING: I, the **Undersigned**, authorize the above-named individual to act for the above-named corporation, nonprofit organization, or limited liability company with full authority and control of the premises and of all alcohol beverage activities on such premises. I certify that I am authorized by the above-named entity to authorize this individual to act on behalf of the entity. If I am appointing a successor agent, I rescind all previous agent appointments for this premises. Further, I understand that I may be prosecuted for submitting false statements and affidavits in connection with this application, and that any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000 if convicted.

Last Name Zietlow		First Name Scott		M.I. Paul
Title CEO/President		Email LicensingDept@kwiktrip.com		Phone 608-791-7385
Signature <i>Scott P. Zietlow</i>			Date 3/3/26	

Part E: Agent Attestation

READ CAREFULLY BEFORE SIGNING: I, the **Agent**, hereby accept this appointment as agent for the above-named corporation, nonprofit organization, or limited liability company and assume full responsibility for the conduct of all alcohol beverage activities on the premises for the above-named business. I further understand that I may be prosecuted for submitting false statements and affidavits in connection with this application, and that any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000 if convicted.

Last Name Perron		First Name Clayton		M.I. A.
Signature <i>[Handwritten Signature]</i>			Date 03/03/2026	

Wisconsin Responsible Beverage Seller/Server Training

CLAYTON PERRONN

has met all training requirements and successfully completed the above course and/or exam.

Certification Number: SL160119

Date of Completion: 02/15/2022



Authorized Signature

This certificate represents the successful completion of an approved Wisconsin Department of Revenue Responsible Beverage Server Course in compliance with secs. 125.04(5)(a)5., 125.17(6), and 134.66(2m), Wis. Stats. Present this certificate to your local municipal clerk's office to receive your Operator's or Retail license.

Diversys Learning, Inc.
1101 Arrow Point Drive, Suite 302
Cedar Park, TX 78613

DRIVER LICENSE
REGULAR



OPERATOR'S LICENSE

No. 80-2025

\$50.00

WHEREAS, The local governing body of the Village of Wales, County of Waukesha County, Wisconsin, has upon application duly made, granted and authorized the issuance of an "Operator's License" to Clayton Perron AND WHEREAS, the said applicant has paid to the treasurer the sum of \$50.00 as required by local ordinances and has complied with all requirements necessary for obtaining a license. Now therefore, an Operator's License, pursuant to Section 127.32(2) and 127.68(2) of the Wisconsin Statutes, and local ordinances, is hereby issued to said applicant.

For the period ending: June 30, 2027

Gail Tamez, Clerk



Wauwatosa, WI

7725 W. North Avenue
Wauwatosa, WI 53213

Staff Report

File #: 26-0356

Agenda Date: 3/17/2026

Agenda #: 3.

Consideration of applications for Fireworks User Permit by Kevin Heus, Wauwatosa School District, for the property address located at 11400 W. Center Street for a salute to 2026 graduates of Wauwatosa West High School on June 12, 2026, from 8:00 PM - 9:00 PM and for a salute to 2026 graduates of Wauwatosa East High School on June 13, 2026, from 11:00 AM - 12:00 PM

Submitted by:

Deyanira Nevarez, City Clerk

Department:

Municipal Services - City Clerk's Office

A. Issue

Kevin Heus has submitted an application for a Fireworks User Permit for a graduation on June 12, 2026, from 7:30 PM - 9:30 PM and June 13, 2026, from 12:00 PM - 3:00 PM at Wauwatosa West High School football field located at 11400 W. Center Street.

B. Background

The applicant is requesting a Fireworks User Permit for a graduation for Wauwatosa West High School and Wauwatosa East High School. The supplier of the fireworks is Exciting Events.

C. Department Reviews

Police: approved

Fire: approved

D. Requested Action

If acceptable, recommend the Common Council approve the applications for a Fireworks User Permit by Kevin Heus, Wauwatosa School District, for the property address located at 11400 W. Center Street for a salute to 2026 graduates of Wauwatosa West High School on June 12, 2026, from 7:30 PM - 9:30 PM and for a salute to 2026 graduates of Wauwatosa East High School on June 13, 2026, from 12:00 PM - 3:00 PM



Heus, Kevin

Wauwatosa Scho...
ID-000008747



Applicant ×



Business Phone
(414) 702-4801



Email
heuske@wauwatosa.k12.wi...



Main Address
12121 W North Ave Wauwatosa, WI
53226



Title



Billing Contact

General Info

* Date Requested
06/12/2026



Beginning Time
7:30 PM

End Time
9:30 PM



**IT'S WHO WE ARE.
IT'S WHAT WE DO.
IT'S WHAT WE CREATE.**

FIREWORK STATEMENT

Exciting Events | P | 262.797.8880 | F | 262.797.8883
5770 South Westridge Drive, New Berlin, Wisconsin 53151
Sales Consultant: **TODD SCHEEL & KAYLI HUMPHREY**

CONTRACT #: 6151

Last Updated:

1/12/2026

4:04 PM

Event Name/Type: East & West Graduations

Client Name: Wauwatosa School District

Client Address: 11400 Center St

City, State, Zip: Wauwatosa, WI 53222

Contact: Kevin Heus

Phone: 414.773.1088

Email: heuske@wauwatosa.k12.wi.us

Notes

	Entertainment	Total Items
		2
1	Class B 72 Count Repeater Cake - 2" Shells Event Date: Friday, June 12, 2026 Time: 8:00pm - 11:00pm	
1	Class B 72 Count Repeater Cake - 2" Shells Event Date: Saturday, June 13, 2026 Time: 12:00pm - 3:00pm	





Heus, Kevin

Wauwatosa Scho...

ID-000008747



Applicant ×



Business Phone

(414) 702-4801



Email

heuske@wauwatosa.k12.wi...



Main Address

12121 W North Ave Wauwatosa, WI
53226



Title



Billing Contact

General Info

* Date Requested
06/13/2026



Beginning Time
12PM

End Time
3PM



**IT'S WHO WE ARE.
IT'S WHAT WE DO.
IT'S WHAT WE CREATE.**

FIREWORK STATEMENT

Exciting Events | P | 262.797.8880 | F | 262.797.8883
5770 South Westridge Drive, New Berlin, Wisconsin 53151
Sales Consultant: **TODD SCHEEL & KAYLI HUMPHREY**

CONTRACT #: 6151

Last Updated:

1/12/2026

4:04 PM

Event Name/Type: East & West Graduations

Client Name: Wauwatosa School District

Client Address: 11400 Center St

City, State, Zip: Wauwatosa, WI 53222

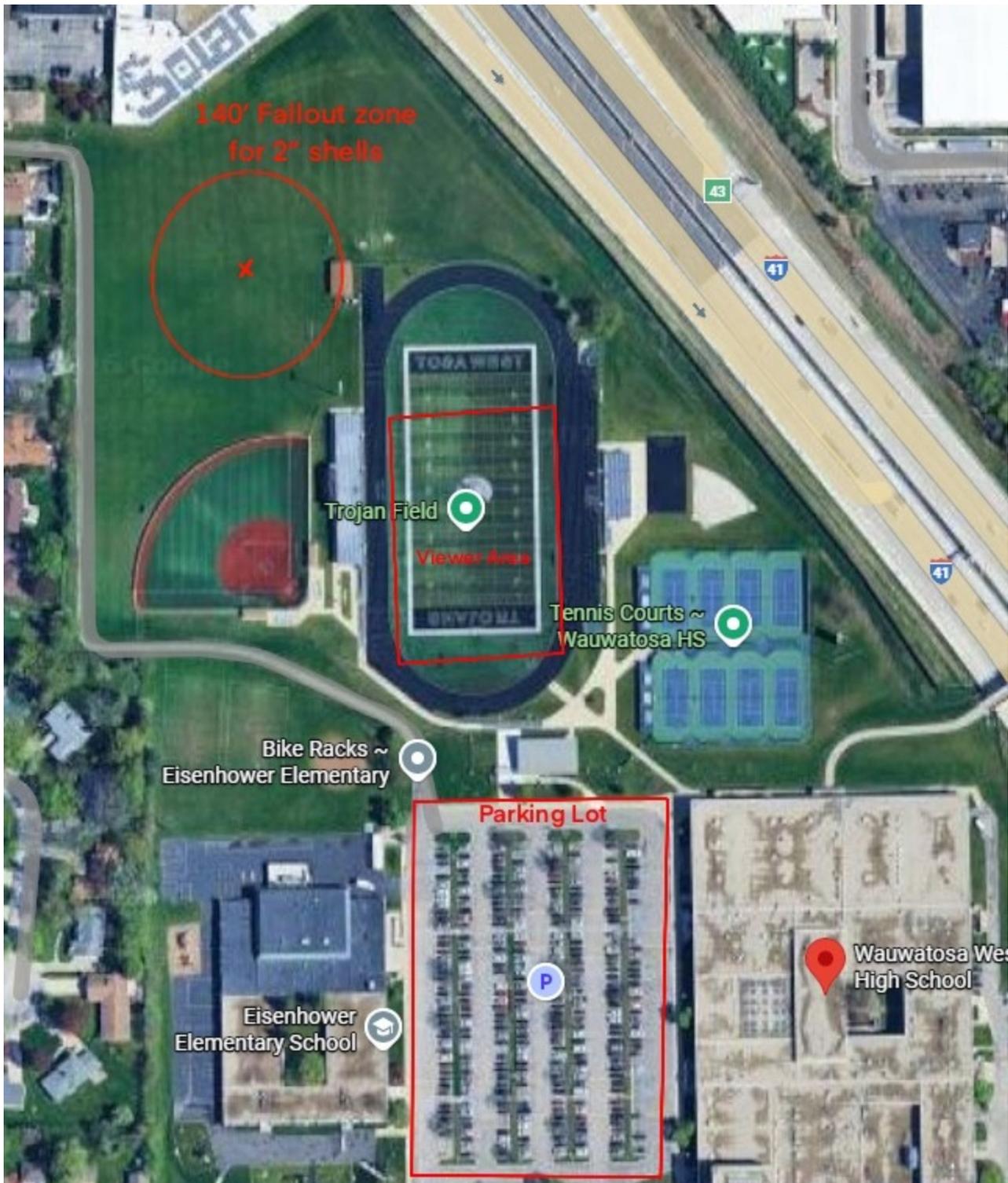
Contact: Kevin Heus

Phone: 414.773.1088

Email: heuske@wauwatosa.k12.wi.us

Notes

	Entertainment	Total Items	
	<hr/>		
1	Class B 72 Count Repeater Cake - 2" Shells Event Date: Friday, June 12, 2026 Time: 8:00pm - 11:00pm		2
1	Class B 72 Count Repeater Cake - 2" Shells Event Date: Saturday, June 13, 2026 Time: 12:00pm - 3:00pm		





Staff Report

File #: 26-0484

Agenda Date: 3/17/2026

Agenda #: 4.

Consideration of request from the Sustainability Manager for approval of modifications to the City of Wauwatosa Recycling and Solid Waste ordinances

Submitted by:

Megan Conway, Sustainability Manager

Department:

Department of Public Works

A. Issue

The Wisconsin Department of Natural Resources (WDNR) established a recycling rule revision that requires Responsible Units to update Recycling ordinances. In addition to required updates, staff is proposing updates to the Recycling and Solid Waste ordinances to remove outdated material and provide clarity and consistency across both ordinances.

B. Background/Options

The City of Wauwatosa manages a recycling program and associated requirements and is considered a Responsible Unit (RU) by the WDNR. As of July 15, 2025, the Wisconsin administrative code that oversees RU recycling programs and other aspects of Wisconsin's recycling law has been revised. This revision includes required updates to RU recycling ordinances by April 30, 2026 to remain in good standing.

Updates required by WDNR include clarifying language for recycling container volume and tenant notification requirements for multi-family and non-residential properties.

In reviewing the Recycling ordinance for this required update, the Department of Public Works team identified several additional opportunities to remove outdated information or update language for clarity and consistency within the Recycling and Solid Waste ordinances.

Highlights from the proposed updates to these ordinances include:

- Removal of references to outdated programs and infrastructure (e.g. Blue Bag program, Wauwatosa's historic transfer station, resident-supplied landfill carts, reference to outdated State rules and statutes, etc.)
- Removal of specific materials accepted for recycling and preparation of those items
 - There were several instances of guidance that conflicted with what Wauwatosa's recycling processor (Waste Management) can accept. Items accepted for recycling can change quickly based on market conditions, available technology, and other factors so the proposed changes include reference to the City's website for up-to-date and accurate recycling instructions as we receive them from the recycling partner.

- Note: Materials listed in 8.25.100 are required to be included in approved ordinances by WDNR
- Addition of guidance for electronic waste
- Clarity and consistency of language and definitions across both ordinances for regulations including prohibited materials, contractor-generated waste, plastic bags and film, and cart placement
- Adjustment of one category of recycling infraction penalty amounts to align with WDNR requirements

The WDNR rule revision also requires updated guidance within RU recycling education materials, and those changes have already been made within Wauwatosa's Waste Wizard tool.

“Clean” and “Track Changes” versions of both proposed ordinance updates have been included with this memo to highlight all proposed changes.

C. Strategic Plan (Area of Focus)

Priority Area Five: Quality of Life

D. Fiscal Impact

There are no direct City costs to implement these changes. One of the ordinance changes does include a category of recycling infraction penalties that were adjusted slightly to align with WDNR requirements.

E. Recommendation

Approve proposed updates to the Recycling and Solid Waste ordinances.

Wauwatosa Recycling Ordinance – 2026 Proposed Updates (Track Changes Version)

CHAPTER 8.25 RECYCLING

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[8.25.270 Procurement Of Recycled Products](#)

8.25.010 Purpose

The purpose of this chapter is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in Section 287.11, Wisconsin Statutes and Chapter NR 544, Wisconsin Administrative Code.

(Ord. O-07-24 § 2, 2007)

8.25.020 Statutory Authority

The ordinance codified in this chapter is adopted as authorized under Sections 66.0415, 287.11(2)(b), and 289.01 of the Wisconsin Statutes.

(Ord. O-07-24 § 3, 2007)

8.25.030 Abrogation And Greater Restrictions

It is not intended by this chapter to repeal, abrogate, annul, impair or interfere with any existing rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, whenever this chapter imposes greater restrictions, the provisions of this chapter shall apply.

(Ord. O-94-48 § 1 (part), 1994)

8.25.040 Interpretation

In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any terms or requirements of this chapter may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this chapter is required by Wisconsin Statutes, or by a standard in Chapter NR 544, Wisconsin Administrative Code, and where the chapter provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Chapter NR 544 standards in effect on the date of the adoption of the ordinance codified in this chapter, or in effect on the date of the most recent text amendment to this chapter.

(Ord. O-94-48 § 1 (part), 1994)

8.25.050 Severability

Should any portion of this chapter be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected.

(Ord. O-94-48 § 1 (part), 1994)

8.25.060 Applicability

The requirements of this chapter apply to all persons within the city of Wauwatosa, as well as occupants and owners or designated agents of multiple-family dwellings and nonresidential facilities and properties.

(Ord. O-94-48 § 1 (part), 1994)

8.25.070 Administration

The provisions of this chapter shall be administered by the city of Wauwatosa and its designated agents.

(Ord. O-94-48 § 1 (part), 1994)

8.25.080 (Reserved For Future Use)

8.25.090 Definitions

- A. Words, phrases, or other expressions used in this chapter shall have meanings as follows:

"Appliance (major appliance)" means those which are considered to contain freon, PCB-containing capacitors, and mercury-containing switches or timing devices, including, but not necessarily limited to: air conditioners, clothes dryers and washers, dehumidifiers, dishwashers, fluorescent lighting fixtures with ballasts, freezers, forced air furnaces, garbage disposals and compactors, heat pumps, mercury vapor lamps, microwave ovens, ranges and stoves, refrigerators, and water heaters.

"Bi-metal container" means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.

~~"Blue bag program" means the city's first curbside recycling co-collection program which operated from 1994 through 2007, using city-approved blue plastic bags for curbside collected recyclables.~~

"City" means the city of Wauwatosa, Wisconsin.

~~"Co-collection," for the city's blue bag program, means the combined collection of bagged curbside recyclables together with solid waste in the same compartment of a collection vehicle.~~

"Composting" means the controlled biological decomposition and conversion of solid organic material into a humus-like substance called compost. The process is aerobic, meaning that it requires the presence of oxygen. The process uses various natural microorganisms such as bacteria and fungi to break down the complex organic compounds into simpler substances.

"Container board" means corrugated paperboard used in the manufacture of shipping containers and related products.

"Contractor" means the entity named and designated in the contract(s) the city has entered into to provide recycling, solid waste, yard waste and/or street cleaning services.

"Department" means the city of Wauwatosa department of public works, or its designee.

"DNR" means the Department of Natural Resources of the state of Wisconsin and its various bureaus and specialized management sections.

"Drop-off center" means the site operated by the city at the public works yard at 11100 W. Walnut, Wauwatosa, Wisconsin, where residents of the city can deposit recyclables, yard waste and residential refuse.

"EPA" means the United States Environmental Protection Agency.

"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.

"Foam polystyrene packaging" means packaging made primarily from foam polystyrene that satisfies one of the following criteria:

1. Is designed for serving food or beverages;
2. Consists of loose particles intended to fill space and cushion the packaged article in a shipping container; or

3. Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.

"Fully automated collection" means curbside pickup of recycling cart materials by use of dedicated recycling trucks with robotic arms to lift and empty the contents of the cart into the body of the truck(s) or their attached collection equipment.

"HDPE" means high density polyethylene, currently labeled by the Society of the Plastics Industry, Inc. (SPI) code number 2.

"Holidays" mean New Year's Day (January 1st); Good Friday; Memorial Day (Last Monday in May); Independence Day (July 4th or if on a weekend, the day so designated by the city); Labor Day (first Monday in September); Thanksgiving Day (fourth Thursday in November or the day designated by the Governor of Wisconsin); Christmas Day (December 25th or, if on a weekend, the day so designated by the city); and the last normal workdays before Christmas Day and before New Year's Day; or as otherwise designated now or in the future in the agreement between the city and Local 305 AFSCME AFL-CIO District Council 48.

~~"IPF" means intermediate processing facility or facilities used for sorting the recyclables from the solid waste in the city's blue bag program, and for preparing those recyclables for further processing at MRF.~~

"Landfill" means a location used for the burial of solid waste and process residue in accordance with all applicable local, state, and federal laws, rules and regulations.

"LDPE" means low-density polyethylene, currently labeled by the SPI code number 4.

"Magazines" mean magazines and other materials printed on similar paper.

"MRF" means material recovery facility or facilities which receives commingled ~~nonpaper~~ recyclables ~~and commingled paper of various grades~~, and separates and processes these recyclables for sale to end-user markets.

"Multiple-family dwelling" means a property containing five or more residential units, including those which are occupied seasonally.

"Newspaper" means newspaper and other materials printed on newsprint.

"Nonresidential facilities and properties" mean commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple-family dwellings. Non-residential facilities and properties includes any location at which goods or services are provided or manufactured, including locations under construction, demolition, or remodeling, or used for special events such as fairs, festivals, sport venues, conferences, and exhibits.

"Office paper" means high grade printing and writing papers from offices in nonresidential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. This term does not include industrial process waste, but can include mixed paper if high grade office paper is included in the mixed paper pack.

"Operating hours" means normal hours of operation of the drop-off center ~~and IPF,~~ and/or for providing other services to the city.

"Other resins" or "multiple resins" mean plastic resins currently labeled by the SPI code number 7.

"Person" means any individual, corporation, limited liability company, partnership, association, local governmental unit, as defined in Section 66.0131(1)(a) Wisconsin Statutes, state agency or authority or federal agency.

"PETE" or "PET" means polyethylene terephthalate, currently labeled by the SPI code number 1.

"Plastic container" means an individual, separate, rigid plastic bottle, can, jar or carton, except for a blister pack, that is originally used to contain a product that is the subject of a retail sale.

"Postconsumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in Section 291.01(7), Wisconsin Statutes, waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in Section 291.01(17), Wisconsin Statutes.

"PP" means polypropylene, currently labeled by the SPI code number 5.

"Process residue" or "residue" means the unusable material, excepting rejects, generated in processing of recyclables at the MRF or elsewhere and which requires disposal in a landfill.

"Processing" means preparation of source-separated or commingled recyclables for market; ~~with co-collection processing occurs after sorting of recyclables from solid waste.~~

"PS" means polystyrene, currently labeled by the SPI code number 6.

"PVC" means polyvinyl chloride, currently labeled by the SPI code number 3.

"Recyclables" mean materials in the waste stream that can be remanufactured into useful products; specifically those materials described under Wisconsin Statutes 287.07. "Curbside and drop-off collected recyclables" are recyclables currently collected or collected in the future by city forces or contractor(s). These materials may include aluminum beverage containers, steel and bimetal cans, newspaper, magazines, corrugated paper or other container board, office paper, plastic containers, and glass containers. This list may be expanded or revised to comply with state of Wisconsin landfill disposal bans.

"Recycling" means the series of activities involving the recovery of recyclables from solid waste and returning them to productive use through reprocessing or remanufacture.

"Recycling cart" means the two-wheeled cart provided by the city dedicated to the storage and collection of recyclables; and designated as being not for garbage or yard materials.

"Rejects" mean solid waste materials not included under the definition of curbside and drop-off collected recyclables and inadvertently set out for collection, or dropped off, by residents, and material which the contractor demonstrates, to the satisfaction of the city, to be unusable because of its nature or condition at the time of delivery to the MRF.

"Single stream recycling" (also known as "fully commingled" or "single sort") means a system in which all recyclables are mixed together in the recycling cart and a dedicated collection truck, instead of being separated and packaged separately by type of recyclables by the residents and handled separately throughout the collection process. In the city's single stream recycling program, both the collection and processing systems are to be designed to handle this fully-commingled mixture of recyclables.

~~"Solid waste" means all domestic wastes including street sweepings and catchbasin cleanings, except 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.~~

~~"Solid waste" has the meaning specified in s. 289.01(33), Wis. Stats.~~

~~"Solid waste facility" has the meaning specified in s. 289.01(35), Wis. Stats.~~

~~"Solid waste treatment" means any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste. "Treatment" includes incineration.~~

"State" means the state of Wisconsin.

"Subcontractor" means a corporation, partnership or individual having a direct contract with the contractor for performing any work or services for the city on behalf of the contractor.

"Tires (or scrap tires or waste tires)" mean ~~waste~~ vehicle tires from passenger cars and light trucks that are no longer suitable for their original purpose because of wear, damage, or defect.

~~"Transfer station" means the transfer station owned by the city at the public works yard at 11100 W. Walnut, Wauwatosa, Wisconsin.~~

"Unacceptable waste" means any explosives, biomedical waste, radioactive waste, or hazardous waste. The definition of what constitutes hazardous waste shall be determined according to Wisconsin NR 600 (Note: Wisconsin NR 605.05 exempts household hazardous wastes from regulation as hazardous waste)

"Vehicle batteries" mean lead acid batteries used in motor powered vehicles. Batteries in electric vehicles should be managed according to manufacturer instructions.

"Waste oil (or oil)" means any waste oil used in the engine or crankcase of a motor vehicle.

"Yard waste" or "yard materials" mean 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 root balls or fruit from fruit-bearing trees.

(Ord. O-07-24 § 5, 2007; Ord. O-10-02, §§ VI—VIII, 3-2-2010)

8.25.100 Separation Of Recyclables

Occupants of single-family and two- to four-unit residences, multiple-family dwellings and nonresidential facilities and properties shall separate for recycling the following materials from postconsumer waste:

Acceptable recycling methods for the below materials vary and several materials listed are not accepted in curbside recycling carts. Refer to appropriate sections below for specific instructions for materials listed and refer to the City website for updated information on materials accepted in curbside carts.

- A. Yard materials;
- B. Major appliances;
- C. Waste oil;
- D. ~~Lead acid and all other~~ vehicle batteries;
- E. Scrap tires;
- ~~F.~~ F. Foam polystyrene packaging;
- ~~F.~~ G. Aluminum containers;
- ~~G.~~ H. Bi-metal containers;
- ~~H.~~ I. Corrugated paper and other container board;
- ~~I.~~ J. Glass containers;
- ~~J.~~ K. Magazines;
- ~~K.~~ L. Newspaper;
- ~~L.~~ M. Office paper;
- ~~M.~~ N. Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins; and
- ~~N.~~ O. Steel containers.

(Ord. O-07-24 § 6, 2007)

8.25.110 Separation Requirements Exempted

The separation requirements of Section 8.25.100 do not apply to the following:

- A. Occupants of single-family and two- to four-unit residences, multiple-family dwellings and nonresidential facilities and properties that send their postconsumer waste to a processing facility licensed by the DNR that recovers the recyclables specified in Section 8.25.100 from solid waste in as pure a form as is technically feasible;
- B. Solid waste which is burned as a supplemental fuel at a facility if less than thirty percent of the heat input to the facility is derived from the solid waste burned as supplemental fuel;

- C. A recyclable(s) specified in Section 8.25.100 for which a variance has been granted by the DNR under Section 287.07(7), Wisconsin Statutes, or Section NR 544.14, Wisconsin Administrative Code.

(Ord. O-07-24 § 7, 2007)

8.25.120 Care Of Separated Recyclables

To the greatest extent practicable, the recyclables separated in accordance with Section 8.25.100 shall be cleaned and kept free of contaminants such as food or product residue, oil or grease, or other nonrecyclable materials, including but not limited to containers for household hazardous waste, medical waste, and agricultural chemicals.

Recyclables shall be stored in a manner which protects them from inclement weather, and prevents their scattering and contribution to other nuisance conditions. Plastic bags are not accepted in curbside recycling and recyclables cannot be collected in plastic bags. Recyclables may be placed loose into recycling carts or in open paper bags within recycling carts. Recyclables prepared for city curbside collection shall be placed in the dedicated recycling carts separate from other refuse containers for collection according to the provisions of Chapter 8.24 of this code for solid waste collection and disposal.

(Ord. O-07-24 § 8, 2007)

8.25.125 City-Furnished Recycling Cart

A city-furnished recycling cart shall be delivered to each eligible residence and used exclusively for recyclables generated by this residence. Recycling carts remain the property of the city of Wauwatosa and shall be used in accordance with the applicable provisions of this chapter.

- A. The owner of the property to which a recycling 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.
- B. The city recycling 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.
- C. The recycling cart shall be set out for collection at the curb or alley where the garbage is normally collected, except for "hardship cases" which may be in the backyard. [Subscribers to this optional backyard 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 recycling carts.](#)
- D. Recycling carts 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 recycling 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. Access to recycling containers by city forces on the day of collection must be maintained in all conditions, particularly free of snow and ice accumulation in winter months. The recycling cart must be placed at a minimum of three feet away from other objects such as garbage carts/containers, trees and parked vehicles, and have a fourteen foot clearance overhead, violation of which shall be subject to penalty under Section 8.25.250.

E. Items that are placed outside of recycling carts and carts with excess material preventing the lid from closing cannot be collected.

1. Access to all recycling 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-07-24 § 9, 2007; Ord. O-10-02, § IX, 3-2-2010)

8.25.130 Management Of Yard Materials

Occupants of single-family and two- to four-unit residences, multiple-family dwellings, and nonresidential facilities and properties shall manage yard waste as follows:

- A. Residential yard materials curbside collection is done by the city for single-family and two- to four-unit residences in two phases under the following conditions:
 1. ~~From mid-April to mid-October~~During curbside collection season (schedule can be found on the City's website and newsletter), leaves and brush (excluding grass clippings, root balls, vegetables, stumps, or branches over six inches in diameter) must be separated from other household garbage, and are collected according to published schedules with the following requirements: and are collected every other week at curbside normally on the same day as garbage, according to "A" and "B" schedules published in the city newsletter every Spring; with the following requirements applying to curbside collection of yard waste:
 - i. ~~Resident-supplied~~ reusable containers must be used marked with the words "yard materials" or "yard waste" in letters at least two inches high, and one and a half inches wide; or approved paper yard waste bags may be used; but plastic bags are strictly prohibited;
 - ii. It is prohibited to put more than two hundred pounds of yard waste in a city yard waste cart, or more than fifty pounds in a reusable yard waste container or paper yard waste bag; brush and branches must be cut to less than four-foot lengths and tied with string or twine (not wire or plastic strapping) into bundles under fifty pounds; ~~no more than eight such bundles may be collected from any residence in a given week;~~
 - iii. Containers must be placed at the curb or alley before seven a.m. the day of pick-up, but no sooner than two-thirty p.m. the day prior to collection; and they

must be returned to storage as soon as possible, but no later than eight a.m. the day after collection.

2. ~~From mid-October to mid-November~~During leaf collection season (schedule can be found on the City's website and newsletter), leaves may be raked into city street gutters for curb collection by city crews; during that time brush and branches under six inches diameter may only be brought to the drop-off center at the public works yard because there is no curbside collection except for "special pick-ups" as covered under Section 8.24.070 of this chapter; ~~after mid-November until mid-April~~outside of the curbside collection season the yard waste drop-off at the public works yard shall be the only available city yard waste service.
- B. Residential yard materials drop-off center at the public works yard, 11100 W. Walnut, accepts leaves and brush (excluding grass clippings, root balls, vegetables, stumps, or branches over six inches in diameter) under the following conditions from single-family and two- to four-unit residences:
1. Year round requirements:
 - i. Yard materials are to be deposited loose only (not in plastic bags);
 - ii. If brush and branches are bundled, it must be with string or twine (not with wire, cloth or plastic strapping);
 - iii. Rocks, metal, garbage and other debris must be kept out of the yard waste, and is subject to the penalties listed in Section 8.25.250.
- C. Grass clippings are not allowed at the city drop-off center or in the curbside yard waste collection. Management of grass clippings shall be done at each single-family and two- to four-unit residence, multiple-family residence, and nonresidential facility and property by: (1) using a mulching mower and keeping the clippings on the lawn for a soil enhancer; (2) collecting and spreading the clippings in gardens or flower beds to act as mulch; (3) collecting and composting clippings in accordance with Section 15.32.030(J) of the property management code to produce usable compost; (4) using the services of a commercial landscaper or yard keeper to manage lawn and grass clippings; and/or (5) other appropriate individual management program which does not create blighted or nuisance conditions contrary to the city property management code.
- D. Multiple-family dwellings and nonresidential facilities and properties shall manage grass clippings as per subsection C above, and shall manage other yard waste privately according to all applicable local and state laws and regulations.

(Ord. O-07-24 § 10, 2007)

8.25.140 Management Of Major Appliances

Occupants of single-family and two- to four-unit residences, multiple-family dwellings, and nonresidential facilities and properties shall manage major appliances by separating them for recycling and delivering them to private appliance dealers or scrap yards that may accept them for a fee. Single family and two to four unit residences may also place the appliances at the curb for special city pick-up,

which must be scheduled in advance by calling the public works department; or may deliver the appliances to the drop-off center at the public works yard. The city curbside and drop-off collections of appliances are subject to recycling fees established by the city and identified in Section 8.25.250.

(Ord. O-94-48 § 1 (part), 1994)

8.25.150 Management Of Waste Motor Oil, Vehicle Batteries, ~~And Scrap Tires~~, and E-Waste

Occupants of single-family and two- to four-unit residences, multiple-family dwellings, and nonresidential facilities and properties shall manage waste motor oil, lead acid and all other vehicle batteries, ~~and scrap tires~~, and electronic waste (or e-waste) as follows.

- A. Waste motor oil is not collected by the city at the curb; yet waste oil must be separated for recycling and delivered to private collectors or service stations that accept waste oil; or occupants of single family and two to four unit residences may deposit waste oil in collection containers at the city oil drop-off centers at the public works yard ~~or Fire Station # 2 at 4187 N. Mayfair Road~~. It is unlawful to mix any other substance with waste oil for recycling, and such action is subject to penalties delineated in Section 8.25.250.
- B. Lead acid vVehicle batteries are not collected by the city either by curbside or drop-off; instead such batteries shall be recycled by delivering them to vehicle battery retailers, commercial installers, auto salvage yards or scrap dealers, some of whom may charge a fee for accepting them. Electric vehicle batteries shall be managed according to manufacturer instructions.
- C. Scrap tires are not collected curbside by the city; but waste tires shall be recycled by delivering them to private tire dealers or scrap yards that may accept them for a fee; or occupants of single family and two to four unit residences may deliver them to the tire drop-off center at the public works yard, where they shall be subject to tire recycling fees established by the city and identified in Section 8.25.250.
- ~~C.D.~~ E-waste including items like small appliances, laptops, desktop computers, monitors, and televisions are not accepted in the curbside recycling program but may be brought to the Drop Off Center at the public works yard for a fee. The Wisconsin Department of Natural Resources also maintains a list of registered electronics recyclers.

(Ord. O-94-48 § 1 (part), 1994)

8.25.160 Management Of Other Residential Recyclables

Except as otherwise directed by the department, occupants of single-family and two- to four-unit residences shall do the following for the preparation and collection of the separated recyclables specified in Section 8.25.100(F) through ~~(NO)~~ for the single stream recycling program.

Specific recyclable materials and proper preparation of recyclables can change based on commodity market conditions and available recycling equipment. The City's website is kept up-to-date with relevant recycling guidance and allowable material. Recyclables shall be placed loose into the recycling cart or within an open paper bag, materials bagged in plastic are not permitted.

- ~~1. Paper recyclables shall include the following, and shall be placed together in the recycling cart:~~

- ~~1.—Corrugated paper and other container board includes brown corrugated cardboard, as well as gray chipboard such as cereal boxes, shoe boxes and the like, that will fit in blue recycling bags when flattened or cut to size; and shall be empty and free from food residues and other contaminants (e.g., no pizza boxes, tissues, sanitary napkins, disposable diapers, etc.).~~
- ~~2.—Magazines and catalogs shall be kept loose or placed in brown paper bags, and free of nonpaper contaminants.~~
- ~~3.—Newspaper shall be kept loose or placed in brown paper bags, and free of nonpaper contaminants.~~
- ~~4.—Office paper shall include junk mail, envelopes, flyers, computer paper, white or colored office paper, notebooks, file folders, books and the like; and shall be kept loose or placed in brown paper bags; and shall be free of nonpaper contaminants.~~
- ~~2.—Nonpaper recyclables shall include the following, and shall be placed together with the paper recyclables in the recycling cart:~~
 - ~~1.—Aluminum beverage and food containers shall be emptied of contents, and shall not include aluminum foil, plates, siding, chairs or other aluminum products or waste.~~
 - ~~2.—Bi-metal beverage and food containers shall be emptied of contents and rinsed clean of food residue; labels need not be removed.~~
 - ~~3.—Glass containers shall be emptied of contents, rinsed clean, with caps and neck rings discarded, but labels need not be removed; it shall not include plate glass, crystal, light bulbs, ceramics, TV tubes, "milk (e.g., Malibu Rum) glass," and other noncontainer glass.~~
 - ~~4.—Plastic rigid containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins shall be emptied and rinsed clean, with caps and neck rings discarded; labels need not be removed.~~
 - ~~5.—Steel containers shall be emptied of contents and rinsed clean of food or other product residue; labels need not be removed; paint cans, aerosol cans, silverware, or other scrap metal shall not be included.~~

(Ord. O-07-24 § 11, 2007)

8.25.170 Residential Curbside Recycling

Separated recyclables prepared according to Section 8.25.160 above shall be placed in the recycling cart for fully automated curbside collection. Provisions which govern curbside collection of recyclables include the following.

- A. Only recyclables in the recycling cart shall be picked up for curbside collection year round, every other week according to schedules published by the city.
- B. Recycling carts shall only be filled to a maximum weight of two hundred pounds of recyclables.

- C. Recycling carts are to be handled separately from garbage carts and containers according to the provisions of Chapter 8.24 of this code for solid waste collection and disposal.
- D. Failure to comply with the city's curbside recycling program shall be subject to the penalties established by the city and identified in Section 8.25.250.

(Ord. O-07-24 § 12, 2007)

8.25.180 Ownership Of Recyclables And Scavenging Prohibition

Residential recyclables and refuse, upon placement at the curb, shall become the property of the city. Recyclables collected by a hauler under contract with the city, multiple-family dwelling or nonresidential facility, shall become the property of the hauler/contractor once collected.

It is unlawful for any person, unless under contract with or licensed by the municipality or state, to collect or remove any recyclable material that has been deposited or placed at the curb for recycling, or placed in a recycling container adjacent to a home, multiple-family dwelling, or nonresidential building, including city drop-off center containers; and such action will be subject to the penalties established by the city and identified in Section 8.25.250 below.

(Ord. O-94-48 § 1 (part), 1994)

8.25.190 Hauling, Sorting And Processing Recyclables And Solid Waste

- A. Any person who collects, hauls, sorts, processes, markets, or disposes of solid waste and/or recyclables in the city shall obtain and maintain all necessary municipal and state permits, licenses and approvals prior to engaging in any such activities in the city; including but not limited to:
 - 1. DNR licensing for hauling of recyclables under NR 502.06, Wisconsin Administrative Code;
 - 2. DNR certification for processing recyclables under NR 544.16, Wisconsin Administrative Code; and
 - 3. City approval for use of city recycling, yard waste and solid waste facilities; which use shall be limited to city of Wauwatosa residents showing proper identification of city residence, or other persons showing proof of owning and/or operating a nonresidential facility within the city and who pay corresponding user fee(s).

Any hauler, including the city collection crews, has the right to refuse to collect and leave at the curb or collection site any recyclable or waste material that is not prepared according to the specifications of this chapter, especially Sections 8.25.130 through 8.25.210, or according to corresponding recycling educational materials provided by the city or hauler to service recipients. In such cases, the city or hauler shall provide written notification to the generator of the materials about the reason(s) for refusal to collect the materials. All haulers, including city crews, shall provide a list of such occurrences to the department so that the city may take such corrective and/or punitive actions as delineated in Section 8.25.250.

(Ord. O-94-48 § 1 (part), 1994)

8.25.200 Multiple-Family Dwelling Recycling

- A. Owners or designated agents of multiple-family dwellings in the city shall do all of the following to recycle the materials specified in Sections 8.25.100(F) through (~~NO~~), or be subject to the penalties specified in Section 8.25.250:
1. Provide adequate, separate containers for the recycling program~~ables; established in compliance with the ordinance. The number of recycling containers shall equal or be greater than the number of trash containers and at least one of the following shall be met:~~
 - i. ~~The minimum total volume of recycling container space is equal to 24 gallons per week per dwelling unit (for reference, City of Wauwatosa recycling carts are 96 gallon size and a 2-yard container is about 404 gallons);~~
 - ii. ~~The ratio of trash container volume to recycling container volume is at most 2:1; or~~
 - iii. ~~An alternative method that does not result in the overflow of a recycling container during the time period between collection of materials and delivery to a recycling facility. Alternative plans that do not meet the above criteria must be submitted to the Wauwatosa Department of Public Works for approval in advance of implementation.~~
 - ~~iv. For all above options, the Wauwatosa Department of Public Works reserves the right to require increased capacity in the case of recycling overflows.~~
 2. Notify tenants in writing at the time of renting or leasing the dwelling and at least twice annually ~~least semi-annually~~ thereafter about the established recycling program;
 3. Provide for the collection of the recyclable materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility; ~~this may include delivering and depositing such recyclable materials at the city IPF if prepared similar to Section 8.25.160;~~ and
 4. Notify tenants of reasons to reduce and recycle solid waste, which recyclable materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, ~~locations and hours of operation,~~ and locations of drop-off collection sites to recycle materials not collected on-site ~~a contact person or company, including a name, address and telephone number.~~
- B. The requirements specified in subsection (A) of this section do not apply to the owners or designated agents of multiple-family dwellings if the postconsumer waste generated within the dwelling is treated at a processing facility licensed by the DNR that recovers for recycling the materials specified in Sections 8.25.100(F) through (~~NO~~) from solid waste in as pure a form as is technically feasible.

(Ord. O-94-48 § 1 (part), 1994)

8.25.210 Nonresidential Facility And Property Recycling

- A. Owners or designated agents of nonresidential facilities and properties in the city shall do all of the following to recycle the materials specified in Sections 8.25.100(F) through (NO), or be subject to the penalties specified in Section 8.25.250:
1. Provide adequate, separate containers for the recycling program established under this section. The total volume of recycling containers shall be sufficient to avoid an overflow during the time period between collection of materials and delivery to a recycling facilityables;
 2. Notify in writing, at least twice annually, all users, tenants and occupants of the properties in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program;
 3. Provide for the collection of the recyclable materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility; this may include delivering and depositing such recyclable materials at the city I/P if prepared similar to Section 8.25.160; and
 4. Notify users, tenants, and occupants of reasons to reduce and recycle solid waste, which recyclable materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, and locations of drop off collection sites to recycle materials not collected on-site. and hours of operation, and a contact person or company, including a name, address and telephone number.
- B. The requirements specified in subsection (A) of this section do not apply to the owners or designated agents of nonresidential facilities and properties if the postconsumer waste generated within the dwelling is treated at a processing facility licensed by the DNR that recovers for recycling the materials specified in Sections 8.25.100(F) through (NO) from solid waste in as pure a form as is technically feasible.

(Ord. O-94-48 § 1 (part), 1994)

8.25.220 Prohibitions On The Disposal Of Recyclables Separated For Recycling

No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in Sections 8.25.100(F) through (NO) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility. Violations of this provision are subject to the penalties specified in Section 8.25.250.

(Ord. O-94-48 § 1 (part), 1994)

8.25.230 Hazardous Wastes

"Deleterious Hazardous substances" delineated in Section 8.24.030(H), including as examples, acids, blasting materials, ammunition, paints, lacquers and varnishes, combustible alloys or chemicals and/or radioactive materials; shall not be included with collection of refuse and/or recyclables. Such unacceptable wastes should be managed in the following manner.

- A. Household hazardous wastes should be handled according to EPA safe management methods:

1. Products containing hazardous substances should be used and stored carefully to prevent accidents; such products should be stored in their original containers with original labels; corroding containers should be repackaged and clearly and accurately labeled; products containing hazardous substances should never be repackaged or stored in food containers;
 2. Products containing hazardous substances should never be mixed with other products; users of such products should follow product label instructions for proper use and disposal;
 3. Waste products containing hazardous substances should be taken to an area household hazardous waste collection program when available.
- B. Nonresidential hazardous wastes shall be handled and disposed of according to all applicable state and federal laws and regulations.

(Ord. O-94-48 § 1 (part), 1994)

8.25.240 Information, Inspection, Enforcement And Appeal

- A. Inspection. For the purpose of ascertaining compliance with the provisions of this chapter, any authorized officer, employee or representative of the city may inspect and/or request information about recyclable materials separated for recycling, postconsumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of single and multiple-family dwellings and nonresidential facilities and properties, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to any authorized officer, employee or representative of the city who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection and/or information gathering.
- B. Order to Correct Conditions and Appeal.
1. Order to Correct Conditions. Whenever the city, its agents or employees shall do an inspection within the city as per above, and finds conditions in violation of this code, an order shall be issued to the owner and/or occupant of the premises or vehicle to correct said conditions.
 2. Contents. The order shall specify a time within which the owner and/or occupant shall comply therewith, and any corresponding fees and/or penalties. It shall also provide that if the owner and/or occupant is aggrieved by the order they may appeal to the board of public works and request a hearing as hereinafter provided.
 3. Service. The order shall be served on the owner and/or occupant, by delivering a copy of same to such occupant personally; or by delivering the same to and leaving it with any adult, competent person in charge of the premises or vehicle; or in case no such person is found upon the premises, by affixing a copy thereof in a conspicuous place near the entrance to the premises or vehicle, or by certified mail with return receipt requested.

4. Appeal Request. If the owner and/or occupant feels aggrieved by the order as provided in this chapter, he or she may appeal to the board of public works within fifteen days after service of the order upon them and request a hearing.
5. Appeal Hearing. The board of public works shall conduct a hearing in connection therewith ~~within fifteen days~~ at the next scheduled board of public works meeting after request for an appeal is submitted, and shall notify the appellant, director of public works, operations superintendent, operations supervisor, and any other person interested in the matter to be present. After the hearing, the board of public works shall submit its findings and recommendations within five days thereafter and ~~serve~~ provide copies on all persons who appeared at the hearing.

C. Failure to Comply.

1. Citation. Any person violating any provision of this chapter shall be subject to the fees and penalty provisions of this code specified in Section 8.25.250. A citation may be issued pursuant to Section 1.24.010 of this code and Wisconsin Statute Ch. 800. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this section.
2. Cause Discontinuation of Service and/or Special Charge. Upon failure to comply with an order within the time specified on it, where there is proof of service of said order, which requires that any corrective action be taken to comply with any provision of this chapter, and that corresponding fees and/or penalties be paid, city garbage and recycling collection service may be discontinued until the fee and/or penalty is paid and corrective action taken, and the fee and/or penalty may be levied as a special charge against the premises as authorized by Section 66.0627 and/or Section 287.093 of the Wisconsin Statutes.

(Ord. O-94-48 § 1 (part), 1994; Ord. O-02-1 § 1 (part), 2002; Ord. O-10-02, § X, 3-2-2010)

8.25.250 Fees And Penalties

1. Fees. Upon the effective date of the 2007 amendments to the ordinance codified in this chapter, the recycling shall be collected by the city of Wauwatosa in the amounts set out in the consolidated fee schedule.
2. Penalties. Upon the effective date of the ordinance codified in this chapter, and after inspection and sufficient notification by representatives of city public works ~~operations~~, the following penalties shall be allowed to be cited and collected by the city; subject to change, addition, or deletion at any time by the city without notice.
 1. If as prohibited in Section 8.25.130 yard waste deposited at the drop-off center is contaminated with rocks, metal, garbage and/or other debris:
 1. One hundred dollars first violation,

2. Five hundred dollars second and subsequent violations;
2. If as prohibited in Section 8.25.150 any other substance is mixed with waste oil for recycling:
 1. One hundred dollars first violation,
 2. Five hundred dollars second and subsequent violations;
3. Failure to comply with the city's residential curbside recycling program as required in Section 8.25.120 or 8.25.170:
 1. Fifty dollars first violation,
 2. One hundred dollars second and subsequent violations;
4. If as prohibited in Section 8.25.180 any person not under contract with or licensed by the municipality or state, collects or removes any recyclable material that has been deposited or placed at the curb for recycling, or placed in a recycling container adjacent to a home, multiple-family dwelling, or nonresidential building, including city drop-off center containers:
 1. Two hundred fifty dollars first violation,
 2. Five hundred dollars second and subsequent violations;
5. If as required in Section 8.25.190 any person generating solid waste and/or recyclable materials fails to comply with city or hauler written notification about the reason(s) for refusal to collect the materials:
 1. Fifty dollars first violation,
 2. One hundred dollars second and subsequent violations;
6. Failure of multiple-family dwelling or nonresidential facility or property to comply with recycle according to Section 8.25.200 or 8.25.210:
 1. Two hundred fifty dollars first violation,
 2. Five hundred dollars second and subsequent violations;
7. Illegal disposal of recyclables as prohibited in Section 8.25.220:
 1. Fifty dollars first violation,
 - ~~2. Two thousand five hundred~~ Two hundred dollars second ~~and subsequent~~ violation,^s
 - ~~2-3.~~ Two thousand dollars third and subsequent violations;
8. Penalties for violation of any other provision(s) of this chapter not specified in subsections (B)(1) through (7) of this section:
 1. Fifty dollars first violation,

2. One hundred dollars second and subsequent violations;
9. Other penalties to be established by the city as needed.

(Ord. O-07-24 § 13, 2007)

8.25.260 Space For Recycling In Public Buildings

~~Per ILHR 54-62 Administrative Rule, any person in Wauwatosa owning or occupying a new building or a building that is remodeled or expanded by fifty percent or more in floor area, shall provide a designated area for the separation, temporary storage and collection of solid waste and recyclables either within or adjacent to the building. All solid waste and recyclables shall be handled as per Chapters 8.24 and 8.25 of this code.~~

~~(Ord. O-94-48 § 1 (part), 1994)~~

8.25.270 Procurement Of Recycled Products

~~According to Wisconsin Statute 16.72(2)(e) and (f), the city shall, to the extent practicable, make purchasing decisions to maximize the purchasing of products made from recycled and recovered materials; and such purchases shall include forty percent content of all paper by 1995. The city shall, to the extent practicable, award contracts for equipment and supplies on the basis of recyclability and ultimate disposition of products to discourage the purchase of single-use disposable products and require purchase of multiple-use, durable products. All persons residing in, doing business in, or otherwise occupying nonresidential facilities and properties in the city of Wauwatosa are encouraged to do the same, for that is how waste reduction, reuse and recycling succeeds.~~

~~(Ord. O-94-48 § 1 (part), 1994)~~

Wauwatosa Solid Waste Ordinance – 2026 Proposed Updates (Clean Version)

CHAPTER 8.25 RECYCLING

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8.25.010 Purpose

The purpose of this chapter is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in Section 287.11, Wisconsin Statutes and Chapter NR 544, Wisconsin Administrative Code.

(Ord. O-07-24 § 2, 2007)

8.25.020 Statutory Authority

The ordinance codified in this chapter is adopted as authorized under Sections 66.0415, 287.11(2)(b), and 289.01 of the Wisconsin Statutes.

(Ord. O-07-24 § 3, 2007)

8.25.030 Abrogation And Greater Restrictions

It is not intended by this chapter to repeal, abrogate, annul, impair or interfere with any existing rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, whenever this chapter imposes greater restrictions, the provisions of this chapter shall apply.

(Ord. O-94-48 § 1 (part), 1994)

8.25.040 Interpretation

In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any terms or requirements of this chapter may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this chapter is required by Wisconsin Statutes, or by a standard in Chapter NR 544, Wisconsin Administrative Code, and where the chapter provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Chapter NR 544 standards in effect on the date of the adoption of the ordinance codified in this chapter, or in effect on the date of the most recent text amendment to this chapter.

(Ord. O-94-48 § 1 (part), 1994)

8.25.050 Severability

Should any portion of this chapter be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected.

(Ord. O-94-48 § 1 (part), 1994)

8.25.060 Applicability

The requirements of this chapter apply to all persons within the city of Wauwatosa, as well as occupants and owners or designated agents of multiple-family dwellings and nonresidential facilities and properties.

(Ord. O-94-48 § 1 (part), 1994)

8.25.070 Administration

The provisions of this chapter shall be administered by the city of Wauwatosa and its designated agents.

(Ord. O-94-48 § 1 (part), 1994)

8.25.080 (Reserved For Future Use)

8.25.090 Definitions

- A. Words, phrases, or other expressions used in this chapter shall have meanings as follows:

"Appliance (major appliance)" means those which are considered to contain freon, PCB-containing capacitors, and mercury-containing switches or timing devices, including, but not necessarily limited to: air conditioners, clothes dryers and washers, dehumidifiers, dishwashers, fluorescent lighting fixtures with ballasts, freezers, forced air furnaces, garbage disposals and compactors, heat pumps, mercury vapor lamps, microwave ovens, ranges and stoves, refrigerators, and water heaters.

"Bi-metal container" means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.

"City" means the city of Wauwatosa, Wisconsin.

"Composting" means the controlled biological decomposition and conversion of solid organic material into a humus-like substance called compost. The process is aerobic, meaning that it requires the presence of oxygen. The process uses various natural microorganisms such as bacteria and fungi to break down the complex organic compounds into simpler substances.

"Container board" means corrugated paperboard used in the manufacture of shipping containers and related products.

"Contractor" means the entity named and designated in the contract(s) the city has entered into to provide recycling, solid waste, yard waste and/or street cleaning services.

"Department" means the city of Wauwatosa department of public works, or its designee.

"DNR" means the Department of Natural Resources of the state of Wisconsin and its various bureaus and specialized management sections.

"Drop-off center" means the site operated by the city at the public works yard at 11100 W. Walnut, Wauwatosa, Wisconsin, where residents of the city can deposit recyclables, yard waste and residential refuse.

"EPA" means the United States Environmental Protection Agency.

"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.

"Foam polystyrene packaging" means packaging made primarily from foam polystyrene that satisfies one of the following criteria:

1. Is designed for serving food or beverages;
2. Consists of loose particles intended to fill space and cushion the packaged article in a shipping container; or
3. Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.

"Fully automated collection" means curbside pickup of recycling cart materials by use of dedicated recycling trucks with robotic arms to lift and empty the contents of the cart into the body of the truck(s) or their attached collection equipment.

"HDPE" means high density polyethylene, currently labeled by the Society of the Plastics Industry, Inc. (SPI) code number 2.

"Holidays" mean New Year's Day (January 1st); Good Friday; Memorial Day (Last Monday in May); Independence Day (July 4th or if on a weekend, the day so designated by the city); Labor Day (first Monday in September); Thanksgiving Day (fourth Thursday in November or the day designated by the Governor of Wisconsin); Christmas Day (December 25th or, if on a weekend, the day so designated by the city); and the last normal workdays before Christmas Day and before New Year's Day; or as otherwise designated now or in the future in the agreement between the city and Local 305 AFSCME AFL-CIO District Council 48.

"Landfill" means a location used for the burial of solid waste and process residue in accordance with all applicable local, state, and federal laws, rules and regulations.

"LDPE" means low-density polyethylene, currently labeled by the SPI code number 4.

"Magazines" mean magazines and other materials printed on similar paper.

"MRF" means material recovery facility or facilities which receives commingled recyclables, and separates and processes these recyclables for sale to end-user markets.

"Multiple-family dwelling" means a property containing five or more residential units, including those which are occupied seasonally.

"Newspaper" means newspaper and other materials printed on newsprint.

"Nonresidential facilities and properties" mean commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple-family dwellings. Non-residential facilities and properties includes any location at which goods or services are provided or manufactured, including locations under construction, demolition, or remodeling, or used for special events such as fairs, festivals, sport venues, conferences, and exhibits.

"Office paper" means high grade printing and writing papers from offices in nonresidential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. This term does not include industrial process waste, but can include mixed paper if high grade office paper is included in the mixed paper pack.

"Operating hours" means normal hours of operation of the drop-off center and/or for providing other services to the city.

"Other resins" or "multiple resins" mean plastic resins currently labeled by the SPI code number 7.

"Person" means any individual, corporation, limited liability company, partnership, association, local governmental unit, as defined in Section 66.0131(1)(a) Wisconsin Statutes, state agency or authority or federal agency.

"PETE" or "PET" means polyethylene terephthalate, currently labeled by the SPI code number 1.

"Plastic container" means an individual, separate, rigid plastic bottle, can, jar or carton, except for a blister pack, that is originally used to contain a product that is the subject of a retail sale.

"Postconsumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in Section 291.01(7), Wisconsin Statutes, waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in Section 291.01(17), Wisconsin Statutes.

"PP" means polypropylene, currently labeled by the SPI code number 5.

"Process residue" or "residue" means the unusable material, excepting rejects, generated in processing of recyclables at the MRF or elsewhere and which requires disposal in a landfill.

"Processing" means preparation of source-separated or commingled recyclables for market.

"PS" means polystyrene, currently labeled by the SPI code number 6.

"PVC" means polyvinyl chloride, currently labeled by the SPI code number 3.

"Recyclables" mean materials in the waste stream that can be remanufactured into useful products; specifically those materials described under Wisconsin Statutes 287.07. "Curbside and drop-off collected recyclables" are recyclables currently collected or collected in the future by city forces or contractor(s). These materials may include aluminum beverage containers, steel and bimetal cans, newspaper, magazines, corrugated paper or other container board, office paper, plastic containers, and glass containers. This list may be expanded or revised to comply with state of Wisconsin landfill disposal bans.

"Recycling" means the series of activities involving the recovery of recyclables from solid waste and returning them to productive use through reprocessing or remanufacture.

"Recycling cart" means the two-wheeled cart provided by the city dedicated to the storage and collection of recyclables; and designated as being not for garbage or yard materials.

"Rejects" mean solid waste materials not included under the definition of curbside and drop-off collected recyclables and inadvertently set out for collection, or dropped off, by residents, and material which the contractor demonstrates, to the satisfaction of the city, to be unusable because of its nature or condition at the time of delivery to the MRF.

"Single stream recycling" (also known as "fully commingled" or "single sort") means a system in which all recyclables are mixed together in the recycling cart and a dedicated collection truck, instead of being separated and packaged separately by type of recyclables by the residents and handled separately throughout the collection process. In the city's single stream recycling program, both the collection and processing systems are to be designed to handle this fully-commingled mixture of recyclables.

"Solid waste" has the meaning specified in [s. 289.01\(33\), Wis. Stats.](#)

"Solid waste facility" has the meaning specified in [s. 289.01\(35\), Wis. Stats.](#)

"Solid waste treatment" means any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste. "Treatment" includes incineration.

"State" means the state of Wisconsin.

"Subcontractor" means a corporation, partnership or individual having a direct contract with the contractor for performing any work or services for the city on behalf of the contractor.

"Tires (or scrap tires or waste tires)" mean vehicle tires from passenger cars and light trucks that are no longer suitable for their original purpose because of wear, damage, or defect.

"Unacceptable waste" means any explosives, biomedical waste, radioactive waste, or hazardous waste. The definition of what constitutes hazardous waste shall be determined according to Wisconsin NR 600 (Note: Wisconsin NR 605.05 exempts household hazardous wastes from regulation as hazardous waste)

"Vehicle batteries" mean lead acid batteries used in motor powered vehicles. Batteries in electric vehicles should be managed according to manufacturer instructions.

"Waste oil (or oil)" means any waste oil used in the engine or crankcase of a motor vehicle.

"Yard waste" or "yard materials" mean 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 root balls or fruit from fruit-bearing trees.

(Ord. O-07-24 § 5, 2007; Ord. O-10-02, §§ VI—VIII, 3-2-2010)

8.25.100 Separation Of Recyclables

Occupants of single-family and two- to four-unit residences, multiple-family dwellings and nonresidential facilities and properties shall separate for recycling the following materials from postconsumer waste.

Acceptable recycling methods for the below materials vary and several materials listed are not accepted in curbside recycling carts. Refer to appropriate sections below for specific instructions for materials listed and refer to the City website for updated information on materials accepted in curbside carts.

- A. Yard materials;
- B. Major appliances;
- C. Waste oil;
- D. Lead acid and all other vehicle batteries;
- E. Scrap tires;
- F. Foam polystyrene packaging;
- G. Aluminum containers;
- H. Bi-metal containers;
- I. Corrugated paper and other container board;

- J. Glass containers;
- K. Magazines;
- L. Newspaper;
- M. Office paper;
- N. Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins; and
- O. Steel containers.

(Ord. O-07-24 § 6, 2007)

8.25.110 Separation Requirements Exempted

The separation requirements of Section 8.25.100 do not apply to the following:

- A. Occupants of single-family and two- to four-unit residences, multiple-family dwellings and nonresidential facilities and properties that send their postconsumer waste to a processing facility licensed by the DNR that recovers the recyclables specified in Section 8.25.100 from solid waste in as pure a form as is technically feasible;
- B. Solid waste which is burned as a supplemental fuel at a facility if less than thirty percent of the heat input to the facility is derived from the solid waste burned as supplemental fuel;
- C. A recyclable(s) specified in Section 8.25.100 for which a variance has been granted by the DNR under Section 287.07(7), Wisconsin Statutes, or Section NR 544.14, Wisconsin Administrative Code.

(Ord. O-07-24 § 7, 2007)

8.25.120 Care Of Separated Recyclables

To the greatest extent practicable, the recyclables separated in accordance with Section 8.25.100 shall be cleaned and kept free of contaminants such as food or product residue, oil or grease, or other nonrecyclable materials, including but not limited to containers for household hazardous waste, medical waste, and agricultural chemicals.

Recyclables shall be stored in a manner which protects them from inclement weather, and prevents their scattering and contribution to other nuisance conditions. Plastic bags are not accepted in curbside recycling and recyclables cannot be collected in plastic bags. Recyclables may be placed loose into recycling carts or in open paper bags within recycling carts. Recyclables prepared for city curbside collection shall be placed in the dedicated recycling carts separate from other refuse containers for collection according to the provisions of Chapter 8.24 of this code for solid waste collection and disposal.

(Ord. O-07-24 § 8, 2007)

8.25.125 City-Furnished Recycling Cart

A city-furnished recycling cart shall be delivered to each eligible residence and used exclusively for recyclables generated by this residence. Recycling carts remain the property of the city of Wauwatosa and shall be used in accordance with the applicable provisions of this chapter.

- A. The owner of the property to which a recycling 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.
- B. The city recycling 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.
- C. The recycling cart shall be set out for collection at the curb or alley where the garbage is normally collected, except for "hardship cases" which may be in the backyard. Subscribers to this optional backyard 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 recycling carts.
- D. Recycling carts 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 recycling 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. Access to recycling carts by city forces on the day of collection must be maintained in all conditions, particularly free of snow and ice accumulation in winter months.
- E. Items that are placed outside of recycling carts and carts with excess material preventing the lid from closing cannot be collected.

(Ord. O-07-24 § 9, 2007; Ord. O-10-02, § IX, 3-2-2010)

8.25.130 Management Of Yard Materials

Occupants of single-family and two- to four-unit residences, multiple-family dwellings, and nonresidential facilities and properties shall manage yard waste as follows:

- A. Residential yard materials curbside collection is done by the city for single-family and two- to four-unit residences in two phases under the following conditions:
 - 1. During curbside collection season (schedule can be found on the City's website and newsletter), leaves and brush (excluding grass clippings, root balls, vegetables, stumps, or branches over six inches in diameter) must be separated from other household garbage, and are collected according to published schedules with the following requirements:

- i. Resident-supplied reusable containers must be used marked with the words "yard materials" or "yard waste" in letters at least two inches high, and one and a half inches wide; or approved paper yard waste bags may be used; but plastic bags are strictly prohibited;
 - ii. It is prohibited to put more than two hundred pounds of yard waste in a city yard waste cart, or more than fifty pounds in a reusable yard waste container or paper yard waste bag; brush and branches must be cut to less than four-foot lengths and tied with string or twine (not wire or plastic strapping) into bundles under fifty pounds;
 - iii. Containers must be placed at the curb or alley before seven a.m. the day of pick-up, but no sooner than two-thirty p.m. the day prior to collection; and they must be returned to storage as soon as possible, but no later than eight a.m. the day after collection.
 2. During leaf collection season (schedule can be found on the City's website and newsletter), leaves may be raked into city street gutters for curb collection by city crews; during that time brush and branches under six inches diameter may only be brought to the drop-off center at the public works yard because there is no curbside collection except for "special pick-ups" as covered under Section 8.24.070 of this chapter; outside of the curbside collection season the yard waste drop-off at the public works yard shall be the only available city yard waste service.
- B. Residential yard materials drop-off center at the public works yard, 11100 W. Walnut, accepts leaves and brush (excluding grass clippings, root balls, vegetables, stumps, or branches over six inches in diameter) under the following conditions from single-family and two- to four-unit residences:
 1. Year round requirements:
 - i. Yard materials are to be deposited loose only (not in plastic bags);
 - ii. If brush and branches are bundled, it must be with string or twine (not with wire, cloth or plastic strapping);
 - iii. Rocks, metal, garbage and other debris must be kept out of the yard waste, and is subject to the penalties listed in Section 8.25.250.
- C. Grass clippings are not allowed at the city drop-off center or in the curbside yard waste collection. Management of grass clippings shall be done at each single-family and two- to four-unit residence, multiple-family residence, and nonresidential facility and property by: (1) using a mulching mower and keeping the clippings on the lawn for a soil enhancer; (2) collecting and spreading the clippings in gardens or flower beds to act as mulch; (3) collecting and composting clippings in accordance with Section 15.32.030(J) of the property management code to produce usable compost; (4) using the services of a commercial landscaper or yard keeper to manage lawn and grass clippings; and/or (5) other appropriate individual management program which does not create blighted or nuisance conditions contrary to the city property management code.

- D. Multiple-family dwellings and nonresidential facilities and properties shall manage grass clippings as per subsection C above, and shall manage other yard waste privately according to all applicable local and state laws and regulations.

(Ord. O-07-24 § 10, 2007)

8.25.140 Management Of Major Appliances

Occupants of single-family and two- to four-unit residences, multiple-family dwellings, and nonresidential facilities and properties shall manage major appliances by separating them for recycling and delivering them to private appliance dealers or scrap yards that may accept them for a fee. Single family and two to four unit residences may also place the appliances at the curb for special city pick-up, which must be scheduled in advance by calling the public works department; or may deliver the appliances to the drop-off center at the public works yard. The city curbside and drop-off collections of appliances are subject to recycling fees established by the city and identified in Section 8.25.250.

(Ord. O-94-48 § 1 (part), 1994)

8.25.150 Management Of Waste Motor Oil, Vehicle Batteries, Scrap Tires, and E-Waste

Occupants of single-family and two- to four-unit residences, multiple-family dwellings, and nonresidential facilities and properties shall manage waste motor oil, lead acid and all other vehicle batteries, scrap tires, and electronic waste (or e-waste) as follows.

- A. Waste motor oil is not collected by the city at the curb; yet waste oil must be separated for recycling and delivered to private collectors or service stations that accept waste oil; or occupants of single family and two to four unit residences may deposit waste oil in collection containers at the city oil drop-off centers at the public works yard. It is unlawful to mix any other substance with waste oil for recycling, and such action is subject to penalties delineated in Section 8.25.250.
- B. Lead acid vehicle batteries are not collected by the city either by curbside or drop-off; instead such batteries shall be recycled by delivering them to vehicle battery retailers, commercial installers, auto salvage yards or scrap dealers, some of whom may charge a fee for accepting them. Electric vehicle batteries shall be managed according to manufacturer instructions.
- C. Scrap tires are not collected curbside by the city; but waste tires shall be recycled by delivering them to private tire dealers or scrap yards that may accept them for a fee; or occupants of single family and two to four unit residences may deliver them to the tire drop-off center at the public works yard, where they shall be subject to tire recycling fees established by the city and identified in Section 8.25.250.
- D. E-waste including items like small appliances, laptops, desktop computers, monitors, and televisions are not accepted in the curbside recycling program but may be brought to the Drop Off Center at the public works yard for a fee. The Wisconsin Department of Natural Resources also maintains a list of registered electronics recyclers.

(Ord. O-94-48 § 1 (part), 1994)

8.25.160 Management Of Other Residential Recyclables

Except as otherwise directed by the department, occupants of single-family and two- to four-unit residences shall do the following for the preparation and collection of the separated recyclables specified in Section 8.25.100(F) through (O) for the single stream recycling program.

Specific recyclable materials and proper preparation of recyclables can change based on commodity market conditions and available recycling equipment. The City's website is kept up-to-date with relevant recycling guidance and allowable material. Recyclables shall be placed loose into the recycling cart or within an open paper bag, materials bagged in plastic are not permitted.

(Ord. O-07-24 § 11, 2007)

8.25.170 Residential Curbside Recycling

Separated recyclables prepared according to Section 8.25.160 above shall be placed in the recycling cart for fully automated curbside collection. Provisions which govern curbside collection of recyclables include the following.

- A. Only recyclables in the recycling cart shall be picked up for curbside collection year round, every other week according to schedules published by the city.
- B. Recycling carts shall only be filled to a maximum weight of two hundred pounds of recyclables.
- C. Recycling carts are to be handled separately from garbage carts and containers according to the provisions of Chapter 8.24 of this code for solid waste collection and disposal.
- D. Failure to comply with the city's curbside recycling program shall be subject to the penalties established by the city and identified in Section 8.25.250.

(Ord. O-07-24 § 12, 2007)

8.25.180 Ownership Of Recyclables And Scavenging Prohibition

Residential recyclables and refuse, upon placement at the curb, shall become the property of the city. Recyclables collected by a hauler under contract with the city, multiple-family dwelling or nonresidential facility, shall become the property of the hauler/contractor once collected.

It is unlawful for any person, unless under contract with or licensed by the municipality or state, to collect or remove any recyclable material that has been deposited or placed at the curb for recycling, or placed in a recycling container adjacent to a home, multiple-family dwelling, or nonresidential building, including city drop-off center containers; and such action will be subject to the penalties established by the city and identified in Section 8.25.250 below.

(Ord. O-94-48 § 1 (part), 1994)

8.25.190 Hauling, Sorting And Processing Recyclables And Solid Waste

- A. Any person who collects, hauls, sorts, processes, markets, or disposes of solid waste and/or recyclables in the city shall obtain and maintain all necessary municipal and state permits, licenses and approvals prior to engaging in any such activities in the city; including but not limited to:

1. DNR licensing for hauling of recyclables under NR 502.06, Wisconsin Administrative Code;
2. DNR certification for processing recyclables under NR 544.16, Wisconsin Administrative Code; and
3. City approval for use of city recycling, yard waste and solid waste facilities; which use shall be limited to city of Wauwatosa residents showing proper identification of city residence, or other persons showing proof of owning and/or operating a nonresidential facility within the city and who pay corresponding user fee(s).

Any hauler, including the city collection crews, has the right to refuse to collect and leave at the curb or collection site any recyclable or waste material that is not prepared according to the specifications of this chapter, especially Sections 8.25.130 through 8.25.210, or according to corresponding recycling educational materials provided by the city or hauler to service recipients. In such cases, the city or hauler shall provide written notification to the generator of the materials about the reason(s) for refusal to collect the materials. All haulers, including city crews, shall provide a list of such occurrences to the department so that the city may take such corrective and/or punitive actions as delineated in Section 8.25.250.

(Ord. O-94-48 § 1 (part), 1994)

8.25.200 Multiple-Family Dwelling Recycling

- A. Owners or designated agents of multiple-family dwellings in the city shall do all of the following to recycle the materials specified in Sections 8.25.100(F) through (O), or be subject to the penalties specified in Section 8.25.250:
 1. Provide adequate, separate containers for the recycling program established in compliance with the ordinance. The number of recycling containers shall equal or be greater than the number of trash containers and at least one of the following shall be met:
 - i. The minimum total volume of recycling container space is equal to 24 gallons per week per dwelling unit (for reference, City of Wauwatosa recycling carts are 96 gallon size and a 2-yard container is about 404 gallons);
 - ii. The ratio of trash container volume to recycling container volume is at most 2:1;
or
 - iii. An alternative method that does not result in the overflow of a recycling container during the time period between collection of materials and delivery to a recycling facility. Alternative plans that do not meet the above criteria must be submitted to the Wauwatosa Department of Public Works for approval in advance of implementation.
 - iv. For all above options, the Wauwatosa Department of Public Works reserves the right to require increased capacity in the case of recycling overflows.

2. Notify tenants in writing at the time of renting or leasing the dwelling and at least twice annually thereafter about the established recycling program;
 3. Provide for the collection of the recyclable materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility; and
 4. Notify tenants of reasons to reduce and recycle solid waste, which recyclable materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, and locations of drop-off collection sites to recycle materials not collected on-site.
- B. The requirements specified in subsection (A) of this section do not apply to the owners or designated agents of multiple-family dwellings if the postconsumer waste generated within the dwelling is treated at a processing facility licensed by the DNR that recovers for recycling the materials specified in Sections 8.25.100(F) through (O) from solid waste in as pure a form as is technically feasible.

(Ord. O-94-48 § 1 (part), 1994)

8.25.210 Nonresidential Facility And Property Recycling

- A. Owners or designated agents of nonresidential facilities and properties in the city shall do all of the following to recycle the materials specified in Sections 8.25.100(F) through (O), or be subject to the penalties specified in Section 8.25.250:
1. Provide adequate, separate containers for the recycling program established under this section. The total volume of recycling containers shall be sufficient to avoid an overflow during the time period between collection of materials and delivery to a recycling facility;
 2. Notify in writing, at least twice annually, all users, tenants and occupants of the properties about the established recycling program;
 3. Provide for the collection of the recyclable materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility; and
 4. Notify users, tenants, and occupants of reasons to reduce and recycle solid waste, which recyclable materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, and locations of drop off collection sites to recycle materials not collected on-site.
- B. The requirements specified in subsection (A) of this section do not apply to the owners or designated agents of nonresidential facilities and properties if the postconsumer waste generated within the dwelling is treated at a processing facility licensed by the DNR that recovers for recycling the materials specified in Sections 8.25.100(F) through (O) from solid waste in as pure a form as is technically feasible.

(Ord. O-94-48 § 1 (part), 1994)

8.25.220 Prohibitions On The Disposal Of Recyclables Separated For Recycling

No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in Sections 8.25.100(F) through (O) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility. Violations of this provision are subject to the penalties specified in Section 8.25.250.

(Ord. O-94-48 § 1 (part), 1994)

8.25.230 Hazardous Wastes

Hazardous substances, including as examples, acids, blasting materials, ammunition, paints, lacquers and varnishes, combustible alloys or chemicals and/or radioactive materials; shall not be included with collection of refuse and/or recyclables. Such unacceptable wastes should be managed in the following manner.

- A. Household hazardous wastes should be handled according to EPA safe management methods:
 - 1. Products containing hazardous substances should be used and stored carefully to prevent accidents; such products should be stored in their original containers with original labels; corroding containers should be repackaged and clearly and accurately labeled; products containing hazardous substances should never be repackaged or stored in food containers;
 - 2. Products containing hazardous substances should never be mixed with other products; users of such products should follow product label instructions for proper use and disposal;
 - 3. Waste products containing hazardous substances should be taken to an area household hazardous waste collection program when available.
- B. Nonresidential hazardous wastes shall be handled and disposed of according to all applicable state and federal laws and regulations.

(Ord. O-94-48 § 1 (part), 1994)

8.25.240 Information, Inspection, Enforcement And Appeal

- A. Inspection. For the purpose of ascertaining compliance with the provisions of this chapter, any authorized officer, employee or representative of the city may inspect and/or request information about recyclable materials separated for recycling, postconsumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of single and multiple-family dwellings and nonresidential facilities and properties, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to any authorized officer, employee or representative of the city who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection and/or information gathering.
- B. Order to Correct Conditions and Appeal.

1. Order to Correct Conditions. Whenever the city, its agents or employees shall do an inspection within the city as per above, and finds conditions in violation of this code, an order shall be issued to the owner and/or occupant of the premises or vehicle to correct said conditions.
2. Contents. The order shall specify a time within which the owner and/or occupant shall comply therewith, and any corresponding fees and/or penalties. It shall also provide that if the owner and/or occupant is aggrieved by the order they may appeal to the board of public works and request a hearing as hereinafter provided.
3. Service. The order shall be served on the owner and/or occupant, by delivering a copy of same to such occupant personally; or by delivering the same to and leaving it with any adult, competent person in charge of the premises or vehicle; or in case no such person is found upon the premises, by affixing a copy thereof in a conspicuous place near the entrance to the premises or vehicle, or by certified mail with return receipt requested.
4. Appeal Request. If the owner and/or occupant feels aggrieved by the order as provided in this chapter, he or she may appeal to the board of public works within fifteen days after service of the order upon them and request a hearing.
5. Appeal Hearing. The board of public works shall conduct a hearing in connection therewith at the next scheduled board of public works meeting after request for an appeal is submitted, and shall notify the appellant, director of public works, operations superintendent, operations supervisor, and any other person interested in the matter to be present. After the hearing, the board of public works shall submit its findings and recommendations within five days thereafter and provide copies on all persons who appeared at the hearing.

C. Failure to Comply.

1. Citation. Any person violating any provision of this chapter shall be subject to the fees and penalty provisions of this code specified in Section 8.25.250. A citation may be issued pursuant to Section 1.24.010 of this code and Wisconsin Statute Ch. 800. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this section.
2. Cause Discontinuation of Service and/or Special Charge. Upon failure to comply with an order within the time specified on it, where there is proof of service of said order, which requires that any corrective action be taken to comply with any provision of this chapter, and that corresponding fees and/or penalties be paid, city garbage and recycling collection service may be discontinued until the fee and/or penalty is paid and corrective action taken, and the fee and/or penalty may be levied as a special charge against the premises as authorized by Section 66.0627 and/or Section 287.093 of the Wisconsin Statutes.

(Ord. O-94-48 § 1 (part), 1994; Ord. O-02-1 § 1 (part), 2002; Ord. O-10-02, § X, 3-2-2010)

8.25.250 Fees And Penalties

- A. Fees. Upon the effective date of the 2007 amendments to the ordinance codified in this chapter, the recycling shall be collected by the city of Wauwatosa in the amounts set out in the consolidated fee schedule.
- B. Penalties. Upon the effective date of the ordinance codified in this chapter, and after inspection and sufficient notification by representatives of city public works, the following penalties shall be allowed to be cited and collected by the city; subject to change, addition, or deletion at any time by the city without notice.
 - 1. If as prohibited in Section 8.25.130 yard waste deposited at the drop-off center is contaminated with rocks, metal, garbage and/or other debris:
 - i. One hundred dollars first violation,
 - ii. Five hundred dollars second and subsequent violations;
 - 2. If as prohibited in Section 8.25.150 any other substance is mixed with waste oil for recycling:
 - i. One hundred dollars first violation,
 - ii. Five hundred dollars second and subsequent violations;
 - 3. Failure to comply with the city's residential curbside recycling program as required in Section 8.25.120 or 8.25.170:
 - i. Fifty dollars first violation,
 - ii. One hundred dollars second and subsequent violations;
 - 4. If as prohibited in Section 8.25.180 any person not under contract with or licensed by the municipality or state, collects or removes any recyclable material that has been deposited or placed at the curb for recycling, or placed in a recycling container adjacent to a home, multiple-family dwelling, or nonresidential building, including city drop-off center containers:
 - i. Two hundred fifty dollars first violation,
 - ii. Five hundred dollars second and subsequent violations;
 - 5. If as required in Section 8.25.190 any person generating solid waste and/or recyclable materials fails to comply with city or hauler written notification about the reason(s) for refusal to collect the materials:
 - i. Fifty dollars first violation,
 - ii. One hundred dollars second and subsequent violations;
 - 6. Failure of multiple-family dwelling or nonresidential facility or property to comply with Section 8.25.200 or 8.25.210:

- i. Two hundred fifty dollars first violation,
 - ii. Five hundred dollars second and subsequent violations;
- 7. Illegal disposal of recyclables as prohibited in Section 8.25.220:
 - i. Fifty dollars first violation,
 - ii. Two hundred dollars second violation,
 - iii. Two thousand dollars third and subsequent violations;
- 8. Penalties for violation of any other provision(s) of this chapter not specified in subsections (B)(1) through (7) of this section:
 - i. Fifty dollars first violation,
 - ii. One hundred dollars second and subsequent violations;
- 9. Other penalties to be established by the city as needed.

(Ord. O-07-24 § 13, 2007)

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

Wauwatosa Solid Waste Ordinance – 2026 Proposed Updates (Clean Version)

CHAPTER 8.25 RECYCLING

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8.25.010 Purpose

The purpose of this chapter is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in Section 287.11, Wisconsin Statutes and Chapter NR 544, Wisconsin Administrative Code.

(Ord. O-07-24 § 2, 2007)

8.25.020 Statutory Authority

The ordinance codified in this chapter is adopted as authorized under Sections 66.0415, 287.11(2)(b), and 289.01 of the Wisconsin Statutes.

(Ord. O-07-24 § 3, 2007)

8.25.030 Abrogation And Greater Restrictions

It is not intended by this chapter to repeal, abrogate, annul, impair or interfere with any existing rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, whenever this chapter imposes greater restrictions, the provisions of this chapter shall apply.

(Ord. O-94-48 § 1 (part), 1994)

8.25.040 Interpretation

In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any terms or requirements of this chapter may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this chapter is required by Wisconsin Statutes, or by a standard in Chapter NR 544, Wisconsin Administrative Code, and where the chapter provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Chapter NR 544 standards in effect on the date of the adoption of the ordinance codified in this chapter, or in effect on the date of the most recent text amendment to this chapter.

(Ord. O-94-48 § 1 (part), 1994)

8.25.050 Severability

Should any portion of this chapter be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected.

(Ord. O-94-48 § 1 (part), 1994)

8.25.060 Applicability

The requirements of this chapter apply to all persons within the city of Wauwatosa, as well as occupants and owners or designated agents of multiple-family dwellings and nonresidential facilities and properties.

(Ord. O-94-48 § 1 (part), 1994)

8.25.070 Administration

The provisions of this chapter shall be administered by the city of Wauwatosa and its designated agents.

(Ord. O-94-48 § 1 (part), 1994)

8.25.080 (Reserved For Future Use)

8.25.090 Definitions

- A. Words, phrases, or other expressions used in this chapter shall have meanings as follows:

"Appliance (major appliance)" means those which are considered to contain freon, PCB-containing capacitors, and mercury-containing switches or timing devices, including, but not necessarily limited to: air conditioners, clothes dryers and washers, dehumidifiers, dishwashers, fluorescent lighting fixtures with ballasts, freezers, forced air furnaces, garbage disposals and compactors, heat pumps, mercury vapor lamps, microwave ovens, ranges and stoves, refrigerators, and water heaters.

"Bi-metal container" means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.

"City" means the city of Wauwatosa, Wisconsin.

"Composting" means the controlled biological decomposition and conversion of solid organic material into a humus-like substance called compost. The process is aerobic, meaning that it requires the presence of oxygen. The process uses various natural microorganisms such as bacteria and fungi to break down the complex organic compounds into simpler substances.

"Container board" means corrugated paperboard used in the manufacture of shipping containers and related products.

"Contractor" means the entity named and designated in the contract(s) the city has entered into to provide recycling, solid waste, yard waste and/or street cleaning services.

"Department" means the city of Wauwatosa department of public works, or its designee.

"DNR" means the Department of Natural Resources of the state of Wisconsin and its various bureaus and specialized management sections.

"Drop-off center" means the site operated by the city at the public works yard at 11100 W. Walnut, Wauwatosa, Wisconsin, where residents of the city can deposit recyclables, yard waste and residential refuse.

"EPA" means the United States Environmental Protection Agency.

"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.

"Foam polystyrene packaging" means packaging made primarily from foam polystyrene that satisfies one of the following criteria:

1. Is designed for serving food or beverages;
2. Consists of loose particles intended to fill space and cushion the packaged article in a shipping container; or
3. Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.

"Fully automated collection" means curbside pickup of recycling cart materials by use of dedicated recycling trucks with robotic arms to lift and empty the contents of the cart into the body of the truck(s) or their attached collection equipment.

"HDPE" means high density polyethylene, currently labeled by the Society of the Plastics Industry, Inc. (SPI) code number 2.

"Holidays" mean New Year's Day (January 1st); Good Friday; Memorial Day (Last Monday in May); Independence Day (July 4th or if on a weekend, the day so designated by the city); Labor Day (first Monday in September); Thanksgiving Day (fourth Thursday in November or the day designated by the Governor of Wisconsin); Christmas Day (December 25th or, if on a weekend, the day so designated by the city); and the last normal workdays before Christmas Day and before New Year's Day; or as otherwise designated now or in the future in the agreement between the city and Local 305 AFSCME AFL-CIO District Council 48.

"Landfill" means a location used for the burial of solid waste and process residue in accordance with all applicable local, state, and federal laws, rules and regulations.

"LDPE" means low-density polyethylene, currently labeled by the SPI code number 4.

"Magazines" mean magazines and other materials printed on similar paper.

"MRF" means material recovery facility or facilities which receives commingled recyclables, and separates and processes these recyclables for sale to end-user markets.

"Multiple-family dwelling" means a property containing five or more residential units, including those which are occupied seasonally.

"Newspaper" means newspaper and other materials printed on newsprint.

"Nonresidential facilities and properties" mean commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple-family dwellings. Non-residential facilities and properties includes any location at which goods or services are provided or manufactured, including locations under construction, demolition, or remodeling, or used for special events such as fairs, festivals, sport venues, conferences, and exhibits.

"Office paper" means high grade printing and writing papers from offices in nonresidential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. This term does not include industrial process waste, but can include mixed paper if high grade office paper is included in the mixed paper pack.

"Operating hours" means normal hours of operation of the drop-off center and/or for providing other services to the city.

"Other resins" or "multiple resins" mean plastic resins currently labeled by the SPI code number 7.

"Person" means any individual, corporation, limited liability company, partnership, association, local governmental unit, as defined in Section 66.0131(1)(a) Wisconsin Statutes, state agency or authority or federal agency.

"PETE" or "PET" means polyethylene terephthalate, currently labeled by the SPI code number 1.

"Plastic container" means an individual, separate, rigid plastic bottle, can, jar or carton, except for a blister pack, that is originally used to contain a product that is the subject of a retail sale.

"Postconsumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in Section 291.01(7), Wisconsin Statutes, waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in Section 291.01(17), Wisconsin Statutes.

"PP" means polypropylene, currently labeled by the SPI code number 5.

"Process residue" or "residue" means the unusable material, excepting rejects, generated in processing of recyclables at the MRF or elsewhere and which requires disposal in a landfill.

"Processing" means preparation of source-separated or commingled recyclables for market.

"PS" means polystyrene, currently labeled by the SPI code number 6.

"PVC" means polyvinyl chloride, currently labeled by the SPI code number 3.

"Recyclables" mean materials in the waste stream that can be remanufactured into useful products; specifically those materials described under Wisconsin Statutes 287.07. "Curbside and drop-off collected recyclables" are recyclables currently collected or collected in the future by city forces or contractor(s). These materials may include aluminum beverage containers, steel and bimetal cans, newspaper, magazines, corrugated paper or other container board, office paper, plastic containers, and glass containers. This list may be expanded or revised to comply with state of Wisconsin landfill disposal bans.

"Recycling" means the series of activities involving the recovery of recyclables from solid waste and returning them to productive use through reprocessing or remanufacture.

"Recycling cart" means the two-wheeled cart provided by the city dedicated to the storage and collection of recyclables; and designated as being not for garbage or yard materials.

"Rejects" mean solid waste materials not included under the definition of curbside and drop-off collected recyclables and inadvertently set out for collection, or dropped off, by residents, and material which the contractor demonstrates, to the satisfaction of the city, to be unusable because of its nature or condition at the time of delivery to the MRF.

"Single stream recycling" (also known as "fully commingled" or "single sort") means a system in which all recyclables are mixed together in the recycling cart and a dedicated collection truck, instead of being separated and packaged separately by type of recyclables by the residents and handled separately throughout the collection process. In the city's single stream recycling program, both the collection and processing systems are to be designed to handle this fully-commingled mixture of recyclables.

"Solid waste" has the meaning specified in [s. 289.01\(33\), Wis. Stats.](#)

"Solid waste facility" has the meaning specified in [s. 289.01\(35\), Wis. Stats.](#)

"Solid waste treatment" means any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste. "Treatment" includes incineration.

"State" means the state of Wisconsin.

"Subcontractor" means a corporation, partnership or individual having a direct contract with the contractor for performing any work or services for the city on behalf of the contractor.

"Tires (or scrap tires or waste tires)" mean vehicle tires from passenger cars and light trucks that are no longer suitable for their original purpose because of wear, damage, or defect.

"Unacceptable waste" means any explosives, biomedical waste, radioactive waste, or hazardous waste. The definition of what constitutes hazardous waste shall be determined according to Wisconsin NR 600 (Note: Wisconsin NR 605.05 exempts household hazardous wastes from regulation as hazardous waste)

"Vehicle batteries" mean lead acid batteries used in motor powered vehicles. Batteries in electric vehicles should be managed according to manufacturer instructions.

"Waste oil (or oil)" means any waste oil used in the engine or crankcase of a motor vehicle.

"Yard waste" or "yard materials" mean 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 root balls or fruit from fruit-bearing trees.

(Ord. O-07-24 § 5, 2007; Ord. O-10-02, §§ VI—VIII, 3-2-2010)

8.25.100 Separation Of Recyclables

Occupants of single-family and two- to four-unit residences, multiple-family dwellings and nonresidential facilities and properties shall separate for recycling the following materials from postconsumer waste.

Acceptable recycling methods for the below materials vary and several materials listed are not accepted in curbside recycling carts. Refer to appropriate sections below for specific instructions for materials listed and refer to the City website for updated information on materials accepted in curbside carts.

- A. Yard materials;
- B. Major appliances;
- C. Waste oil;
- D. Lead acid and all other vehicle batteries;
- E. Scrap tires;
- F. Foam polystyrene packaging;
- G. Aluminum containers;
- H. Bi-metal containers;
- I. Corrugated paper and other container board;

- J. Glass containers;
- K. Magazines;
- L. Newspaper;
- M. Office paper;
- N. Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins; and
- O. Steel containers.

(Ord. O-07-24 § 6, 2007)

8.25.110 Separation Requirements Exempted

The separation requirements of Section 8.25.100 do not apply to the following:

- A. Occupants of single-family and two- to four-unit residences, multiple-family dwellings and nonresidential facilities and properties that send their postconsumer waste to a processing facility licensed by the DNR that recovers the recyclables specified in Section 8.25.100 from solid waste in as pure a form as is technically feasible;
- B. Solid waste which is burned as a supplemental fuel at a facility if less than thirty percent of the heat input to the facility is derived from the solid waste burned as supplemental fuel;
- C. A recyclable(s) specified in Section 8.25.100 for which a variance has been granted by the DNR under Section 287.07(7), Wisconsin Statutes, or Section NR 544.14, Wisconsin Administrative Code.

(Ord. O-07-24 § 7, 2007)

8.25.120 Care Of Separated Recyclables

To the greatest extent practicable, the recyclables separated in accordance with Section 8.25.100 shall be cleaned and kept free of contaminants such as food or product residue, oil or grease, or other nonrecyclable materials, including but not limited to containers for household hazardous waste, medical waste, and agricultural chemicals.

Recyclables shall be stored in a manner which protects them from inclement weather, and prevents their scattering and contribution to other nuisance conditions. Plastic bags are not accepted in curbside recycling and recyclables cannot be collected in plastic bags. Recyclables may be placed loose into recycling carts or in open paper bags within recycling carts. Recyclables prepared for city curbside collection shall be placed in the dedicated recycling carts separate from other refuse containers for collection according to the provisions of Chapter 8.24 of this code for solid waste collection and disposal.

(Ord. O-07-24 § 8, 2007)

8.25.125 City-Furnished Recycling Cart

A city-furnished recycling cart shall be delivered to each eligible residence and used exclusively for recyclables generated by this residence. Recycling carts remain the property of the city of Wauwatosa and shall be used in accordance with the applicable provisions of this chapter.

- A. The owner of the property to which a recycling 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.
- B. The city recycling 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.
- C. The recycling cart shall be set out for collection at the curb or alley where the garbage is normally collected, except for "hardship cases" which may be in the backyard. Subscribers to this optional backyard 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 recycling carts.
- D. Recycling carts 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 recycling 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. Access to recycling carts by city forces on the day of collection must be maintained in all conditions, particularly free of snow and ice accumulation in winter months.
- E. Items that are placed outside of recycling carts and carts with excess material preventing the lid from closing cannot be collected.

(Ord. O-07-24 § 9, 2007; Ord. O-10-02, § IX, 3-2-2010)

8.25.130 Management Of Yard Materials

Occupants of single-family and two- to four-unit residences, multiple-family dwellings, and nonresidential facilities and properties shall manage yard waste as follows:

- A. Residential yard materials curbside collection is done by the city for single-family and two- to four-unit residences in two phases under the following conditions:
 - 1. During curbside collection season (schedule can be found on the City's website and newsletter), leaves and brush (excluding grass clippings, root balls, vegetables, stumps, or branches over six inches in diameter) must be separated from other household garbage, and are collected according to published schedules with the following requirements:

- i. Resident-supplied reusable containers must be used marked with the words "yard materials" or "yard waste" in letters at least two inches high, and one and a half inches wide; or approved paper yard waste bags may be used; but plastic bags are strictly prohibited;
 - ii. It is prohibited to put more than two hundred pounds of yard waste in a city yard waste cart, or more than fifty pounds in a reusable yard waste container or paper yard waste bag; brush and branches must be cut to less than four-foot lengths and tied with string or twine (not wire or plastic strapping) into bundles under fifty pounds;
 - iii. Containers must be placed at the curb or alley before seven a.m. the day of pick-up, but no sooner than two-thirty p.m. the day prior to collection; and they must be returned to storage as soon as possible, but no later than eight a.m. the day after collection.
 2. During leaf collection season (schedule can be found on the City's website and newsletter), leaves may be raked into city street gutters for curb collection by city crews; during that time brush and branches under six inches diameter may only be brought to the drop-off center at the public works yard because there is no curbside collection except for "special pick-ups" as covered under Section 8.24.070 of this chapter; outside of the curbside collection season the yard waste drop-off at the public works yard shall be the only available city yard waste service.
- B. Residential yard materials drop-off center at the public works yard, 11100 W. Walnut, accepts leaves and brush (excluding grass clippings, root balls, vegetables, stumps, or branches over six inches in diameter) under the following conditions from single-family and two- to four-unit residences:
 1. Year round requirements:
 - i. Yard materials are to be deposited loose only (not in plastic bags);
 - ii. If brush and branches are bundled, it must be with string or twine (not with wire, cloth or plastic strapping);
 - iii. Rocks, metal, garbage and other debris must be kept out of the yard waste, and is subject to the penalties listed in Section 8.25.250.
- C. Grass clippings are not allowed at the city drop-off center or in the curbside yard waste collection. Management of grass clippings shall be done at each single-family and two- to four-unit residence, multiple-family residence, and nonresidential facility and property by: (1) using a mulching mower and keeping the clippings on the lawn for a soil enhancer; (2) collecting and spreading the clippings in gardens or flower beds to act as mulch; (3) collecting and composting clippings in accordance with Section 15.32.030(J) of the property management code to produce usable compost; (4) using the services of a commercial landscaper or yard keeper to manage lawn and grass clippings; and/or (5) other appropriate individual management program which does not create blighted or nuisance conditions contrary to the city property management code.

- D. Multiple-family dwellings and nonresidential facilities and properties shall manage grass clippings as per subsection C above, and shall manage other yard waste privately according to all applicable local and state laws and regulations.

(Ord. O-07-24 § 10, 2007)

8.25.140 Management Of Major Appliances

Occupants of single-family and two- to four-unit residences, multiple-family dwellings, and nonresidential facilities and properties shall manage major appliances by separating them for recycling and delivering them to private appliance dealers or scrap yards that may accept them for a fee. Single family and two to four unit residences may also place the appliances at the curb for special city pick-up, which must be scheduled in advance by calling the public works department; or may deliver the appliances to the drop-off center at the public works yard. The city curbside and drop-off collections of appliances are subject to recycling fees established by the city and identified in Section 8.25.250.

(Ord. O-94-48 § 1 (part), 1994)

8.25.150 Management Of Waste Motor Oil, Vehicle Batteries, Scrap Tires, and E-Waste

Occupants of single-family and two- to four-unit residences, multiple-family dwellings, and nonresidential facilities and properties shall manage waste motor oil, lead acid and all other vehicle batteries, scrap tires, and electronic waste (or e-waste) as follows.

- A. Waste motor oil is not collected by the city at the curb; yet waste oil must be separated for recycling and delivered to private collectors or service stations that accept waste oil; or occupants of single family and two to four unit residences may deposit waste oil in collection containers at the city oil drop-off centers at the public works yard. It is unlawful to mix any other substance with waste oil for recycling, and such action is subject to penalties delineated in Section 8.25.250.
- B. Lead acid vehicle batteries are not collected by the city either by curbside or drop-off; instead such batteries shall be recycled by delivering them to vehicle battery retailers, commercial installers, auto salvage yards or scrap dealers, some of whom may charge a fee for accepting them. Electric vehicle batteries shall be managed according to manufacturer instructions.
- C. Scrap tires are not collected curbside by the city; but waste tires shall be recycled by delivering them to private tire dealers or scrap yards that may accept them for a fee; or occupants of single family and two to four unit residences may deliver them to the tire drop-off center at the public works yard, where they shall be subject to tire recycling fees established by the city and identified in Section 8.25.250.
- D. E-waste including items like small appliances, laptops, desktop computers, monitors, and televisions are not accepted in the curbside recycling program but may be brought to the Drop Off Center at the public works yard for a fee. The Wisconsin Department of Natural Resources also maintains a list of registered electronics recyclers.

(Ord. O-94-48 § 1 (part), 1994)

8.25.160 Management Of Other Residential Recyclables

Except as otherwise directed by the department, occupants of single-family and two- to four-unit residences shall do the following for the preparation and collection of the separated recyclables specified in Section 8.25.100(F) through (O) for the single stream recycling program.

Specific recyclable materials and proper preparation of recyclables can change based on commodity market conditions and available recycling equipment. The City's website is kept up-to-date with relevant recycling guidance and allowable material. Recyclables shall be placed loose into the recycling cart or within an open paper bag, materials bagged in plastic are not permitted.

(Ord. O-07-24 § 11, 2007)

8.25.170 Residential Curbside Recycling

Separated recyclables prepared according to Section 8.25.160 above shall be placed in the recycling cart for fully automated curbside collection. Provisions which govern curbside collection of recyclables include the following.

- A. Only recyclables in the recycling cart shall be picked up for curbside collection year round, every other week according to schedules published by the city.
- B. Recycling carts shall only be filled to a maximum weight of two hundred pounds of recyclables.
- C. Recycling carts are to be handled separately from garbage carts and containers according to the provisions of Chapter 8.24 of this code for solid waste collection and disposal.
- D. Failure to comply with the city's curbside recycling program shall be subject to the penalties established by the city and identified in Section 8.25.250.

(Ord. O-07-24 § 12, 2007)

8.25.180 Ownership Of Recyclables And Scavenging Prohibition

Residential recyclables and refuse, upon placement at the curb, shall become the property of the city. Recyclables collected by a hauler under contract with the city, multiple-family dwelling or nonresidential facility, shall become the property of the hauler/contractor once collected.

It is unlawful for any person, unless under contract with or licensed by the municipality or state, to collect or remove any recyclable material that has been deposited or placed at the curb for recycling, or placed in a recycling container adjacent to a home, multiple-family dwelling, or nonresidential building, including city drop-off center containers; and such action will be subject to the penalties established by the city and identified in Section 8.25.250 below.

(Ord. O-94-48 § 1 (part), 1994)

8.25.190 Hauling, Sorting And Processing Recyclables And Solid Waste

- A. Any person who collects, hauls, sorts, processes, markets, or disposes of solid waste and/or recyclables in the city shall obtain and maintain all necessary municipal and state permits, licenses and approvals prior to engaging in any such activities in the city; including but not limited to:

1. DNR licensing for hauling of recyclables under NR 502.06, Wisconsin Administrative Code;
2. DNR certification for processing recyclables under NR 544.16, Wisconsin Administrative Code; and
3. City approval for use of city recycling, yard waste and solid waste facilities; which use shall be limited to city of Wauwatosa residents showing proper identification of city residence, or other persons showing proof of owning and/or operating a nonresidential facility within the city and who pay corresponding user fee(s).

Any hauler, including the city collection crews, has the right to refuse to collect and leave at the curb or collection site any recyclable or waste material that is not prepared according to the specifications of this chapter, especially Sections 8.25.130 through 8.25.210, or according to corresponding recycling educational materials provided by the city or hauler to service recipients. In such cases, the city or hauler shall provide written notification to the generator of the materials about the reason(s) for refusal to collect the materials. All haulers, including city crews, shall provide a list of such occurrences to the department so that the city may take such corrective and/or punitive actions as delineated in Section 8.25.250.

(Ord. O-94-48 § 1 (part), 1994)

8.25.200 Multiple-Family Dwelling Recycling

- A. Owners or designated agents of multiple-family dwellings in the city shall do all of the following to recycle the materials specified in Sections 8.25.100(F) through (O), or be subject to the penalties specified in Section 8.25.250:
 1. Provide adequate, separate containers for the recycling program established in compliance with the ordinance. The number of recycling containers shall equal or be greater than the number of trash containers and at least one of the following shall be met:
 - i. The minimum total volume of recycling container space is equal to 24 gallons per week per dwelling unit (for reference, City of Wauwatosa recycling carts are 96 gallon size and a 2-yard container is about 404 gallons);
 - ii. The ratio of trash container volume to recycling container volume is at most 2:1; or
 - iii. An alternative method that does not result in the overflow of a recycling container during the time period between collection of materials and delivery to a recycling facility. Alternative plans that do not meet the above criteria must be submitted to the Wauwatosa Department of Public Works for approval in advance of implementation.
 - iv. For all above options, the Wauwatosa Department of Public Works reserves the right to require increased capacity in the case of recycling overflows.

2. Notify tenants in writing at the time of renting or leasing the dwelling and at least twice annually thereafter about the established recycling program;
 3. Provide for the collection of the recyclable materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility; and
 4. Notify tenants of reasons to reduce and recycle solid waste, which recyclable materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, and locations of drop-off collection sites to recycle materials not collected on-site.
- B. The requirements specified in subsection (A) of this section do not apply to the owners or designated agents of multiple-family dwellings if the postconsumer waste generated within the dwelling is treated at a processing facility licensed by the DNR that recovers for recycling the materials specified in Sections 8.25.100(F) through (O) from solid waste in as pure a form as is technically feasible.

(Ord. O-94-48 § 1 (part), 1994)

8.25.210 Nonresidential Facility And Property Recycling

- A. Owners or designated agents of nonresidential facilities and properties in the city shall do all of the following to recycle the materials specified in Sections 8.25.100(F) through (O), or be subject to the penalties specified in Section 8.25.250:
1. Provide adequate, separate containers for the recycling program established under this section. The total volume of recycling containers shall be sufficient to avoid an overflow during the time period between collection of materials and delivery to a recycling facility;
 2. Notify in writing, at least twice annually, all users, tenants and occupants of the properties about the established recycling program;
 3. Provide for the collection of the recyclable materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility; and
 4. Notify users, tenants, and occupants of reasons to reduce and recycle solid waste, which recyclable materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, and locations of drop off collection sites to recycle materials not collected on-site.
- B. The requirements specified in subsection (A) of this section do not apply to the owners or designated agents of nonresidential facilities and properties if the postconsumer waste generated within the dwelling is treated at a processing facility licensed by the DNR that recovers for recycling the materials specified in Sections 8.25.100(F) through (O) from solid waste in as pure a form as is technically feasible.

(Ord. O-94-48 § 1 (part), 1994)

8.25.220 Prohibitions On The Disposal Of Recyclables Separated For Recycling

No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in Sections 8.25.100(F) through (O) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility. Violations of this provision are subject to the penalties specified in Section 8.25.250.

(Ord. O-94-48 § 1 (part), 1994)

8.25.230 Hazardous Wastes

Hazardous substances, including as examples, acids, blasting materials, ammunition, paints, lacquers and varnishes, combustible alloys or chemicals and/or radioactive materials; shall not be included with collection of refuse and/or recyclables. Such unacceptable wastes should be managed in the following manner.

- A. Household hazardous wastes should be handled according to EPA safe management methods:
 - 1. Products containing hazardous substances should be used and stored carefully to prevent accidents; such products should be stored in their original containers with original labels; corroding containers should be repackaged and clearly and accurately labeled; products containing hazardous substances should never be repackaged or stored in food containers;
 - 2. Products containing hazardous substances should never be mixed with other products; users of such products should follow product label instructions for proper use and disposal;
 - 3. Waste products containing hazardous substances should be taken to an area household hazardous waste collection program when available.
- B. Nonresidential hazardous wastes shall be handled and disposed of according to all applicable state and federal laws and regulations.

(Ord. O-94-48 § 1 (part), 1994)

8.25.240 Information, Inspection, Enforcement And Appeal

- A. Inspection. For the purpose of ascertaining compliance with the provisions of this chapter, any authorized officer, employee or representative of the city may inspect and/or request information about recyclable materials separated for recycling, postconsumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of single and multiple-family dwellings and nonresidential facilities and properties, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to any authorized officer, employee or representative of the city who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection and/or information gathering.
- B. Order to Correct Conditions and Appeal.

1. Order to Correct Conditions. Whenever the city, its agents or employees shall do an inspection within the city as per above, and finds conditions in violation of this code, an order shall be issued to the owner and/or occupant of the premises or vehicle to correct said conditions.
2. Contents. The order shall specify a time within which the owner and/or occupant shall comply therewith, and any corresponding fees and/or penalties. It shall also provide that if the owner and/or occupant is aggrieved by the order they may appeal to the board of public works and request a hearing as hereinafter provided.
3. Service. The order shall be served on the owner and/or occupant, by delivering a copy of same to such occupant personally; or by delivering the same to and leaving it with any adult, competent person in charge of the premises or vehicle; or in case no such person is found upon the premises, by affixing a copy thereof in a conspicuous place near the entrance to the premises or vehicle, or by certified mail with return receipt requested.
4. Appeal Request. If the owner and/or occupant feels aggrieved by the order as provided in this chapter, he or she may appeal to the board of public works within fifteen days after service of the order upon them and request a hearing.
5. Appeal Hearing. The board of public works shall conduct a hearing in connection therewith at the next scheduled board of public works meeting after request for an appeal is submitted, and shall notify the appellant, director of public works, operations superintendent, operations supervisor, and any other person interested in the matter to be present. After the hearing, the board of public works shall submit its findings and recommendations within five days thereafter and provide copies on all persons who appeared at the hearing.

C. Failure to Comply.

1. Citation. Any person violating any provision of this chapter shall be subject to the fees and penalty provisions of this code specified in Section 8.25.250. A citation may be issued pursuant to Section 1.24.010 of this code and Wisconsin Statute Ch. 800. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this section.
2. Cause Discontinuation of Service and/or Special Charge. Upon failure to comply with an order within the time specified on it, where there is proof of service of said order, which requires that any corrective action be taken to comply with any provision of this chapter, and that corresponding fees and/or penalties be paid, city garbage and recycling collection service may be discontinued until the fee and/or penalty is paid and corrective action taken, and the fee and/or penalty may be levied as a special charge against the premises as authorized by Section 66.0627 and/or Section 287.093 of the Wisconsin Statutes.

(Ord. O-94-48 § 1 (part), 1994; Ord. O-02-1 § 1 (part), 2002; Ord. O-10-02, § X, 3-2-2010)

8.25.250 Fees And Penalties

- A. Fees. Upon the effective date of the 2007 amendments to the ordinance codified in this chapter, the recycling shall be collected by the city of Wauwatosa in the amounts set out in the consolidated fee schedule.
- B. Penalties. Upon the effective date of the ordinance codified in this chapter, and after inspection and sufficient notification by representatives of city public works, the following penalties shall be allowed to be cited and collected by the city; subject to change, addition, or deletion at any time by the city without notice.
 - 1. If as prohibited in Section 8.25.130 yard waste deposited at the drop-off center is contaminated with rocks, metal, garbage and/or other debris:
 - i. One hundred dollars first violation,
 - ii. Five hundred dollars second and subsequent violations;
 - 2. If as prohibited in Section 8.25.150 any other substance is mixed with waste oil for recycling:
 - i. One hundred dollars first violation,
 - ii. Five hundred dollars second and subsequent violations;
 - 3. Failure to comply with the city's residential curbside recycling program as required in Section 8.25.120 or 8.25.170:
 - i. Fifty dollars first violation,
 - ii. One hundred dollars second and subsequent violations;
 - 4. If as prohibited in Section 8.25.180 any person not under contract with or licensed by the municipality or state, collects or removes any recyclable material that has been deposited or placed at the curb for recycling, or placed in a recycling container adjacent to a home, multiple-family dwelling, or nonresidential building, including city drop-off center containers:
 - i. Two hundred fifty dollars first violation,
 - ii. Five hundred dollars second and subsequent violations;
 - 5. If as required in Section 8.25.190 any person generating solid waste and/or recyclable materials fails to comply with city or hauler written notification about the reason(s) for refusal to collect the materials:
 - i. Fifty dollars first violation,
 - ii. One hundred dollars second and subsequent violations;
 - 6. Failure of multiple-family dwelling or nonresidential facility or property to comply with Section 8.25.200 or 8.25.210:

- i. Two hundred fifty dollars first violation,
 - ii. Five hundred dollars second and subsequent violations;
- 7. Illegal disposal of recyclables as prohibited in Section 8.25.220:
 - i. Fifty dollars first violation,
 - ii. Two hundred dollars second violation,
 - iii. Two thousand dollars third and subsequent violations;
- 8. Penalties for violation of any other provision(s) of this chapter not specified in subsections (B)(1) through (7) of this section:
 - i. Fifty dollars first violation,
 - ii. One hundred dollars second and subsequent violations;
- 9. Other penalties to be established by the city as needed.

(Ord. O-07-24 § 13, 2007)



Wauwatosa Police Department

Departmental Correspondence

DATE: 2/23/26

TO: Government Affairs Committee (GAC) for 3/17/26

FROM: Capt. Luke Vetter & IT Dir. Jalal Ali

SUBJECT: Resolution to enhance Wauwatosa dispatch capabilities to handle wireless (cellular) 911 calls

ATTCHD: Draft resolution language

Issue

Currently, wireless (cellular) 911 calls originating within the City of Wauwatosa are routed out of the city. These calls go to the Milwaukee County Emergency Communications Center and are then transferred back to our Wauwatosa Public Safety Answering Point (PSAP), or dispatch center, where our staff then dispatches resources. Unfortunately, this introduces unnecessary delay and confusion to our cellular 911 customers.

Background/Options

Wauwatosa PSAP can assume direct handling of wireless 911 calls originating within our City limits. This is an operational change focused only on who answers these calls and how quickly they are answered. There would be no change in the dispatching of emergency services.

Additionally, Milwaukee County Ordinance Chapter 91, Cellular Network 911 Calls, governs how cell 911 calls are currently handled, and requires a resolution to trigger this change:

- 91.03: *“Enhanced 911 service area. All of the municipalities within the county have approved local resolutions pledging to provide enhanced 911 services.”*
 - This proposal is in line with our pledge to Milwaukee County.
- 91.06: *“Direct line routing. AT&T Aetna Court tandem will serve as the county central wire center, receive all dialed 911 calls dialed in the county and route those calls to the proper database and, ultimately, to the appropriate PSAP.”*
 - This resolution would give Wauwatosa the authority to handle cellular 911 calls, and would also give permission for AT&T and cell tower providers to route those calls directly to our PSAP.

Wauwatosa Police Department

Departmental Correspondence

The transition work would be done in partnership with existing cell phone and radio communication partners. This proposal is meant to keep up with required technology enhancements that our community deserves. Several PSAPs in the area already handle wireless 911 calls within their jurisdictions. Based on current staffing levels, call volume, and operational readiness, our PSAP and its staff are fully prepared to assume this responsibility.

Strategic Plan Areas of Focus

This technology improvement is intended to:

- Reduce call transfers & enhance caller experience
- Increase call handling efficiency
- Increase response time of first responders within our city

This initiative aligns with City Strategic Priority #2-Public Safety, as well as the Police Department's Strategic Goals #2-Organizational Efficiencies and #3-Technology enhancements.

City's Strategic Plan - <https://www.wauwatosa.net/government/open-government/strategic-plan>
PD's - <https://www.wauwatosa.net/home/showpublisheddocument/6007/638717489545130000>

Fiscal Impact

There are no additional costs for approving this enhanced cellular 911 service resolution if completed as part of required system upgrades. Our current PSAP systems are near end of life. This transition has been planned for and budgeted by IT and PSAP/Police as part of a multi-year strategy of improvements. Additionally, the Federal Communications Commission (FCC) and Wisconsin Office of Emergency Communications (WOEC) require upgrades of all PSAPs within the state.

The proposal and resolution are separate and independent of any potential FD merger/dispatch center steps. However, no unnecessary PSAP upgrades or existing capital funding will be used until the merger reports, including the dispatch center report, have been received and reviewed.

Recommendation

The Police & IT Departments recommend approval of this proposal and resolution so our PSAP can assume direct handling of wireless 911 calls within the City. The goal is to improve efficiency, reduce call transfers, and enhance the delivery of public safety services. When the transition is complete, a formal announcement will be provided to City Officials, City Staff and the community.

See the attached draft resolution language to consider for adoption and approval.

Respectfully,



Captain Luke Vetter - Administrative Bureau

City of Wauwatosa

**Resolution authorizing the City to receive wireless 9-1-1 calls directly
as a Public Safety Answering Point (PSAP)**

WHEREAS, the City of Wauwatosa operates an emergency services communications center that serves as the Public Safety Answering Point (PSAP) for police, fire, and emergency medical services within the City of Wauwatosa; and

WHEREAS, the ability to accurately identify the location of individuals placing 9-1-1 calls using wireless devices is essential to ensure prompt, effective, and safe emergency response; and

WHEREAS, advances in wireless communications technology allow properly equipped and authorized PSAPs to receive wireless Phase II/enhanced 9-1-1 calls and associated caller location information in accordance with the applicable state and federal law; and

WHEREAS, the City of Wauwatosa emergency communications center has the equipment, training, staffing and operational capability necessary to receive, process, and dispatch wireless 9-1-1 calls and Phase II/enhanced location data; and

WHEREAS, authorizing the City of Wauwatosa to receive wireless 9-1-1 calls directly will reduce call transfers, improve response times, enhance location accuracy, and promote the public health, safety, and welfare of the community; and

WHEREAS, the receipt and processing of wireless 9-1-1 calls is a core public safety function that is separate from subsequent dispatching and response activities; and

WHEREAS, this authorization supports regional coordination and aligns with Next Generation 9-1-1 (NG911) planning and implementation efforts;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin, that the City of Wauwatosa emergency communications center is hereby authorized to receive wireless 9-1-1 calls originating within the City of Wauwatosa, subject to approval by the appropriate county and state authorities.

BE IT FURTHER RESOLVED that the appropriate City officials are authorized to execute any required notifications, agreements, or coordination documents with the Milwaukee County Office of Emergency Management, wireless service providers, and other partner agencies necessary to implement this system.

BE IT FURTHER RESOLVED that the effective date of this authorization shall be established upon confirmation that all required approvals have been obtained and the implementation can occur without disruption of 9-1-1 services.



Staff Report

File #: 26-0489

Agenda Date: 3/17/2026

Agenda #: 6.

Consideration of April 2026 Common Council meeting schedule

Submitted by:

Zach Kessler, Director of Municipal Services

Department:

Department of Municipal Services

A. Issue

On April 7, 2026, alderpersons will be elected to represent the City's new twelve aldermanic districts. Pursuant to Wisconsin Statute 62.09(5)(a), the terms of newly elected alderpersons commence on the third Tuesday in April. Accordingly, newly elected alderpersons will take office on Tuesday, April 21, 2026.

In late 2025, the Common Council adopted the following schedule for April 2026:

- Tuesday, April 14 - Financial Affairs Committee
- Tuesday, April 21 - Council Committees
- Tuesday, April 28 - Common Council

Because the terms of the outgoing alderpersons expire on April 21, they cannot meet in committee on that date. At the same time, newly elected alderpersons cannot serve on Council committees until after the Committee of the Whole Organizational Meeting and subsequent mayoral appointments have taken place. As a result, standing Council Committees will not have valid membership on April 21.

As such, the April meeting calendar must be amended.

B. Background/Options

At this time, there are no items of business scheduled for the Community, Government, or Transportation Affairs Committees in April. Two timely items are currently scheduled for the April 14 Financial Affairs Committee meeting.

Staff have identified the following options for the Committee's consideration:

Option A

- Tuesday, April 14 - Financial Affairs Committee
- Tuesday, April 21 - Committee of the Whole Organizational Meeting & Common Council

Option B

- Tuesday, April 14 - Financial Affairs Committee
- Tuesday, April 21 - Committee of the Whole Organizational Meeting
- Tuesday, April 28 - Common Council

Option C

- Tuesday, April 14 - Financial Affairs Committee
- Tuesday, April 28 - Committee of the Whole Organizational Meeting & Common Council

C. Recommendation

I recommend that the Common Council approve schedule Option A, which would place both the Organizational Meeting and Council meeting on the same night.



Staff Report

File #: 26-0488

Agenda Date: 3/17/2026

Agenda #: 7.

Confirmation of denial of Operator's License based on prior criminal record

Submitted by:

Deyanira Nevarez

Department:

City Clerk

A. Background/Rationale

Sec. 6.08.100 of the Wauwatosa Municipal Code provides that the City Clerk may directly issue Operator's licenses, provided that the criminal background check shows that the licensee has not violated the law substantially relating to the sale or use of alcohol, illegal substances or violations of other laws having a bearing on the applicant's fitness to sell and serve alcohol within the city.

On November 8, 2025, the Clerk's Office received an application from Nicole Budziszek. A background check was conducted, and several convictions substantially related to licensing activities appeared on the report.

The Wauwatosa Municipal Code and State Statutes provide that the local governing body (in this case, the Government Affairs Committee) be the ultimate decision-makers in these instances.

B. Key Issues for Consideration

The Clerk's Office initially denied this application based on multiple convictions that substantially relate to alcohol-licensing activity, consistent with Wis. Stat. § 125.04(5)(a)1 and § 125.04(5)(b). Under Wis. Stat. § 111.335(4)(c)1.b., if the applicant provides competent evidence to find the individual rehabilitated, the city may not refuse to issue the license on the basis of those convictions. The applicant is being offered the opportunity to appear before the Committee to provide competent evidence of rehabilitation, pursuant to Wis. Stat. § 111.335(4)(c)1.b.

C. Requested Action

The Committee will hear from the applicant, who will provide competent evidence of rehabilitation.

The Committee will then rule on the evidence and either:

1. Sustain the City Clerk's decision to deny the application, or
2. Find that the applicant provided sufficient evidence of rehabilitation, and direct the City Clerk to issue the license.

CERTIFICATE OF COMPLETION
LUTHERAN COUNSELING & FAMILY SERVICES
OF WISCONSIN

THIS CERTIFICATE IS AWARDED TO

Nicole Budziszek

IN RECOGNITION OF PROGRAM PARTICIPATION
FOR SUCCESSFULLY ACHIEVING THE COMPLETION OF THE
AODA TREATMENT PROGRAM

AWARDED ON:

2/17/25

DATE

Cheryl Lucas-DeBerry LPC-IT

LCFS AODA COUNSELOR

