

ORDINANCE

An Ordinance to amend Section 11.140 of the Manitowoc Municipal Code regulating Commercial Garbage Haulers and to create Section 11.145 regulating Recycling & Salvage Operations.

The Mayor and Common Council of the City of Manitowoc do ordain as follows:

Section 1. Section 11.140 is amended to read as follows:

“11.140 Commercial Garbage Haulers.

(1) License Required. A commercial garbage hauler shall be defined as any person, firm or corporation which engages in the business of collecting, hauling or removing any garbage or refuse within the City of Manitowoc. No ~~one~~ person ~~shall be permitted to~~ may operate as a commercial garbage hauler without first having obtained a license therefor from the City Clerk. The City Clerk shall not issue the license until the application has been approved by the Director of Public Infrastructure and Chief of Police, and granted by the Common Council.

(a) License Application. An application for a license under this section will not be considered complete unless all of the following are supplied to the City Clerk:

1. Completed, signed Garbage License Application;
2. Letter of Credit in the amount of \$10,000 on a form prepared by the City Attorney;
3. License fee of \$30.00 per vehicle used in the business of hauling

(b) License Approval. The City Clerk shall not issue a license under this section unless such application is approved by the Director of Public Infrastructure, Chief of Police and the Common Council. The City Clerk shall timely notify the applicant of Common Council’s decision via first class mail. Applicant shall have ten business days from the date of the mailing to supply the City with a certificate of insurance evidencing the following minimum limits and coverages:

- General Liability: \$1,000,000 per occurrence
- Auto Liability \$300,000 combined single limit bodily injury and property damage
- Environmental/ Pollution Coverage: \$1,000,000 per occurrence
- Worker’s Compensation at the statutorily required limits
- Additional Insured Endorsement or equivalent, naming “The City of Manitowoc”

Failure to timely submit the foregoing will result in non-issuance of license. Upon receipt of all necessary information, the City Clerk shall issue the license.

~~Each applicant shall also be required to furnish a letter of credit in the amount of \$5,000 from an acceptable responsible institution to be executed on a form prepared by the City Attorney. Each applicant shall also be required to furnish a certificate of liability insurance with limits of at least \$25,000/\$100,000/\$300,000 on each licensed vehicle.~~

Each applicant/licensee shall ~~also be required to~~ furnish a customer list by waste and recycling route and a written report indicating the total tonnage for both recycling and waste hauled for each route showing weekly totals on a quarterly basis to the Director of Public Infrastructure. Said quarterly reports are due on the fifteenth of the month following said quarter: April 15th, July 15th, October 15th and January 15th, respectively. ~~A license fee of \$30.00 per year shall be charged for each vehicle used in the business of garbage hauling.~~

Each license shall expire annually on the thirty-first day of December following its issuance.

(2) License Plates Required. There shall be issued by the City Clerk and placed by the licensee on each licensed ~~garbage~~ hauling vehicle a license plate which shall read “Manitowoc Garbage Hauler.” The license plate shall be placed on the rear of each vehicle so that it is readily open to view. The license plate shall not be transferable. Each plate shall be issued by the City Clerk at the time the license is issued. ~~fee is paid.~~

(3) Noncommercial Garbage Haulers. Notwithstanding subsection (1) of this section, no person, firm or corporation which hauls only garbage or refuse generated solely by such person,

firm or corporation shall be required to obtain a license hereunder. No such person, firm or corporation shall, however, dispose of any such garbage or refuse at a licensed landfill and charge the cost for such disposal to the City of Manitowoc without first having obtained a nontransferable permit therefor to be displayed on such person's vehicle from the City Treasurer. Such permits shall be issued for periods of three years, the first such period to expire December 31, 1985. The fee for such permit shall be \$2.00 per vehicle. Any hauler under this subsection shall also comply with any other reasonable regulations of the landfill operator.

(4) Fees. All fees associated with the disposal of waste, including but not limited to tipping fees, shall be the sole responsibility of the party delivering the waste to the waste disposal facility.”

Section 2. Section 11.145 is created to read as follows:

“11.145 Recycling & Salvage Operations.

(1) Definitions. In this section:

Appliances shall include air compressors, air conditioners, boiler, copiers, dehumidifiers, dishwashers, dryers, fluorescent light fixtures, freezers, furnaces, garbage disposals, large commercial appliances, microwave ovens, ovens, ranges, refrigerators, stoves, trash compactors, washers, water heaters, water softeners and wood stoves.

Garbage shall mean any solid or semi-solid waste material produced from industrial, commercial, and domestic use. Garbage shall not include sewage or recyclable materials.

Person shall mean any individual, corporation, partnership, or association

Recyclable Materials shall have the meaning as defined in MMC § 13.010(5).

Scrap shall mean post-consumer iron, chain, brass, copper, tin, lead or other base metals; rubber; inoperable motor vehicle, small engine or appliance parts; or other discarded articles obtained by cutting, demolishing, or disassembling a building, structure, or manufactured item, and that can be reprocessed for reuse in a mill, foundry, or other manufacturing facility. The term “junk” shall be understood to be synonymous with the term “scrap” for purposes of this section.

(2). License Required. No person may engage in the business of collecting, hauling, dismantling, reprocessing, storing or otherwise dealing in recyclable materials, scrap or junk within the City of Manitowoc without first having obtained a license to do so issued by the City Clerk. Licensees shall strictly comply with all provisions of this section. The City Clerk shall not issue the license until the application has been approved by the Director of Public Infrastructure, Chief of Police, and granted by the Common Council.

Exception: Businesses or manufacturers which may, as an incidental part of business, buy, collect, gather, store or sell scrap or recyclable materials need not obtain a license to do so.

(a) License Application. An application for a license under this section will not be considered complete unless all of the following are supplied to the City Clerk:

- 1. Completed, signed Recycling & Salvage Operations License Application;**
- 2. Letter of Credit in the amount of \$5,000 on a form prepared by the City Attorney;**
- 3. License fee of \$30.00 per vehicle used in the business of hauling**
- 4. A signed statement granting the Police Department, Fire Department, and any member thereof permission to inspect and search the premises to confirm compliance with this section and all applicable state laws.**
- 5. A signed statement from the City Planner certifying that the proposed site complies with all zoning requirements as set forth in MMC Ch. 15.**
- 6. Proof that at the time of application the applicant has all required state and federal licenses and permits to collect solid waste and recyclables.**

(b) License Approval. The City Clerk shall not issue a license under this section unless such application is approved by the Director of Public Infrastructure, Chief of Police and the Common Council. The City Clerk shall timely notify the applicant of Common Council's decision via first class mail. Applicant shall have ten business days from the date of the

mailing to supply the City with a certificate of insurance evidencing the following minimum limits and coverages:

General Liability: \$1,000,000 per occurrence

Auto Liability \$300,000 combined single limit bodily injury and property damage

Environmental/ Pollution Coverage: \$1,000,000 per occurrence

Worker's Compensation at the statutorily required limits

Additional Insured Endorsement or equivalent, naming "The City of Manitowoc"

Failure to timely submit the foregoing will result in non-issuance of license. Upon receipt of all necessary information, the City Clerk shall issue the license.

Each license shall expire annually on the thirty-first day of December following its issuance.

(3) License Plates Required. There shall be issued by the City Clerk and placed by the licensee on each licensed hauling vehicle a license plate which shall read "Manitowoc Scrap & Junk Hauler." The license plate shall be placed on the rear of each vehicle so that it is readily open to view. The license plate shall not be transferable. Each plate shall be issued by the City Clerk at the time the license is issued.

(4) Fees. All fees associated with the disposal of waste, including but not limited to tipping fees, shall be the sole responsibility of the party delivering the waste to the waste disposal facility."

(5) Records Maintained. Each licensee shall keep a daily record of articles purchased and the name and address of the seller.

(6) Operating Regulations.

(a) Hours of Operation. No licensee shall conduct business or any activity related thereto between the hours of 8:00 p.m. and 6:00 a.m.

(b) Not to Create a Nuisance.

1. No licensee shall conduct business in such a manner as to disturb the peace and quiet of the neighborhood.

2. Business premises shall be kept in a clean and tidy condition.

3. Materials shall not be sorted or dismantled in a public street, alley or sidewalk. All goods and materials shall be kept within a building, enclosure or site approved on a licensee's application.

4. Licensee shall not unlawfully discharge waste liquids, fuels or oils and shall not permit unlawful discharge of same. Licensee shall not dispose of waste materials in an unlawful manner.

5. All lights used to illuminate the premise shall be shielded and directed away from public streets and residential properties.

(c) Compliance with Municipal Code. All persons engaged in the collection or procurement of scrap and the disposal of scrapping waste shall also comply with any other applicable requirements set forth within the Manitowoc Municipal Code."

Section 3. Penalties for violations of Section 11.140 or Section 11.145 shall be as follows:

First Offense: \$250 + costs

Second Offense: \$300 + costs

Third and Subsequent Offense: \$400 + costs

Section 4. This ordinance shall take effect as follows:

For Recycling and Salvage Operations License Applicants and for new Garbage Haulers License Applicants, this ordinance shall take effect the day after publication. For renewal Garbage Haulers License Applicants, this ordinance shall take effect 1/1/2022.

INTRODUCED _____ ADOPTED _____

_____ APPROVED _____

Justin M. Nickels, Mayor

Fiscal Impact:	Minimal-increased staff responsibilities can be undertaken without increasing staff costs. Unknown revenue increase due to new licensing program expected to be minimal.
Funding Source:	n/a
Finance Director Approval:	SMA
Approved as to form:	EMM

This resolution was drafted by Elizabeth Majerus, Assistant City Attorney, and Amanda Baryenbruch, Deputy Clerk.

\\City-citylaw\cycom\WPDocs\D024\P004\Ord to Amend 11.docx