

**TOWN OF CEDARBURG
ORDINANCE NO. 2008-05**

An Ordinance to Amend Chapter 273, Sections 3 and 5 of the Town of Cedarburg Code of Ordinances; relating to the use of refuse carts

WHEREAS, the Town Board believes it to be in the interest of the Town of Cedarburg to amend the Town Code of Ordinances to require that refuse collected by the Town after December 31, 2010 shall be in a refuse cart approved by the Town;

NOW, THEREFORE, BE IT ORDAINED by the Town Board of the Town of Cedarburg, Ozaukee County, Wisconsin, that the following sections of Chapter 273 of the Town of Cedarburg Code of Ordinances are hereby amended, with all other provisions remaining the same, to read as follows:

§ 273-3. Definitions.

SOLID WASTE — Garbage, rubbish and other useless, unwanted or discarded material from agricultural, residential, commercial, industrial or institutional activities. "Solid waste" does not include solid or dissolved material in domestic sewage. Solid waste includes opened dry latex paint cans which shall not be placed in a refuse container or cart, but shall be placed next to the refuse container or cart for collection.

(The above underlined text shall be added)

§ 273-5. Refuse containers and carts.

- A. General container standards. All refuse containers or carts shall be as described in § 273-3 of this article. They shall be maintained in a nuisance- and odor-free condition and shall be sufficient to prevent the scattering of contents by weather conditions or animals.
- B. Approved containers. All garbage created, accumulated or produced shall be deposited in refuse containers or carts of a type approved by the Town.
 - (1) Current residents of the Town at the effective date of this article may use refuse containers or carts as described in § 273-3 of this article,¹ until December 31, 2010. After this date, except as provided herein, only approved refuse carts shall be used by residents of the Town for the collection of refuse. No household may have more than three carts per residence. The following exceptions may apply to the requirements of using refuse carts:
 - (a) plastic bags of not more than 32 gallon in size and its contents of refuse weighing less than 50 pounds will be collected as overflow if the bag is placed next to a full refuse cart; bulk items normally collected that do not fit in a cart will be collected if placed next to the cart; or
 - (b) residents with a permanent physical limitation or disability that makes it unreasonably difficult or not possible to use a refuse cart for collection at a

1. Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. II).

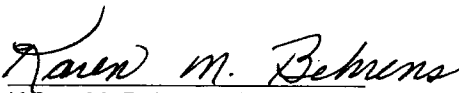
residential unit may apply to the Director of Public Works for an exemption from the refuse cart requirement for the residential unit, however, if such exemption is granted the only other type of container that may be used is plastic bags subject to the size and weight limitations as provided hereinabove in subsection (a).

- (2) All newly constructed homes receiving occupancy permits after January 1, 2006, shall be required to purchase a refuse cart or carts as described in § 273-3. No household may have more than three carts per residence. Refuse not contained within the cart will not be collected, unless in compliance with subsection 1 (a) above or as otherwise permitted by this article.
- (3) Any refuse carts purchased from the Town will be covered by the applicable manufacturer's warranty. Damage that occurs to the cart, either within or after the expiration of the manufacturer's warranty, during normal refuse collection activities shall be repaired or replaced by the Town. If the refuse cart is damaged due to abuse, vandalism, unauthorized repair or alteration or failure due to natural calamities, such as fire, storm or high winds, it will be the homeowner's responsibility to have the cart repaired or replaced.²
- C. Householder to provide containers. It shall be the duty of every occupant, tenant and proprietor of any residential unit to purchase refuse containers or carts capable of holding all garbage which would ordinarily accumulate on such premises between the times of successive collections.
- D. Ashes. Cold, completely extinguished ashes shall be placed within a paper or plastic bag prior to depositing the ashes in a refuse container or cart.
- E. Illegal containers. Containers or carts not approved consist of metal barrels and drums, wooden or cardboard barrels or boxes, wheelbarrows and other such containers not approved by this article. These containers will not be emptied regardless of contents or weight. After December 31, 2010, only approved refuse carts shall be considered legal containers for refuse collection as provided under subsection B.(1) above.

(The above underlined text shall be added)

PASSED AND ADOPTED by the Town Board of the Town of Cedarburg, Ozaukee County, Wisconsin, this 6th day of February, 2008.


David M. Valentine
Town Chairman


Karen M. Behrens, CMC
Town Clerk

2. Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. II).