

ORDINANCE

An Ordinance to amend Section 5-6-24 of the Municipal Code of the City of Two Rivers, Wisconsin, regulating Commercial refuse/recycling haulers within the City, based on the recommendation of the Public Works Director:

The Council of the City of Two Rivers, Wisconsin, ordains as follows:

SECTION 1. Section 5-6-24. of the Municipal Code of the City of Two Rivers, Wisconsin is hereby amended and shall now read as follows:

Sec. 5-6-24. Commercial refuse/recycling haulers.

- A. *License required.* No person shall be permitted to operate as a commercial refuse/recycling hauler without first having obtained a license therefore from the city clerk. The city clerk shall not issue the license until the application has been approved by the director of public works and the city manager and granted by the city council. Each applicant shall also be required to furnish a letter of credit in the amount of \$5,000.00 from an acceptable responsible institution. Each applicant shall also be required to furnish a certificate of liability insurance with limits of \$1,000,000.00 for one person and \$1,000,000.00 for any number of persons injured or killed in one accident and \$100,000.00 property damage per incident on each licensed vehicle used in the city. A license fee as specified in the schedule of fees in title 1 of this Code shall be charged for each vehicle used in the business of refuse and/or recycling hauling in the city. Each license shall expire annually on the first day of July following its issuance.
- B. *Noncommercial haulers.* Notwithstanding subsection A., no person, firm or corporation which hauls refuse or recyclables 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 refuse at a licensed landfill and charge the cost for such disposal to the City of Two Rivers. Non-commercial haulers are responsible to report amounts of refuse and/or recyclables disposed of if the amounts are over ten tons per year.
- C. *Vehicle requirements.* All vehicles used by commercial refuse haulers to collect or haul refuse shall be covered over the part of the vehicle which contains the refuse and/or recyclables and shall be so constructed that no garbage and/or recyclables can spill, leak or break. Such vehicles shall be kept clean and as free from offensive odors as possible. While any refuse and/or recyclables are contained in any such vehicle, the vehicle shall not be kept on any street, alley or public place, or upon any private premises in the city longer than is reasonable necessary to collect the refuse and/or recyclables and transport it for disposal. No vehicles may be kept overnight with any refuse and/or recyclables stored in the vehicle, unless the vehicle is removed by 8:00 a.m. the following morning. No vehicles may be parked at any time in any area not zoned to permit the location of a refuse and/or recycling hauling or processing business, whether loaded or unloaded, except while making collections.
- D. *Collection and disposal.* Each commercial refuse/recycling hauler shall make arrangements with his customers to collect refuse/recyclables on a specific day and shall collect all refuse/recyclables on the day scheduled for collection. All refuse collected shall be disposed of at a licensed landfill. All

recycling materials shall be disposed of at the Manitowoc County Recycling Facility or through arrangements made with Manitowoc County for processing of recyclable material for market.

- E. *Reporting requirements.* All refuse/recycling haulers shall make quarterly reports to the director of public works. These reports shall be due within 30 days after March 31, June 30, September 30 and December 31. These reports shall include, but are not limited to, customers served inside the city, refuse tonnage collected inside the city and recycling tonnage collected in the city. The recycling tonnage collected shall be submitted for each item listed under section 5-6-11 or otherwise required by the department of natural resources. The means and methods to be used for compiling the report shall be submitted with the annual license application or whenever the means and methods are revised or changed through the licensing period. All means and methods shall be approved by the director of public works.
- F. *Dumpsters.*
- (1) Commercial haulers are responsible for the use of and maintenance of refuse dumpsters. Dumpsters shall be secured at all times when not in use. Dumpsters shall be placed as far as possible from public view. Should the city manager, the director of public works, or the police chief determine that a dumpster located on private property constitutes a nuisance or hazard, it shall be removed or relocated as directed by that official. The city manager, director of public works, or police chief may order the removal of any dumpster from the public right-of-way at his discretion.
 - (2) Dumpster permits. No person or commercial hauler shall place a dumpster on streets or other public rights-of-way without first obtaining a permit to do so from the director of public works ("director") or his/her authorized representative. Any person seeking to place dumpsters on streets or public rights-of-way shall submit a written application for permit in a form approved by the director.
 - a. Dumpsters may not be placed in posted "No Parking" or restricted parking zones.
 - b. Dumpsters may not be placed in illegal parking spaces, such as crosswalk areas, at hydrants, or in driveway approaches.
 - c. Dumpsters may not extend more than eight (8) feet into the roadway from the face of curb or edge of pavement for rural roadways.
 - d. In the case of gravel roads, dumpsters shall be placed on wooden planks capable of withstanding the weight of the dumpster and waste load if placed on a gravel roadway so as not to cause rutting of the gravel.
 - e. Dumpsters shall be set back sixty (60) feet from any intersecting cross street curb lane and twenty (20) feet from any intersecting alley edge of pavement.
 - f. Dumpsters may not be placed in alleys
 - g. No dumpster may be placed in a public street or right-of-way unless barricades with eight (8) inch wide ASTM Type 2 orange and white diagonal reflective tape approved by the director are placed ~~on~~ at both ends of the dumpster closest to traffic travel lane, ~~or~~ reflective tape approved by the director is placed on all sides of the dumpster in accordance with drawings and specifications prepared by the director, or appropriate reflective tubular devices with flashers are placed as required below.
 - h. If barricades are used, flashing lights must be placed on the barricades when they remain in the place at any time from 4:00 p.m. to 8:00 a.m.
 - i. If reflective tape is used, such tape shall be at least ~~six~~ two (2) inches in width with a minimum of one-hundred eighty (180) square inches of DOT-C2 Conspicuity 6" red x 6"

white reflective tape applied to both ends and both sides of the dumpster as further described:

- i. A minimum of thirty (30) inches vertically along each vertical edge beginning at the upper most portion of the dumpster.
 - ii. A minimum of three (3), twelve (12) inch long strips evenly spaced along the uppermost edge of the dumpster.
 - iii. A minimum of two (2), twelve (12) inch long strips near the bottom, a minimum of twelve inches above the roadway, beginning at the outer edge of the dumpster such that they are visible to oncoming nighttime traffic.
- j. If reflective tubular devices are used they shall meet the following requirements:
- i. Must be a minimum of forty-two (42) inches in height and a minimum of two (2) inches in diameter, orange in color.
 - ii. Must have a minimum total reflective area of three-hundred sixty (360) square inches or one-hundred eighty (180) square inches visible to an oncoming vehicle.
 - iii. Must be a minimum of 32-inches in height of reflectivity, alternating a minimum of 4-inch orange flexible prismatic reflective tape and 4-inch white reflectivity conspicuity tape with the top band being orange. Alternating bands do not need to be continuous; space is allowable between each row of reflective tape.
 - iv. Must be a minimum of three (3) tubular devices must be placed on a diagonal on the approach side of the dumpster; the tubular device nearest the corner of the dumpster and the vehicle travel lane must have a flasher mounted on the top of the tubular device and activated for night time hours.
 - v. Must be a minimum of three (3) tubular devices must be placed on a diagonal on the departure side of the dumpster ; the tubular device nearest the corner of the dumpster and the vehicle travel lane must have a flasher mounted on the top of the tubular device and activated for night time hours.
 - vi. Must include two (2) to three (3) tubular devices ~~must be~~ placed adjacent to the dumpster closest to the vehicle travel lane, with a maximum spacing between tubular devices being seven (7) feet.
- k. If barricades are rented from the city, the city may impose a rental fee of at least \$5.00 a day for their use, which fee shall be payable on submission of the application for permission.
- l. The dumpster permittee or user of the dumpster that is placed within the street or other public rights-of-way will be responsible to clear snow and ice that has accumulated around the dumpster down to bare pavement conditions.
- m. Dumpsters must be secured to prevent the spread of debris from the dumpsters.
- n. Each applicant shall be required to agree in writing to indemnify and hold the city harmless from any and all claims, actions, liabilities, demands or obligations of any nature whatsoever arising from the placement of the dumpster in a street or other public right-of-way, including actual attorneys' fees and expenses incurred by the city in defending itself therefrom, and agree to comply with all applicable law, ordinances, regulations and any special conditions as are imposed by the director of public works or his/her designee.

- o. The city manager, police chief or the director of public works may order any dumpster removed at his discretion, at the cost of the person who applied for permission to place the dumpster.
- p. No household refuse shall be allowed to be disposed of in any residential dumpster, and the dumpster shall be emptied at least every two weeks unless otherwise stated in the permit.

SECTION 2. This ordinance shall take effect and be enforced from and after the date of its passage and publication.

Adopted by the Council of the City of Two Rivers, Manitowoc County, Wisconsin this _____ day of _____, 2025.

Scott Stechmesser
President, City Council

Gregory E. Buckley
City Manager

Attest:

Amanda Baryenbruch, City Clerk

Approved as to form and legality:

Sean P. Griffin
City Attorney