

**ORDINANCE TO
AMEND SECTIONS 446-13, 446-17, 457-6(A), 457-6(B), 457-6(D), 457-6(F),
457-11(B), 457-12(D)(4), 457-17(A), 457-27(E)(1) AND 484-5(B) OF THE
CITY OF WATERTOWN GENERAL ORDINANCES**

**SPONSOR: ALD. TONY ARNETT
FROM: PUBLIC WORKS COMMISSION**

THE COMMON COUNCIL OF THE CITY OF WATERTOWN DOES ORDAIN AS FOLLOWS:

SECTION 1. §446-13 Lead acid batteries, major appliances, waste oil and tires and yard waste of the Watertown Code of Ordinances is hereby amended to read as follows:

§ 446-13 Lead acid batteries, major appliances, waste oil and tires and yard waste.

Occupants of single-family and two-to-four-unit residences, multiple-family dwellings and nonresidential facilities and properties shall manage lead acid batteries, major appliances, waste oil, waste tires and yard waste as follows:

~~A. Lead acid batteries will not be accepted by the City. All lead acid batteries must be taken to area retailers who sell vehicle batteries or to a salvage yard.~~

~~B. Major appliances with compressors will not be accepted by the City. Residents desiring to dispose of refrigerators, freezers, dehumidifiers, or air conditioners must have the freon removed from those appliances by a state-certified contractor before the City will accept the appliance for pickup. If a resident places these items curbside for pickup, all doors on the equipment shall be removed and placed on the side of the equipment to prevent children from being injured by crawling into the equipment. Failure to remove the doors when placing those items on the curb shall be a violation of this Code and shall be punishable by a forfeiture of not less than \$25 nor more than \$100.~~

~~C.A.~~ Waste oil and tires shall not be picked up by the City in its curbside collection system. Waste oil may be delivered by residents to the City's ~~Recycling Center~~ Street/Solid Waste Division in sealed, disposable containers, not larger than one gallon in capacity. ~~These containers will be accepted by the Recycling Center.~~ Residents desiring to dispose of tires shall do so through a tire dealer or private contractor. The City will not accept tires at its ~~Recycling Center~~ Street/Solid Waste Division.

~~D.B.~~ Yard waste consisting of grass clippings, leaves, twigs and branches less than six inches in diameter and under three feet in length and other organic yard materials shall be separated from refuse. Grass clippings, leaves, twigs and branches less than six inches in diameter and under three feet in length and other organic yard materials shall not be collected by the City, except during the fall season when leaves only may be placed out for collection in the tree border in a loose, neatly piled state. The City shall make a dropoff site available to City residents during posted hours from April to December of each year, depending upon weather and temperature conditions, at the discretion of the department head. The City will compost these materials south of the old City

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landfill on Boomer Street. All boxes or other containers used by City residents to transport the yard waste shall be removed by said persons immediately after depositing the contents thereof at the dropoff site. Plastic bags only may be disposed of at the dropoff site. If a citizen of Watertown is physically unable to deliver the materials referred to hereinabove at the dropoff site, due to a physical disability or due to lack of transportation, he or she may obtain a yearly permit from the City, to be issued between March 1 and April 1 of each year, at a cost as set by the Common Council and provided under separate fee schedule. The City will grant an exemption when no person in that individual household has a vehicle and/or a driver's license, or if the person presents a certification from his or her personal physician that he or she is unable to transport the material due to physical disability. Application for the exemption permit shall be obtained from the ~~Street Department~~ ~~Street/Solid Waste Division~~ and, when returned, shall be granted by the ~~Street Department~~ ~~Street/Solid Waste Division~~ after being approved by the ~~Street Superintendent~~ ~~Public Works Manager~~ or ~~his~~ ~~their~~ designee.

SECTION 2. §446-17 Title to recyclable material of the Watertown Code of Ordinances is hereby amended to read as follows:

§ 446-17 Title to recyclable material.

The title to recyclable material placed curbside for collection by the citizens of the City of Watertown or delivered to the ~~Recycling Center~~ ~~Street/Solid Waste Division~~ within the City of Watertown shall transfer to the City of Watertown upon placement. Any person not authorized by the proper City officials to pick up said materials and who removes said materials from the residential recycling bins or from the ~~Recycling Center~~ ~~Street/Solid Waste Division~~ shall be guilty of theft and subject to a fine of not less than \$200 nor more than \$500.

SECTION 3. §457-6(A), §457-6(B), §457-6(D) and §457-6(F) Street and sidewalk openings of the Watertown Code of Ordinances is hereby amended to read as follows:

§ 457-6 Street and sidewalk openings.

A. Permit required. No person shall make or cause to be made any excavation or opening in any street, alley, sidewalk or other public way within the City without first obtaining a permit from the ~~Street Superintendent~~ ~~Public Works Manager of the Street/Solid Waste Division~~. All openings to be made in improved streets shall be reported to the ~~Street Superintendent~~ ~~Public Works Manager~~ before work is begun. A duplicate copy of the permit shall be deposited with the Public Works Director/City Engineer.

B. Liability insurance required.

(1) No street opening permit shall be issued hereunder until the applicant files with the ~~Street Superintendent~~ ~~Public Works Manager~~ public liability insurance written by a company licensed to do business in the State of Wisconsin, for the principal sum of not less than \$1,000,000 bodily injury per occurrence and \$500,000 property damage per occurrence, such policy to be written according to a standard form now in general use. A duplicate of such policy shall be deposited with the Public Works Director/City Engineer. Aggregate coverage for bodily injury and property damage may be in any amount in excess of the per-occurrence amounts set forth hereinabove. Such policy shall have an endorsement protecting the City as its interests may appear as the result of any accident or injury for which the City may otherwise become liable.

D. Backfilling.

(1) All trenches made in any street shall be backfilled with sand or gravel and the old excavated material carried away and disposed of. The material moved in excavating for the trenches may be used to backfill the same if it is a granular material and approval to do so is obtained from the ~~Street Superintendent~~ **Public Works Manager or their designee.**

(2) The plumber, drain layer or contractor shall exercise every possible precaution to compact all backfill in such a manner as prescribed by the ~~Street Superintendent~~ **Public Works Manager or his their** agent so the surface of the ditch or trench after backfilling will not settle in excess of three inches within six months after backfilling. The plumber, drain layer or contractor who did the backfilling shall be liable to the City for any and all costs incurred in restoring the ditch or trench surface to proper grade.

F. Relaying of pavement.

(1) The relaying of street surface following opening hereunder shall be done by the ~~Street Department Division~~ or by a contractor under the supervision and control of the ~~Street Superintendent~~ **Public Works Manager** and shall be paid for by the applicant at the time the permit is issued at the rates established by Common Council.

SECTION 4. §457-11(B) Snow and ice removal of the Watertown Code of Ordinances is hereby amended to read as follows:

§ 457-11 Snow and ice removal.

~~B. Street Superintendent to cause removal. If the owner, occupant or person in charge of each lot or part of lot does not remove or cover all snow or ice from the sidewalks abutting the premises owned, occupied or cared for by him, as provided in Subsection A herein, and continues to refuse to remove the snow and ice after a complaint has been issued, and the party is found to be in violation of Subsection A hereinabove, then the Street Superintendent shall cause all sidewalks which shall not have been cleaned or sprinkled with sand, salt or an ice melting compound as above prescribed to be so cleaned or sprinkled in his discretion immediately upon the default of the person whose duty it is to clean or sprinkle the same. He shall annually render to the City Treasurer an itemized report of all sums disbursed by him for such cleaning or sprinkling, the description of the premises affected thereby, and the names of the owners thereof, and the sum so disbursed shall annually be levied and collected as a special tax upon said premises unless paid.~~

B. Removal.

(1) Notice for removal. It shall be the duty of the Police Chief or designee to serve or cause to be served a notice upon the owner, lessee, occupant, or any agent, servant, representative, or employee of any such owner, lessee, or occupant of any premises on which snow or ice are permitted to accumulate in violation of the provisions of this chapter and to demand the abatement of the said snow or ice. Such notice shall be provided by the City through door hangers and a letter mailed to the property owner of record. Notification will only be made on the first violation during the annual snow season (typically November 1 to April 1).

(2) Abatement after notice. If the owner, lessee, occupant, or agent so served with a notice of a snow and/or ice removal violation does not abate such in accordance with the notice, the Police Chief or designee may proceed to abate the violation, keeping an account of the expense of the abatement, with such expense being charged to and paid by the property owner. Notice of the bill for abatement of the violation shall be mailed to the owner of the premises and shall be payable

within 10 calendar days from receipt thereof. Within 60 days after such costs and expenses are incurred and remain unpaid, the Finance Director shall enter those charges onto the tax roll as a special tax as provided by the State statutes.

SECTION 5. §457-12(D)(4) Use of streets or sidewalks for sale of merchandise of the Watertown Code of Ordinances is hereby amended to read as follows:

§ 457-12 Use of streets or sidewalks for sale of merchandise.

D. (4) The Watertown Street ~~Department~~ **Division** shall provide and remove such barricades and warning devices as are deemed necessary by the Chief of Police to allow for the safe flow of traffic northbound and southbound on the intersecting streets within the Central Business District and to allow for emergency vehicle access to the closed portion of Main Street.

SECTION 6. §457-17(A) Depositing of yard waste in streets or alleys prohibited of the Watertown Code of Ordinances is hereby amended to read as follows:

§ 457-17 Depositing of yard waste in streets or alleys prohibited.

A. The depositing or placement of any type of yard waste, including grass clippings, leaves or tree branches or any other yard waste, in the paved portion of any road or alley is hereby prohibited. The Watertown Public Works Commission shall be responsible for establishing a written policy regarding the enforcement of this section. The Watertown ~~Street Superintendent~~ **Public Works Manager** and Assistant ~~Street Superintendent~~ **Public Works Manager** shall have the authority to issue citations to persons who violate this section.

SECTION 7. §457-27(E)(1) Environmental conditions of the Watertown Code of Ordinances is hereby amended to read as follows:

E. (1) If the sites poses a possible health or safety risk, the City of Watertown Police and Fire Departments shall be notified immediately and the utility shall take the necessary steps to provide for the safety of people and property in the area. After suspended operations, the utility shall contact the offices listed in Table A depending upon the type of conditions discovered.

Table A: Notification Table (Note: Call all that apply)	
Utility Discovers Environmental Condition within City of Watertown Right-of-Way	
Category	Please Call
Archeological Sites or Historic Structure	
Historic structure	State Historic Preservation Office (608) 264-6512
Archeological site	State Historic Preservation Office (608) 264-6507
Burial	Burial Site Preservation Office (608) 264-6507 or (800) 342-7834
Utility project but no City of Watertown project	City of Watertown Street Department Engineering Division (920) 262- 4080 -4060

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Table A: Notification Table (Note: Call all that apply)	
Utility Discovers Environmental Condition within City of Watertown Right-of-Way	
Category	Please Call
City of Watertown projects	City of Watertown Street Department Engineering Division (920) 262- 4080 4060
Contaminated Soils, USTs, LUSTs, etc.	City of Watertown Street Department Division (920) 262-4080
Local DNR Office ¹	DNR Regional Office (608) 275-3266 or (608) 266-2621 or (608) 743-4800 or (608) 935-3368
Utility projects but no City of Watertown project	City of Watertown Street Department (920) 262-4080
Department project	City of Watertown Street Department Division (920) 262-4080

¹ Required under Wisconsin law.

SECTION 8. §484-5(B) Tree trimming of the Watertown Code of Ordinances is hereby amended to read as follows:

§ 484-5 Tree trimming.

B. All trees and shrubs on private or public property shall be trimmed and kept trimmed so as to maintain a clear space of not less than ~~12~~ 14 feet above the roadway, except the Public Works Commission may make special provisions in exceptional cases.

SECTION 9. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed.

SECTION 10. This ordinance shall take effect and be in force the day after its passage and publication.

DATE:	First meeting date		Second meeting date	
READING:	1ST		2ND	
	YES	NO	YES	NO
DAVIS				
LAMPE				
BERG				
BARTZ				
BLANKE				
SMITH				

ADOPTED Type second meeting date

CITY CLERK

APPROVED Type second meeting date

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ARNETT				
WETZEL				
MOLDENHAUER				
MAYOR STOCKS				
<i>TOTAL</i>				

MAYOR