

**VILLAGE OF WESTON, WISCONSIN
RESOLUTION NO. 2017-014**

- A RESOLUTION,** Reaffirming the Village of Weston Board of Trustees' decision to require all Single-Family up to Four-Unit Residences (on One Tax Parcel) to use the Village of Weston provided Residential Curbside Refuse/Recycling Services, and repealing Resolution VW-14-01.
- WHEREAS,** Wis. Stat. § 287.09(1)(a) designates each Municipality as a Responsible Unit (RU).
- WHEREAS,** Wis. Stat. § 287.09(2)(a) mandates each responsible unit to develop and implement a recycling or other program to manage the solid waste generated within its region in compliance with Wis. Stat. §§ [287.07 \(1m\)](#) to [\(4\)](#) and [287.05 \(12\)](#).
- WHEREAS,** the Municipal Code of Ordinances, Chapter 66, Solid Waste, requires occupants of single-family up to four-unit residences to follow the preparation and collection of recyclable and refuse materials as detailed in that Chapter, as provided by the Village through its service contract with the collection hauler.
- WHEREAS,** Wis. Stat. § 287.23 provides that Responsible Units shown to have an effective recycling program are eligible to receive annual financial assistance (Recycling Grant) from the State of Wisconsin. By continuing to make recycling easier for the community and educating the public on sustainability, and more recycling tonnages collected being reported annually to the State, the Village is eligible for larger grant monies.
- WHEREAS,** each single-family up to four-unit residence (on one tax parcel) pays a special charge on its annual real estate property tax bill for certain Village services offered to each residential unit (this includes refuse and recycling curbside collection, yard materials collection, free utilization of yard materials drop-off site, free spring bulk-item drop off services, and administrative fees). The 2017 annual rate for these services is \$165.00 per residential unit.
- WHEREAS,** Resolution VW-14-01, which was approved and adopted on February 17, 2014, permitted staff to consider other options, on a case-by-case basis, for three to four-unit residences (on one

tax parcel), such as 1) options of lesser refuse and recycling quantity carts for their property (allowing multiple units to share), 2) options of utilizing dumpsters for their tenants to share; and 3) offering eligible property owners a partial reimbursement of the special charges paid on their real estate property tax bill.

WHEREAS, several three to four-unit residences (on one tax parcel) who are using dumpsters per Resolution VW-14-01 rather than the 95-gallon carts offered as part of the Village's provided services, failed to construct or maintain the required enclosure.

WHEREAS, several three to four-unit residences (on one tax parcel) have inquired about contracting with a different hauler than the Village's contracted hauler for their dumpster service.

WHEREAS, two four-unit apartment buildings, who are covered under the Village's contracted services with Advanced Disposal Services, have hired their own hauler to service their refuse/recycling collection, and are disputing payment of the annual special charge for refuse/recycling services on their property tax bill because they did not use our service.

WHEREAS, the Village has asked the Village Attorney to provide a legal opinion on whether the Village has the legal authority to require property owners of single-family homes up to four-unit residences (all on one parcel) to use the Village's contracted refuse and recycling services and require payment for this service as a special charge on each property's tax bill.

WHEREAS, it was advised by Attorney Matt Yde that the Village cannot require a property owner to pay a special charge if the property does not benefit from the service. Two options were presented. First, the Village can create an opt out process to allow single-family up to 4-unit apartment property owners to hire their own refuse and recycling services, in which case no special charge for refuse and recycling services would be chargeable to the property. Second, the Village can determine that mandatory refuse/recycling collection by the Village's contracted carrier for all single-family up to four-unit apartment properties is necessary for the health, safety, welfare and convenience of the public.

WHEREAS,

Village staff believes that property owners of single-family homes up to four-unit residences (all on one parcel) should be required to use the Village's residential curbside collection contracted service, and pay for that service through a special charge on the tax roll.

NOW THEREFORE, BE IT RESOLVED, after much reflection of possible outcomes the Village would face if we allowed residents to opt out of our contracted refuse and recycling services, it is our view that mandatory refuse/recycling for all single-family up to four-unit residences is necessary for the health, safety, welfare and convenience of the public for the following reasons:

RESOLVED THAT

there would be confusion among the property owners as to when their garbage and recycling collection days occur. Currently, there is one day per week assigned to one of the five routes for refuse to be collected, and every other week on the assigned week day, the recycling is collected. Many times, one property owner on a route will second-guess their collection day and put their cart out a day to two earlier, which then other neighbors see this, and do the same. Another instance is on recycling weeks, some property owners will second-guess their recycling week, and put their recycling cart out on an off-week, which causes others to do the same. Our Solid Waste Ordinance gives a certain period of time that carts can be out by the roadside.

RESOLVED THAT

there would be confusion on our contracted hauler's driver's part, not knowing whose refuse/recycling carts to empty and whose carts not to empty if collection day for other contracted haulers occurs on the same day as their route. We would have to require all carts to be uniquely marked by hauler.

RESOLVED THAT

multiple haulers driving through narrow residential neighborhoods at the same time will increase the risk of accidents and increase the wear and tear to residential streets.

RESOLVED THAT

the Village needs to be able to track the individual tonnages of all recyclables collected by our residents (for our annual

recycling grant and report). This would put an inconvenient burden on the resident to source separate their recycling, weighing them, and documenting the weight and type of material before it is collected by their hauler. This would likely discourage residents from recycling.

RESOLVED THAT a significant amount of staff time would be involved in implementing an open enrollment period, when property owners could opt out.

RESOLVED THAT a significant amount of staff time would be required in obtaining copies of individual contracts, between property owners and their hauler. Staff would have to review each contract submitted to ensure the property owner is paying for both refuse and recycling services through their hauler. Staff would also need to review how often service is being provided for property owners, what method of recycling is taking place, what kind and size containers are being offered, to ensure they are adequate, and who will be reporting individual tonnages to the Village (hauler or property owner). Staff would then have to follow-up with property owners who have not reported tonnages when due, also more staff time may be needed for periodic inspections to be sure property owners are correctly recycling.

RESOLVED THAT more staff time would be involved in enforcement, if it is found property owners are in violation of our Solid Waste Ordinance (example: storing trash, or not recycling), causing them to lose their right to opt out.

RESOLVED THAT along with taking in more phone calls from neighboring residents who are confused as to why their neighbors refuse/recycling are handled differently, staff will also get phone calls from property owners who are not happy with their privately contracted hauler, expecting Village staff to step in and clear up the issue for them.

RESOLVED THAT having one service provider that collects garbage and recycling on a regular schedule will enhance the cleanliness and orderliness of the neighborhoods and help preserve property values.

RESOLVED THAT the Village's ability to provide effective and reasonably priced residential curbside garbage and recycling collection service

will be diminished if the Village allows an opt out. For example, the Village contracted carrier would have to figure the additional costs caused by the opt out in its contract. Instead of removing garbage from every residence, the Village's contracted carrier would have to identify those residents who have opted out so that they do not remove their garbage. The Village's contracted carrier may have to change its routes, use smaller trucks and make other adjustments as residences opt in or opt out. These complications create inefficiencies while decreasing the number of residences served thereby increasing the price to the Village per user. Moreover, if the Village allows residences to opt out it will have to further regulate garbage collection to ensure that the same level of service is provided by the opt out collectors, which will likely drive up the cost to provide the service for both the opt out collectors and the Village's contracted carrier, increasing the cost of collection for all Village residents.

BE IT RESOLVED

Village Board of Trustees, following the reasons and recommendation provided by Village Staff, recommend the Solid Waste Ordinance, Chapter 66, remain as written, and require all single-family up to four unit residences (on one tax parcel) to use the residential curbside refuse and recycling services, as provided by the Village of Weston, through its solid waste service contract.

RESOLVED THAT

property owners of three or four-unit residences (on one tax parcel), who are currently using adequately sized refuse and recycling dumpsters for their tenants, and are in compliance with the full enclosure requirement, will be given an extended timeline to convert their shared dumpster service to residential curbside collection service.

PASSED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF WESTON, at a regular meeting thereof, this 20 day of the month of March, 2017.

VILLAGE OF WESTON, a Municipal Corporation of the State of Wisconsin.

By: 
BARBARA ERMELING, President

ATTEST:

By: 
DANIEL GUILD, Administrator

FILED:

By: 
SHERRY WEINKAUF, Clerk

**VILLAGE OF WESTON, WISCONSIN
AGENDA ITEM COVER SHEET**

MTG/DATE: Board of Trustees – 03/20/17

FROM: Jennifer Higgins, Director of Planning and Development
Valerie Parker, Planning Technician

DESCRIPTION: Resolution No. 2017-014: A Reaffirming the Village of Weston Board of Trustees' Stance on Requiring all Single-Family up to Four-Unit Residences (on One Tax Parcel) to Use the Village of Weston Provided Residential Curbside Refuse/Recycling Collection Services, and Repealing Resolution VW-14-01.

ACTION:	<input checked="" type="checkbox"/> Approve	<input type="checkbox"/> Ordinance	<input type="checkbox"/> Proclamation
	<input type="checkbox"/> Deny	<input checked="" type="checkbox"/> Policy	<input type="checkbox"/> Report
	<input type="checkbox"/> Expenditure	<input type="checkbox"/> Procedure	<input checked="" type="checkbox"/> Resolution

QUESTION:
Should the BOTs approve Resolution # 2017-014 which reaffirms the trustee's stance on requiring all single-family to four-unit residences (on one tax parcel) to use the village's provided curbside residential refuse/recycling services by repealing Resolution VW-14-01.

BRIEF:
Village staff have been working with Attorney Yde on issues with some 3 & 4-unit apartments (on one tax parcel), on their refuse and recycling services. In one case, there are two 4-unit apartment owners who have chosen to not take Village services, & instead contract on their own with a hauler of their choice. In this case, these owners are requesting the Village clear them of back taxes they had not paid, as those represented the refuse/recycling service fee charged on their property tax bills (services they have not been using). Also in this case, the owners are not providing sufficient recycling for their tenants. Prior to moving forward in this case, Attorney Yde has recommended the Village either create an "opt out" procedure within our Solid Waste Ordinance, or adopt the attached resolution reaffirming the Village's position to require all single-family to four-unit residences (on one tax parcel) to use the Village's provided contracted residential curbside refuse and recycling service, as is required in the Municipal Code Chapter 66 Solid Waste.

FISCAL IMPACT: TBD

RECOMMEND: Staff recommends approval.

COMMITTEE: Recommendation endorsed by CLPS (2/27/2017),

REQUEST: Approve Resolution #2017-014 under Consent

Is there an additional briefer with this agenda item?
 Are there additional reference documents which have been attached to this report?
OneDrive folder with previous CLPS/BOT meeting supporting materials <https://1drv.ms/b/s!Ap4cGvXyMNXpiw-dLBvTGz0jOWEA>