REGULAR VILLAGE BOARD MEETING

MEETING NOTICE AND AGENDA

WHITEFISH BAY PUBLIC LIBRARY – PROGRAM ROOM
5420 North Marlborough Drive

Monday, May 7, 2018, 6:00 PM

I. Call to Order and Roll Call

II. Consent Agenda – Upon request of any Trustee, any item may be removed from the Consent Agenda for separate consideration under General Business.

1. Minutes of the regular meeting held on April 16, 2018.
2. Claims for April, 2018.
3. Resolution No. 3022 Adopting the 2017 WPDES Storm Water Discharge Permit Annual Report.
4. Appointment of Peter Helfer to the Community Development Authority for a term to expire in 2022.
5. Amendment No. 1 to the HSIP Contract (14 Intersections and Silver Spring Corridor) between the Village of Whitefish Bay, Wisconsin DOT and Strand Associates.
6. Funding Agreement between the Village of Whitefish Bay and MMSD for the 2018 PPII Program.
7. Request from Lori Hassler to possess alcohol at the Cahill Park Warming House for a private graduation party to be held on Saturday, June 16th.

III. Report of Village Officers

1. Village Attorney
2. Village Manager
3. Village President
4. Miscellaneous Trustee

IV. Petitions and Communications – This is an opportunity for anyone to address the Village Board on any issue NOT on the current agenda. While the Board

encourages input from residents of the Village, it may not discuss or act on any issue that is not duly noticed on the agenda.

V. General Business

1. Discussion/action on contract award for the 2018 EAB Treatment Project.

2. Discussion/action on Village Hall Building Project Change Order #6.

3. Discussion/action on Ordinance #1839 to revise Sections 10.04 and 10.045 of the Municipal Code regarding refuse and recycling collection.

4. The Board may convene into Closed Session pursuant to Wisconsin State Statute §19.85(1)(c) considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility – specifically regarding the Village Hall Office Assistant and DPW Administrative Assistant.

5. The Board may reconvene to open session. The Board reserves the right to take action on any topic discussed in closed session.

VI. Adjourn

Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. Contact Village Hall at (414) 962-6690. It is possible that members of and possibly a quorum of members of other Boards, Commissions, or Committees of the Village including in particular the Community Development Authority may be in attendance in the above stated meeting to gather information; no action will be taken by any other Boards, Commissions, or Committees of the Village except by the Board, Commission, or Committee noticed above. Agendas and minutes are available on the Village website (www.wfbvillage.org)

REGULAR VILLAGE BOARD MEETING

A regular meeting of the Board of Trustees of Whitefish Bay was held in the Program Room of Whitefish Bay Public Library, 5420 North Marlborough Drive, April 16, 2018

Pursuant to law, written notice of this meeting was given to the press and posted on the public bulletin boards.

I. Call to Order and Roll Call

President Siegel called the meeting to order at 6:08 pm.

Present: Trustees Saunders, Miller, Serebin, Fuda, Demet, Davis and President Siegel

Also Present:
Village Manager Paul Boening
Village Attorney Chris Jaekels
Assistant Village Manager Tim Blakeslee
Police Chief Michael Young
Finance Director Jen Amerell
Communications Specialist Jenny Heyden
Director of Public Works John Edlebeck
Director of Building Services Joel Oestreich
Library Director Nyama Reed
Deputy Clerk Caren Brustmann

II. Consent Agenda

Trustee Saunders was pleased to see John Dargle appointed to the Public Works Committee.

It was moved by Trustee Serebin, seconded by Trustee Saunders, and unanimously carried by the Village Board to approve the consent agenda as presented.

1. Minutes of the regular meeting held on March 19, 2018.
2. Claims for March, 2018.
3. Investment Report for March, 2018.
4. Annual appointment of Trustees to various Boards, Commissions and Committees.
5. Village President's recommended appointments to Boards, Commissions and Committees.
6. Approval of request from WeEnergies to obtain a 6' easement at Cahill Park.
7. Acceptance of two donated stormwater basin educational murals from the Whitefish Bay Green Summer project for display on the west exterior wall of the Cahill Warming House.

III. Report of Village Officers

1. Village Attorney

Village Attorney Chris Jaekels noted the State Legislature signed Act 67, which changes the way conditional use permits are issued, thus the Village codes and ordinances need to be updated.

2. Village Manager

Village Manager Paul Boening recognized Trustees Davis and Saunders on their re-election for a 3 year term.

3. **Village President** – No report
4. **Miscellaneous Trustee** – No reports

IV. Petitions and Communications

Robert Crawford, 5017 N. Palisades Rd.; Would like the Village to consider removing the parking meters on E. Silver Spring Drive. He believes the meters often scare away customers, and has recently noticed several getting ticketed, including himself. Noted the Village of Shorewood replaced their meters on N. Oakland Avenue to 2-hour parking zones.

V. General Business

1. **Discussion/action on proposal by Boy Scout Matthew Pomes to install beach safety equipment and signage at the Klode Park Beach.**

Boy Scout/Village Resident Matthew Pomes presented an Eagle Scout project involving installation of beach safety equipment and signage at Klode Park Beach.

It was moved by Trustee Fuda, seconded by Trustee Serebin, and unanimously carried by the Village Board to approve the beach safety equipment/signage proposal at Klode Park Beach.

2. **Discussion/action on proposal by David Grams to install/donate a stone wall along the south lot line of Klode Park. action on contract award for the 2018 Emerald Ash tree removal project.**

Village Manager Paul Boening described the proposal to the Village Board.

PUBLIC COMMENT:

Robert Crawford; 5017 N. Palisades Rd.; Inquired why Mr. Grams wasn't placing a portion of the stone wall on his property rather than seeking permission to place on Village property.

Director of Public Works John Edlebeck was present to inform the Board of the total wall currently on Village property, and how this improvement would keep adequate draining.

It was moved by Trustee Demet, seconded by Trustee Fuda, and unanimously carried by the Village Board to approve the project as depicted on the site/landscaping plan and to accept donation of the wall upon successfully passing a final construction inspection subject to execution of a temporary access easement and a donation agreement, if necessary, in forms acceptable to the Village Attorney, final plan approval by DPW Director John Edlebeck and applicant conformance with any conditions included in the approval, and Building Inspector approval (permit issuance) prior to construction of the wall.

3. **Discussion/ action on financial donation request from the BayFit (WFB High School Weight Room Renovation Project) Sponsorship Committee.**

Village Manager Paul Boening described request from BayFit. Julie Anthony, President of the Duke Pride Sports Association, was present to address any questions or concerns. Noted the BayFit program would be open to the public through Rec Department access. Trustee Saunders requested to hear from the Rec Department to address questions.

PUBLIC COMMENT:

Robert Crawford, 5017 N. Palisades Rd.; Shared it's important to give children options to participate in extracurricular activities, such as weight lifting. Mr. Crawford shared weight lifting gives an individual a sense of purpose and boosts self-esteem.

It was moved by Trustee Davis, seconded by Trustee Demet, and unanimously carried by the Village Board to direct staff to include $10,000 in the 2019 budget for donation towards the BayFit Project so long as BayFit raise their promised $140,000 through private funds.

4. **Discussion/ action on Ordinance #1839 to revise Sections 10.04 and 10.045 of the Municipal Code regarding refuse and recycling collection.**

This item was removed from the agenda for further review by the Village Attorney.

5. **Discussion/ action on Village Hall/Police Department furniture purchase from CJ Associates.**

Village Manager Paul Boening described the project and budget. President Siegel complimented Village staff on the level of detail required for furniture selection.

It was moved by Trustee Serebin, seconded by Trustee Saunders, and unanimously carried by the Village Board to approve the Village Hall/Police Department furniture purchase from CJ Associates in the amount of $92,116.00.

6. Discussion/ action on the Lake Drive (STH 32) 3R Pavement Improvement Project State/Municipal Agreement (I.D. #2225-00-03/73)

Director of Public Works John Edlebeck shared the project design details as well as other street rehabilitation options.

It was moved by Trustee Saunders, seconded by Trustee Serebin, and unanimously carried by the Village Board to approve the Lake Drive (STH 32) 3R Pavement Improvement Project State/Municipal Agreement (I.D. #2225-00-03/73).

7. Discussion/action on contract award for the 2018 Sidewalk Improvement Project.

Director of Public Works John Edlebeck described the project scope.

It was moved by Trustee Davis, seconded by Trustee Serebin, and unanimously carried by the Village Board to award the 2018 Sidewalk Improvement Program contract to Forward Contractors of Grafton, WI for contractor unit prices up to the budgeted amount of $100,000 funded out of the general fund capital borrowing and contract unit prices with an estimated quantity for the amount of $15,456.25 funded out of the applicable water, sewer, or storm utility fund.

8. Discussion/ action on Village Hall Building Project Change Order #5.

Director of Public Works John Edlebeck described the Village Hall project status. Village Manager Paul Boening mentioned that a budget breakdown was included per Trustee Fuda's request.

It was moved by Trustee Miller, seconded by Trustee Demet, and unanimously carried by the Village Board to approve Change Order #5, as outlined in the memo dated April 11, 2018 for an additional amount of $12,990.00 to be added to the Whitefish Bay Village Hall/Police Department Building Project contract with Scherrer Construction.

9. The Board may convene into Closed Session pursuant to Wisconsin State Statute §19.85(1)(c) considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility - specifically regarding evaluation of the Village Manager.

It was moved by Trustee Serebin, seconded by Trustee Saunders, and unanimously carried by the Village Board to convene into Closed Session pursuant to Wisconsin State Statute §19.85(1)(c) considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility - specifically regarding evaluation of the Village Manager.

10. The Board may reconvene to open session. The Board reserves the right to take action on any topic discussed in closed session.

It was moved by Trustee Serebin, seconded by Trustee Saunders, and unanimously carried by the Village Board to reconvene into open session.

a. It was moved by Trustee Serebin, seconded by Trustee Saunders and unanimously carried by the Village Board to approve a 2% wage increase for the Village Manager effective 05/01/2018.

VI. <u>Adjourn</u>

There being no further business, it was moved by Trustee Serebin, seconded by Trustee Demet, and unanimously carried by the Village Board to adjourn the meeting at 7:15pm.

Caren Brustmann
Deputy Clerk

Check Date	Check	Vendor Name	Amount
Bank Cking ASSOCIATED			
04/06/2018	51722	ABT MAILCOM	3,229.08
04/06/2018	51723	ACCURATE RECHARGE	35.00
04/06/2018	51724	ADAM WARSH	3,251.67
04/06/2018	51725	AMAZON CAPITAL SERVICES	231.01
04/06/2018	51726	ANDREW CHEVROLET	52.05
04/06/2018	51727	ARMSTRONG CONSULTING GROUP INC	1,800.00
04/06/2018	51728	AT&T	163.32
04/06/2018	51729	AUTO BRAKE CLUTCH & GEAR CO, INC	197.36
04/06/2018	51730	BATTERIES PLUS LLC	28.95
04/06/2018	51731	BIRCHWOOD	975.00
04/06/2018	51732	BLACKSTONE PUBLISHING	45.00
04/06/2018	51733	CERTIFIED PRODUCTS, INC.	2,620.00
04/06/2018	51734	CLIFTONLARSONALLEN LLP	22,000.00
04/06/2018	51735	CRAWFORD TREE AND LANDSCAPE	5,917.30
04/06/2018	51736	CUMBERLAND SERVICENTER, INC.	57.35
04/06/2018	51737	CVMIC	961.00
04/06/2018	51738	GALE/CENGAGE LEARNING	24.04
04/06/2018	51739	GLENDALE WATER UTILITY	420.00
04/06/2018	51740	GOODYEAR TIRE & RUBBER CO	2,077.34
04/06/2018	51741	GRAINGER	47.80
04/06/2018	51742	GREAT AMERICAN COMFORT SHOES	1,079.96
04/06/2018	51743	HEIDEN PLUMBING CO, INC	5,390.00
04/06/2018	51744	JAN-PRO OF MILWAUKEE	1,958.00
04/06/2018	51745	JMB & ASSOCIATES, LLC	1,255.00
04/06/2018	51746	JOURNAL SENTINEL	27.45
04/06/2018	51747	MADACC	2,397.30
04/06/2018	51748	MILWAUKEE COUNTY TREASURER	4,062.43
04/06/2018	51749	MILWAUKEE DOOR SALES & SERVICE, LLC	191.25
04/06/2018	51750	MOTION & CONTROL ENTERPRISES LLC	40.41
04/06/2018	51751	NEENAH FOUNDRY COMPANY	3,902.57
04/06/2018	51752	NEHER ELECTRIC SUPPLY, INC.	2,255.62
04/06/2018	51753	NORTH SHORE HEALTH DEPT.	17,429.00
04/06/2018	51754	NORTH SHORE WATER COMMISSION	32,664.88
04/06/2018	51755	PETER BRONEK	1,155.00
04/06/2018	51756	QUICK FUEL	1,271.56
04/06/2018	51757	QUILL CORPORATION	494.00
04/06/2018	51758	REINDERS, INC.	261.03
04/06/2018	51759	SCHOOL DISTRICT OF WFB	130.44
04/06/2018	51760	SCOTT LENSKI	99.73
04/06/2018	51761	SIMPLEXGRINNELL	1,970.25
04/06/2018	51762	SNAP-ON TOOLS	106.44
04/06/2018	51763	STATE OF WI-COURT FINES/SURCHARGES	9,055.64
04/06/2018	51764	THE SIGMA GROUP, INC	1,194.00
04/06/2018	51765	TIA VERNON	1,474.40
04/06/2018	51766	U.S. HEALTHWORKS MEDICAL GROUP	90.00
04/06/2018	51767	UPS	54.72
04/06/2018	51768	VILLAGE ACE HARDWARE	110.48
04/06/2018	51769	VILLAGE OF SHOREWOOD	111.10
04/06/2018	51770	VINCE KALT	495.25
04/06/2018	51771	WESTHOFEN WORKS, INC.	716.00
04/06/2018	51772	WEX BANK	3,303.32
04/06/2018	51773	WFB WOMAN'S CLUB	150.00
04/06/2018	51774	WI MUNICIPAL CLERKS ASSOCIATION	38.00
04/06/2018	51775	WOLF CONSTRUCTION CO INC	2,328.93
04/13/2018	51780	ALSCO	450.84
04/13/2018	51781	ARMSTRONG CONSULTING GROUP INC	83,250.00
04/13/2018	51782	AT&T	190.08
04/13/2018	51783	AW DIRECT	2,753.74
04/13/2018	51784	AXIOM, INC	8,557.58
04/13/2018	51785	BATTERIES PLUS LLC	20.65
04/13/2018	51786	CARDMEMBER SERVICE	3,122.00
04/13/2018	51787	CARQUEST AUTO PARTS	463.17
04/13/2018	51788	CASH	48.91
04/13/2018	51789	CITY OF WAUWATOSA	100.00
04/13/2018	51790	CORE & MAIN LP	840.00
04/13/2018	51791	CRAWFORD TREE AND LANDSCAPE	3,902.90
04/13/2018	51792	CROWN HARDWARE & PLUMBING SUPPLY	267.11
04/13/2018	51793	DAILY REPORTER PUBLISHING CO.	317.46
04/13/2018	51794	DAN KRALL & CO., INC.	1,260.00
04/13/2018	51795	ENVIROTECH EQUIPMENT	1,393.35
04/13/2018	51796	GOODYEAR TIRE & RUBBER CO	3,100.02
04/13/2018	51797	GORDON FLESCH COMPANY INC.	410.42
04/13/2018	51798	INTEGRATED COMMUNICATIONS-MAS	408.71
04/13/2018	51799	JEANMARIE S. HEYDEN	1,359.15
04/13/2018	51800	JOHN EDLEBECK	92.65
04/13/2018	51801	JOHNSON CONTROLS	2,668.50
04/13/2018	51802	JOSEPH KEIL	195.00
04/13/2018	51803	LEADER TOWING	135.00

Check Date	Check	Vendor Name	Amount
04/13/2018	51804	LEXISNEXIS RISK SOLUTIONS	50.00
04/13/2018	51805	LINCOLN CONTRACTORS SUPPLY	155.62
04/13/2018	51806	MEQUON VACUUM CENTER	42.94
04/13/2018	51807	MICHAEL BOHN	34.92
04/13/2018	51808	MINNESOTA LIFE INSURANCE CO.	1,533.46
04/13/2018	51809	MSC INDUSTRIAL SUPPLY CO	473.95
04/13/2018	51810	NORTH SHORE WATER COMMISSION	8,774.82
04/13/2018	51811	OFFICE TECHNOLOGY GROUP	62.84
04/13/2018	51812	PAUL CHRISTENSEN	284.63
04/13/2018	51813	PORT-A-JOHN	93.00
04/13/2018	51814	QUICK FUEL	785.72
04/13/2018	51815	QUILL CORPORATION	223.14
04/13/2018	51816	RECOGNITION SPECIALISTS, INC.	9.04
04/13/2018	51817	TAPCO	110.00
04/13/2018	51818	TASC	172.80
04/13/2018	51819	UNEMPLOYMENT INSURANCE	1,196.00
04/13/2018	51820	UPS	24.24
04/13/2018	51821	VERIZON WIRELESS	857.11
04/13/2018	51822	VILLAGE ACE HARDWARE	110.76
04/13/2018	51823	VILLAGE OF SHOREWOOD	13,267.76
04/13/2018	51824	W.C.T.C.	1,021.02
04/13/2018	51825	WACHTEL TREE SCIENCE	7,277.00
04/13/2018	51826	WELLS FARGO	139.44
04/13/2018	51827	WEX BANK	3,796.73
04/13/2018	51828	WFA, LLC	748.80
04/13/2018	51829	WHITEFISH BAY BID	60,285.00
04/13/2018	51830	WI DEPT OF JUSTICE	28.00
04/20/2018	51831	4IMPRINT, INC	357.61
04/20/2018	51832	A.M. LEONARD, INC.	628.74
04/20/2018	51833	ADAM WARSH	200.00
04/20/2018	51834	ADVANCE CONSTRUCTION, INC.	68,173.51
04/20/2018	51835	AIRGAS USA, LLC	544.92
04/20/2018	51836	AMAZON CAPITAL SERVICES	179.07
04/20/2018	51837	AMERICAN PUBLIC WORKS ASSN.	720.00
04/20/2018	51838	BRAY ASSOCIATES ARCHITECTS, INC	4,413.62
04/20/2018	51839	CARDMEMBER SERVICE	4,387.27
04/20/2018	51840	CAREN BRUSTMANN	25.00
04/20/2018	51841	CH COAKLEY	201.25
04/20/2018	51842	CHRIS PAAPE	25.00
04/20/2018	51843	CLARK DIETZ, INC	13,727.50
04/20/2018	51844	CORE & MAIN LP	116,800.00
04/20/2018	51845	DALE DACZYK	150.00
04/20/2018	51846	DANIEL COURTIER	100.00
04/20/2018	51847	DANIEL MARKEY	75.00
04/20/2018	51848	DAVIS & KUELTHAU, S.C.	13,624.52
04/20/2018	51849	DELTA DENTAL OF WISCONSIN	5,191.72
04/20/2018	51850	DILLETT MECHANICAL SERVICE	665.00
04/20/2018	51851	EDDIE GAMEZ	550.00
04/20/2018	51852	EGELHOFF LAWN MOWER SERVICE	636.35
04/20/2018	51853	GALE/CENGAGE LEARNING	39.00
04/20/2018	51854	GEORGE MEDINA	75.00
04/20/2018	51855	GORDON FLESCH COMPANY INC.	416.18
04/20/2018	51856	ICMA MEMBERSHIP RENEWALS	522.24
04/20/2018	51857	JEANMARIE S. HEYDEN	2,055.30
04/20/2018	51858	JENNIFER WILLIAMS	17.44
04/20/2018	51859	JOEL OESTREICH	25.00
04/20/2018	51860	JOHN EDLEBECK	13.00
04/20/2018	51861	KRIS RAASCH	75.00
04/20/2018	51862	M&M TREE SERVICE	870.00
04/20/2018	51863	MARK HESSEL	251.00
04/20/2018	51864	MICHAEL BELSHA JR	100.00
04/20/2018	51865	MILWAUKEE COUNTY FED. LIBRARY SYST.	2,122.10
04/20/2018	51866	NAPA	30.05
04/20/2018	51867	OFFICE COPYING EQUIPMENT	215.13
04/20/2018	51868	PAUL GORECKI	56.20
04/20/2018	51869	PAUL LOCKWOOD	25.00
04/20/2018	51870	PAUL STROM	50.00
04/20/2018	51871	PAUL WITTE	100.00
04/20/2018	51872	QUICK FUEL	787.80
04/20/2018	51873	QUILL CORPORATION	184.12
04/20/2018	51874	SCHERRER CONSTRUCTION CO, INC	530,603.50
04/20/2018	51875	SCOTT LENSKI	86.66
04/20/2018	51876	SMART INTERACTIVE MEDIA, LLC	250.00
04/20/2018	51877	SNAP-ON TOOLS	129.94
04/20/2018	51878	SPENCER CHARCZUK	1,245.00
04/20/2018	51879	THE SIGMA GROUP, INC	3,903.42
04/20/2018	51880	TIM BLAKESLEE	125.00
04/20/2018	51881	TIME WARNER CABLE	2,446.22
04/20/2018	51882	U.S. CELLULAR	554.12
04/20/2018	51883	UPS	18.18
04/20/2018	51884	USA BLUEBOOK	77.95

Check Date	Check	Vendor Name	Amount
04/20/2018	51885	WE ENERGIES	15,335.25
04/20/2018	51886	WEA INSURANCE TRUST	86,228.28
04/20/2018	51887	WESTHOFEN WORKS, INC.	2,340.50
04/20/2018	51888	WFA, LLC	460.80
04/20/2018	51889	WI DEPT. OF JUSTICE - TIME	300.00
04/20/2018	51890	WIL-KIL PEST CONTROL	208.50
04/20/2018	51891	ZARNOTH BRUSH WORKS, INC	336.00

CKING TOTALS:

Total of 166 Checks:	1,242,318.37
Less 0 Void Checks:	0.00
Total of 166 Disbursements:	1,242,318.37

Village of Whitefish Bay Public Works Department

155 W. Fairmount Ave · Whitefish Bay, Wisconsin 53217 · (414) 962-6690 · Fax (414) 967-1391

John Edlebeck, P.E., Director of Public Works

Memorandum

To: Paul Boening, Village Manager

From: Spencer Charczuk E.I.T., Staff Engineer

Date: April 6, 2018

Re: Resolution to Adopt Annual NR217 WPDES Report to DNR

Attached is a copy of the main body of the annual report summarizing 2017 activities for Whitefish Bay's Wisconsin Pollution Discharge Elimination System (WPDES storm water discharge or MS4) permit. The permit requires that the municipal governing body recognize the report by resolution or another similar mechanism. An electronic version of report and appendices will be forwarded to the Village Board members prior to the meeting.

RECOMMENDATION:

The Village Board acknowledge the report and adopt a resolution recognizing that elected officials have been apprised of the content of the report.

Spencer Charczuk

Spencer Charczuk, E.I.T.

Village of Whitefish Bay

Staff Engineer

STATE OF WISCONSIN : MILWAUKEE COUNTY : VILLAGE OF WHITEFISH BAY

RESOLUTION NO. 3022

ADOPTING THE 2017 WPDES STORM WATER DISCHARGE PERMIT ANNUAL REPORT

WHEREAS, the Village of Whitefish Bay is required to comply with the conditions of its Wisconsin Pollution Discharge Elimination System General Permit (WPDES); and

WHEREAS, the requirement for the drafting, acknowledgement of the report by elected officials, and submittal of an Annual Report certifying permit compliance is a condition of the permit dated April 4, 2018; and

WHEREAS, the Village Board of the Village of Whitefish Bay has reviewed the 2017 Annual Report and recommends adoption by resolution.

NOW, THEREFORE, BE IT RESOLVED that the Village Board of the Village of Whitefish Bay does hereby adopt the attached WPDES Permit Number WI-S061565 Annual Report, dated April 4, 2018 through this resolution.

PASSED AND ADOPTED this 7th day of May, 2018.

_____

Julie A. Siegel, Village President

Countersigned:

_____

Jennifer R. Amerell, Village Clerk

State of Wisconsin
Department of Natural Resources
PO Box 7921, Madison WI 53707-7921
dnr.wi.gov

Annual Report Under Municipal Separate Sewer System (MS4) Permit

Form 3400-224 (R 12/17)

Notice: Pursuant to s. NR 216.07(8), Wis. Adm. Code, an owner or operator of a Municipal Separate Storm Sewer System (MS4) is required to submit an annual report to the Department of Natural Resources (Department) by March 31 of each year to report on activities for the previous calendar year ("reporting year"). This form is being provided by the Department for the user's convenience for reporting on activities undertaken in each reporting year of the permit term. Personal information collected will be used for administrative purposes and may be provided to the extent required by Wisconsin's Open Records Law [ss. 19.31-19.39, Wis. Stats.].

Note: Compliance items must be submitted separately from this report to the Department.

Part I. Municipal Contact Information

This form covers the activities during calendar year 2017

Name of Municipality	Facility ID No. (FIN)	☒ Check to update mailing address information
Village of Whitefish Bay	31330	

Mailing Address	City	State	ZIP Code
151 W Farimount Ave (temporary)	Whitefish Bay	WI	53217

Municipal Contact Information ☒ Check to update contact information

Name of Municipal Contact Person	Title
Spencer Charczuk	Staff Engineer

Mailing Address	City	State	ZIP Code
151 W Fairmount Ave	Whitefish Bay	WI	53217

Phone Number (include area code)	Email
(414) 962-6690	s.charczuk@wfbvillage.org

[+] **Additional contacts information (optional)** Winter roadway maintenance

Contact Information for: Winter roadway maintenance

First & Last Name	Title
Kevin Kaegi	Public Works Superintendent

Mailing Address	City	State	ZIP Code
151 W Fairmount Ave	Whitefish Bay	WI	53217

Phone Number (include area code)	Email
(414) 962-6690	k.kaegi@wfbvillage.org

Does the municipality rely on another government entity to satisfy some of the permit requirements? ◉ Yes ◯ No ◯ Unsure

Has there been any changes to the municipality's participation in group efforts towards permit compliances (i.e., the municipality has added or dropped consortium membership)? ◯ Yes ◉ No ◯ Unsure

Part II. Storm Water Program Evaluation – Minimum Control Measures

1. Public Education and Outreach

a. Complete the following information on Public Education and Outreach Activities related to storm water. Select the Mechanism that best describes how the topic message was conveyed to your population. Use the [+] to add multiple Mechanisms. For Quantity, choose the range for the number of Mechanisms chosen (i.e., number of workshops, events). Quantity and Estimated People reached are both optional.

Topics	Mechanism	Quantity (optional)	Estimated People Reached (optional)	Regional Effort?
Detection and elimination of illicit discharges	Passive print media (brochures at front desk, posters, etc.)	10-19		◉ Yes ◯ No

Topics	Mechanism	Quantity (optional)	Estimated People Reached (optional)	Regional Effort?
Management of materials that may cause storm water pollution from automobiles, pet waste, household hazardous waste and household practices	Passive print media (brochures at front desk, posters, etc.)	20-49		◉ Yes ◯ No
	Informational booth at event	20-49		◉ Yes ◯ No
Beneficial onsite reuse of leaves and grass clippings/proper use of lawn and garden fertilizers and pesticides	Passive print media (brochures at front desk, posters, etc.)	20-49		◉ Yes ◯ No
	Website	50+		◉ Yes ◯ No
Management of streambanks and shorelines by riparian landowners to minimize erosion and restore and enhance the ecological value of waterways	Direct one-on-one communication	1-9		◉ Yes ◯ No
Infiltration of residential storm water runoff from rooftop downspouts, driveways and sidewalks	Passive print media (brochures at front desk, posters, etc.)	20-49		◉ Yes ◯ No
	Website	50+		◉ Yes ◯ No
Inform and where appropriate educate those responsible for the design, installation, and maintenance of construction site erosion control practices and storm water management facilities on how to design, install and maintain the practices	Direct one-on-one communication	1-9		◉ Yes ◯ No
	Passive print media (brochures at front desk, posters, etc.)	20-49		◉ Yes ◯ No
Identify businesses and activities that may pose a storm water contamination concern, and where appropriate, educate specific audiences on methods of storm water pollution prevention	Direct one-on-one communication	1-9		◉ Yes ◯ No
Promote environmentally sensitive land development designs by developers and designers, including green infrastructure and low impact development	Direct one-on-one communication	1-9		◉ Yes ◯ No
Other				◯ Yes ◯ No

b. Any other Public Education and Outreach program information for inclusion in the Annual Report may be added here or attached on the attachments page.

The Civic Foundation hosted its annual Green Day in the Bay on May 5th, 2017. Village Staff was on hand to interact with residents and educate them on aspects of storm water. Village has a weekly e-mail newsletter that provides articles that include information regarding storm water pollution, disposal of hazardous waste, and Village's ice control policy. The Village contributed $450.21 to Sweet Water Trust I & E program for 2017.

2. Public Involvement and Participation

a. Describe how the municipality has kept the following local officials and municipal staff apprised of the municipal storm water discharge permit programs and its requirements.

Elected officials

Village approved resolution 2989 on April 10, 2017 to recognize the MS4 Permit

Other municipal officials
Public Works Committee officials are briefed and updated on issues relating to MS4 Permit at monthly Public Works Committee meetings.

Appropriate staff (such as operators, Department heads, and those that interact with the public)
Staff attends workshops and seminars pertaining to Stormwater quantity and quality. Staff is aware of workings of our separate sewer system and can identify illicit discharge and other issues that pertain to the MS4.

b. Complete the following information on Public Education and Outreach Activities related to storm water. Select the Mechanism that best describes how the topic message was conveyed to your population. Use the [+] to add multiple Mechanisms. For Quantity, choose the range for the number of Mechanisms chosen (i.e., number of workshops, events). Quantity and Estimated People reached are both optional.

Topics	Mechanism	Quantity (optional)	Estimated People Reached (optional)	Regional Effort?
Storm Water Management Plan and/or updates	Website			◉ Yes ○ No
Storm water related ordinance and/or updates	Website			◉ Yes ○ No
MS4 Annual Report	Government Event (Public Hearing, Council Meeting, Etc.)			◉ Yes ○ No
	Website			○ Yes ○ No
Volunteer Opportunities	Clean-up events			○ Yes ◉ No
Other				○ Yes ○ No

c. Any other Public Involvement and Participation program information for inclusion in the Annual Report may be added here or attached on the attachments page.
Civic foundation annual Green Day in the Bay. Garden Club hosts an annual weed out events to pull weeds in public parks and minimize the use herbicides and pesticides.

3. Illicit Discharge Detection and Elimination

a. How many total outfalls does the municipality have? 7 ☐ Unsure

b. How many outfalls did the municipality evaluate as part of their routine ongoing field screening program? 3 ☐ Unsure

c. From the municipality's routine screening, how many were confirmed illicit discharges? 0 ☐ Unsure

d. How many illicit discharge complaints did the municipality receive? 0 ☐ Unsure

e. From the complaints received, how many were confirmed illicit discharges? 0 ☐ Unsure

f. How many of the identified Illicit Discharges did the municipality eliminate in the reporting year? 0 ☐ Unsure

g. How many of the following enforcement mechanisms did the municipality use to enforce its illicit discharge ordinance?

Verbal Warning 0

Written Warning (including email) 0

Notice of Violation	0
Civil Penalty/Citation	0
☐ Unsure	

h. Any other Illicit Discharge Detection and Elimination program information for inclusion in the Annual Report may be added here or attached on the attachments page.
Accessible outfalls are inspected monthly, more difficult to reach ones inspected quarterly. Testing locations are rotated yearly.

4. Construction Site Pollutant Control

a. How many total construction sites were active at any point in the reporting year?	46	☐ Unsure
b. How many construction sites did the municipality issue permits for in the reporting year?	46	☐ Unsure
c. Do the above numbers include sites <1 acre?		◉ Yes ◯ No ◯ Unsure
d. How many erosion control inspections did the municipality complete in the reporting year?	115	☐ Unsure

e. What types of enforcement actions does the municipality have available to compel compliance with the regulatory mechanism? Check all that apply and enter the number of each used in the reporting year.

☒ Verbal Warning	
☒ Written (including email) Warning	
☒ Notice of Violation	
☒ Stop Work Order	
☒ Civil Penalty/Citation	
☐ Forfeiture of Deposit	
☐ No Authority	
☐ Other – Describe _____	# _____
☐ Unsure	

f. Any other Construction Site Pollutant Control program information for inclusion in the Annual Report may be added here or attached on the attachments page.
All building construction occurred on lots less than one acre. Records of those sites are on file and available.

5. Post-Construction Storm Water Management

a. How many new construction sites with new structural storm water management practices have received local approvals?	0	☐ Unsure
b. How many privately owned storm water facility inspections were completed in the reporting year?	2	☐ Unsure

c. What types of enforcement actions does the municipality have available to compel compliance with the regulatory mechanism? Check all that apply and enter the number of each used in the reporting year.

☒ Verbal Warning	1
☒ Written (including email) Warning	1
☒ Notice of Violation	
☐ Civil Penalty/Citation	
☐ Forfeiture of Deposit	
☒ Complete maintenance	

☒ Bill responsible party _____
☐ No Authority _____
☐ Other – Describe _____ # _____
☐ Unsure

d. Any other Post-Construction Storm Water Management program information for inclusion in the Annual Report may be added here or attached on the attachments page.
Lot sizes for the Village are relatively small, typically structural storm water management projects will be included in Village Projects. Village Hall is currently being remodeled and site development includes stormwater facilities to capture runoff from the parking lot and roof.

6. Pollution Prevention

Storm Water Management Facility Inspections ☐ Not Applicable

a. Enter the total number of municipally owned or operated structural storm water facilities. 4 ☐ Unsure
b. How many new municipally owned storm water facilities were installed in the reporting year? 0 ☐ Unsure
c. How many municipally owned storm water devices were inspected in the reporting year? 4 ☐ Unsure
d. How many of these facilities required maintenance? 0 ☐ Unsure
If so, attach report on attachments page.

Public Works Yards & Other Municipally Owned Properties (SWPPP Plan Review) ☐ Not Applicable

e. How many inspections of municipal properties been conducted in the reporting year? 1 ☐ Unsure
f. Have amendments to the SWPPPs been made? ○ Yes ◉ No ○ Unsure

Collection Services (street sweeping, catch basin sumps, leaf collection) ☐ Not Applicable

Street Sweeping/Cleaning Program

g. Did the municipality conduct street sweeping/cleaning during the reporting year? ◉ Yes ○ No ○ Unsure
h. If known, how many tons of material were removed? 157 ☐ Unsure
i. If street cleaning is identified as a storm water best management practice in the pollutant loading analysis, was street cleaning completed at the assumed frequency?
◉ Yes
○ No- Explain _____
○ Not Applicable
○ Unsure

Catch Basin Sump Cleaning Program ☐ Not Applicable

j. Did the municipality conduct catch basin sump cleaning during the reporting year? ◉ Yes ○ No ○ Unsure
k. How many catch basin sumps were cleaned in the reporting year? 800 ☐ Unsure
l. If known, how many tons of material were removed? 40 ☐ Unsure

m. If catch basin sump cleaning is identified as a storm water best management practice in the pollutant loading analysis, was cleaning completed at the assumed frequency?

- (●) Yes
- ( ) No-Explain _____
- ( ) Not Applicable
- ( ) Unsure

Leaf Collection Program ☐ Not Applicable

n. Does the municipality conduct curbside leaf collection? (●) Yes ( ) No ( ) Unsure

o. Does the municipality notify homeowners about pickup? (●) Yes ( ) No ( ) Unsure

Where are the residents directed to store the leaves for collection?

☒ Pile on terrace ☒ Pile in street ☒ Bags on terrace ☐ Unsure

☐ Other – Describe _____

p. What is the frequency of collection? Weekly beginning in October

q. Is collection followed by street sweeping/cleaning? (●) Yes ( ) No ( ) Unsure

Winter Road Management ☐ Not Applicable

*Note: We are requesting information that goes beyond the reporting year, answer the best you can.

r. How many lane-miles of roadway is the municipality responsible for doing snow and ice control? 38 ☐ Unsure

s. Provide amount of de-icing products used by month last winter season.

Solids (tons) (ex. sand, salt, or salt-sand)

Oct ____ Nov 100 Dec 300 Jan 300 Feb 200 March* 20

Liquids (gallons) (ex. brine)

Oct ____ Nov 500 Dec 1,500 Jan 1,500 Feb 500 March* ____

t. Was salt applying machinery calibrated in the reporting year? (●) Yes ( ) No ( ) Unsure

u. Have municipal personnel attended salt reduction strategy training in the reporting year? ( ) Yes (●) No ( ) Unsure

If yes, describe what training was provided. _____

When: _____

How many attended: _____

Internal (Staff) Education & Communication

v. Have training or education on SWPPPs for municipal facilities been held for municipal or other personnel? ◯ Yes ◉ No ◯ Unsure

If yes, describe what training was provided: _____

When: _____

How many attended: _____

w. Any other Pollution Prevention program information for inclusion in the Annual Report may be added here or attached on the attachments page.

The Village will also perform winter operations using Calcium Chloride, depending on conditions, and also performs pre-wetting to reduce scatter. Salting is done on major collectors and arterials with secondary streets only having intersections and mid blocks salted. Brine equipment is used to further reduce the amount of sale entering the storm sewer. Equipment is calibrated prior to use. Village owned storm water management facilities were inspected and cleared of debris after rain events. No major maintenance was required.

7. Storm Sewer System Map

a. Did the municipality update their storm sewer map this year? ◯ Yes ◉ No ◯ Unsure

If yes, check the areas the map items that got updated or changed:

- ☐ Storm water treatment facilities
- ☐ Storm pipes
- ☐ Vegetated swales
- ☐ Outfalls
- ☐ Other _____

b. Any other Storm Sewer System Map information for inclusion in the Annual Report may be added here or attached on the attachments page.

Storm sewer capacity has been increased with a project on Cramer that was completed in November. Maps have not been updated yet. The Village is in the process of updating the GIS system and plans to have completion by the end of the year.

Part III. Final Evaluation

1. **Fiscal Analysis** Complete the fiscal analysis table provided below. For municipalities that do not break out funding into permit program elements, please enter the monetary amount to your best estimate of what funding may be going towards these programs.

Program Element	Annual Expenditure Reporting Year	Budget Reporting Year	Budget Upcoming Year	Source of Funds
Public Education and Outreach	$500.00	$500.00	$500.00	Engineering
Public Involvement and Participation	$250.00	$250.00	$250.00	Engineering
Illicit Discharge Detection and Elimination	$750.00	$750.00	$750.00	Storm water utility
Construction Site Pollutant Control				Inspection Department (included in general inspections)
Post-Construction Storm Water Management				Engineering/Inspection Department (included in general inspections)

Program Element	Annual Expenditure Reporting Year	Budget Reporting Year	Budget Upcoming Year	Source of Funds
Pollution Prevention	$200,000.00	$200,000.00	$200,000.00	DPW (Street cleaning/ solid waste/storm sewer)
Storm Water Quality Management	$40,000.00	$40,000.00	$40,000.00	General revenue fund
Storm Sewer System Map	$12,500.00	$12,500.00	$12,500.00	General revenue fund Storm water utility GIS Maintenance
Other:				Select Fund Soruces

2. **Water Quality**

a. Were there any known water quality improvements or degradation in the receiving waters to which the municipality's storm sewer system directly discharges to? ○ Yes ◉ No ○ Unsure

If so, explain:

b. Have any of the receiving waters that the municipality discharges to been added to the impaired waters list during the reporting year? ○ Yes ◉ No ○ Unsure

c. Has the municipality evaluated their storm water practices to reduce the pollutants of concern? ◉ Yes ○ No ○ Unsure

3. **Additional Information** Based on the municipality's storm water program evaluation in Part II, describe any proposed changes to the municipality's storm water program

The Village is working with MMSD Green Solutions to gather funds to aid in future projects. The Village is constantly evaluating and looking for ways to improve water quantity and quality.

Part IV. Request for Assistance on Improving Permit Programs (optional)

Would municipality like the Department to contact them about providing more information on developing or improving any of the Municipal Separate Storm Sewer Permit programs? Please select from the options below.

- ☐ **Public Education and Outreach**
- ☐ **Illicit Discharge Detection and Elimination**
- ☐ **Post-Construction Storm Water Management**
- ☐ **Storm Water Quality Management**
- ☐ **Storm Sewer System Map**
- ☐ **Public Involvement**
- ☐ **Construction Site Pollutant Control**
- ☐ **Pollution Prevention**
- ☐ **Water Quality Concerns**
- ☐ **Compliance Schedule Items Due**
- ☐ **MS4 Program Evaluation**

Certification

I hereby certify that I am an authorized representative of the municipality covered under Village of Whitefish Bay's MS4 Permit for which this annual report is being submitted and that the information contained in this document and all attachments were gathered and prepared under my direction or supervision. Based on my inquiry of the person or persons under my direction or supervision involved in the preparation of this document, to the best of my knowledge, the information is true, accurate, and complete. I further certify that the municipality's governing body or delegated representatives have reviewed or been apprised of the contents of this annual report. I understand that Wisconsin law provides severe penalties for submitting false information.

Authorized Representative Printed Name	Authorized Representative Printed Title
Spencer Charczuk	Staff Engineer
Email	Phone Number
s.charczuk@wfbvillage.org	(414) 962-6690

Spencer Charczuk
Signature of Authorized Representative

4/4/2013
Date Signed (mm/dd/yyyy)

Application

Board or Commission Applying For	CDA
Name	Peter Helfer
Email Address	pshelfer@gmail.com
Address	600 E. Beaumont Ave.
City	Whitefish Bay
State	WI
Zip Code	53217
Phone Number	2624249899
Fax Number	*Field not completed.*
Are you a registered voter of Whitefish Bay?	Yes
How long?	*Field not completed.*
Have you attended a meeting of this Board/Commission?	No
Present Employer	Zimmer Biomet
Job Title	Sales
Previous Governmental Bodies/Elective Offices Applicant Has Served	*Field not completed.*
Position/Office Held	*Field not completed.*

Dates	*Field not completed.*
Civic or Charitable Organizations Organization to Which Applicant Has Belonged	WFB Plan Commission
Position Held	Commissioner
Dates	5/1/15 - Present
Special Interests/Hobbies/Talents	*Field not completed.*
College, Professional, Vocational Schools Attended	University of Wisconsin - Madison
Major Subject	Personal Finance
Dates	9/1/2005 - 5/15/2009
Degree/Date	Bachelors of Science 2009
College, Professional, Vocational Schools Attended	*Field not completed.*
Major Subject	*Field not completed.*
Dates	*Field not completed.*
Degree/Date	*Field not completed.*
College, Professional, Vocational Schools Attended	*Field not completed.*
Major Subject	*Field not completed.*
Dates	*Field not completed.*
Degree/Date	*Field not completed.*
Please state reasons why you want to become a member of this Board or Commission, including what specific objectives you would be working toward as a member of	I would like to work to enhance Whitefish Bay for its residents and visitors and see It continue to thrive as a community.

this advisory board: (Attach second page if necessary)	
Any other information which you feel would be useful to the Board of Trustees in reviewing your application: (Attach 2nd page if necessary)	*Field not completed.*
Are you or a member of your family associated with any Organization/Employment that might be deemed a conflict of interest in performing your duties if appointed to this position?	No
If yes, please state name of Organization/Employment	*Field not completed.*
Do you have any relatives working or serving for the Village of Whitefish Bay?	No
If yes, please indicate the name and relationship of the person	*Field not completed.*
Would you be willing to abstain from voting on matters where a potential conflict of interest exists?	Yes
Have you been convicted of a felony or misdemeanor?	No
If yes, explain convictions	*Field not completed.*
How did you hear about the opening on this Commission?	President Seigel
Signature of Applicant	Peter Helfer
Date	4/25/2018

STRAND
ASSOCIATES

Strand Associates, Inc.
[illegible]

April 25, 2018

Mr. John Edlebeck, P.E.
Director of Public Works
Village of Whitefish Bay
5300 North Marlborough Drive
Whitefish Bay, WI 53217

Re: Need for Amendment
Project ID: 2998-06-00
Various Village Roads
14 Inters and Silver Spring Corridor
Local Streets
Milwaukee County, Wisconsin

Dear Mr. Edlebeck:

Amendment 1 was needed to complete the History/Architecture study at various locations on this project. The History/Architecture/Archaeological study needs to be completed during the design process for any federal or state funded projects if the project is not listed on a screening list maintained by the Wisconsin Department of Transportation (WisDOT) Cultural Resources. This project was included on the screening list for archaeology, but not for History/Architecture, therefore Amendment 1 was required to complete the History/Architecture study.

The following table summarizes the cost difference between before and after the amendment.

Item	Before Amendment	After Amendment	Difference
Total Design Cost	$114,023.04	$118,516.51	$4,493.47
Total State Cost	$102,620.74	$106,664.86	$4,044.12
Total Village Cost	$11,402.30	$11,851.65	$449.35

If you have any questions, please contact me at (414) 271-0771.

Sincerely,

STRAND ASSOCIATES, INC.®

Bhupendra Bista

Bhupendra Bista, P.E.

c: Kathleen Kramer, P.E., WisDOT SE Region

BBB:bjr\S:\MIL\3800--3899\3848\003\Project Mgmt\Agreements\Wrd\Amendment 1\3848.003_Need for Amendment.docx

AMENDMENT NO. 01 TO THE CONTRACT
BETWEEN VILLAGE OF WHITEFISH BAY (MUNICIPALITY),
THE WISCONSIN DEPARTMENT OF TRANSPORTATION (DEPARTMENT)
AND STRAND ASSOCIATES, INC.® (CONSULTANT) FOR

Project ID:	2998-06-00
Project Description:	Various Village Roads
Project Limits:	14 Inters and Silver Spring Corridor
Highway:	Local Streets
County:	Milwaukee

The CONTRACT made and entered into by and between the MUNICIPALITY, DEPARTMENT and CONSULTANT, dated December 14, 2017, is hereby amended as set forth on the following pages.

The primary reason(s) for this amendment:

1. Add Architecture/History review

BASIS OF PAYMENT

A. The CONSULTANT shall be compensated by the DEPARTMENT for services provided under this CONTRACT on the following basis:

a) For PROJECT administration, agency coordination, utility coordination, public involvement, survey, reports, meetings, lighting design, and preliminary and final road design and drafting services, a lump sum of $96,012.61 (an increase of $1,664.61).

b) For traffic count, traffic analysis, report, and traffic signal design subcontracted to Traffic Analysis & Design, Inc. (TADI), the CONSULTANT'S actual cost to TADI based on TADI's actual cost up to $17,928.67 plus a fixed fee of $1,746.37 not to exceed $19,675.04 (no change).

c) For architecture/history review service subcontracted to Commonwealth Heritage Group, Inc. (Commonwealth), the CONSULTANT'S actual cost to Commonwealth based on Commonwealth's actual cost up to $2,651.09 plus a fixed fee of $177.77 not to exceed $2,828.86 (new).

Compensation for all SERVICES provided by the CONSULTANT under the terms of the CONTRACT shall be for an amount not to exceed $118,516.51 (an increase of $4,493.47).

TOTAL COST OF AMENDMENT 1	$4,493.47
TOTAL REVISED CONTRACT AMOUNT	$118,516.51

The DEPARTMENT REPRESENTATIVE is: Kathleen Kramer, P.E., SE Local Program Design Manager, 141 NW Barstow Street, Waukesha, Wisconsin 53187; Kathleen.Kramer@dot.wi.gov; (262) 548-8772.

The MUNICIPALITY REPRESENTATIVE is: John Edlebeck, P.E., Director of Public Works, Village of Whitefish Bay; 5300 North Marlborough Drive, Whitefish Bay, Wisconsin 53217; J.Edlebeck@wfbvillage.org; (414) 962-6690.

The CONSULTANT REPRESENTATIVE is: Bhupendra Bista, P.E.; Project Manager; 126 North Jefferson Street, Suite 350, Milwaukee, Wisconsin 53202; Bhupendra.Bista@strand.com; (414) 271-0771.

In witness whereof, the parties hereto have caused this amendment to be executed and approved on the date signed by their authorized officers or representatives.

For the CONSULTANT:

Matthew S. Richards Date
Corporate Secretary

For the DEPARTMENT:

Contract Manager, WisDOT Date

For the MUNICIPALITY:

Julie Siegel Date
Village President

Funding Agreement WB05

Private Property Infiltration and Inflow Reduction Agreement

This Agreement is made between the Milwaukee Metropolitan Sewerage District (District) with its principal place of business at 260 West Seeboth Street, Milwaukee, Wisconsin 53204-1446 and the Village of Whitefish Bay (Municipality) with its municipal offices at 5300 N. Marlborough Drive, Whitefish Bay, Wisconsin 53217.

WHEREAS, Wisconsin law, through Section 66.0301 Stats., authorizes any municipality to enter into an intergovernmental cooperation agreement with another municipality for the furnishing of services; and

WHEREAS, the District is responsible for collecting and treating wastewater from the Municipality's locally owned collection system; and

WHEREAS, the Municipality's sewers collect wastewater from lateral sewers located on private property and owned by private property owners; and

WHEREAS, during wet weather events stormwater enters lateral sewers through defective pipes and leaky joints and connections ("infiltration) and stormwater also enters lateral sewers from foundation drains, improper connections and other sources ("inflow"); and

WHEREAS, infiltration and inflow increases the amount of wastewater that the District must collect and treat; and

WHEREAS, during wet weather events infiltration and inflow ("I/I") into privately owned sewers contributes to the risk of sewer overflows; and

WHEREAS, the District wishes to fund measures to reduce I/I from private property.

Now, therefore, for the consideration of the mutual promises made by the parties to this Agreement, the parties agree as follows:

1. Date of Agreement

This Agreement becomes effective immediately upon signature by both parties and shall end when the Municipality receives final payment from the District or one year from the effective date (whichever occurs first), or when this Agreement is otherwise terminated as set forth herein.

2. District Funding

The District shall reimburse the Municipality for $140,831 in costs for the private property I/I control work described in Attachment A ("the Work"). The total proposed project estimated cost of $317,000 exceeds the Municipality available allocation through 2018. The Municipality intends to fund the balance of the project cost. The District funding shall be provided as a reimbursement upon submission of timely invoices. No reimbursement shall be made for expenses incurred prior to completion of this agreement. Beyond the financial support for the Work, the District shall have no involvement in ownership, construction, maintenance or operation of the Work. The Municipality shall identify the District as a funder in informational literature and signage.

3. Procedure for Payment

The Municipality shall submit an invoice to the District for the amount to be reimbursed. Invoices should be submitted within a reasonable period of time of the expenses being incurred. All invoices shall be received prior to expiration of this agreement. The invoice should include documentation of all costs to be reimbursed. Invoices from consultants shall provide the hourly billing rates, if applicable, the hours worked by individuals, and a summary of the tasks accomplished. Invoices and supporting documentation shall be submitted through the District eBuilder online application.

Questions relating to expenses and invoicing shall be directed to:

Jerome Flogel, P.E.
Senior Project Manager
Milwaukee Metropolitan Sewerage District
260 West Seeboth Street
Milwaukee, WI 53204 – 1446

Final reimbursement will not be provided until the project is complete and the Deliverables have been received.

4. Changes in Work and Modifications to the Agreement

Any changes to the Work must be approved by the District, in writing, in advance. The District may not reimburse for work that is not included in Attachment A unless prior written approval from the District is obtained.

This Agreement may be modified only by a written document signed by both parties.

5. Ongoing Reporting Obligation

For a period of five years following the completion of the Work, the Municipality agrees to report to the District any problems which may arise with the completed Work. This information may be used by the District in planning future I/I reduction efforts.

6. Permits, Certificates and Licenses

The Municipality is solely responsible for ensuring compliance with all federal, state and local laws requiring permits, certificates and licenses required to implement the Work.

7. Public Bidding

The selection of professional service providers must be performed in accordance with the Municipality's ordinances and policies. All non-professional service work (i.e. construction, sewer inspection, post-construction restoration) must be procured in accordance with State of Wisconsin statutes and regulations and in accordance with the Municipality's ordinances and policies. Whenever work valued over $25,000 is procured without the use of a public sealed bidding process, the District may request and the Municipality must provide an opinion from a licensed attorney representing the Municipality stating that the procurement is in compliance with State of Wisconsin law and Municipal ordinances. All bidding results shall be submitted to the District for review prior to award of a contract to a service provider or contractor.

8. Responsibility for Work, Insurance and Indemnification

The Municipality is solely responsible for planning, design, construction and maintenance of the Work, including the selection and payment of consultants, contractors, and

materials. The District shall not provide any insurance coverage of any kind for the Work or the Municipality.

The Municipality shall defend, indemnify and hold harmless the District and its Commissioners, employees, and agents against any and all damages, costs, liability and expense whatsoever (including attorney's fees and related disbursements) arising from or connected with the planning, design, construction, operation or maintenance of the Work.

9. Terminating the Agreement

The District may terminate this Agreement at any time prior to commencement of the Work. After the Work has commenced, the District may terminate the Agreement only for good cause such as, but not limited to, breach of agreement by the Municipality. The Municipality may terminate the Agreement at any time, but will not receive any payment from the District if the Work is not completed.

10. Exclusive Agreement

This is the entire Agreement between the Municipality and the District regarding reimbursement for Work.

11. Severability

If any part of this Agreement is held unenforceable, the rest of the Agreement will continue in effect.

12. Applicable Law

This Agreement is governed by the laws of the State of Wisconsin.

13. Resolving Disputes

If a dispute arises under this Agreement, the parties agree to first try to resolve the dispute with the help of a mutually agreed-upon mediator in Milwaukee County. Any costs and fees other than attorney fees associated with the mediation shall be shared equally by the parties. If the dispute is not resolved within 30 days after it is referred to the mediator, either party may take the matter to court.

14. Notices

All notices and other communications in connection with this Agreement shall be in writing and shall be considered given as follows:

- when delivered personally to the recipient's address as stated on this Agreement; or
- three days after being deposited in the United States mail, with postage prepaid to the recipient's address as stated on this Agreement.

15. No Partnership

This Agreement does not create a partnership relationship nor give the Municipality the apparent authority to make promises binding upon the District. The Municipality does not have authority to enter into contracts on the District's behalf.

16. Assignment

The Municipality may not assign any rights or obligations under this Agreement without the District's prior written approval.

17. Public Records

The Municipality agrees to cooperate and assist the District in the production of any records in the possession of the Municipality that are subject to disclosure by the District pursuant to the State of Wisconsin's Open Records Law, §§19.31-19.39, Wis. Stats. The Municipality agrees to indemnify the District against any and all claims, demands, and causes of action resulting from the Municipality's failure to comply with this requirement.

MILWAUKEE METROPOLITAN SEWERAGE DISTRICT

By: _____
Kevin L. Shafer, P.E.
Executive Director

Date: _____

Approved as to form:

_____
Attorney for the District

VILLAGE OF WHITEFISH BAY

By: _____
Julie Siegel
Village President

Date: _____

By: _____

Village Clerk

Attachment A

Description of Proposed 2017 Work:

The proposed rehabilitation work will consist of performing private lateral lining in the Priority Areas of Sewersheds WB5003 and WB5004. The area is roughly bound by Henry Clay Street to the north, Fairmont Avenue to the South, Santa Monica Blvd to the West, and Larkin Street to the East.

In general, CIPP lining from the service connection to a point just downstream of the basement wall will be performed. A new PVC cleanout will be placed near the basement wall, where the liner will terminate. The Village will follow the examples of other MMSD client communities in means and methods so that region-wide consistency can be maintained.

The Village intends to communicate with area residents this spring and secure property entry and construction rights prior to the preparation of construction documents for the project. Once these consent agreements are secured, the Village of Whitefish Bay will prepare bidding documents and publicly bid the project.

Implementation – Lateral Lining

The 2018 lateral lining program will target properties in the Priority Areas of the Sewersheds WB5003 and WB5004 as determined by studies done in the Village. The area is roughly bound by Henry Clay Street to north, Fairmont Avenue to the south, Santa Monica Blvd to the west, and Larkin Street to the east.

Most of the public sewers in this area have been lined, and with the private laterals proposed to be lined with this project, this area will be completely rehabilitated through CIPP technologies.

The private lateral lining project will be publicly bid. Using a $6,000 per-lateral lining cost, it is estimated that a total of 48 laterals can be lined for an estimated total of approximately $288,000. There is a total of 670 properties in the targeted project area. In 2017 applications were sent to all the properties; we received over 400 respondents. These residents were placed into a list based on date responded. The first 200 properties were lined in 2017. The next 48 residents on the list will be priority for 2018.

The overall budget may allow additional properties to participate in this year's project if per-lateral lining costs are lower than anticipated.

Public Information and Education:

Public information meetings will be held at Village Hall to inform residents of the lining process and planned activities. Two dates in April or May will be chosen and two meetings will be held each of those days. A letter will be sent to residents in the Priority Areas to inform them of the meetings and of the project background and details of the construction sequence. The temporary construction easement will be included. The temporary construction easements will act as the program enlistment documents. A project manager will field phone calls, emails, and resident visits during the sign-up period.

Whitefish Bay PP I/I Budget:

Lining of 48 Laterals	$288,000.00
Engineering, Bidding, Inspection, and Project Management	$29,000.00
TOTAL 2018 PPII COST ESTIMATE	$317,000.00

Whitefish Bay PP I/I MMSD Funding Allowance (2018):

Construction	$140,831.00
Total District Funding	$140,831.00

Whitefish Bay PP I/I Funding by Village:

Construction	$147,169.00
Engineering and Project Management	$29,000.00
Total Village Funding	$176,169.00

The project budget is set at $317,000.00 for 2018.

The Village of Whitefish Bay will be funding $176,169.00 for the 2018 efforts.

We are requesting that $140,831.00 be funded through the 2018 MMSD PPII program allowance.

Schedule:

The project schedule is proposed as follows:

- Public Outreach and Registration – MARCH/ APRIL 2018
- Project Design and Bidding – APRIL 2018
- Exterior Access Point (Vac-A-Tee) Installation and Lateral Cleaning – MAY 2018
- Liner Installation and Restoration – JUNE 2018

Procurement:

The engineering consulting work will be undertaken by the Village's engineering consultant, Clark Dietz, Inc. The lateral rehabilitation project will be awarded to the lowest responsible bidder in a public bid procurement process.

Data Attributes:

Not applicable.

Goals and Outcomes:

PPII projects in the Village of Whitefish Bay has enticed interest from residents in the Priority Area and will reduce the clearwater loading of the public sanitary sewer after rainfall events.

Project Report:

The results of the investigation will be compiled in a report that will have the following format:

- summary of results
- budget performance
- results of efforts to maximize efficiency
- lessons learned
- recommended action

File/Document Management:

Field investigation videos and inspection pictures will be maintained on USB drives, inspection data will be collected and updated on the MMSD GIS Map.

Deliverables

The Village will provide the following to the District for expenses to be considered reimbursable for the completed Project Area:

1. Through the District SharePoint database, submission of participating parcels information including without limitation: property tax id., address, and column categories of work performed by property.
2. Samples of all public involvement/public education documents.
3. Bid results from all procurement processes associated with the project.
4. Accurate schedule of field activities updated on a weekly basis.
5. Notification of public and project meetings with inclusion of the District in participation thereof.
6. Progress reports on project activities and public involvement (PI) activities on a monthly basis or with pay reimbursement request, whichever occurs more frequently.
7. Inspection reports from the field engineer for work completed on a monthly basis or with expense reimbursement request, whichever occurs more frequently.
8. Photo documentation of project work in jpeg format on disc, jump drive or other format agreeable to both parties.
9. Quality control and quality assurance reports by the contractor submitted on a regular basis as work progresses.
10. Summary report upon completion of the project following the District template.
11. The Village will be responsible for providing pre-workflow data and reporting post-workflow monitoring data and or other data related to identified measures of success for at least 2 years post-work completion or as long as data is available, whichever period is longer, and reporting on any problems with the work for 5 years.

VILLAGE BOARD MEETING STAFF REPORT

REPORT TO: President Julie Siegel & Village Board of Trustees

REPORT FROM: Paul Boening – Village Manager

AGENDA ITEM: Request from Lori Hassler to possess alcohol at the Cahill Park Warming House for a private graduation party to be held on Saturday, June 16th. (Consent Agenda)

ACTION REQUESTED: __Ordinance ___Resolution _√_Motion (Consent Agenda) _____Information Only

Lori Hassler will be hosting a private gathering at the Cahill Warming House on June 16th. Ms. Hassler submitted a request to possess alcohol at the Warming House for the party (attached). An alcohol license is not required for a private gathering where alcohol is given away (unless there is an implied fee such as a "cover charge"). However, Section 8.08(d) of the Village Code prohibits the possession of alcohol at Village parks without Village Board approval.

RECOMMENDED ACTION BY VILLAGE BOARD

Approval of Item 7 as part of the Consent Agenda.

C: Department Heads
Attorney Jaekels

Boening, Paul

From: Blakeslee, Tim
Sent: Wednesday, April 25, 2018 11:39 AM
To: Boening, Paul
Subject: FW: Request for Alcohol Permit

Categories: Village Board

Paul,

For the Board agenda.

Thanks,

Tim

From: jlbbhassler@gmail.com [mailto:jlbbhassler@gmail.com] **On Behalf Of** Joel & Lori Hassler
Sent: Wednesday, April 25, 2018 9:24 AM
To: Blakeslee, Tim
Subject: Request for Alcohol Permit

Hi Tim ,
Thank you for the additional information you provided me yesterday.

I'd like to submit my request for an alcohol permit for our Cahill warming house rental. We have it rented on Saturday, June 16 from 1-10pm and anticipate around 50-60 people in attendance. It is a family graduation party for our son and his cousin. The actual party is from 3:00-8:00 with additional time built in for setup and cleanup.

Thank you!
Lori Hassler

Village of Whitefish Bay
5300 N. Marlborough Drive
Whitefish Bay, Wisconsin 53217

Phone: 414-962-6690
Fax: 414-962-5651

Memorandum

To: President Julie Siegel and the Village Board of Trustees

CC: John Edlebeck, Public Works Director

From: Kevin Kaegi, Public Works Superintendent/Village Forester

Date: April 16, 2018

Re: Recommendation to Award 2018 EAB Treatment Project

The village is in the eighth year of a multi-year Emerald Ash Borer Management plan which began in 2011. The preventative treatment portion of our EAB Management Plan began in 2013. As part of that plan, the village will continue treating existing ash street trees in order to protect them from the destructive emerald ash borer. Bids were solicited to treat approximately 850 ash street trees ranging in size from 7" DBH to 27" DBH.

Three bids were submitted on April 13th. The 3 bids are:

M & M Tree Care	$ 90,226.22
Crawford Tree and Landscape	$ 95,035.72
First Choice Tree Care	$ 96,959.52

Recommendation: Award the 2018 EAB Treatment Project to M & M Tree Care in the amount of $90,226.22, with funds coming from account #88000-542. The total amount in this account is $225,000 for 2018.

Village of Whitefish Bay Public Works Department

155 W. Fairmount Ave · Whitefish Bay, Wisconsin 53217 · (414) 962-6690 ext 114 · Fax (414) 967-1391

John Edlebeck, P.E., Director of Public Works

May 2, 2018

Memo to: Village President Siegel and Members of the Village Board
From: John Edlebeck, Director of Public Works

Re: **Whitefish Bay Village Hall / Police Department Building Project Construction Update and Change Order #6**

Work is proceeding rapidly on all aspects of this building rehabilitation project. The new garage is expected to be completed within the next few weeks. Indoor painting, suspended ceiling, and bathroom wall and floor tile is all proceeding on both the 1st and 2nd floors. I continue to meet with Bray Architects, Scherrer Construction and the Village Staff Building Committee on a regular basis. We have been finalizing design features and addressing any construction conflicts that arise.

HAZARDOUS MATERIAL ABATEMENT:

The original asbestos / hazardous material survey and the associated hazardous material abatement work to date has utilized the entire $45,000 amount budgeted and is going over that amount. During the demolition process the contractor identified previously unknown additional hazardous materials that have been abated or and will continue to require special handling and abatement. The existing roof system recently tested negative for any hazardous materials. The extent of the cost for the final amount of hazardous material testing and abatement is unknown at this time but I expect a final expenditure of approximately $77,700.

UTILITIES:

WE Energies and Spectrum has completed the relocation of the building natural gas service and the overhead lines. The Circle Drive area street light circuit controller was relocated and should be operational by the end of the week. The two original street light circuit transformers owned by the Village have been removed with the oil testing positive for PCB. The installation of new power and cable services into the Village Hall / Police Department building is expected in May.

CHANGE ORDERS:

The process of changing the work scope of the project follows a very detailed change order process. Since this project contract is a lump sum contract, any changes to the scope of the work that affects commodities or labor need to financially compensate either the Village or the contractor. As you can see from the change orders detailed below there are both contract deductions and additions. Any revised work items that eventually becomes a change order can be initiated by the contractor or subcontractor, architect or Village staff. In any building remodeling project there are unexpected conditions that become known once walls, ceilings and floors are removed that then require a redesign or change. In addition, there are changes made during construction to make sure the project is correct and fully functional as intended. Additional add and deduct work items are expect to be brought forth in future change orders. Village Staff has been diligent in its value design efforts to give direction to the contractor to create a fully functional Village Hall/ Police Department facility project while still staying within budget limitations.

CHANGE ORDER #1: approved ($88,509 deduct) at the time of bid award

CHANGE ORDER #2: approved ($1,603 add) on February 5, 2018

CHANGE ORDER #3: approved ($25,588 add) on March 5, 2018

CHANGE ORDER #4: approved ($5,746 add) on March 19, 2018.

CHANGE ORDER #5: approved ($12,990 add) on April 15, 2018.

CHANGE ORDER #6: proposed $6,290.00 addition to the contract amount as summarized below:

ITEM		DEDUCT	ADD
PCO 38	Emergency Generator Conduit Rerouting in Administration Office		$1,085.00
PCO 41	Wall Extension to Ceiling and Noise Insulation		$1,402.00
PCO 43	Reinsulate Asbestos Abated Plumbing / HVAC Elbows and Pipes		$3,803.00
	PROPOSED TOTAL CHANGE ORDER #6:		**$6,290.00 net add**

BUDGET:
The final project cost amount is still expected to be at or below the approved budgeted amount. See attached Project Budget to Actual Report.

GRANT APPLICATIONS:
The village may be applying for additional Focus on Energy (FOE) grants relating to the new HVAC electric motors, starters and outdoor lights to be installed as a part of this project.

SCHEDULE:
The contractor is expected at this time to complete the project in July, 2018. This is in advance of the contract completion date of October, 2018.

BUILDING TOUR SETUP:
If you are interested in a building project tour please contact me directly to setup that date and time.

VILLAGE BOARD ACTION REQUIRED:
I recommend that the Village Board approve CHANGE ORDER #6, as outlined above in this memo dated May 1, 2018, for an additional amount of $6,290.00 to be added to the Whitefish Bay Village Hall / Police Department Building Project contract with Scherrer Construction.

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Change Order

PROJECT: *(Name and address)*
Architect's Project Number 3274
Village of Whitefish Bay
Whitefish Bay Village Hall and Police Department Renovation and Addition
5300 North Marlborough
Whitefish Bay, Wisconsin
53217

CONTRACT INFORMATION:
Contract For: General Construction

Date: November 27, 2017

CHANGE ORDER INFORMATION:
Change Order Number: 006

Date: May 7, 2018

OWNER: *(Name and address)*
Village of Whitefish Bay
5300 North Marlborough
Whitefish Bay, Wisconsin
53217

ARCHITECT: *(Name and address)*
Bray Associates Architects, Inc.
829 South 1st Street
Milwaukee, Wisconsin 53204

CONTRACTOR: *(Name and address)*
Scherrer Construction Co., Inc.
601 Blackhawk Drive
Post Office Box 740
Burlington, Wisconsin 53105

THE CONTRACT IS CHANGED AS FOLLOWS:
(Insert a detailed description of the change and, if applicable, attach or reference specific exhibits. Also include agreed upon adjustments attributable to executed Construction Change Directives.)
See supplemental sheets

The original Contract Sum was	$	2,581,297.00
The net change by previously authorized Change Orders	$	-42,582.00
The Contract Sum prior to this Change Order was	$	2,538,715.00
The Contract Sum will be increased by this Change Order in the amount of	$	6,290.00
The new Contract Sum including this Change Order will be	$	2,545,005.00

The Contract Time will be increased by Zero (0) days.
The new date of Substantial Completion will be

NOTE: This Change Order does not include adjustments to the Contract Sum or Guaranteed Maximum Price, or the Contract Time, that have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

Bray Associates Architects, Inc.	Scherrer Construction Co., Inc.	Village of Whitefish Bay
ARCHITECT *(Firm name)*	**CONTRACTOR** *(Firm name)*	**OWNER** *(Firm name)*
SIGNATURE	**SIGNATURE**	**SIGNATURE**
Kyle J. Clark		
PRINTED NAME AND TITLE	**PRINTED NAME AND TITLE**	**PRINTED NAME AND TITLE**
DATE	**DATE**	**DATE**

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User Notes: (3B9ADA29)

Village Hall / PD Remodel Budget to Actual - 4/30/18

	Board Approved Budget 10/25/17	Actual Costs 4/30/18	Expected Costs Remaining	Total Expected Costs	**Budget Over / (Under)**
Construction	$ 2,493,777	$ 1,262,651	$ 1,291,126	$ 2,553,777	**$ 60,000**
Architect / Engineer	168,000	157,356	10,644	168,000	**-**
Contingency	125,000	-	-	-	**(125,000)**
Environmental Abatement	45,000	70,155	7,145	77,300	**32,300**
Technology	25,000	1,800	38,200	40,000	**15,000**
Video & Audio	10,000	-	21,000	21,000	**11,000**
Misc Fees	15,605	52,176	-	52,176	**36,571**
Total	**$ 2,882,382**	**$ 1,544,138**	**$ 1,368,115**	**$ 2,912,253**	**$ 29,871**

Additional Sources of Revenue:	
Green Solutions Grant	$ 89,000
Focus on Energy Grant	10,646
Total Additional Project Revenue	99,646
Net Project Funds Remaining (Deficit)	**$ 69,775**

Village of Whitefish Bay
Policy Report
Residential Trash and Recycling Collection Program

Date: May 2, 2018

Prepared By:
Tim Blakeslee
Assistant Village Manager

Reviewed By:
Paul Boening
Village Manager

John Edlebeck
Director of Public Works

ISSUE:
Approve Ordinance 1839 to repeal and recreate Section 10.04 and Section 10.045 of the Municipal Code regarding Refuse and Recycling Collection.

BACKGROUND:
In 2017, the Village of Whitefish Bay Board of Trustees voted to implement an automated curbside residential trash and recycling collection program in 2018. Staff has used the monthly meetings with the Public Works Committee to reevaluate the current trash and recycling ordinance that is already in place. The current sections of the Village code related trash collection have been piecemealed over a number of years and don't necessarily accurately reflect current practices. The existing sections of the Village code related to recycling were adopted in 1995 and are out of date with regards to current State mandated recycling regulations.

Attachment 1 is a draft "clean copy" of the revised municipal code. Staff researched trash and recycling ordinances from several peer communities, evaluated current procedures, and examined future automation requirements. The result is a hybrid document that incorporates elements from the current ordinance, concepts from several other communities, and a new organizational structure.

More specifically, the proposed revisions incorporate a revised structure for ease of interpretation, several missing rules and regulations, revisions based on State of Wisconsin Statutes, updates based on current/previous discussions with the Public Works Committee and the Village Board, and other miscellaneous changes (grammatical improvements, removing duplicate sections, etc...). Due to the scope of the revisions, staff has highlighted several topics below:

- This ordinance incorporates language regarding exemptions based on the Public Works Committee and Village Board recommendations (12-18-17). Action taken:
    - The Village Board authorized an exemption to the cart-to-curb requirement via an application form for medical purposes. There should be no cost to this application and documentation and a physician's signature/recommendation should be required for each household member.
- This ordinance incorporates language regarding trash cart size based on the Public Works Committee and Village Board recommendations (11-20-17). Action Taken:
    - The Village Board authorized the 95-gallon cart, grey in color with a grey lid, be standard for the new automated trash collection program. As part of the initial cart distribution, residents may opt-out of the 95-gallon cart to a smaller 65-gallon cart. A smaller 35-gallon cart may be permitted in

cases of exemptions. Future changes in trash cart size will be at cost to the resident, including when a property is sold. Lastly, additional carts will be permitted to be purchased at a cost, plus an administrative fee and all carts will remain the property of the Village.

- This ordinance incorporates language regarding special pickups based on the Public Works Committee discussion (1-8-18). The regulations contain the following recommendations:
    - A level of free collection for certain smaller refuse items and limited quantities of brush/yard waste to maintain the current standard of service for Village residents. This free level of collection would not permit routine household refuse which does not fit in the Village refuse collection cart as a result of the cart being full.
    - The creation of a logical progression from a free collection, to a standard pickup, to an excessive pickup depending on the size and/or quantity or refuse, recycling, yard waste, and brush requested to be collected.
    - Use of a dimensional size and/or quantity requirement so special pickups rules in the ordinance can be fairly applied to as many situations as possible. This will also make it easier for Village residents and Village Staff to determine what should be a No-Charge Special Pickup, what is a Charged Special Pickup, and what is an Excessive Special Pickup.
    - A Charged Special Pickup should maintain the current fee of $45.00 and should include a collection time limit of 15 minutes of DPW labor. Defining a time limit in the ordinance is important to make sure that DPW employees and the Village have the backing of the municipal code in the event a special pickup takes an excessive amount of time.
    - Allowing a resident to request an Excessive Special Pickup (or allowing the DPW to declare items placed for a special pickup as excessive). The cost of an Excessive Special Pickup will be based on the hourly rate for the personnel, including fringe benefits, equipment used, and disposal fees.
    - Defining the placement of items for a special pickup, prohibited items, safety requirements, and highlighting the specification that a Village employee will not enter a household to collect a special pickup.
    - Clarification that the Village will not collect construction and/or remodeling waste from projects requiring a Village permit.
- Based on the Public Works Committee discussion (12-18-17), this ordinance allows condominiums to have trash and recycling collection as part of the program. The Village has 15 condo buildings with a total of 189 units. Currently, the Village collects trash and recycling from 14 condominiums with 174 units. The other condominium building has trash and recycling serviced by privately contracted outside providers.
- The ordinance includes other revisions based on the discussion and direction of the Public Works Committee, including:
    - Specifications regarding cart placement at the curb.
    - Specifications regarding the preparation of the trash and recycling carts for collection.
    - Details regarding cart damage and replacement.
    - Information outlining cart placement timing.
- The ordinance includes a number of other revisions based best practices of other communities and updates to state requirements.
- Village Attorney Chris Jaekels has reviewed the ordinance from a legal perspective and has provided verbiage revisions. These alterations are incorporated into the final draft.

Attachment 2 compares the revised code to the current code, by placing sections of current code side by side with the proposed revisions. This attachment is organized in order by the *current code*. As a result, the sections of the new code used for comparison are not in order.

- There also some places where there is no direct comparison between the new code and the current code. These are noted at the bottom of the attachment and signify additions to the code. In particular, Article III of the proposed code, related to recycling procedures, is not listed in the current code in any capacity.
- In addition to a side by side comparison, the Attachment 2 supplements each comparison with brief comments regarding the level of service change (if any).

Following adoption by the Village Board, staff plans to occasionally revisit the policy to confirm policy and practice are appropriate.

PUBLIC WORKS COMMITTEE RECOMMENDATION:

At the meeting on April 9th, 2018 the Public Works Committee, by a vote of 3 to 0, recommended that the Village Board approve the ordinance revisions to Section 10.04 and 10.045 of the Village Municipal Code outlined in Attachment 1.

RECOMMENDED ACTION BY VILLAGE BOARD:

Staff recommends that the Village Board approve Ordinance 1839 to repeal and recreate Section 10.04 and Section 10.045 of the Municipal Code regarding Refuse and Recycling Collection.

ATTACHMENTS:

1. New Village Ordinance Draft
2. Current and New Ordinance Comparison

Attachment 1

STATE OF WISCONSIN MILWAUKEE COUNTY VILLAGE OF WHITEFISH BAY

ORDINANCE NO: 1839

AN ORDINANCE TO REPEAL AND RECREATE SECTION 10.04 AND SECTION 10.045 OF THE MUNICIPAL CODE REGARDING REFUSE AND RECYCLING COLLECTION

The Village Board of the Village of Whitefish Bay, Milwaukee County, Wisconsin does ordain as follows:

Section One: Section 10.04 and Section 10.045 of the Municipal Code of the Village of Whitefish Bay are hereby repealed.

Section Two: Section 10.04 of the Municipal Code of the Village of Whitefish Bay is hereby recreated to read as follows:

10.04 REFUSE AND RECYCLING COLLECTION. This section shall govern and apply to the generation, collection, management, and disposal of refuse and recycling in the Village and the collection of refuse and recycling by the Village Department of Public Works. It shall be unlawful for any person to bring solid waste into the Village for the purpose of collection by the Whitefish Bay Department of Public Works, which waste was not generated within the Village.

ARTICLE I Definitions: The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. *Brush* means any woody material over one-quarter inch but less than six inches in diameter from a tree, bush or plant, including, but not limited to, tree branches, small trees, prunings, and trimmings. Brush does not include stumps, roots, or rootballs.
2. *Cart* means a container provided or sold by the Village for the collection of refuse or recycling.
3. *Construction* means the assembly of materials to create a new building, building improvement or lot improvement.
4. *Construction and demolition debris/waste* means materials resulting from the construction, remodeling, repair and demolition of utilities, structures, buildings, lot improvements, and roads, including but not limited to the following: bricks, concrete, and other masonry materials; soils; rocks; wood, including painted, treated, and coated wood and wood products; wall coverings; plaster; drywall; aluminum and vinyl siding; plumbing fixtures; non-asbestos insulation; roofing shingles and other roof coverings; reclaimed asphalt pavement; glass; plastics; electrical wiring, and piping or metals incidental to any of those materials, blocks, broken concrete, plaster, wire and wood lath, timbers and wood building products and other similar non-putrescible materials. This term does not include materials that cannot be recycled because of lead, asbestos, or other hazardous materials content, or materials which the Department of Public Works, from time-to-time, may declare are no longer eligible for Village recycling services.
5. *Contractor* means any person, other than the property owner, who is responsible for the construction, demolition, or remodeling of a building or lot improvement, or any part thereof, where such work requires the issuance of a building, plumbing, electrical, HVAC or demolition permit under the Municipal Code.

6. *Demolition* means the razing or other intentional destruction of all or part of any single structure.
7. *Domestic Waste* means solid waste material resulting from residential habitation and housekeeping. The Village collects domestic waste from single-family dwellings, duplexes, three-family dwellings and condominiums. A parsonage or rectory shall be deemed residential when it falls within one of the above classifications. Municipal facilities are deemed residential and are considered to be generators of Domestic Waste for purposes of this Code.
8. *Electronic device* means a device that requires electric current or electromagnetic fields to function and that contains a circuit board.
9. *Grass clippings* mean grass clippings resulting from mowing lawns.
10. *Household sharp medical waste* means sharps and any type of Domestic Waste product capable of puncturing or lacerating the skin that is designed or used to treat, diagnose, or prevent a disease or medical condition, including, but not limited to, scalpels, hypodermic needles and lancets.
11. *Major appliance* means a residential or commercial air conditioner, boiler, clothes dryer, clothes washer, dehumidifier, dishwasher, humidifier, freezer, furnace, microwave oven, oven, pressure tank, and refrigerator, stove or water heater.
12. *Multiple-family dwelling* means a building containing four or more residential units.
13. *Nonresidential refuse and recycling.*
    a. The term "nonresidential refuse and recycling" means refuse and recycling from private, commercial, retail, industrial,or institutional facilities and properties not otherwise defined as residential in this Section.
14. *Parkway means* the area immediately adjacent to the street pavement usually between the public sidewalk and street curb.
15. *Person* includes any individual, corporation, limited liability company, partnership, association, local governmental unit, as defined in Wis. Stats. § 66.0131(1) (a), state agency or authority, or federal agency.
16. *Plastic* means any of the following plastic products and containers labeled with recycling arrows and the most current Society of the Plastics Industry (SPI) (or successor) code No. 1 through No. 7 described as follows:
    a. SPI code No. 1 is PETE, polyethylene terephthalate.
    b. SPI code No. 2 is HDPE, high-density polyethylene.
    c. SPI code No. 3 is PVC, polyvinyl chloride.
    d. SPI code No. 4 is LDPE, low-density polyethylene.
    e. SPI code No. 5 is PP, polypropylene.
    f. SPI code No. 6 is PS, polystyrene or EPS, expanded polystyrene; commonly called "block polystyrene."
    g. SPI code No. 7 is other resins or multiple resins.
    h. This definition does not include plastic bags used for refuse collection.
17. *Recyclables* means waste material that is capable of being recycled for future use and eligible for Village recycling services including, without limitation, aluminum containers; corrugated paper or other containerboard; foam polystyrene packaging; glass containers; magazines; newspaper; office paper; rigid plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS and other resins or multiple resins; steel containers; waste tires; and bi-metal containers as described further below:
    a. *Aluminum container* means a container made of aluminum.
    b. *Bi-metal container* means a container for carbonated or malt beverages that are made primarily of a combination of steel and aluminum.
    c. *Containerboard* means corrugated paperboard used in the manufacture of shipping containers and related products.

d. *Magazines* mean magazines and other materials printed on similar paper.
e. *Mixed paper* means miscellaneous household paper, including junk mail, school paper, brown paper bags, magazines, gift, shoe, and cereal boxes, and similar material.
f. *Newspaper* means a newspaper and other materials printed on newsprint.
g. *Office paper.*
    i. The term "office paper" means high-grade printing and writing papers from offices in nonresidential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high grade.
    ii. The term "office paper" does not include industrial process waste.
h. The Department of Public Works may designate other waste materials as recyclables from time-to-time.

18. *Recycle* means any process by which materials are collected, separated, processed into raw materials for new, reused or reconstituted products, or for the recovery of materials for energy production processes.
19. *Refuse* means solid waste acceptable for disposal in a sanitary landfill. Refuse does not include recyclables.
20. *Remodeling* means any improvement or alteration made to buildings or lot improvements that do not involve the complete demolition and reconstruction of the building.
21. *Residential Refuse and Recyclables* means materials generated by one, two and three family residences and condominiums as well as rectories, parsonages, and municipal facilities.
22. *Sanitary landfill* means a facility that is licensed, designed and constructed to receive refuse.
23. *Sharps* mean medical equipment or clinical laboratory articles that may cause punctures or cuts. Sharps include, but are not limited to, contaminated, used, unused and disinfected items listed in Wis. Admin. Code § NR 526.05(1).
24. *Sharps container* means a leakproof, rigid, puncture-resistant container that is taped closed or tightly lidded to prevent the loss of the sharps waste.
25. *Solid waste* means any refuse, recyclables, or other salvageable materials that are removed from a property when discarded.
26. *Waste oil* means used motor oil, transmission fluid or other lubricating oil.
27. *Waste tire* means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
28. *Yard Waste* means all lawn and garden waste (including garden plants and thatch), but not including grass clippings, leaves, brush, stumps, compost, roots, rootballs, soil, sand, rocks, concrete, brick, or other construction waste. Grass clippings are not collected per section 10.04-V-1-e and section 10.04-VII-2-i

ARTICLE II Refuse, Yard Waste, and Leaf Collection Details:

1. Schedule:
    a. Regular Refuse Schedule: The Department of Public Works shall establish a weekly collection schedule for household refuse in the Village with the approval of the Village Board. The Village shall publish the collection schedule on its website. The Village Board may adjust the collection schedule from time-to-time.
        i. Refuse Cart Placement Schedule: Refuse carts must be at the curb by 7 a.m. on the scheduled day of collection to ensure pick-up. Refuse carts

may be placed after 6 p.m. the day prior to scheduled collection. Refuse carts must be returned to their storage location by 8 p.m. on the day of scheduled pick-up.

ii. Holiday/Weather Refuse Schedule: Refuse shall be collected weekly on the day scheduled unless due to a holiday or severe weather event the Department of Public Works reschedules collection.

b. Yard Waste and Brush Schedule: Yard waste and brush shall be collected on a regular basis throughout the year.

c. Leaf Collection Schedule: The Department of Public Works will collect leaves curbside on a weekly basis during the fall loose leaf collection period established by the Department of Public Works.

2. Preparation and Placement

a. Refuse Collection: All refuse shall be placed in a plastic bag, drained of all free liquid, and placed in a Village issued refuse collection cart. Refuse will not be collected if it is placed outside of a Village refuse collection cart unless a special pickup is requested as set forth in Section 10.04-V-1

b. Cart Placement: Unless directed or authorized by the Department of Public Works under Section 10.04-VI, carts for refuse collection must be placed within three feet from the curb edge and three feet away from any other object. If a property abuts upon an alley, such receptacle shall be located immediately adjacent thereto. The lid opening of the cart must face the street. The Department of Public Works may direct or authorize the placing of carts for refuse in a manner different than that provided herein in order to facilitate a more reasonable mode of collection from particular premises.

c. Littering: No person shall place any refuse on any street, alley, sidewalk or other public or private property unless the same shall be placed in appropriate carts and bags for Village collection at the times and in the manner as herein or in commercial waste containers for commercial collection and disposal.

d. Allowed Disposal Location: No person shall without permission place for collection any refuse at the curbline or alley adjacent to any premises not owned or occupied by such person.

e. Refusal to Collect: The Department of Public Works may refuse to collect improperly placed refuse carts, non-bagged refuse, or undrained refuse.

f. Cart Weight Limit: No loaded refuse cart placed for collection shall exceed 150 pounds in total weight.

g. Yard Waste and Brush: Yard Waste shall be placed in containers or biodegradable paper bags not exceeding 30 gallons in capacity or 50 pounds total weight and shall be placed on the parkway. Brush shall be placed in neat piles on the parkway. Thicker sections of brush should face the street. Small twigs and branches should be placed in containers or biodegradable paper bags. Yard Waste and Brush may not be placed in plastic bags.

h. Leaves. Leaves shall be placed in the gutter during the fall loose leaf collection period established by the Department of Public Works. The rest of the year, leaves shall be placed in containers or biodegradable paper bags not exceeding 30 gallons in capacity and shall be placed on the parkway; loaded leaf bags or containers may not exceed 50 pounds in total weight. Leaves may not be placed in plastic bags.

Attachment 1

ARTICLE III Recycling Collection Details:

1. Schedule:
    a. Regular Recycling Schedule: The Department of Public Works shall establish an every other week collection schedule for household recycling in the Village with the approval of the Village Board. The Village shall publish the collection schedule on its website. The Village Board may adjust the collection schedule from time-to-time.
        i. Recycling Cart Placement Schedule: Recycling carts must be at the curb by 7 a.m. on the scheduled day of collection to ensure pick-up. Recycling carts may be placed after 6 p.m. the day prior to scheduled collection. Recycling carts must be returned to their storage location by 8 p.m. on the day of scheduled pick-up up.
        ii. Holiday/Weather Recycling Schedule: Recycling shall be collected every two weeks on the day scheduled unless due to a holiday or severe weather event the Department of Public Works reschedules collection.

2. Preparation and Placement:
    a. Recycling Collection: Residential recycling shall be placed in a Village issued recycling collection cart. Residential recycling will not be collected if it is not placed in a Village recycling collection cart.
    b. Cart Placement: Unless directed or authorized by the Department of Public Works under 10.04-VI, carts for residential recycling must be placed within three feet from the curb edge and three feet away from any other object. If a property abuts upon an alley, such receptacle shall be located immediately adjacent thereto. The lid opening must face the street. The Department of Public Works may direct or authorize the placing of carts for recycling in a manner different than that provided herein in order to facilitate a more reasonable mode of collection from particular premises.
    c. Littering: No person shall place any recyclables on any street, alley, sidewalk or other public or private property unless the same shall be placed in appropriate carts for Village collection at the times and in the manner as herein provided.
    d. Allowed Disposal Location: No person shall without permission place for collection any recyclables at the curbline or alley adjacent to any premises not owned or occupied by such person.
    e. Refusal to Collect: The Department of Public Works may refuse to collect improperly placed recycling carts or improperly prepared recycling as defined in Section 10.04-IV-4, 10.04-IV-5, 10.04-IV-6.
    f. Cart Weight Limit: No loaded recycling cart placed for collection shall exceed 150 pounds in total weight.

3. Ownership of recyclable materials.
    a. Public Collection: All residential recyclable material collected as provided in this section, shall be the property of the Village.
    b. Commercial Collection: Nonresidential recyclable materials collected commercially are the property of those generator and collecting entities or persons.
    c. Who May Collect: It shall be unlawful for any person, except the Village or licensed commercial waste haulers collecting nonresidential recyclable materials to collect or remove any recyclable materials that have been placed

at the curb or in a cart adjacent to a residential or nonresidential building for the purposes of collection for recycling.

ARTICLE IV Recycling Requirements and Specifications:

1. Separation of Recyclables:
    a. Owners and occupants of residential and nonresidential unit residences and multiple-family dwellings shall separate the following materials from postconsumer waste:
        i. Lead-acid batteries
        ii. Major appliances
        iii. Electronic devices
        iv. Waste oil and oil filters
        v. Yard waste
        vi. Brush
        vii. Waste tires
        viii. Aluminum containers
        ix. Bi-metal containers
        x. Corrugated paper or other containerboard
        xi. Foam polystyrene packaging
        xii. Glass containers
        xiii. Magazines
        xiv. Newspaper
        xv. Office paper
        xvi. Mixed paper
        xvii. Plastic containers
        xviii. Steel containers
        xix. Such other recyclables as may be added to this list from time-to-time by the Department of Public Works.

2. Care of Separated Recyclables: Recyclable materials separated in accordance with Section 10.04-IV-1 shall be substantially clean and kept free of contaminants such as food or product residue, oil or grease, or other nonrecyclable materials, including, but not limited to, household hazardous waste, medical waste, and agricultural chemicals.

3. Management of Lead-acid Batteries, Major Appliances, Waste Oil, Yard Waste, Brush, and Tires: Owners and occupants of residential and nonresidential refuse and recycling generating properties shall manage lead-acid batteries, major appliances, electronic devices, waste oil, yard waste, brush, and tires as follows:
    a. Lead-acid batteries shall be recycled at private businesses where purchased or at private recycling centers.
    b. Major appliances shall be recycled at private businesses where purchased or at private recycling centers. The Village provides special collection service for certain appliances for a separate charge which as set forth in Section 10.04-V-1.
    c. Electronic devices shall be recycled at private businesses where purchased or at private recycling centers.
    d. Waste oil and oil filters shall be recycled at private businesses where purchased, private recycling centers or public recycling centers.

e. Yard waste shall be collected by the Village in accordance with Section 10.04-II-2-g, by private landscapers for private recycling or disposal, or composted in accordance with Section 10.14.
f. Brush shall be collected by the Village in accordance with Section 10.04-II-2-g or through local public or private recycling collection methods. Brush may also be chipped on site and used as mulch.
g. Waste tires shall be recycled at private businesses where purchased or at private recycling centers.

4. Preparation and Collection of Recyclables: Unless otherwise directed by the Department of Public Works, owners and occupants of residential refuse and recycling generating properties shall do the following for the preparation and collection of the separated materials specified in Section 10.04-IV-1.
   a. Aluminum, bi-metal, glass, plastic, and steel containers shall be rinsed free of any substantial product residue, and placed loosely in a Village recycling collection cart or taken to a Department of Public Works approved local recycling drop-off site.
   b. Corrugated paper or other containerboard shall be placed within a Village recycling collection cart or taken to a Department of Public Works approved local recycling drop-off site. Corrugated paper and other containerboard shall be free from contamination by oil, grease, and food.
   c. Foam polystyrene packaging shall be taken to a Department of Public Works approved local recycling drop-off site.
   d. Mixed paper shall be placed within the Village recycling collection cart or taken to a Department of Public Works approved local recycling drop-off site.
   e. Newspaper shall be placed within a Village recycling collection cart or taken to a Department of Public Works approved local recycling drop-off site. Newspaper shall not be bound.
   f. Office paper shall be placed within a Village recycling collection cart or taken to a Department of Public Works approved local recycling drop-off site.

5. Responsibilities of Owners of Multiple-Family Dwellings:
   a. Owners of multiple-family dwellings shall do all of the following to recycle the materials specified in Section 10.04-IV-1.
      i. Provide adequate, separate containers for the recyclable materials.
      ii. Notify tenants in writing at the time of renting or leasing the dwelling and at least semiannually thereafter about the established recycling program, including:
         1. Reasons to reduce and recycle solid waste.
         2. Which materials are collected.
         3. How to prepare the materials in order to meet the processing requirements.
         4. Collection methods or sites.
         5. Locations and hours of operation.
         6. A contact person or company, including a name, address and telephone number.
      iii. Provide for collection of the materials separated from the solid waste by the tenants and the delivery of these materials to a recycling facility.
      iv. Prevent recyclables from being placed in containers with non-recyclables.

6. Responsibilities of Owners of Nonresidential Facilities and Properties:
    a. Owners and operators of nonresidential properties shall do all of the following to recycle the materials specified in Section 10.04-IV-1.
        i. Provide adequate, separate containers for the recyclable materials.
        ii. Notify in writing, at least semiannually, all users, tenants, and occupants of such properties about the established recycling program.
        iii. Provide for the collection of the materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility.
        iv. Notify users, tenants, and occupants of:
            1. Reasons to reduce and recycle solid waste.
            2. Which materials are collected.
            3. How to prepare the materials in order to meet the processing requirements.
            4. Collection methods or sites.
            5. Locations and hours of operation.
            6. A contact person or company, including a name, address and telephone number.
        v. Prevent recyclables from being placed in containers with refuse
        vi. Provide designated space for recycling, separation, storage, and collation.

7. Prohibitions on Disposal of Recyclable Materials Separated for Recycling: No person may dispose of any of the materials specified in Section 10.04-IV-1 in a solid waste disposal facility which have been separated for recycling.

8. Exemptions: The separation requirements of Section 10.04-IV-1 do not apply to the following:
    a. Occupants of single-family and 2 and 3-unit residences, multiple-family dwellings and non-residential facilities and properties that send their postconsumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in Section 10.04-IV-1 from solid waste.
    b. Solid waste which is burned as a supplemental fuel at a facility if less than 30% of the heat input to the facility is derived from the solid waste burned as supplemental fuel.
    c. A recyclable material specified in Section 10.04-IV-1 for which a variance has been granted by the Department of Natural Resources under s. 287.11 (2m), Wis. Stats., or s. NR 544.I4, Wis. Administrative Code.

ARTICLE V Charges and Services:

1. Services: As provided herein certain refuse and recycling materials shall be collected by the Department of Public Works without charge, while other materials shall be subject to a charge established by the Department of Public Works. Such charge shall be reasonable based upon the cost of labor and equipment.
    a. Residential Refuse and Recycling: Village residential refuse and recycling in collection carts shall be collected by the Department of Public Works without charge.

b. Special Services: Residential units that require the removal of any combination of yard waste, brush, refuse, or recycling which cannot fit into the Village refuse or recycling collection carts may request a special pickup:
   i. No-Charge Refuse Special Pickup: On a scheduled refuse collection day, a residential unit may place small household items, certain minor appliances, or pieces of furniture with a combined size not to exceed 4' x 4' x 7' in the parkway for a No-Charge Special Refuse Pickup. Items eligible for pickup include items such as a chair and small love seat, a small couch, a mattress and box spring, or a dishwasher. Items ineligible for pickup include a large sectional couch, large sleeper sofa, appliances with Freon, a water heater, or major appliances like a clothes washer/dryer.
      1. Routine residential refuse which does not fit in the Village refuse collection cart as a result of the cart being full is not eligible for pickup under this section. Such excess refuse must either be held until the next scheduled pickup, placed in a newly purchased additional cart for collection or be collected as a Charged Refuse Special Pickup.
      2. Soil, sand, rocks, concrete, brick, and construction waste are ineligible for No-Charge Refuse Special Pickup.
   ii. Charged Refuse Special Pickup: Any household item or items that cannot fit into a Village refuse collection cart and exceeds the parameters of a No-Charge Special Pickup, with a maximum combined size of 5' x 5' x 15', qualifies as a Charged Refuse Special Pickup. A residential unit owner or occupant will be required to pay the Special Service Charge as set forth in Section 10.04-V-1-c prior to collection.
      1. Construction waste from household renovation projects that do not require a Village permit may be collected at the discretion of the Department of Public Works. A residential unit owner or occupant must first obtain Department of Public Works permission to dispose of such construction waste via a Charged Refuse Special Pickup. Contractor generated waste is ineligible for a Charged Refuse Special Pickup.
      2. Appliances with Freon and major appliances such as water heaters are ineligible for a Charged Refuse Special Pickup. These appliances are subject to Section 10.04-IV-3.
      3. Soil, sand, rocks, concrete, brick, and construction waste are ineligible for Charged Refuse Special Pickup.
   iii. No-Charge Recycling Special Pickup Not Available: No-Charge Recycling Special Pickups are not available. A residential unit owner or occupant must schedule a Charged Recycling Special Pickup, purchase one or more additional carts, or place the recycling in the recycling collection cart at a later date.
   iv. Charged Recycling Special Pickup: Any recyclable item or items that cannot fit into a Village recycling collection cart (with a maximum combined size of 5' x 5' x 15'), qualifies as a Charged Recycling Special Pickup. A residential unit owner or occupant must pay the Special Service Charge defined in Section 10.04-V-1-c prior to collection.
   v. No-Charge Brush Special Pickup: Brush piles less than 5' x 7' x 20' will be collected at no-charge provided they are placed in the parkway in the manner defined in Section 10.04-II-2-g.

vi. Charged Brush Special Pickup: Brush piles that exceed size limits for a No-Charge Brush Pickup (with maximum combined size of 5' x 7' x 40'), qualify for Charged Brush Special Pickup. Brush must be placed in the parkway as set forth in Section 10.04-II-2-g. A residential unit owner or occupant will be required to pay the Special Service Charge as set forth in Section 10.04-V-1-c prior to collection.

vii. No-Charge Yard Waste Special Pickup: Up to 25 paper bags of yard waste will be collected at no-charge provided they are placed in the parkway as set forth in Section 10.04-II-2-g.

viii. Charged Yard Waste Special Pickup: Yard waste in excess of 25 paper bags, up to a maximum of 50 paper bags, is eligible for a Charged Yard Waste Special Pickup. Yard Waste must be placed in the parkway as set forth in Section 10.04-II-2-g. A residential unit owner or occupant must pay the Special Service Charge as set forth in Section 10.04-V-1-c prior to collection.

ix. Excessive Special Pickup: If a pickup request exceeds the maximum total size or quantity for a special pickup as defined above in Section 10.04-V-1-b-ii, Section 10.04-V-1-b-iv, Section10.04-V-1-b-vi, or Section 10.04-V-1-b-viii it qualifies as an Excessive Special Pickup. An Excessive Special Pickup may be collected at the discretion of the Department of Public Works. A residential unit owner or occupant must pay the Special Service Charge set forth in Section 10.04-V-1-c prior to collection. Residential unit owners or occupants will be billed for the remaining balance of the actual cost of the collection based on additional charges defined in Section 10.04-V-1-c.

c. Special Pickup Service Charge: For a Charged Refuse Special Pickup (Section 10.04-V-1-b-ii), Charged Recycling Special Pickup (Section 10.04-V-1-b-iv), Charged Brush Special Pickup (Section 10.04-V-1-b-vi), and a Charged Yard Waste Special Pickup (Section 10.04-V-1-b-viii). The special pickup service charge shall be as determined by the Village Board from time-to-time. Additional charges may be imposed at the discretion of the Department of Public Works if pickup time exceeds 15 minutes or if the item/s for collection exceed/s the special pickup criteria listed in Section 10.04-V-1-b-ii, Section 10.04-V-1-b-iv, Section 10.04-V-1-b-vi, or Section 10.04-V-1-b-viii. Additional charges for an Excessive Special Pickup will be based on the hourly rate for the personnel, including fringe benefits, equipment used, and disposal fees.

d. Placement and Preparation for Special Pickup: Special Pickup refuse and recycling must be placed on the parkway and accessible to the Department of Public Works. Refuse left for a special pickup must not be prohibited as set forth in Section 10.04-VII-2, be recyclable as set forth in Section 10.04-IV-1, or pose a safety risk during collection or disposal (exposed nails must be removed or hammered down). A resident with a curbside or alley placement exemption as described in Section10.04-IV may qualify for any of the above described special pickups, with the same regulations and fees, but with a collection placement exemption.

e. Grass Clippings: Grass clippings may not be collected under the provisions of this section.

f. Removal of Construction, Demolition, and Remodeling Waste: No construction, demolition, or remodeling waste under this section will be collected by the Department of Public Works unless the refuse meets the requirements set forth in Section 10.04-V-1-b-ii. Under no circumstances will construction, demolition,

or remodeling waste from projects requiring a Village permit be collected by the Village.

g. Collection Condition. The collection of all refuse, recycling, or other waste is conditioned upon the observance of all provisions of this ordinance.

ARTICLE VI Refuse and Recycling Cart Exemptions:

1. As set forth in Section 10.04-II-2-b and Section 10.04-III-2-b, refuse and recycling collection carts must be brought to the parkway or alley edge for collection by the Department of Public Works. To accommodate residents with medical hardships or disabilities an exemption to the requirement of bringing carts to the parkway or alley edge for collection may be granted on a case-by-case basis upon the completion of a Village Board approved exemption application form and approval by the Village Manager or his or her designee.
2. On receipt of the application, the Village Manager or his or her designee will make a determination regarding exemption request and inform the applicant of the decision. If exemption is approved, the applicant will be required to renew the exemption on May 1, 2020and every second anniversary thereafter unless the exemption is temporary, in which case the exemption will expire after a temporary timeframe set forth by the signing physician on the application.
3. If the exemption request is denied, the the Village Manager or his or her designee will inform the applicant of the decision. The applicant has the right to appeal the decision to the Zoning Board of Appeals.
4. If the exemption application is approved, the applicant must place refuse and recycling in Village issued collection carts per 10.04-II-2-a and Section 10.04-III-2-a .The Department of Public Works will then access the resident's premises to collect the refuse and recycling carts. Carts must be outside and easily accessible. Refuse and recycling carts will not be removed from inside a structure by the Department of Public Works.
5. The exemption application form may be amended from time-to-time by the Village Manager or his/her designee as approved by the Village Board.

ARTICLE VII Other Provisions:

1. Refuse and Recycling carts:
   a. Standard Cart Size: Each Village residential unit will be provided one 95-gallon cart for refuse and one 95-gallon cart for recycling.
   b. Cart Size Options: A residential unit may change from the 95-gallon refuse cart to a smaller 65-gallon refuse cart for the refuse collection program only.
   c. Change in Cart Size: Any changes in refuse cart size afterSeptember 30, 2018 are the financial responsibility of the residential unit owner or operator. The fee to change cart size is set by the Village and may be adjusted from time-to-time. A cart size change must be paid for in advance at Village Hall before a new cart is delivered. A cart that is being exchanged for a different size will be collected by the Village.
   d. Additional Carts: Additional refuse and recycling carts may be purchased for a prepaid fee set by the Village Board from time-to-time.
   e. Ownership: All carts (including purchased carts) will remain the property of the Village for warranty and repair purposes.
   f. Cart Damage and Repair: If damage to a cart is caused by normal wear and tear, the Village will replace or repair the cart at no charge to the residential unit. Should a cart be damaged by residential unit owner, occupant, or operator

negligence, the residential unit owner will be responsible for replacement of the cart.

g. Cleaning and Maintenance: Each residential unit owner or operator is responsible for keeping carts clean and reporting maintenance issues as they arise.

2. Collection Limitations: No person may dump, deposit or place at the curbline adjacent to any street or public alley for collection by the Village or for any other purpose any of the following:
   i. Grass clippings. (Residents shall either leave grass clippings on the lawn or compost them in accordance with Section 10.14).
   ii. Lead-acid batteries. (Must be recycled in accordance with Section 10.04-IV-3).
   iii. Waste tires. (Must be recycled in accordance with Section 10.04-IV-3).
   iv. Hazardous and toxic wastes. (Must be disposed of in accordance with Wis. Admin. Code ch. NR 660, 661, 662, 663, 664, 665, 666, 667, 668,670, 673 and 679).
   v. Chemicals, paint or flammable liquids. (Must be disposed of in accordance with Wis. Admin. Code ch. NR 660, 661, 662, 663, 664, 665, 666, 667, 668, 670, 673 and 679).
   vi. Explosives. (Contact the Village of Whitefish Bay Police Department to discuss disposal options).
   vii. Infectious waste, sharps or medical waste, as defined in Wis. Admin. Code ch. NR 526 and household sharp medical waste. (Disposal requirements are outlined in Section 10.04-VII-4 below).
   viii. Solid waste in such a manner as will permit strewing by animals prior to collection.

3. Small Dead Animals: Small animal carcasses on public property shall be collected by the Department of Public Works upon notification.

4. Medical Waste, Household Sharp Medical Waste Disposal and General Sharp Disposal: Household sharp medical waste and general sharps shall be disposed of in accordance with the requirements of Wis. Admin. Code ch. NR 526 and shall not be deposited in any other place or manner in the Village than as provided in this section:
   a. Acceptable means of disposing of sharp medical waste under this article include disposal in a sharps container or a heavy plastic container and delivery of the sealed container to a sharps collection station or other person authorized under Wis. Admin. Code ch. NR 526 to accept such waste.
   b. Containers for household sharp medical waste, loose household sharp medical waste or other sharps and sharp waste shall not be mixed with refuse or recyclables.
   c. The Department of Public Works shall not collect, manage, or dispose of any refuse or recyclables containing sharp medical waste or other medical waste of any kind.
   d. Sharps and sharp waste (non-household) must be professionally managed and disposed of in accordance with Wis. Admin. Code NR526.

5. Storage of Refuse or Recycling Carts in Front Yards or on Parkway Prohibited: It shall be unlawful to place, store, or keep any refuse or recycling carts in any front yard (as defined in the Zoning Code) or on any parkway prior to or after the times outlined in the

refuse and recycling collection schedules per Section 10.04-II-1-a-i and Section 10.04-III-1-a-i.

6. Nonresidential Refuse and Recycling:
    a. Nonresidential refuse and recycling shall not be collected by the Village.
    b. Nonresidential refuse and recycling may only be collected by a licensed commercial waste hauler.
    c. Carts and special services will not be provided by the Village to nonresidential properties.

7. Transportation of Wastes: Transportation and collection of wastes by commercial waste haulers shall comply with the following:
    a. Transportation: The transportation of all wastes through and upon the streets, alleys, and thoroughfares of the Village shall be conducted in such manner as to comply with Section 7.02 of the Municipal Code.
    b. Vehicles: No person shall carry or transport any material of any kind whatsoever in any vehicle unless the same be of such construction and so operated that the contents shall not fall or spill upon the public streets or alleys.
    c. Removing Noxious Substances. No person shall remove or cause to be removed, carried or conveyed any noxious or offensive substances in upon or over any of the public streets or alleys in the Village of Whitefish Bay between the hours of 7:00 a.m. and 8:00 p.m. unless vehicles for removing said noxious or offensive substances are watertight and covered.

ARTICLE VIII Enforcement:

1. Enforcement:
    a. For the purpose of ascertaining compliance with the provisions of 10.04, the Director of Public Works or his/her designee may inspect materials separated for recycling, refuse intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and nonresidential facilities and properties, and any records relating to refuse and recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse to allow access to the Director of Public Works or his/her designee who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.
    b. Any person who violates any provision of this ordinance may be issued a citation by the Village Police Department. The issuance of a citation shall not preclude a proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this paragraph.

2. Penalty: Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in Section 17.04 of this code, in addition to the specific penalties provided in this chapter. A separate offense shall be deemed committed on each day on which a violation of this chapter occurs or continues. As and for a further penalty for any violation of this or any other provision in the Municipal Code, the Village Board hereby empowers the Village Manager or designee to, after providing notice in person or via United States mail to the last known owner of the property at least two (2) business days in advance, perform such work on said property as is required to render the property

compliant with the Municipal Code. The reasonable cost of such work shall be billed to the last known property owner and such bill shall be due and payable within fifteen (15) days after it has been mailed. Amounts due after said period of time shall be delinquent and shall become a lien upon the property and may be placed on the tax bill of the property in question as a special charge for current services as provided in § 66.0627 Wis. Stats

Section Three: All ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby and to such extent repealed. The provisions of this ordinance are severable in the event of any invalidity or unconstitutionality of any portions thereof

Section Four: This ordinance shall take effect and be in force commencing May 1, 2018.

PASSED AND ADOPTED by the Village Board of Trustees of the Village of Whitefish Bay this 16th day of April 2018.

VILLAGE OF WHITEFISH BAY

_____

Julie Siegel, Village President

_____

Jennifer Amerell, Village Clerk

DRAFT

Whitefish Bay Trash and Recycling Ordinance Review

	Current Trash and Recycling Policy		Proposed Revisions	
Ref #	Topic	Ordinance	Revised Ordinance - Items will be reorganized for clarity	Service Level Change
3	Garbage and Refuse Collection	This section shall govern and apply to the collection of solid waste, domestic and commercial, by the Village Department of Public Works. It shall be unlawful for any person to bring solid waste into the Village for the purpose of collection by the Whitefish Bay Department of Public Works, which was not generated from use in a Village dwelling unit, nor on a business or other premises within the Village. (Ord. 1303)	This section shall govern and apply to the generation, collection, management, and disposal of refuse and recycling in the Village and the collection of refuse and recycling by the Village Department of Public Works. It shall be unlawful for any person to bring solid waste into the Village for the purpose of collection by the Whitefish Bay Department of Public Works, which waste was not generated within the Village.	Update 1-2-18 - Minor verbiage revisions. Update 5-1-18 - Minor verbiage revisions.
4	Definitions (Trash)	Definitions will be updated following all discussion.	Updated to reflect the revised ordinance.	Update 1-2-18 - Minor verbiage revisions. Update 5-1-18 - Minor verbiage revisions.
5	Domestic Waste	Domestic Waste materials, unless specifically excluded herein, shall be collected by the Department if separated as to (1) Garbage and rubbish not requiring further separation indicated herein; (2) Newsprint; (3) Yard waste; (4) Brush; and (5) Leaves, providing that such materials are placed or stored as required herein. Garbage shall be drained of all free liquid and wrapped in plastic of several thicknesses of paper and placed in an approved container. The Department may refuse to collect undrained garbage of a liquid or semi-liquid nature or unwrapped or improperly placed garbage.	a. Refuse Collection: All refuse shall be placed in a plastic bag, drained of all free liquid, and placed in a Village issued refuse collection cart. Refuse will not be collected if it is placed outside of a Village refuse collection cart unless a special pickup is requested as set forth in Section 10.04-V-1 e. Refusal to Collect: The Department of Public Works may refuse to collect improperly placed refuse carts, non-bagged refuse, or undrained refuse. c. Littering: : No person shall place any refuse on any street, alley, sidewalk or other public or private property unless the same shall be placed in appropriate carts and bags for Village collection at the times and in the manner as herein or in commercial waste containers for commercial collection and disposal.	Residents must bag loose refuse in the new refuse carts. A littering provision has been added. In addition, a note that refuse may only be placed on collection days is highlighted. There are sections of the new recycling code that also mirror the placement requirement for refuse. There is no direct comparable section of the current code for recycling. Update 1-2-18 - Minor verbiage revisions. Update 5-1-18 - Minor verbiage revisions.
6	Commercial Waste	Commercial Waste shall not be collected by the Department.	a. Nonresidential refuse and recycling shall not be collected by the Village. b. Nonresidential refuse and recycling may only be collected by a licensed commercial waste hauler. c. Carts and special services will not be provided by the Village to nonresidential properties.	No practical change, the Village only collects refuse and recycling from private households, two/three unit buildings, and condos. Update 1-2-18 - Minor verbiage revision. Update 5-1-18 - Removed multiple family dwellings, their non-collection is defined elsewhere. Minor verbiage revisions.
7	Placement	Garbage and rubbish shall be placed in an approved container. Yard Waste shall be placed in containers not exceeding 30 gallons in capacity and placed on the parkway. Brush shall be placed in neat piles on the parkway. Leaves may be stored on the parkway or in the gutter from September 15th until November 15th of each year; after November 15th, on the parkway only. Yard Waste and leaves may not be placed in plastic bags.	Unless directed or authorized by the Department of Public Works under Section 10.04-VI, carts for refuse collection must be placed within three feet from the curb edge and three feet away from any other object. If a property abuts upon an alley, such receptacle shall be located immediately adjacent thereto. The lid opening of the cart must face the street. The Department of Public Works may direct or authorize the placing of carts for refuse in a manner different than that provided herein in order to facilitate a more reasonable mode of collection from particular premises. No person shall without permission place for collection any refuse at the curbline or alley adjacent to any premises not owned or occupied by such person. No loaded refuse cart placed for collection shall exceed 150 pounds in total weight. Yard Waste shall be placed in containers or biodegradable paper bags not exceeding 30 gallons in capacity or 50 pounds total weight and shall be placed on the parkway. Brush shall be placed in neat piles on the parkway. Thicker sections of brush should face the street. Small twigs and branches should be placed in containers or biodegradable paper bags. Yard Waste and Brush may not be placed in plastic bags. Leaves shall be placed in the gutter during the fall loose leaf collection period established by the Department of Public Works. The rest of the year, leaves shall be placed in containers or biodegradable paper bags not exceeding 30 gallons in capacity and shall be placed on the parkway; loaded leaf bags or containers may not exceed 50 pounds in total weight. Leaves may not be placed in plastic bags.	The Village Board voted to implement automated refuse and recycling which requires carts to be placed at the curb. Unless a resident is granted an exemption, this may require more work on the part of a resident. Collectors will no longer go up-the-drive to collect refuse. Clarification that carts must be in front of a person's property and a weight limit per cart specifications have been added. There are sections of the new recycling code that also mirror the placement requirement for refuse. There is no direct comparable section of the current code. A placement diagram will be created that is sent with any informational material. When carts are initially delivered, informational material can be attached to the cart. Staff also recommends that instructions be imprinted on the lid or body of the refuse can. Staff prefers to avoid the use of a sticker. There is also clarification regarding yard waste, brush, and leaf collection that further directs placement and requirements. Update 1-2-18 - Removed brush length limitation. Update 5-1-18 - Minor verbiage revisions.

Whitefish Bay Trash and Recycling Ordinance Review

	Current Trash and Recycling Policy		Proposed Revisions	
Ref #	Topic	Ordinance	Revised Ordinance - Items will be reorganized for clarity	Service Level Change
8	Newsprint	Newsprint shall be separated from other Domestic Waste. It shall be tied or packaged in bundles, not exceeding 50 pounds and placed for collection adjacent to but not in approved containers for other refuse. When so placed, it shall be presumed that it is left for collection by the Department and it is the property of the Village and shall not be collected by others. Containers used for regular weekly Domestic Waste collection which hold clean Newsprint will not be serviced until the until the clean Newsprint has been removed therefrom unless the Newsprint therein has been used to wrap other garbage or rubbish. A notice shall be affixed by the Department crews to such containers holding clean Newsprint and other refuse, which notice shall note the violation of the regulation requiring separation of Newsprint from other refuse	This section will be removed and newsprint will be incorporated with the recycling guidelines.	No practical change, residents must continue to recycle newsprint. Update 5-1-18 - Minor verbiage revisions.
9	Storage of Certain Materials in Front Yards or on Parkway Prohibited	It shall be unlawful to place, store, or keep any domestic waste, commercial waste, or recyclable, whether in containers or not, in any front yard (as defined in the Zoning Code) or on any parkway prior to 8:00 p.m. on the day before collection by the Village. All containers shall be removed from the parkway and front yard by 8:00 p.m. on collection day. This subsection does not apply to leaves which may be stored in the parkway until collected, and to brush which may be placed in neat piles in the parkway until collected. (Ord. 1671)	Refuse carts must be at the curb by 7 a.m. on the scheduled day of collection to ensure pick-up. Refuse carts may be placed after 6 p.m. the day prior to scheduled collection. Refuse carts must be returned to their storage location by 8 p.m. on the day of scheduled pick-up.	Residents may place refuse on the curb an two hours sooner. There will be an official regulation stating that refuse must be placed by 7 a.m. Likely, the Village would intend to help with an occasional late pick up. However, if a particular residence becomes a repeat caller, staff would have a section of code backing their ability to reject the request. Update 5-1-18 - Minor verbiage revisions.
10	Containers and Collection	Sufficient containers as herein defined shall be provided, kept clean and properly located as follows:	Each residential unit owner or operator is responsible for keeping carts clean and reporting maintenance issues as they arise. If damage to a cart is caused by normal wear and tear, the Village will replace or repair the cart at no charge to the residential unit. Should a cart be damaged by residential unit owner, occupant, or operator negligence, the residential unit owner will be responsible for replacement of the cart. All carts (including purchased carts) will remain the property of the Village for warranty and repair purposes. Additional refuse and recycling carts may be purchased for a prepaid fee set by the Village Board from time-to-time	Currently, residents must privately purchase refuse bins. Typically, new carts have a 10-year warranty. Research shows that, the carts that are replaced are typically over 10-years old and damage is do to normal wear and tear. In reality, it would be rare that a cart would need to be paid replaced at the expense of a resident. Collectors would continue to take note of damaged recycling carts and will replace them as needed. Update 1-2-18 - Minor verbiage revision regarding cart fees. Update 5-1-18 - Minor verbiage revisions.
11	Containers	Every householder or occupant of any residential building shall provide approved containers sufficient in number to receive at least 10 days accumulation of garbage and rubbish, and of the following description: metal or plastic construction, water tight, it capacity not exceeding thirty gallons, and no single container shall weigh more than sixty pounds when filled. All containers shall have at least two handles and a tight fitting cover which shall be kept in place on such containers at all times.	Each Village residential unit will be provided one 95-gallon cart for refuse and one 95-gallon cart for recycling. A residential unit may change from the 95-gallon refuse cart to a smaller 65-gallon refuse cart for the refuse collection program only. Any changes in refuse cart size afterSeptember 30, 2018 are the financial responsibility of the residential unit owner or operator. The fee to change cart size is set by the Village and may be adjusted from time-to-time. A cart size change must be paid for in advance at Village Hall before a new cart is delivered. A cart that is being exchanged for a different size will be collected by the Village.	The initial new carts will provided to the residents at no charge. They will be size of three regular refuse cans and should provide plenty of refuse capacity. For residents that need additional capacity, Village staff recommends that additional carts be permitted to be purchased at cost, plus an administrative fee for interested residents. Staff recommends that the cart must be paid for in advance before it is delivered. Purchased carts would become resident property. Staff will also create a plan to collect and recycle/dispose of unwanted refuse and recycling cans. Current recycling carts are $75. This is a good indicator of what the cost of a new refuse cart will be. Update 1-2-18 - Minor verbiage revision and additional clarification regarding cart size changes. Update 3-6-18 - Minor wording change. Update 5-1-18 - Deadline change. Minor verbiage revisions.

Whitefish Bay Trash and Recycling Ordinance Review

	Current Trash and Recycling Policy		Proposed Revisions	
Ref #	Topic	Ordinance	Revised Ordinance - Items will be reorganized for clarity	Service Level Change
12	Collection	Domestic Waste, Yard Waste, and Newsprint shall be collected weekly on the day scheduled for that household, except when a holiday or severe weather occurs in a given week, in which instance collection will be delayed by a like period of time. Domestic Waste will not be collected from a dwelling, a breezeway, or a storage shed.	The Department of Public Works shall establish a weekly collection schedule for household refuse in the Village with the approval of the Village Board. The Village shall publish the collection schedule on its website. The Village Board may adjust the collection schedule from time-to-time. Refuse shall be collected weekly on the day scheduled unless due to a holiday or severe weather event the Department of Public Works reschedules collection. Yard waste and brush shall be collected on a regular basis throughout the year. The Department of Public Works will collect leaves curbside on a weekly basis during the fall loose leaf collection period established by the Department of Public Works.	Updated language added to the code that state they Village Board by adjust the collection schedule from time to time. As mentioned above, the Village Board voted to implement automated refuse and recycling which requires carts to be placed at the curb, unless an exemption is granted. refuse will not be collected from a dwelling, a breezeway, or a storage shed. No practical change with regard to newsprint, residents must continue to recycle newsprint. There are sections of the new recycling code that also mirror the development of a collection schedule for trash. Update 5-1-18 - Change stating the schedule will be placed on the Village Website. Minor verbiage revisions.
13	Location of Containers	Waste containers, except as noted herein, shall be located upon private property and not upon any street, alley or public grounds. If a property abuts upon an alley, such receptacle shall be located immediately adjacent thereto; if a property does not abut upon any alley, portable containers shall be placed as directed by the Department for expeditious year around collection from the street; provided that no such container shall be located contrary to an order of the Health Officer.	It shall be unlawful to place, store, or keep any refuse or recycling carts in any front yard (as defined in the Zoning Code) or on any parkway prior to or after the times outlined in the refuse and recycling collection schedules per Section 10.04-II-1-a-i and Section 10.04-III-1-a-i.	Clarification that carts may only be placed in the parkway during the collection period. Includes a provision that carts cannot be stored in the front yard. Other provisions of the current code are been split and are located in other locations. Update 1-2-18 - Minor verbiage revision. Update 5-1-18 - Minor verbiage revisions.
14	Green Grass Clippings	Green grass clippings will not be collected. Residents shall either leave green grass clippings on the lawn or compost them in accordance with Section 10.14.	Clarification added for all restrictions: No person may dump, deposit or place at the curbline adjacent to any street or public alley for collection by the Village or for any other purpose any of the following: i. Grass clippings. (Residents shall either leave grass clippings on the lawn or compost them in accordance with Section 10.14). ii. Lead-acid batteries. (Must be recycled in accordance with Section 10.04-IV-3). iii. Waste tires. (Must be recycled in accordance with Section 10.04-IV-3). iv. Hazardous and toxic wastes. (Must be disposed of in accordance with Wis. Admin. Code ch. NR 660, 661, 662, 663, 664, 665, 666, 667, 668,670, 673 and 679). v. Chemicals, paint or flammable liquids. (Must be disposed of in accordance with Wis. Admin. Code ch. NR 660, 661, 662, 663, 664, 665, 666, 667, 668, 670, 673 and 679). vi. Explosives. (Contact the Village of Whitefish Bay Police Department to discuss disposal options). vii. Infectious waste, sharps or medical waste, as defined in Wis. Admin. Code ch. NR 526 and household sharp medical waste. (Disposal requirements are outlined in Section 10.04-VII-4 below). viii. Solid waste in such a manner as will permit strewing by animals prior to collection.	In addition to grass clippings, provisions added to explicitly prohibit certain items for collection by DPW. Direction is provided regarding disposal per state of Wisconsin recommendations. Update 5-1-18 - Minor verbiage revisions.
15	Removed Tree Disposal	Logs, branches, trunks and stumps removed trees will be collected as specified in 10.04 (4)(c) 1 Special Services.	Removed and combined with special services section.	Removal of duplicate information.
16	Village Board May Make Rules Regarding Same	The Village Board is hereby authorized to make such reasonable rules and regulations for the administration of this section, including charges for extraordinary and unusual services as they may deem necessary and proper, provided, no such regulations contravene the specific provisions of this section.	Removed per Village Attorney.	Update 1-2-18 - Minor verbiage revision. Update 5-1-18 - Removed per Village Attorney.
17	Collection Charges	As provided herein certain waste materials shall be collected by the Department without charge, others shall be collected at a charge established by the Department for such services. Such charges shall be reasonable ones based upon the cost of labor and equipment use.	As provided herein certain refuse and recycling materials shall be collected by the Department of Public Works without charge, while other materials shall be subject to a charge established by the Department of Public Works. Such charge shall be reasonable based upon the cost of labor and equipment.	Recycling added to the ordinance language. Update 5-1-18 - Minor verbiage revisions.

Whitefish Bay Trash and Recycling Ordinance Review

	Current Trash and Recycling Policy		Proposed Revisions	
Ref #	Topic	Ordinance	Revised Ordinance - Items will be reorganized for clarity	Service Level Change
18	Domestic Waste	Domestic Waste shall be collected by the Department without charge.	Village residential refuse and recycling in collection carts shall be collected by the Department of Public Works without charge.	Recycling added to the ordinance language. Update 5-1-18 - Minor verbiage revisions.
19	Special Services (Info)	(1) Whenever any person desires the removal of Domestic Waste, which are not removed in the course of regular service the following criteria for a Special Pickup apply: a. Anything over two (2) garbage cans and eight (8) bags or three (3) very large cans and four (4) bags. b. Anything over three (3) garbage cans with several additional containers of debris/construction materials. c. Anything over three (3) garbage cans with several pieces of furniture/mattresses. d. Yard Waste/Chipping – A pile of logs, or branches stacked 5' or higher along the entire property line, 12 or more bags of yard waste or uncontained soil/sand, rocks or concrete.	b. Special Services: Residential units that require the removal of any combination of yard waste, brush, refuse, or recycling which cannot fit into the Village refuse or recycling collection carts may request a special pickup: i. No-Charge Refuse Special Pickup: On a scheduled refuse collection day, a residential unit may place small household items, certain minor appliances, or pieces of furniture with a combined size not to exceed 4' x 4' x 7' in the parkway for a No-Charge Special Refuse Pickup. Items eligible for pickup include items such as a chair and small love seat, a small couch, a mattress and box spring, or a dishwasher. Items ineligible for pickup include a large sectional couch, large sleeper sofa, appliances with Freon, a water heater, or major appliances like a clothes washer/dryer. 1. Routine residential refuse which does not fit in the Village refuse collection cart as a result of the cart being full is not eligible for pickup under this section. Such excess refuse must either be held until the next scheduled pickup, placed in a newly purchased additional cart for collection or be collected as a Charged Refuse Special Pickup. 2. Soil, sand, rocks, concrete, brick, and construction waste are ineligible for No-Charge Refuse Special Pickup. ii. Charged Refuse Special Pickup: Any household item or items that cannot fit into a Village refuse collection cart and exceeds the parameters of a No-Charge Special Pickup, with a maximum combined size of 5' x 5' x 15', qualifies as a Charged Refuse Special Pickup. A residential unit owner or occupant will be required to pay the Special Service Charge as set forth in Section 10.04-V-1-c prior to collection. 1. Construction waste from household renovation projects that do not require a Village permit may be collected at the discretion of the Department of Public Works. A residential unit owner or occupant must first obtain Department of Public Works permission to dispose of such construction waste via a Charged Refuse Special Pickup. Contractor generated waste is ineligible for a Charged Refuse Special Pickup. 2. Appliances with Freon and major appliances such as water heaters are ineligible for a Charged Refuse Special Pickup. These appliances are subject to Section 10.04-IV-3. 3. Soil, sand, rocks, concrete, brick, and construction waste are ineligible for Charged Refuse Special Pickup. iii. No-Charge Recycling Special Pickup Not Available: No-Charge Recycling Special Pickups are not available. A residential unit owner or occupant must schedule a Charged Recycling Special Pickup, purchase one or more additional carts, or place the recycling in the recycling collection cart at a later date. iv. Charged Recycling Special Pickup: Any recyclable item or items that cannot fit into a Village recycling collection cart (with a maximum combined size of 5' x 5' x 15'), qualifies as a Charged Recycling Special Pickup. A residential unit owner or occupant must pay the Special Service Charge defined in Section 10.04-V-1-c prior to collection. v. No-Charge Brush Special Pickup: Brush piles less than 5' x 7' x 20' will be collected at no-charge provided they are placed in the parkway in the manner defined in Section 10.04-II-2-g. vi. Charged Brush Special Pickup: Brush piles that exceed size limits for a No-Charge Brush Pickup (with maximum combined size of 5' x 7' x 40'), qualify for Charged Brush Special Pickup. Brush must be placed in the parkway as set forth in Section 10.04-II-2-g. A residential unit owner or occupant will be required to pay the Special Service Charge as set forth in Section 10.04-V-1-c prior to collection. vii. No-Charge Yard Waste Special Pickup: Up to 25 paper bags of yard waste will be collected at no-charge provided they are placed in the parkway as set forth in Section 10.04-II-2-g. viii. Charged Yard Waste Special Pickup: Yard waste in excess of 25 paper bags, up to a maximum of 50 paper bags, is eligible for a Charged Yard Waste Special Pickup. Yard Waste must be placed in the parkway as set forth in Section 10.04-II-2-g. A residential unit owner or occupant must pay the Special Service Charge as set forth in Section 10.04-V-1-c prior to collection. ix. Excessive Special Pickup: If a pickup request exceeds the maximum total size or quantity for a special pickup as defined above in Section 10.04-V-1-b-ii, Section 10.04-V-1-b-iv, Section10.04-V-1-b-vi, or Section 10.04-V-1-b-viii it qualifies as an Excessive Special Pickup. An Excessive Special Pickup may be collected at the discretion of the Department of Public Works. A residential unit owner or occupant must pay the Special Service Charge set forth in Section 10.04-V-1-c prior to collection. Residential unit owners or occupants will be billed for the remaining balance of the actual cost of the collection based on additional charges defined in Section 10.04-V-1-c.	Revised to accommodate the new cart system. In order to compensate of the loss of being to place items outside of the cart, staff would recommended that special pickups remain lenient with a "no-charge special pickup". Special pick-up policies will be discussed at the third planning meeting. This also defines the amount of brush and yard waste per property that qualifies as a special pick-up. Update 1-2-18 - Updated per recommended special pickup regulations. Updated 3-6-18 - Minor wording revisions. Updated 5-1-18 - Removal of excess information. Clarification that soil, sand, rocks, concrete, brick, and construction waste are ineligible for Special Pickups. Minor verbiage revisions.
20	Special Services (Cost)	Special pickup minimum charge is $45.00. Additional fees may be imposed at the discretion of the Department of Public Works if the amount of domestic waste exceeds the criteria listed above. Additional charges will be based on the hourly rate for the personnel, including fringe benefits and equipment used and disposal fees.	For a Charged Refuse Special Pickup (Section 10.04-V-1-b-ii), Charged Recycling Special Pickup (Section 10.04-V-1-b-iv), Charged Brush Special Pickup (Section 10.04-V-1-b-vi), and a Charged Yard Waste Special Pickup (Section 10.04-V-1-b-viii). The special pickup service charge shall be as determined by the Village Board from time-to-time. Additional charges may be imposed at the discretion of the Department of Public Works if pickup time exceeds 15 minutes or if the item/s for collection exceed/s the special pickup criteria listed in Section 10.04-V-1-b-ii, Section 10.04-V-1-b-iv, Section 10.04-V-1-b-vi, or Section 10.04-V-1-b-viii. Additional charges for an Excessive Special Pickup will be based on the hourly rate for the personnel, including fringe benefits, equipment used, and disposal fees.	Time limit added to the ordinance. This is de-facto time limit that Public Works department currently uses, however it is not currently stated in the ordinance. Update 1-2-18 - Updated per recommended special pickup regulations. Update 5-1-18 - Removed $45 from code. To be added to fee schedule. Minor verbiage revisions.

Whitefish Bay Trash and Recycling Ordinance Review

	Current Trash and Recycling Policy		Proposed Revisions	
Ref #	Topic	Ordinance	Revised Ordinance - Items will be reorganized for clarity	Service Level Change
21	Special Services (Location)	Domestic Waste to be picked up by the Village must be removed by the resident from the dwelling to an outside place readily accessible to the Department of Public Works. No Domestic Waste will be removed by the Village of Whitefish Bay personnel from inside a dwelling.	Special Pickup refuse and recycling must be placed on the parkway and accessible to the Department of Public Works. Refuse left for a special pickup must not be prohibited as set forth in Section 10.04-VII-2, be recyclable as set forth in Section 10.04-IV-1, or pose a safety risk during collection or disposal (exposed nails must be removed or hammered down). A resident with a curbside or alley placement exemption as described in Section10.04-IV may qualify for any of the above described special pickups, with the same regulations and fees, but with a collection placement exemption.	Added that items for special pickups must be placed in the Parkway and must not pose a safety risk during collection or disposal. Update 1-2-18 - Updated per recommended special pickup regulations. Update 5-1-18 - Removal of excess information. Minor verbiage revisions.
22	Special Services (Grass)	Green grass clippings will not be collected under the provisions of this subsection.	Grass clippings may not be collected under the provisions of this section.	No Change
23	Removal of Construction Waste	No Village employee shall remove any construction waste from private property unless the owner of such property shall first have followed the procedure provided in subsection (4)(c).	No construction, demolition, or remodeling waste under this section will be collected by the Department of Public Works unless the refuse meets the requirements set forth in Section 10.04-V-1-b-ii. Under no circumstances will construction, demolition, or remodeling waste from projects requiring a Village permit be collected by the Village.	Update 1-2-18 - Updated per recommended special pickup regulations. Update 5-1-18 - Minor verbiage revisions.
24	Collection Condition	The collection of all municipal wastes is conditioned upon the observance of all provisions of this ordinance.	The collection of all refuse, recycling, or other waste is conditioned upon the observance of all provisions of this ordinance.	Update 5-1-18 - Minor verbiage revisions.
25	Transportation of Wastes.	Transportation and collection of wastes by persons other than employees of the Department shall be strictly in compliance with this subsection.	Transportation and collection of wastes by commercial waste haulers shall comply with the following	No Change
26	Transportation	The transportation of all wastes through and upon the street, alleys, and thoroughfares of the village shall be conducted in such manner as to comply with section 7.02 of this code.	The transportation of all wastes through and upon the streets, alleys, and thoroughfares of the Village shall be conducted in such manner as to comply with Section 7.02 of the Municipal Code.	Update 5-1-18 - Minor verbiage revisions.
27	Vehicles	No person shall carry or transport any material of any kind whatsoever in any vehicle unless the same be of such construction and so operated that the contents shall not fall therefrom nor spill upon the public streets or alleys.	No person shall carry or transport any material of any kind whatsoever in any vehicle unless the same be of such construction and so operated that the contents shall not fall or spill upon the public streets or alleys.	Update 5-1-18 - Minor verbiage revisions.
28	Removing Noxious Substances	No person shall remove or cause to be removed, carried or conveyed any noxious or offensive substances in upon or over any of the public streets or alleys in the Village of Whitefish Bay between the hours of 7:00 a.m. and 8:00 p.m. in the months of May, June, July, August, September or October unless vehicles for removing said noxious or offensive substances are water tight and covered, if so required by rules of the Health Officer.	No person shall remove or cause to be removed, carried or conveyed any noxious or offensive substances in upon or over any of the public streets or alleys in the Village of Whitefish Bay between the hours of 7:00 a.m. and 8:00 p.m. unless vehicles for removing said noxious or offensive substances are watertight and covered.	Removed language referencing Health Officer and month restriction. Update 3-6-18 - Section title update Update 5-1-18 - Minor verbiage revisions.
29	Duty to Enforce	It shall be the duty of every police officer, health department officer and supervisory employee of the department to enforce all provisions of this section, and upon observing any violation hereof to take appropriate steps to ensure compliance herewith.	Removed per Village Attorney.	Update 5-1-18 - Removed per Village Attorney.
30	Recycling	The purpose of this ordinance is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in s. 159.11, Wis. Stats., and Chapter NR 544, Wis. Administrative Code.	Removed per Village Attorney.	Update 5-1-18 - Removed per Village Attorney.
31	Definitions (Recycling)	Definitions will be updated following all discussion	Removed and combined with refuse definitions.	Update 1-2-18 - Combined with refuse definitions.

Whitefish Bay Trash and Recycling Ordinance Review

	Current Trash and Recycling Policy		Proposed Revisions	
Ref #	Topic	Ordinance	Revised Ordinance - Items will be reorganized for clarity	Service Level Change
32	Separation of Recyclable Materials	Occupants of Single-family and 2 to 4-unit residences, multiple-family dwellings and non-residential facilities and property shall separate the following materials from postconsumer waste: (1) Lead acid batteries (2) Major appliances (3) Waste oil (4) Yard waste (5) Aluminum containers (6) Bi-metal containers (7) Corrugated paper or other container board (8) Foam polystyrene packaging (9) Glass containers (10) Magazines (11) Newspaper (12) Office paper (13) Rigid plastic containers made of PETE and HDPE (14) Steel containers (15) Waste tires	1. Separation of Recyclables: a. Owners and occupants of residential and nonresidential unit residences and multiple-family dwellings shall separate the following materials from postconsumer waste: i. Lead-acid batteries ii. Major appliances iii. Electronic devices iv. Waste oil and oil filters v. Yard waste vi. Brush vii. Waste tires viii. Aluminum containers ix. Bi-metal containers x. Corrugated paper or other containerboard xi. Foam polystyrene packaging xii. Glass containers xiii. Magazines xiv. Newspaper xv. Office paper xvi. Mixed paper xvii. Plastic containers xviii. Steel containers xix. Such other recyclables as may be added to this list from time-to-time by the Department of Public Works.	Updated per State Statutes. No practical change, other than codifying that applicable recycling items will be required to be placed in the new recycling carts and other recycling items will be required to be recycled separately. The State has a good informational flyer at http://dnr.wi.gov/files/PDF/pubs/wa/wa1574.pdf that can be advertised to show what should be recycled. Staff will use this information in promotional material. Update 5-1-18 - Minor verbiage revisions.
33	Separation Requirements Exempted	The separation requirements of subsection (3) do not apply to the following: (1) Occupants of single-family and 2 and 3-unit residences, multiple-family dwellings and non-residential facilities and properties that send their postconsumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in subsection (3) from solid waste in as pure a form as is technically feasible. (2) Solid waste which is burned as a supplemental fuel at a facility if less than 30% of the heat input to the facility is derived from the solid waste burned as supplemental fuel. (3) A recyclable material specified in subsection (3), [(5) through (15)] for which a variance has been granted by the Department of Natural Resources under s. 159.11 (2m), Wis. Stats., or s. NR 544.14, Wis. Administrative Code.	The separation requirements of Section 10.04-IV-1 do not apply to the following: a. Occupants of single-family and 2 and 3-unit residences, multiple-family dwellings and non-residential facilities and properties that send their postconsumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in Section 10.04-IV-1 from solid waste. b. Solid waste which is burned as a supplemental fuel at a facility if less than 30% of the heat input to the facility is derived from the solid waste burned as supplemental fuel. c. A recyclable material specified in Section 10.04-IV-1 for which a variance has been granted by the Department of Natural Resources under s. 287.11 (2m), Wis. Stats., or s. NR 544.14, Wis. Administrative Code.	Update 5-1-18 - Minor verbiage revisions.
34	Care of Separated Recyclable Materials	To the greatest extent practicable, the recyclable materials separated in accordance with subsection (3) shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other non-recyclable materials, including but not limited to household hazardous waste, medical waste, and agricultural chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions.	Recyclable materials separated in accordance with Section 10.04-IV-1 shall be substantially clean and kept free of contaminants such as food or product residue, oil or grease, or other nonrecyclable materials, including, but not limited to, household hazardous waste, medical waste, and agricultural chemicals.	No practical change, other than the code updated for the new carts. Update 5-1-18 - Minor verbiage revisions.
35	Management of Lead Acid Batteries, Major Appliances, Waste Oil and Yard Waste.	Occupants of single-family and 2 to and 3-unit residences, multiple-family dwellings and non-residential facilities and properties shall manage lead acid batteries, major appliances, waste oil and yard waste as follows: (1) Lead acid batteries shall be taken to any area retail business that sells such batteries. (2) Major appliances shall be collected by the Village at a special fee. (3) Waste oil shall be disposed of at any local service station or at the Village Garage during regular business hours. (4) Yard waste shall be disposed of as provided in s. 10.04 (2)(c). (5) Brush shall be disposed of as provided in s. 10.04 (2)(c).	3. Management of Lead-acid Batteries, Major Appliances, Waste Oil, Yard Waste, Brush, and Tires: Owners and occupants of residential and nonresidential refuse and recycling generating properties shall manage lead-acid batteries, major appliances, electronic devices, waste oil, yard waste, brush, and tires as follows: a. Lead-acid batteries shall be recycled at private businesses where purchased or at private recycling centers. b. Major appliances shall be recycled at private businesses where purchased or at private recycling centers. The Village provides special collection service for certain appliances for a separate charge which as set forth in Section 10.04-V-1. c. Electronic devices shall be recycled at private businesses where purchased or at private recycling centers. d. Waste oil and oil filters shall be recycled at private businesses where purchased, private recycling centers or public recycling centers. e. Yard waste shall be collected by the Village in accordance with Section 10.04-II-2-g, by private landscapers for private recycling or disposal, or composted in accordance with Section 10.14. f. Brush shall be collected by the Village in accordance with Section 10.04-II-2-g or through local public or private recycling collection methods. Brush may also be chipped on site and used as mulch. g. Waste tires shall be recycled at private businesses where purchased or at private recycling centers.	This section has been updated per State Statutes. In addition, information on what and how to recycling items is provided. Update 1-2-18 - Revised to reflect that the Village only collects "some" appliances and that residents are encouraged to contact the Village with questions. Update 5-1-18 - Removal of excess information. Minor verbiage revisions.

Whitefish Bay Trash and Recycling Ordinance Review

	Current Trash and Recycling Policy		Proposed Revisions	
Ref #	Topic	Ordinance	Revised Ordinance - Items will be reorganized for clarity	Service Level Change
36	Preparation and Collection of Recyclable Materials.	7. Preparation and Collection of Recyclable Materials. Except as otherwise directed by the Village Board of Trustees, occupants of dwellings of less than 4 units shall do the following for the preparation and collection of the separated materials specified in subsection (3), [(5) through (15)]: (1) Aluminum, bi-metal and steel containers shall be rinsed free of product residue and debris, and placed in the designated portion of the approved recycling cart. (2) Glass containers shall be rinsed free of product residue, and caps shall be removed and discarded. The containers shall be placed in the designated portion of the approved recycling cart. (3) Plastic containers made of PETE and HDPE shall be rinsed free of product residue and caps shall be removed and discarded. The containers shall be placed in the designated portion of the approved recycling cart. (4) Newspapers, magazines, catalogs, and phone books shall be placed in the designated portion of the approved recycling cart. (5) Corrugated paper and other container board shall be free of debris, flattened, stacked, and placed in the designated container at the recycling drop-off center. (6) Office paper shall be recycled at the place at which the paper is generated or shall be placed in the designated container at the recycling drop-off center. (7) Waste tires shall be taken to area retail businesses which sell tires or taken directly to a tire reclamation facility.	Unless otherwise directed by the Department of Public Works, owners and occupants of residential refuse and recycling generating properties shall do the following for the preparation and collection of the separated materials specified in Section 10.04-IV-1. a. Aluminum, bi-metal, glass, plastic, and steel containers shall be rinsed free of any substantial product residue, and placed loosely in a Village recycling collection cart or taken to a Department of Public Works approved local recycling drop-off site. b. Corrugated paper or other containerboard shall be placed within a Village recycling collection cart or taken to a Department of Public Works approved local recycling drop-off site. Corrugated paper and other containerboard shall be free from contamination by oil, grease, and food. c. Foam polystyrene packaging shall be taken to a Department of Public Works approved local recycling drop-off site. d. Mixed paper shall be placed within the Village recycling collection cart or taken to a Department of Public Works approved local recycling drop-off site. e. Newspaper shall be placed within a Village recycling collection cart or taken to a Department of Public Works approved local recycling drop-off site. Newspaper shall not be bound. f. Office paper shall be placed within a Village recycling collection cart or taken to a Department of Public Works approved local recycling drop-off site.	This section has been updated per State Statutes, however there is no practical change. All accepted recycling items are listed in the code. However, residents should already be recycling these items. Curbside recycling using the cart will require less user involvement as all applicable recyclables can be thrown in the cart together. Update 5-1-18 - Minor verbiage revisions.
37	Responsibilities of Owners or Designated Agents of Multiple-Family Dwellings.	(1) Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in subsection (3), [(5) through (15)]: (a) Provide adequate, separate containers for recyclable materials. (b) Notify tenants in writing at the time of renting or leasing the dwelling, and at least semi-annually thereafter, about the established recycling program. (c) Provide for the collection of the materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility. (d) Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number. (2) The requirements specified in (1) do not apply to the owners or designated agents of multiple-family dwellings if the postconsumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in subsection (3), [(5) through (15)] from solid waste in as pure a form as is technically feasible.	a. Owners of multiple-family dwellings shall do all of the following to recycle the materials specified in Section 10.04-IV-1. i. Provide adequate, separate containers for the recyclable materials. ii. Notify tenants in writing at the time of renting or leasing the dwelling and at least semiannually thereafter about the established recycling program, including: 1. Reasons to reduce and recycle solid waste. 2. Which materials are collected. 3. How to prepare the materials in order to meet the processing requirements. 4. Collection methods or sites. 5. Locations and hours of operation. 6. A contact person or company, including a name, address and telephone number. iii. Provide for collection of the materials separated from the solid waste by the tenants and the delivery of these materials to a recycling facility. iv. Prevent recyclables from being placed in containers with non-recyclables.	This section has been updated per State Statutes. Update 5-1-18 - Minor verbiage revisions.
38	Responsibilities of Owners or Designated Agents of Non-Residential Facilities and Properties.	(1) Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in subsection (3), [(5) through (15)]: (a) Provide adequate, separate containers for the recyclable materials. (b) Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program. (c) Provide for the collection of the materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility. (d) Notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.	a. Owners and operators of nonresidential properties shall do all of the following to recycle the materials specified in Section 10.04-IV-1. i. Provide adequate, separate containers for the recyclable materials. ii. Notify in writing, at least semiannually, all users, tenants, and occupants of such properties about the established recycling program. iii. Provide for the collection of the materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility. iv. Notify users, tenants, and occupants of: 1. Reasons to reduce and recycle solid waste. 2. Which materials are collected. 3. How to prepare the materials in order to meet the processing requirements. 4. Collection methods or sites. 5. Locations and hours of operation. 6. A contact person or company, including a name, address and telephone number. v. Prevent recyclables from being placed in containers with refuse vi. Provide designated space for recycling, separation, storage, and collation.	This section has been updated per State Statutes. Update 5-1-18 - Minor verbiage revisions.

Whitefish Bay Trash and Recycling Ordinance Review

	Current Trash and Recycling Policy		Proposed Revisions	
Ref #	Topic	Ordinance	Revised Ordinance - Items will be reorganized for clarity	Service Level Change
39	Prohibitions on Disposal of Recyclable Materials Separated for Recycling	No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in subsection (3), [(5) through (15)] which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.	No person may dispose of any of the materials specified in Section 10.04-IV-1 in a solid waste disposal facility which have been separated for recycling.	Update 5-1-18 - Minor verbiage revisions.
40	Statutory Authority	This ordinance is adopted as authorized under s. 159.09 (3)(b), Wis. Stats.	Removed per Village Attorney.	Update 5-1-18 - Removed per Village Attorney.
41	Abrogation and Greater Restrictions	It is not intended by this ordinance to repeal, abrogate, annul, impair or interfere with any existing rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, whenever this ordinance imposes greater restrictions, the provisions of this ordinance shall apply.	Removed per Village Attorney.	Update 5-1-18 - Removed per Village Attorney.
42	Interpretation	In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any terms or requirements of this ordinance may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this ordinance is required by Wisconsin Statutes, or by a standard in Chapter NR 544, Wis. Administrative Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Chapter NR 544 standards in effect on the date of the adoption of this ordinance, or in effect on the date of the most recent text amendment to this ordinance.	Removed per Village Attorney.	Update 5-1-18 - Removed per Village Attorney.
43	Severability	Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected	Removed per Village Attorney.	Update 5-1-18 - Removed per Village Attorney.
44	Applicability	The requirements of this ordinance apply to all persons within the Village of Whitefish Bay.	Removed per Village Attorney.	Update 5-1-18 - Removed per Village Attorney.
45	Administration	The provisions of this ordinance shall be administered by the Village Engineer.	Removed per Village Attorney.	Update 5-1-18 - Removed per Village Attorney.
46	Enforcement (Part 1)	(1) For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the Village of Whitefish Bay may inspect recyclable materials separated for recycling, postconsumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and non-residential facilities and properties, and any records relating to recycling activities, which shall be dept. confidential when necessary to protect proprietary information. No person may refuse access to any authorized officer, employee or authorized representative of the Village of Whitefish Bay who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.	a. For the purpose of ascertaining compliance with the provisions of 10.04, the Director of Public Works or his/her designee may inspect materials separated for recycling, refuse intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and nonresidential facilities and properties, and any records relating to refuse and recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse to allow access to the Director of Public Works or his/her designee who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.	Update 5-1-18 - Minor verbiage revisions.
47	Enforcement (Part 2)	(2) Any person who violates a provision of this ordinance may be issued a citation by the Village of Whitefish Bay to collect forfeitures. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this paragraph.	b. Any person who violates any provision of this ordinance may be issued a citation by the Village Police Department. The issuance of a citation shall not preclude a proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this paragraph.	Update 5-1-18 - Minor verbiage revisions.
48	Enforcement (Part 3)	(3) Penalties for violating this ordinance may be assessed as follows: (a) Any person who violates subsection (10) may be required to forfeit $50 for a first violation, $200 for a second violation, and no more than $2,000 for a third or subsequent violation. (b) Any person who violates a provision of this ordinance, except subsection (10), may be required to forfeit not less than $10 nor more than $1,000 for reach violation.	Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in Section 17.04 of this code, in addition to the specific penalties provided in this chapter. A separate offense shall be deemed committed on each day on which a violation of this chapter occurs or continues. As and for a further penalty for any violation of this or any other provision in the Municipal Code, the Village Board hereby empowers the Village Manager or designee to, after providing notice in person or via United States mail to the last known owner of the property at least two (2) business days in advance, perform such work on said property as is required to render the property compliant with the Municipal Code. The reasonable cost of such work shall be billed to the last known property owner and such bill shall be due and payable within fifteen (15) days after it has been mailed. Amounts due after said period of time shall be delinquent and shall become a lien upon the property and may be placed on the tax bill of the property in question as a special charge for current services as provided in § 66.0627 Wis. Stats	Penalties updated for consistency over the entire ordinance. Update 5-1-18 - Minor verbiage revisions.

Whitefish Bay Trash and Recycling Ordinance Review

	Current Trash and Recycling Policy		Proposed Revisions	
Ref #	Topic	Ordinance	Revised Ordinance - Items will be reorganized for clarity	Service Level Change
49	Effective Date	The provisions of this section shall take effect on January 1, 1995.	To be updated as needed.	No practical change.
	Small Dead Animals	Small dead animals shall be collected by the Department upon notification.	Small animal carcasses on public property shall be collected by the Department of Public Works upon notification.	Animals must be on public property for the Department to Collect.
50	Added Changes.			
51	Topic	Issue		Service Level Change
	ARTICLE III Recycling Collection Details	a. Regular Recycling Schedule: The Department of Public Works shall establish an every other week collection schedule for household recycling in the Village with the approval of the Village Board. The Village shall publish the collection schedule on its website. The Village Board may adjust the collection schedule from time-to-time. i. Recycling Cart Placement Schedule: Recycling carts must be at the curb by 7 a.m. on the scheduled day of collection to ensure pick-up. Recycling carts may be placed after 6 p.m. the day prior to scheduled collection. Recycling carts must be returned to their storage location by 8 p.m. on the day of scheduled pick-up up. ii. Holiday/Weather Recycling Schedule: Recycling shall be collected every two weeks on the day scheduled unless due to a holiday or severe weather event the Department of Public Works reschedules collection. a. Recycling Collection: Residential recycling shall be placed in a Village issued recycling collection cart. Residential recycling will not be collected if it is not placed in a Village recycling collection cart. b. Cart Placement: Unless directed or authorized by the Department of Public Works under 10.04-VI, carts for residential recycling must be placed within three feet from the curb edge and three feet away from any other object. If a property abuts upon an alley, such receptacle shall be located immediately adjacent thereto. The lid opening must face the street. The Department of Public Works may direct or authorize the placing of carts for recycling in a manner different than that provided herein in order to facilitate a more reasonable mode of collection from particular premises. c. Littering: No person shall place any recyclables on any street, alley, sidewalk or other public or private property unless the same shall be placed in appropriate carts for Village collection at the times and in the manner as herein provided. d. Allowed Disposal Location: No person shall without permission place for collection any recyclables at the curbline or alley adjacent to any premises not owned or occupied by such person. e. Refusal to Collect: The Department of Public Works may refuse to collect improperly placed recycling carts or improperly prepared recycling as defined in Section 10.04-IV-4, 10.04-IV-5, 10.04-IV-6. f. Cart Weight Limit: No loaded recycling cart placed for collection shall exceed 150 pounds in total weight.		This is noted throughout the service level changes above. It reflects the bi-weekly automated recycling collection service approved by the Village Board. Update 1-2-18 - Minor verbiage revision. Update 5-1-18 - Minor verbiage revisions.
52	Exemptions from "cart-to-curb" requirements	1. As set forth in Section 10.04-II-2-b and Section 10.04-III-2-b, refuse and recycling collection carts must be brought to the parkway or alley edge for collection by the Department of Public Works. To accommodate residents with medical hardships or disabilities an exemption to the requirement of bringing carts to the parkway or alley edge for collection may be granted on a case-by-case basis upon the completion of a Village Board approved exemption application form and approval by the Village Manager or his or her designee. 2. On receipt of the application, the Village Manager or his or her designee will make a determination regarding exemption request and inform the applicant of the decision. If exemption is approved, the applicant will be required to renew the exemption on May 1, 2020and every second anniversary thereafter unless the exemption is temporary, in which case the exemption will expire after a temporary timeframe set forth by the signing physician on the application. 3. If the exemption request is denied, the the Village Manager or his or her designee will inform the applicant of the decision. The applicant has the right to appeal the decision to the Zoning Board of Appeals. 4. If the exemption application is approved, the applicant must place refuse and recycling in Village issued collection carts per 10.04-II-2-a and Section 10.04-III-2-a .The Department of Public Works will then access the resident's premises to collect the refuse and recycling carts. Carts must be outside and easily accessible. Refuse and recycling carts will not be removed from inside a structure by the Department of Public Works. 5. The exemption application form may be amended from time-to-time by the Village Manager or his/her designee as approved by the Village Board.		Draft exemption language added. This will be discussed at the 12-11-2017 Public Works Committee meeting. It will be adjusted as requested by the committee and Village Board. Update 1-2-18 - Reorganization for clarity, no language change. Update 3-6-18 - Removed 35-gallon cart from ordinance and included it as part of the internal policy document and minor wording adjustments. Update 5-1-18 - Minor verbiage revisions. Clarification that the Village Board approves the exemption application
54	Household sharp medical waste disposal	Household sharp medical waste and general sharps shall be disposed of in accordance with the requirements of Wis. Admin. Code ch. NR 526 and shall not be deposited in any other place or manner in the Village than as provided in this section: a. Acceptable means of disposing of sharp medical waste under this article include disposal in a sharps container or a heavy plastic container and delivery of the sealed container to a sharps collection station or other person authorized under Wis. Admin. Code ch. NR 526 to accept such waste. b. Containers for household sharp medical waste, loose household sharp medical waste or other sharps and sharp waste shall not be mixed with refuse or recyclables. c. The Department of Public Works shall not collect, manage, or dispose of any refuse or recyclables containing sharp medical waste or other medical waste of any kind. d. Sharps and sharp waste (non-household) must be professionally managed and disposed of in accordance with Wis. Admin. Code NR526.		Updated language to include very clear language that sharps may not be disposed of in refuse or recycling in the refuse and recycle section. Update 5-1-18 - Minor verbiage revisions.
55	Ownership of recyclable materials	3. Ownership of recyclable materials. a. Public Collection: All residential recyclable material collected as provided in this section, shall be the property of the Village. b. Commercial Collection: Nonresidential recyclable materials collected commercially are the property of those generator and collecting entities or persons. c. Who May Collect: It shall be unlawful for any person, except the Village or licensed commercial waste haulers collecting nonresidential recyclable materials to collect or remove any recyclable materials that have been placed at the curb or in a cart adjacent to a residential or nonresidential building for the purposes of collection for recycling.		Added per recommendation of other communities. Update 5-1-18 - Minor verbiage revisions.
56	Authority	Removed per Village Attorney.		Update 5-1-18 - Removed per Village Attorney.