

# LEGISLATIVE COMMITTEE MEETING

City of Kaukauna  
**Council Chambers**  
Municipal Services Building  
144 W. Second Street, Kaukauna



Monday, February 06, 2023 at 6:30 PM

## AGENDA

### In-Person

1. Correspondence.
2. Discussion Topics.
  - [a.](#) Update to 11.11 Waste - Ordinance Review.
  - [b.](#) Payment plan for Special Charges code violation abatements.
  - [c.](#) Ordinance Update to Chapter 17.22(2) Commercial Highway District – Wholesale and Warehousing.
3. Adjourn.

## NOTICES

Notice is hereby given that a majority of the City Council will be present at the meeting of the Legislative Committee scheduled for Monday, February 6, 2023 at 6:30 P.M. to gather information about a subject over which they have decision making responsibility.

**IF REQUESTED THREE (3) DAYS PRIOR TO THE MEETING, A SIGN LANGUAGE INTERPRETER WILL BE MADE AVAILABLE AT NO CHARGE.**



## City of Kaukauna

### Legislative Committee

February 6, 2023

jn/engr dept

#### Agenda Item #2a

#### Update to 11.11 Waste - Ordinance Review

##### Background

City Staff have been working on updates to Municipal Code 11.11 Waste Material for several months. We are bringing back a final draft for Legislative Committee discussion and possible approval. See proposed ordinance attached.

##### Recommended Action

Motion to approve, and recommend approval to the Common Council, proposed ordinance 1875-2022 Ordinance repealing and recreating Section 11.11 Waste Material, and direct staff to present the proposed ordinance update in an informational campaign and/or hold a public informational meeting.

**CITY OF KAUKAUNA  
ORDINANCE 1877-2022**

**ORDINANCE REPEALING AND RECREATING SECTION 11.11 WASTE  
MATERIAL**

**WHEREAS,**

**NOW THEREFORE,** be it ordained by the Common Council of the City of Kaukauna, in the State of Wisconsin, as follows:

**SECTION 1:**        **AMENDMENT** “11.11 Waste Material” of the City of Kaukauna Municipal Code is hereby *amended* as follows:

**BEFORE AMENDMENT**

11.11 Waste Material

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

*Ashes* means residue of consumed coal, wood, or other fuels.

*Commercial solid waste* means all solid waste generated from a normal commercial operation.

*Large and irregular items* means all materials, such as dirt, broken concrete, bedsprings, hot water tanks, building demolition, or other materials, that will not fit into a garbage packer.

*Residential solid waste* means all solid waste generated from a normal residential household.

*Users* means various categories of users that are hereby established for purposes of this section as follows:

- a. *Single-family residential.* The term "single-family residential users" means those having one family on one premise.
- b. *Industrial/manufacturing.* The term "industrial/manufacturing users" means those listed on the manufacturing real estate assessment roll as determined by the state department of revenue. Industrial/manufacturing waste will not be picked up.
- c. *Multifamily.* The term "multifamily residential users" means those having two

or more families living on one premises. Multifamily shall be considered as a commercial use.

- d. *Institutional*. The term "institutional users" means any public or private school providing education in any or all of grades K through 12. Institutional use shall be considered to be commercial use and collection shall be handled in the same manner as provided in this section for commercial users.
- e. *Commercial*. The term "commercial users" means any user not covered in the above use categories.

*White goods* includes refrigerators, freezers, stoves, dishwashers, microwaves, air conditioners, ovens, furnaces, water heaters, clothes washers and dryers, and dehumidifiers.

*Yard waste* means leaves, grass clippings, garden debris, and brush, including vegetative material no greater than six inches in diameter. The term "yard waste" does not include stumps, roots, or shrubs with root balls.

- 2. *Separation*. Each tenant, owner, renter, housekeeper, or other person occupying or controlling any dwelling house or commercial building or portion thereof in the city shall collect and separate the waste material generated into five categories, namely:
  - a. Ashes.
  - b. Residential or commercial solid waste.
  - c. Large and irregular solid waste.
  - d. Yard waste.
  - e. White goods.
- 3. *Containers*.
  - a. Ashes shall be placed in separate cardboard containers after having been adequately cooled. Residential waste shall be placed in either metal or high impact plastic cans with lids. Plastic bags of suitable strength are also allowed. Yard waste shall be placed only in cans (no plastic or paper bags).
  - b. All cans shall have a capacity of no more than 30 gallons and weigh no more than 50 pounds. Cans shall have handles to allow one man to lift them easily. Between the times for collection, all containers shall be kept in inconspicuous locations.
  - c. All commercial users shall use a dumpster where feasible. Dumpsters and all other containers must be accessible when the truck arrives for pickup. If not, they will not be picked up until the next scheduled pickup day, unless the user requests a recall. Recalls shall be subject to a \$35.00 tipping fee for a maximum of six cubic yards.
- 4. *Placing for collection*.
  - a. Containers shall be placed at the curb in the residential district or at the alley line, if there is an alley, and at ground level at the rear of a business place not more than 24 hours prior to the time of collection. Plastic bags containing garbage which have been removed from metallic containers may not be placed out for collection until the day of collection.
  - b. Large and irregular items and brush, including Christmas trees, shall be placed on the curb or along the alley, if one exists in the residential district, or at

ground level at the rear or side of a business place. Building demolition materials shall only be allowed to be placed at the curb for pickup by the owner or occupant, not by a contractor performing demolition work.

c. *Brush requirements.*

- (1) Brush must be a minimum of two feet and a maximum of six feet in length. Brush two feet to four feet in length must be bundled and secured with twine or string. Bundles or branches shall not exceed 50 pounds in weight. Bundles shall not be greater than 18 inches in diameter. Side branches on larger limbs shall be removed.
- (2) All brush to be collected must be placed at the curblane or alley line, but not more than 24 hours prior to the time of collection. Maximum height of such brush piles shall be four feet from ground level. Brush is not to be placed in any container.
- (3) All brush must be loosely and neatly placed for collection. The butt end of all branches shall face the roadway.
- (4) Roots shall be removed from brush.
- (5) Brush shall only be placed for collection by an owner or occupant who performed the brush trimming/removal and not by any contractor performing such work. Any such contractor shall be responsible for removal of any brush created by his work.
- (6) In addition to any other penalty, any brush placed for collection which is in violation of this section shall not be collected until such violation has been corrected.

d. White goods shall be placed for collection at the curb line or alley line, if there is an alley, not more than 24 hours prior to the time of collection. Each white goods item must have thereto a sticker purchased from the City of Kaukauna Street Department ("Street Department"). The Street Department shall establish the fee in an amount sufficient to recover the costs incurred by the City to dispose of said white goods. The fee schedule shall be posted within the Public Works section of the City of Kaukauna's website and upon request within the Street Department located at 207 Reaume Avenue.

e. *Municipal Yard Drop-off Access Card.* City of Kaukauna Municipal Yard Drop-off is available to residents only, via an access card registered to a specific address and license plate.

- (1) *Location.* The City of Kaukauna Yard Drop-off is located at the intersection of W. 3rd St. and Bicentennial Ct.
- (2) *Hours of the Yard Drop-off.* Hours shall be posted within the Public Works section of the City of Kaukauna's website and upon request within the Street Department located at 207 Reaume Avenue.
- (3) *Items allowed via access card.* Yard waste, brush, garbage, waste oil and recycling.
- (4) *Fee.* The Department shall establish the fee in an amount sufficient to recover the costs incurred by the City to dispose of said items. The fee schedule shall be posted within the Public Works section of the City of Kaukauna's website and upon request within the Street Department

located at 207 Reaume Avenue.

5. *Schedule for collection.*

- a. Commercial solid waste, except for restaurants, shall be picked up once per week on a schedule as determined by the street superintendent. This pickup shall be limited to no more than six cubic yards. Restaurants shall be picked up three times per week with a limit of no more than 72 cubic yards in total per week. If more pickups are needed than indicated above, the user shall contract with the city or with a private waste hauler for the additional pickup. Failure to comply with this requirement, in addition to being a violation of this section, might result in the user being denied all city-supplied refuse removal services. Commercial users that contract with the city for additional service shall be billed \$20.00 for a maximum of six cubic yards for each additional pickup. The maximum number of additional pickups that can be contracted for with the city is two. In the event that commercial users contracting with the city for additional service fail to pay for the same, the city's cost shall be assessed as a special charge pursuant to Wis. Stats. § 66.0627 and placed on the tax roll.
- b. Residential solid waste and ashes shall be collected once per week. Large and irregular waste, yard waste, and white goods shall be collected by special pickup once per month. Such special pickup shall be done during the second full week of the month only. For purposes of this section, a week shall commence on Sunday to be considered a full week.
- c. The only exception to the above schedules concerns the collection of leaves during the normal fall season. Leaves may be raked to the curb during those dates indicated by newspaper publication and will be picked up. At all other times, leaves will be collected once a month as a special pickup.

6. *Duties of owners and occupants.* Every owner or occupant of residential and commercial premises in the city shall clean up and separate all ashes, solid waste, and yard waste which may be in or upon the premises owned or occupied by him and store the same in containers as provided in this section. If the owner or occupant fails or refuses to do so, the same shall be done by the city under the direction of the health officer, and the expense of so doing shall be charged against the premises and shall become a lien against the property and be included as a special assessment. In addition, the owner or occupant shall be subject to the penalty as provided in section 11.20.

7. *Waste materials must be generated in city.* No person shall place, deposit, or cause to be placed or deposited, for collection any waste material not generated within the corporate limits of the city.

8. *Prohibited materials.* No person shall place for collection any of the following wastes:

- a. Hazardous waste.
- b. Toxic waste.
- c. Chemicals.
- d. Explosives or ammunition.
- e. Drain or waste oil or flammable liquids.

- f. Large quantities of paint.
- g. Tires.
- h. Batteries.

9. *Board of public works to supervise.* The collection, removal, and disposal of waste material in the city shall be conducted under the supervision, direction, and control of the board of public works and in conformity with the provisions of this section. In addition, the board shall have the authority to adopt such rules and regulations as it deems appropriate to carry out its duties under this section.

(Code 2011, § 11.11)

## AFTER AMENDMENT

### 11.11 Waste Material

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

~~*Ashes means residue of consumed coal, wood, or other fuels.*~~

~~*Commercial solid waste means all solid waste generated from a normal commercial operation.*~~

~~*Large and irregular items means all materials, such as dirt, broken concrete, bedsprings, hot water tanks, building demolition, or other materials, that will not fit into a garbage paker.*~~

~~*Residential solid waste means all solid waste generated from a normal residential household.*~~

*Commercial solid waste means all solid waste generated from a commercial operation.*

*Electronics devices means those items identified as Electronic devices as defined under Wisconsin Stat 287.07(5).*

*Large and irregular items means furniture, overflow garbage in approved containers, or other materials that will not fit into an automated garbage cart and are not defined. This definition applies to residential user only.*

*Prohibited Materials means those prohibited under Wisconsin Stat 287.07.*

*Recyclables means all materials designated by the Director of Public Works for inclusion in the City recycling program.*

Residential Construction Materials shall mean all waste or excess material generated by a resident performing construction, reconstruction, remodeling, repairs to their own home; to include but not limited to soils, aggregate, concrete, steel, wood, lumber, insulation, carpet/tile/flooring materials, roofing materials, and other building demolition materials. (Materials generated by a contractor will not be collected by the City)

Residential solid waste means all solid waste generated from a residential household.

Users means various categories of users that are hereby established for purposes of this section as follows:

- a. ~~Single-family residential. The term "single-family residential users" means those having one family on one premise. Industrial/manufacturing. The term "industrial/manufacturing users" means those listed on the manufacturing real estate assessment roll as determined by the state department of revenue. Industrial/manufacturing waste will not be picked up. Multifamily. The term "multifamily residential users" means those having two or more families living on one premises. Multifamily shall be considered as a commercial use. Institutional. The term "institutional users" means any public or private school providing education in any or all of grades K through 12. Institutional use shall be considered to be commercial use and collection shall be handled in the same manner as provided in this section for commercial users. Commercial. The term "commercial users" means any user not covered in the above use categories.~~ Residential. The term "residential users" means those properties being zoned and used for Residential Single-Family, or Residential Two-Family homes.
- b. Industrial/manufacturing. The term "industrial/manufacturing users" means those properties zoned and used for Industrial or Industrial Park purposes and any property listed on the manufacturing real estate assessment roll as determined by the state department of revenue. Industrial/manufacturing waste will not be picked up.
- c. Multifamily. The term "multifamily residential users" means those having four or more residential units on one property. Multifamily users shall be considered as a commercial use.
- d. Institutional. The term "institutional users" means any institutional enterprise, including, but not limited to, hospitals, churches, schools, nursing homes, or other facility operating in Institutional Zoning. Institutional users shall be treated as commercial users and collection shall be handled in the same manner as provided in this section for commercial users.
- e. Commercial. The term "commercial users" means any property or business operating and in Commercial zoning district or excluding Commercial Core district zoning. Commercial users shall privately contract for collection of solid



waste and recycling.

f. Commercial Core. The term "commercial core users" means any property or business operating in a commercial core zoning, excluding residential use properties.

g. Downtown Core District means those properties as identified by the City of Kaukauna according to the official Downtown Core District map on file and maintained by the Director of Planning and Community Development.

~~White goods includes refrigerators, freezers, stoves, dishwashers, microwaves, air conditioners, ovens, furnaces, water heaters, clothes washers and dryers, and dehumidifiers.~~

White goods means appliances, including but not limited to: microwaves, refrigerators, freezers, stoves, dishwashers, air conditioners, ovens, furnaces, water heaters, clothes washers and dryers, and dehumidifiers. (Electronics are prohibited)

*Yard waste* means leaves, grass clippings, garden debris, and brush, including vegetative material no greater than six inches in diameter. The term "yard waste" does not include stumps, roots, or shrubs with root balls.

2. *Separation.* Each tenant, owner, renter, housekeeper, or other person occupying or controlling any dwelling house or commercial building or portion thereof in the city shall collect and separate the waste material generated into five categories, namely:

a. ~~Ashes. Residential or commercial solid waste. Large and irregular solid waste. Yard waste. White goods.~~ Residential or commercial solid waste.

b. Recyclables.

c. Large and irregular items.

d. Yard waste.

e. Brush.

f. White goods.

3. *Containers.*

a. ~~Ashes shall be placed in separate cardboard containers after having been adequately cooled. Residential waste shall be placed in either metal or high impact plastic cans with lids. Plastic bags of suitable strength are also allowed. Yard waste shall be placed only in cans (no plastic or paper bags). All cans shall have a capacity of no more than 30 gallons and weigh no more than 50 pounds. Cans shall have handles to allow one man to lift them easily. Between the times for collection, all containers shall be kept in inconspicuous locations. All commercial users shall use a dumpster where feasible. Dumpsters and all other containers must be accessible when the truck arrives for pickup. If not, they will not be picked up until the next scheduled pickup day, unless the user requests a recall. Recalls shall be subject to a \$35.00 tipping fee for a maximum of six cubic yards.~~ Residential waste and

recyclables shall be placed in designated City approved automated plastic carts with lids. Between the times for collection, all containers shall be kept in inconspicuous locations and not left on the curb, alley line, or other location near the right-of-way. Maximum weight of the contents of a City cart shall be 500 lbs. City carts damaged by negligent use; as determined by the Director of Public Works or designee, will be replaced and invoiced to the property owner as a special charge. City carts damaged by normal wear/use will be repaired or replaced by the City using the maintenance fees collected and will not be invoiced back to the property owner.

- b. Containers used for Large and Irregular pick up shall have a capacity of no more than 30 gallons and weigh no more than 50 pounds. Containers shall have handles to allow one person to lift them easily. Between the times for collection, all containers shall be kept in inconspicuous locations and not left on the curb, alley line, or other location near the right-of-way. (Each container used for large and irregular pick-up shall constitute 1 item)
- c. All commercial core users who wish to have City garbage collection shall use designated City approved automated plastic carts with lids. Each commercial property may purchase up to two (2) City approved automated garbage carts for a fee/rate to be determined by the Board of Public Works and may require an ongoing maintenance fee. Commercial Core users shall privately contract for recycling. All City and privately owned containers must be concealed/enclosed when not placed out for collection.
- d. All Downtown Core District users shall use City designated waste collection sites for garbage and recycling when practicable. Exceptions may be approved by the Director of Public Works. All City and privately owned containers must be concealed/enclosed when not placed out for collection.
- e. Enclosures. Premises other than residential users may be required by the Director of Public Works to construct an enclosure to visually and physically screen their solid waste storage areas.

#### *4. Placing for collection.*

- ~~a. Containers shall be placed at the curb in the residential district or at the alley line, if there is an alley, and at ground level at the rear of a business place not more than 24 hours prior to the time of collection. Plastic bags containing garbage which have been removed from metallic containers may not be placed out for collection until the day of collection. Large and irregular items and brush, including Christmas trees, shall be placed on the curb or along the alley, if one exists in the residential district, or at ground level at the rear or side of a business place. Building demolition materials shall only be allowed to be placed at the curb for pickup by the owner or occupant, not by a contractor performing demolition work. Brush requirements. White goods shall be placed for collection at the curb line or alley line, if there is an alley, not more than 24 hours prior to the time of collection. Each white goods item must have thereto a sticker purchased from the City of Kaukauna Street Department ("Street Department"). The Street Department shall establish the fee in an amount sufficient to recover the costs incurred by the City to dispose of said white~~

~~goods. The fee schedule shall be posted within the Public Works section of the City of Kaukauna's website and upon request within the Street Department located at 207 Reaume Avenue. Location. The City of Kaukauna Yard Drop-off is located at the intersection of W. 3rd St. and Bicentennial Ct. Hours of the Yard Drop-off. Hours shall be posted within the Public Works section of the City of Kaukauna's website and upon request within the Street Department located at 207 Reaume Avenue. Items allowed via access card. Yard waste, brush, garbage, waste oil and recycling. Brush must be a minimum of two feet and a maximum of six feet in length. Brush two feet to four feet in length must be bundled and secured with twine or string. Bundles or branches shall not exceed 50 pounds in weight. Bundles shall not be greater than 18 inches in diameter. Side branches on larger limbs shall be removed. All brush to be collected must be placed at the curbline or alley line, but not more than 24 hours prior to the time of collection. Maximum height of such brush piles shall be four feet from ground level. Brush is not to be placed in any container. All brush must be loosely and neatly placed for collection. The butt end of all branches shall face the roadway. Roots shall be removed from brush. Brush shall only be placed for collection by an owner or occupant who performed the brush trimming/removal and not by any contractor performing such work. Any such contractor shall be responsible for removal of any brush created by his work. In addition to any other penalty, any brush placed for collection which is in violation of this section shall not be collected until such violation has been corrected. Fee. The Department shall establish the fee in an amount sufficient to recover the costs incurred by the City to dispose of said items. The fee schedule shall be posted within the Public Works section of the City of Kaukauna's website and upon request within the Street Department located at 207 Reaume Avenue. Containers shall be placed at the curb or at the alley line, if available, not more than 24 hours prior to the time of collection. Do not place carts in the roadway. Automated garbage and recycling carts must have a minimum clearance four (4) feet between the cart and all other objects including but not limited to additional carts, mailboxes, cars, trucks, trailers, houses, garages, sheds, trees. Lids must be closed when placing the cart; any bags or waste that cause the lid to remain open are considered overflow/excess and must be removed prior to City collection. **Carts that are not placed in accordance with this section will not be collected.**~~

- b. Large and irregular items and brush, including Christmas trees, shall be placed on the curb or along the alley, if one exists in the residential district, not more than 24 hours prior to the time of collection. Residential Construction Materials shall only be placed in containers with a capacity of no more than 30 gallons and weigh no more than 50 pounds, maximum length of all Residential Construction Materials shall not exceed 4'. Residential Construction Materials may also be placed in standard garbage bags and placed in automated garbage carts for normal pick-up if they meet all other requirements of this section. Not more than five (5) Large and Irregular items may be placed by a residential property/occupant and will be collected.

c. Brush requirements.

- (1) Brush must be a minimum of two feet and a maximum of six feet in length. Brush two feet to four feet in length must be bundled and secured with twine or string. Bundles or branches shall not exceed 50 pounds in weight. Bundles shall not be greater than 18 inches in diameter. Side branches on larger limbs shall be removed.
- (2) All brush to be collected must be placed at the curbline or alley line, but not more than 24 hours prior to the time of collection. Maximum height of such brush piles shall be four feet from ground level. Brush is not to be placed in any container.
- (3) All brush must be loosely and neatly placed for collection. The butt end of all branches shall face the roadway.
- (4) Roots shall be removed from brush.
- (5) Brush shall only be placed for collection by residential use owner or occupant who performed the brush trimming/removal without the use of heavy equipment, and not by any contractor performing such work. Any such homeowner using heavy equipment, or contractor, shall be responsible for removal and disposal of any brush created by their work.
- (6) In addition to any other penalty, any brush placed for collection which is in violation of this section shall not be collected until such violation has been corrected.

d. Yard Waste shall be placed in approved yard waste bags or in containers of no more than 30 gallons and weigh no more than 50 pounds at the curb line not more than 24 hours prior to the time of collection for residential users only.

e. White goods shall be placed for collection at the curb line or alley line, if there is an alley, not more than 24 hours prior to the time of collection. Each white goods item must have thereto a sticker purchased from the City of Kaukauna Street Department ("Street Department"). The Street Department shall establish the fee in an amount sufficient to recover the costs incurred by the City to collect and dispose of said white goods. The fee schedule shall be posted within the Public Works section of the City of Kaukauna's website and upon request within the Street Department offices located at 207 Reaume Avenue.

f. Municipal Disposal Site. City of Kaukauna Municipal Disposal site is available to residents only for excess residential waste, via an access card registered to a specific address and license plate.

- (1) Location. The City of Kaukauna Municipal Disposal site is located at the intersection of W. 3rd St. and Bicentennial Ct.
- (2) Hours of Operation. Hours shall be posted within the Public Works section of the City of Kaukauna's website and upon request within the Street Department located at 207 Reaume Avenue.
- (3) Items allowed via access card. Yard waste, brush, garbage, waste oil and recycling. All waste must be separated and placed in the

designated collection areas.

- (4) Scavenging of solid waste or recyclables in the Municipal Disposal Site. It is prohibited for any person other than authorized City employees or recycling contractor to go through, sort or take anything from Municipal Disposal Site. Firewood, mulch, compost, and wood chips are not included in this prohibition.

- (5) Fee. The Board of Public Works shall establish the fee in an amount sufficient to recover the costs incurred by the City to dispose of said items. The fee schedule shall be posted within the Public Works section of the City of Kaukauna's website and upon request within the Street Department located at 207 Reaume Avenue.

- g. ~~Municipal Yard Drop-off Access Card. City of Kaukauna Municipal Yard Drop-off is available to residents only, via an access card registered to a specific address and license plate.~~

5. *Schedule for collection.*

- a. ~~Commercial solid waste, except for restaurants, shall be picked up once per week on a schedule as determined by the street superintendent. This pickup shall be limited to no more than six cubic yards. Restaurants shall be picked up three times per week with a limit of no more than 72 cubic yards in total per week. If more pickups are needed than indicated above, the user shall contract with the city or with a private waste hauler for the additional pickup. Failure to comply with this requirement, in addition to being a violation of this section, might result in the user being denied all city-supplied refuse removal services. Commercial users that contract with the city for additional service shall be billed \$20.00 for a maximum of six cubic yards for each additional pickup. The maximum number of additional pickups that can be contracted for with the city is two. In the event that commercial users contracting with the city for additional service fail to pay for the same, the city's cost shall be assessed as a special charge pursuant to Wis. Stats. § 66.0627 and placed on the tax roll. Residential solid waste and ashes shall be collected once per week. Large and irregular waste, yard waste, and white goods shall be collected by special pickup once per month. Such special pickup shall be done during the second full week of the month only. For purposes of this section, a week shall commence on Sunday to be considered a full week. The only exception to the above schedules concerns the collection of leaves during the normal fall season. Leaves may be raked to the curb during those dates indicated by newspaper publication and will be picked up. At all other times, leaves will be collected once a month as a special pickup.~~ Residential solid waste shall be collected one (1) time per week, and recycling once every two (2) weeks, from dwelling units according to schedule established by the Director of Public Works. Solid waste set out for collection must originate at the residence being serviced; waste set out for collection that originated at a different property will not be collected.
- b. Commercial Core solid waste shall be collected once per week. (Commercial

Core users shall privately contract for recycling.)

- c. Downtown Core District garbage and recycling shall be collected on a schedule established by the Director of Public Works.
  - d. Large and irregular waste, brush, and white goods shall be collected by special pickup once per month during the months of April-October. Such special pickup shall be done during the second full week of the month only. For purposes of this section, a week shall commence on Sunday to be considered a full week. During said week, not more than five (5) Large and Irregular items may be placed by a residential property/occupant and will be collected. (Each individual piece of furniture, other large items, and each individual container used for large and irregular pick-up shall constitute 1 item. No large and irregular pick-up or regular brush collection will occur during the months of January, February, March, November, and December. White Goods will still be collected by appointment during the months of January, February, March, November, and December by contacting the Street Department Office.
  - e. Special Curbside Leaf Collection. Curbside leaf collection may be conducted by the City and advertised on the Official City calendar and City website. Only during the dates indicated by the City for leaf collection, leaves shall be placed on the terrace, where available, not in the street or on the sidewalk, and shall be within four (4) feet of the curb where above conditions allow.
  - f. Special Tire Collection. Tire Collection may be conducted by the City and advertised on the Official City calendar and City website. Only during the dates indicated by the City for tire collection, City will collect a maximum of four (4) tires from residential users only. Rims must be removed. Tires still mounted on rims will not be picked up.
  - g. Christmas Tree Collection. A Christmas Tree Collection may be conducted by the City and advertised on the Official City calendar and City website. Collection will be for two consecutive weeks after the holidays and will collect Christmas trees and associated trimmings.
6. ~~Duties of owners and occupants. Every owner or occupant of residential and commercial premises in the city shall clean up and separate all ashes, solid waste, and yard waste which may be in or upon the premises owned or occupied by him and store the same in containers as provided in this section. If the owner or occupant fails or refuses to do so, the same shall be done by the city under the direction of the health officer, and the expense of so doing shall be charged against the premises and shall become a lien against the property and be included as a special assessment. In addition, the owner or occupant shall be subject to the penalty as provided in section 11.20.~~ Duties of owners and occupants. Every user in any category in the city shall clean up and separate all solid waste, recyclables, and yard waste which may be in or upon the premises owned or occupied by them and store the same in containers as provided in this section. No waste shall be placed for collection more than 24 hours prior to the time of collection. If the owner or occupant fails or refuses to adhere to this section, removal of the same shall be done by the city under the direction of the

Director of Planning and Community Development, and the expense of so doing shall be charged to the property he property under Wis. Stats. § 66.60(16) and shall become a lien against the property and be included as a special assessment. In addition, the owner or occupant shall be subject to the penalty as provided in section 11.20.

7. *Waste materials must be generated in city.* No person shall place, deposit, or cause to be placed or deposited, for collection any waste material not generated within the corporate limits of the city.
8. *Prohibited materials.* ~~No person shall place for collection any of the following wastes: Hazardous waste. Toxic waste. Chemicals. Explosives or ammunition. Drain or waste oil or flammable liquids. Large quantities of paint. Tires. Batteries.~~ No person shall place for collection any prohibited materials as defined under Wis. Stat 287.07 except as specifically provided in this section. Materials that will not be collected by the City include but are not limited to:
  - a. Recycling materials (except as provided in this section)
  - b. Yard Waste (except as provided in this section)
  - c. Hazardous waste.
  - d. Toxic waste.
  - e. Chemicals.
  - f. Explosives or ammunition.
  - g. Drain or waste oil or flammable liquids.
  - h. Paint/stain/etc. (excluding properly dried latex paint/containers)
  - i. Tires. (Except as advertised for special collections by the City)
  - j. Batteries.
  - k. Electronics.
  - l. Other offensive or harmful liquid waste.
9. ~~*Board of public works to supervise.* The collection, removal, and disposal of waste material in the city shall be conducted under the supervision, direction, and control of the board of public works and in conformity with the provisions of this section. In addition, the board shall have the authority to adopt such rules and regulations as it deems appropriate to carry out its duties under this section.~~ The collection, removal, and disposal of waste material in the city shall be conducted under the supervision, direction, and control of the Board of Public Works and in conformity with the provisions of this section. In addition, the Board shall have the authority to adopt such rules and regulations as it deems appropriate to carry out its duties under this section.
10. Except as otherwise provided in this chapter, any person who shall violate any provision of this chapter, upon conviction thereof, shall be subject to a penalty as provided in section 25.04. In addition to any penalty imposed for violation of Wis. Stats. § 943.01(1), any person who shall cause physical damage to, or destroy any public property shall be liable for the costs of replacement or repairing such damaged or destroyed property. The parents or guardians of any unemancipated minor child who violates Wis. Stats. § 943.01(1) may also be held liable for the cost of repairing such damaged or destroyed property in accordance with Wis. Stats. § 895.035. The Code Enforcement Officer or other designee of the Board of Public Works shall have authority to enforce the provisions of this Section 11.11.

(Code 2011, § 11.11)

PASSED AND ADOPTED BY THE CITY OF KAUKAUNA COMMON COUNCIL

\_\_\_\_\_.

Presiding Officer

Attest

\_\_\_\_\_  
Anthony J. Penterman, Mayor, City of  
Kaukauna

\_\_\_\_\_  
Sally Kenney, Clerk, City of  
Kaukauna





# MEMO

## Finance

To: Legislative Committee

From: Finance Director, William Van Rossum

Date: 02/06/2023

Re: Special Charge Payment Plan

We had some recent special charges that have been issued to property owners that have spurred conversation on how the City can make it easier for property owners to pay these charges as well as increase the probability of getting back the expended funds that come along with these code violation abatements.

Special charges include things like snow removal and lawn cutting, razing, and debris/junk removal expenses. Per the statutes, snow removal from sidewalks, lawn and tree cutting are expressly included in the statutes as allowable for a "special charge," allowing these to be put on the tax bill. However, things like razing, debris/junk, or any other abatement of code violation do not qualify to be transferred to the tax roll. For these other abatement charges, the city can place a lien on the property until it is paid. This is a mechanism to try and collect the cost of these various abatement expenditures before a property switches owners. The lien does not force a payment until the property is turned over. It typically is not a proactive approach to getting the cost back from the abatement.

To be proactive on this collection effort, we would like to explore a payment plan for any special charge/abatement code violation over a certain amount. Based on the amount it could be enrolled in a payment plan with an interest rate close to what the local Credit unions and banks are charging. The term can be based on amount. The higher the amount the longer the term. An example of how this can look is in the table below.

Tiered Amount	Term	Rate
Less than \$1,000	1-year term	Unison 3-year arm rate +.5%
Between \$1,000 and \$5,000	3-year term	Unison 3-year arm rate +.5%
Between \$5,000 and \$7,000	5-Year term	Unison 5-year arm rate +.5%
Greater than \$7,000	10-year term	Unison 7-year arm rate +.5%

This payment plan gives the property owner the option to pay the abatement violation in full, on a payment plan or go to a financial institution to finance the expense. Rather than waiting for the lien to come up in a title search as the property is being sold, with a payment plan we believe our collection rate will be higher as well as expedited.

Community Development Block Grant (CBDG) is another option depending on the abatement situation. CBDG is a regional program that offers Zero-percent deferred loan payment housing rehabilitation loans to low- and moderate- income (LMI) owner-occupied households. Projects could include such actions as replacement of private water or wastewater systems, new electrical or plumbing systems, lead paint or asbestos abatement, roof replacement, or any other rehabilitation deemed necessary to meet housing quality standard (HQS) inspection.

**Recommended Action:** Instruct staff to develop a resolution to implement such a payment plan that can be offered to property owners that have a code violation fee that cannot be transferred to the tax roll for collection.



# MEMO

## PLANNING AND COMMUNITY DEVELOPMENT

To: Legislative Committee  
 From: Joe Stephenson  
 Date: February 1, 2023  
 Re: Recommended Ordinance Update to Chapter 17.22(2) Commercial Highway District – Wholesale and Warehousing

In reviewing the Commercial Highway District (CHD) zoning district regulations, a permitted use within the district is wholesaling and warehousing. While staff feels this use should not be disallowed, it should be in conjunction with a primary commercial activity and not purely wholesaling or warehousing. Wholesaling and warehousing as a standalone use is more appropriate within one of our industrial districts, which permit both uses by right.

An amendment is being proposed to update the CHD that would allow wholesaling and warehousing only when another primary commercial business is on the site.

Words in **GREEN** are updated

### **17.22 CHD Commercial Highway District**

1. *Permitted principal uses and structures.*
  1. See section 17.21(2).
  2. Drive-in banks and restaurants.
  3. Building equipment and supply establishments.
  4. Taverns, billiard parlors, and bowling alleys.
  5. Automobile, boat, construction equipment and farm implement sales, service, repair, and automobile filling stations.
  6. Wholesale and warehouse establishments **incidental to a permitted commercial use.**
  7. Mortuaries.

8. Veterinary hospitals and dog kennels.
9. Senior care or day nursery.
10. Medical, health, or social services.
11. Financial and professional services.
12. Uses not explicitly enumerated in the section as permitted uses but determined by the Community Development Director to be closely related or similar to other uses permitted within this section.

**Recommendation:**

Approve the ordinance update to 17.22(2) Commercial Highway District (CHD) as presented and forward the updated ordinance to the Common Council.

