

## ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE to amend Subsection 40-13(a), adding two definitions to Section 40-103, to create Section 40-106(11), to renumber Section 40-106(11) to 40-106(12), and to amend Section 2.2(b)(4) of the Code of Ordinances of the City of La Crosse regarding dumpster permits.

THE COMMON COUNCIL of the City of La Crosse do ordain as follows:

SECTION I: Section 40-13(a) is hereby amended to read as follows:

(a) *Permit required.* Unless a permit is obtained and maintained under Article IV of this chapter, it shall be unlawful for any person engaged in the business of leasing dumpsters or refuse or storage containers for the storage of materials discarded or used in the process of construction or alteration of buildings, or moving activities, to place or allow for placement of such dumpsters or containers in any street, highway, sidewalk or other public way within the City without first obtaining a permit from the City Engineer's Office. Any person engaged in the business of leasing dumpsters or refuse containers for the storage of materials discarded or used in the process of construction or alteration of buildings under Section 40-106(11) of this Code, shall obtain a permit from the City Engineer's Office prior to placing any dumpster or refuse container.

SECTION II: Section 40-103 is hereby amended to add the definitions below. All other definitions shall remain as is.

*Cart or garbage cart* means a wheeled, lidded 65 or 95-gallon container, usually plastic, designed for automated collection from a motorized waste-hauling vehicle.

*Dumpster or garbage dumpster* means a 2, 4, or 6-yard, mobile trash container designed for automated collection from a motorized waste-hauling vehicle.

SECTION III: Section 40-106(11) is hereby created to read as follows, with the original section (11) being relabeled as (12).

- (11) *Garbage Dumpsters and Carts.* The Board may grant a street privilege permit for dumpsters and carts. In addition to those conditions outlined in this article, the following minimum conditions shall apply, unless greater restrictions are imposed by the Board:
- a. Applicant must demonstrate, and the Board must determine that the dumpster or cart cannot reasonably be located on applicant's property rather than in the public right-of-way.
  - b. The dumpster or cart must be located immediately adjacent to applicant's property, unless the applicant is able to share a dumpster with another applicant. Sharing of carts is prohibited.
  - c. The dumpster or cart must not exceed the following dimensional requirements:

DUMPSTER AND CART DIMENSIONS			
	Length	Width	Height
65 Gallon Cart	2'2"	2'2"	3'3"
95 Gallon Cart	2'4"	2'4"	3'7"
2 Yard Dumpster	6'	3'	3'
4 Yard Dumpster	6'	4'	4'2"
6 Yard Dumpster	6'	6'	6'3"
<ul style="list-style-type: none"> <li>Dumpster Fee shall be ½ the cost if shared by more than one party.</li> </ul>			
Used Cooking Oil	5'	3'5"	3'

- d. The City's Chief of the Fire Department must determine that the dumpster or cart does not violate any applicable fire code, regulation or other authority.
- e. The applicant must post a bond as provided in Section 2-3.
- f. The applicant must provide and maintain insurance as provided in Section 2-2.
- g. The applicant must have a valid bona fide contract with a waste hauler to periodically remove and dispose of waste if City service is not available.

SECTION IV: Section 2.2(b)(4) is hereby amended to read as follows:

- (4) *Permit to place dumpster in street (§ 40-13 and 40-106(11))*. Prior to the issuance of a permit for the placement of a dumpster or cart in the street, the permit applicant must furnish the City Engineer satisfactory written evidence that the applicant has in force and will maintain during the term of the permit, public liability insurance in not less than \$200,000.00 for one person, \$500,000.00 for one accident, and property damage insurance of not less than \$100,000.00. Each such applicant shall also furnish to the City a certificate of insurance naming the City of La Crosse as additional insured and evidence of the same shall be on file with the City Engineer's office at all times during the terms of the permit.

SECTION V: Section 2.3(6) is hereby amended to read as follows:

- (6) *Placement of dumpsters in streets (§ 40-13 and 40-106(11))*. Each holder of a permit to place a dumpster in the street shall provide a bond in the sum of not less than \$3,000.00 issued by an approved insurance or security company or letter of credit meeting the approval of the City Attorney in order to ensure removal of any dumpster, cart or refuse container ordered removed by the City Engineer's office and to cover any damages to any street, alley, highway, sidewalk, or other public way that may be damaged by the permittee's placement of a dumpster, cart or refuse container.

SECTION VI: Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this division shall not be affected.

SECTION VII: This ordinance shall take effect and be in force from and after its passage and publication.

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Shaundel Washington-Spivey, Mayor

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Nikki M. Elsen, City Clerk

Passed:  
Approved:  
Published: