

CHAPTER 6

Solid Waste Collection License

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SEC. 8-6-1 LICENSE REQUIRED.

No person may pick up, collect, remove, transport, or dispose of solid waste or engage in any other activity for which this Ordinance provides that a license, permit or other authorization is required without holding the appropriate license, permit or authorization issued under this Ordinance; nor without compliance with all of the provisions of these Ordinances and all statutes and regulations applicable thereto.

SEC. 8-6-2 DEFINITIONS.

For the purpose of this chapter, the definitions set out in Section 8-4-2 of these Ordinances are adopted by reference herein.

SEC. 8-6-3 EXEMPTIONS.

The following shall be exempt from the provisions of this Chapter:

- (a) Any person who collects and disposes of demolition wastes only.
- (b) Any person who collects and disposes of hazardous waste only.
- (c) Any governmental agency or unit collecting or disposing of solid waste.

SEC. 8-6-4 APPLICATION AND ISSUANCE OF LICENSE

- (a) **Form.** Applications for a license to collect solid waste shall be made in writing on forms prescribed by the city council and shall be filed with the City Clerk no less than thirty (30) days prior to the granting of such license.

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- (b) **Investigation.** The City Clerk-Treasurer and Chief of Police shall investigate each applicant to determine whether: (1) the application contains any material omission or materially inaccurate statement; (2) complaints of a material nature have been received against the applicant by authorities in other cities, villages and towns where the applicant conducted similar business; (3) the applicant, its officers, directors, owners, employees or agents have been charged with or convicted of any violations of federal, state and local laws which are directly related to the business of refuse collection or the nature of which are directly related to the applicant's fitness to engage in refuse collection; and (4) to determine whether the applicant is a proper recipient of a license. These officials shall furnish to the Common Council the information derived from such investigation, accompanied by a recommendation as to whether a license should be granted or refused.
- (c) **Eligibility of Applicant.** In determining the eligibility of an applicant, the City Council shall consider the following factors:
 - (1) The moral character of the applicant, and generally the applicant's fitness for the trust to be reposed.
 - (2) Proof of financial responsibility. Lack of financial responsibility shall be presumed if applicant shall have any premises or equipment for which taxes, assessments or other claims of the City are delinquent and unpaid.
 - (3) Violations of federal, state and local laws which are directly related to the business of solid waste collection and disposal, by the applicant, its directors, officers, owners, employees or agents.
 - (4) Complaints of a material nature that have been received against the applicant by authorities in other cities, villages and towns where the applicant conducted similar business.
 - (5) DNR or other state licenses issued or not issued to the licensee to collect and dispose of solid waste.
 - (6) Capability of licensee to perform solid waste collection services in the city.
- (b) All licenses shall be numbered in the order in which they are issued and shall state the date of issuance, the fee paid and the name of the licensee and, unless sooner revoked, shall expire on June 30 thereafter except as otherwise provided.

SEC. 8-6-5 REVOCATION AND SUSPENSION OF LICENSES.

- (a) A license may be revoked or suspended by the Common Council after notice and hearing on the following grounds:
 - (1) The license application contains a material omission or materially inaccurate statement;
 - (2) The licensee violates any provision of this Chapter; or
 - (3) The licensee is convicted of a federal, state or local law which is directly related to the licensee's fitness to engage in solid waste collection.
- (b) Written notice of the hearing shall be served personally on the licensee at least seventy-two (72) hours prior to the time set for hearing; such notice contain the time and place of hearing and a statement of the acts upon which the hearing will be based.
- (c) A violation of a provision of this Chapter by an authorized agent or employee of a licensee shall constitute a violation by the licensee.

SEC. 8-6-6 RENEWAL.

A Licensee shall have the right to apply to the City for renewal or extension of the license. The City shall grant such renewal or extension application unless it finds that:

- (a) The licensee has not substantially complied with the provisions of the Ordinance and with applicable federal and state laws.
- (b) The licensee lacks the qualifications or capability of providing solid waste collection services; or
- (c) The quality of solid waste collection services of the licensee has not been reasonable in light of community needs.

SEC. 8-6-7 APPEAL.

Any person denied a license under this Chapter may appeal the denial through the appeal procedure provided by ordinance or resolution of the Common Council or, if none has been adopted, under the provisions of Secs. 68.07 and 68.16, Wis. Stats.

SEC. 8-6-8 ASSIGNABILITY OF LICENSE.

All of the rights and privileges and all the obligations, duties and liabilities created by the issuance of a license under this Chapter are personal to the Licensee, and may not be assigned or transferred except as provided herein. Transfers or assignments of a license issued under this Chapter shall be permitted between any

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parent and subsidiary corporation or between entities of which a majority of the beneficial ownership is held by the Licensee or any parent corporation. The sale, transfer or assignment, except an assignment for collateral purposes, of (1) a material portion of the tangible assets of a Licensee or (2) a controlling interest of the stock of a Licensee to an unrelated third party shall be constitute an assignment or transfer subject to the provisions of this section.

SEC. 8-6-9 INDEMNIFICATION AND INSURANCE.

- (a) A licensee shall defend and save the City and its agents and employees harmless from all claims, damages, losses and expenses including attorney's fees sustained by the City on account of any suit, judgment, execution, claim or demand whatsoever arising out of the acts or omissions of the licensee, its agents and employees, in collecting and disposing of solid wastes.
- (b) The licensee shall obtain and maintain insurance coverage of the following kinds and amounts and shall furnish the City with satisfactory evidence of the same prior to the issuance of a license: A general comprehensive liability insurance and automotive insurance policies in a form satisfactory to the city protecting the licensee against liability for loss or damage for personal injury, death or property damage occasioned by the operations or products of licensee having combined and single limits of One Million (\$1,000,000.00) Dollars and Workman's Compensation insurance in the standard form.

SEC. 8-6-10 COLLECTION AND DISPOSAL OF SOLID WASTE.

Except as otherwise provided, a licensee shall dispose of solid waste collected in the city in a suitable solid waste disposal facility or solid waste treatment facility licensed by the State of Wisconsin.

SEC. 8-6-11 LICENSEE'S AUTHORITY TO PROMULGATE RULES.

A licensee may promulgate such rules, regulations, terms and conditions governing the conduct of its business as shall be reasonably necessary to enable the licensee to exercise its rights and perform its obligations under its license and to assure adequate service to all its customers. Licensee may refuse to pick up or collect any solid waste not meeting the rules, regulations, terms and conditions so imposed. However, licensee shall have

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complete responsibility for solid wastes once they have been removed from a curbside site.