

ORDINANCE NO. 2014-6

AN ORDINANCE REGARDING SCREENING OF REFUSE DUMPSTERS

The Village Board of the Village of Bristol, Kenosha County, Wisconsin, do ordain as follows:

SECTION I. ADOPTION OF NEW PROVISIONS.

Section 8-3-8 of the Village of Bristol Code of Ordinances is created to read as follows:

Sec. 8-3-8 Screening of Refuse Dumpsters.

- (a) **Definition.** For purposes of this Section, "refuse dumpster" means a large refuse, trash or recyclables container only capable of being hoisted onto a truck and emptied by mechanical means. Also known as a "commercial trash receptacle."
- (b) **Where Permitted.** Except as provided in this Section, refuse dumpsters shall only be used on a regular basis for disposal of refuse, trash, or recyclables on parcels which are zoned or primarily used as commercial, industrial, or multi-family residential [three (3) or more units] properties.
- (c) **Screening and Location Requirements.** Refuse dumpsters under this Section shall comply with the following requirements:
 - (1) All refuse dumpsters placed outdoors shall be fully enclosed on all four (4) sides by a solid screening fence or wall of sufficient height so that it is not visible from the public street or road right-of-way, or a minimum of six (6) feet in height, whichever is more restrictive.
 - (2) A refuse dumpster shall be deemed to be visible only if it can be seen by a person who is standing at grade level on any part of the right-of-way of a public street or road that adjoins the property on which the refuse dumpster is locate.
 - (3) The refuse dumpster fence shall be constructed of wood, masonry, or brick. Screening may also be accomplished through the use of berms, plantings or combination thereof that would function in a manner similar to fencing. Conventional fencing, however, may be required by the Village if the nature of and uses on the site suggests that

fencing is necessary for public safety or if the visibility standards of this Section cannot be satisfied by alternative means.

- (4) The screening fence or wall shall be equipped with a gate.
 - (5) The screening fence or wall shall be constructed of similar materials and be of similar color as the primary structure on the property and shall be kept free of advertising and graffiti.
 - (6) Non-temporary refuse dumpsters shall be located in rear or side yards behind the front line of the principal structure. Non-temporary refuse dumpsters shall be located no closer than five (5) feet to any property line to allow for property access by emergency response personnel. Non-temporary refuse dumpsters shall not be located in any required parking spaces.
 - (7) Refuse dumpsters shall be placed on a concrete or other hard surfaced pad inside the screening fence, wall, berm or planting, and such pad shall provide adequate support and drainage.
 - (8) Per NFPA Fire Code requirements, refuse dumpsters shall be located a minimum of one (1) foot from any other structure.
- (d) **Exceptions.** The following are exceptions to the requirements of this Section:
- (1) The refuse dumpster is in regular daily use, exclusive of weekends, holidays and inclement weather days, for the purpose of temporarily disposing of waste generated by the demolition or construction of improvements on the property upon which the dumpster is placed, and that any necessary building permits have been obtained.
 - (2) The refuse dumpster was placed by or upon written authority of the Village Administrator or Building Inspector on a temporary basis for storm or special event clean-up, a neighborhood clean-up program or similar temporary purpose.
 - (3) The Village Board determines that unique circumstances exist and that there is inadequate space on the property to locate and screen a refuse dumpster that can comply with the requirements of this Section.
- (e) **Existing Refuse Dumpster Sites.** Existing refuse dumpsters shall comply with the standards of this Section on or before January 1, 2015.

SECTION II. SEVERABILITY.

If any provision of this Ordinance is invalid or unconstitutional or if the application of this Ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provisions or applications.

SECTION III. EFFECTIVE DATE.

This Ordinance shall take effect upon passage and publication as provided by law.

ADOPTED this 10th day of February, 2014.

VILLAGE OF BRISTOL, WISCONSIN



Village President



Clerk-Treasurer

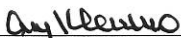
INTRODUCED: 2/10/14
PASSED: 2/10/14
POSTED/PUBLISHED: 2/25/14

State of Wisconsin:

County of Kenosha:

I hereby certify that foregoing ordinance is a true, correct and complete copy of an ordinance duly and regularly enacted by the Village Board of the Village of Bristol on the 10th day of February, 2014, and that said ordinance has not been repealed or amended and is now in full force and effect.

Dated this 10th day of February, 2014



Amy Klemko, Clerk-Treasurer