

CHAPTER 11
PUBLIC HEALTH

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11.01 REGULATION OF NUISANCE-TYPE BUSINESSES. (1) **PERMIT REQUIRED.** No person shall conduct within the Village or within one mile of the Village limits any business which has a tendency to create a public nuisance, except upon permit issued by the Village Board and subject to such conditions as the Board may impose.

(2) **DEFINITION.** A business which has a tendency to create a public nuisance is one which, unless properly regulated, may create conditions creating a public nuisance as defined in sec. 10.02 of this Code.

(3) **AUTHORITY.** This section is enacted pursuant to §66.0415, Wis. Stats.

11.02 GARBAGE AND REFUSE COLLECTION. (1) **SERVICE PROVIDED.** Garbage and refuse collection service shall be provided to one-, 2-family residences by the Village or the Village contractor, but not to commercial or industrial properties.

(2) **THREE AND MORE FAMILY RESIDENCE.** For each commercial rental property (3 or more family residences), owner shall provide a dumpster or Garbage cans with secure lids for storage of garbage and refuse until pickup day.

(2) **COLLECTION TIME AND DAYS.** Except as provided in sub. (5) below, garbage and refuse shall be placed in approved containers or bundles and placed at the curb or roadside by 7:00 A.M. on the scheduled day. After collection, containers shall be removed from the curb or roadside within 12 hours. No pickup shall be made on legal holidays, but shall be made the previous or following work day.

(3) **CONTAINER AND BUNDLE REGULATIONS.** (a) All securely wrapped garbage, cans and paper refuse shall be placed in steel or plastic garbage cans with securely fitting lids or in sturdy plastic liners or bags securely tied.

(b) Small amounts of stone, rubble, earth and sod.

(c) Small auto parts, e.g., mufflers, in containers only.

(4) **ITEMS NOT TO BE PICKED UP.** (a) Large amounts of stone, concrete, rubber, earth or sod.

(b) Containers over 35 gallons or over 50 pounds.

(c) Construction debris.

(d) Large auto parts, e.g., engine blocks, heads, fenders.

(e) Tree trunks or stumps.

(f) Hazardous materials.

(g) Tires.

(h) Batteries.

(i) Garbage or refuse strewn by animals or vandals prior to collection.

- (j) (Cr. Ord. #1-11) Oil filters and over one gallon of oil absorbent materials.

(5) **SPECIAL COLLECTION.** Residents may arrange with the Village contractor to pick up items not included in sub. (3) above for a charge established by the Village or the Village contractor.

11.03 RECYCLING REGULATIONS. (1) **PURPOSE.** The purpose of this section is to promote recycling, composting and resource recovery through the administration of an effective recycling program, as provided in §159.11, Wis. Stats., and Wis. Adm. Code NR 544.

(2) **ABROGATION AND GREATER RESTRICTIONS.** It is not intended by this section 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 section imposes greater restrictions, the provisions of this section shall apply.

(3) **INTERPRETATION.** In their interpretation and application, the provisions of this section 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 section may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where provision of this section is required by Wisconsin Statutes or by a standard in Wis. Adm. Code NR 544, and where a provision of this section is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Wis. Adm. Code NR 544 standards in effect on the date of the adoption of this section or in effect on the date of the most recent text amendment to this section.

(4) **APPLICABILITY.** The requirements of this section apply to all persons within the Village.

(5) **ADMINISTRATION.** The provisions of this section shall be administered by the Village Board.

(6) **DEFINITIONS.** The terms used herein shall be defined as follows:

(a) *Aluminum Can.* A container for carbonated or malt beverages that is made of aluminum.

(b) *Bi-metal Container.* A container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.

(c) *Container Board.* Corrugated paperboard used in the manufacture of shipping containers and related products.

(d) *Foam Polystyrene Packaging.* Packaging made primarily from foam polystyrene that satisfies one of the following criteria:

1. Is designed for serving food or beverages, or
2. Consists of loose particles intended to fill space and cushion the packaged article in a shipping container, or
3. Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.

(e) *Glass Container*. Containing glass only. Clear, brown and green glass are acceptable. This term does not include ceramic cups, dishes, oven ware, plate glass, safety and window glass, heat-resistant glass such as Pyrex, lead based glass such as crystal or TV tubes.

(f) *HDPE*. High density polyethylene plastic containers marked by the SPI code No. 2.

(g) *LDPE*. Low density polyethylene plastic containers marked by the SPI code No. 4.

(h) *Major Appliance*. A residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator or stove.

(i) *Mixed Paper*. Includes all grades of papers, including white, colored, ledger, shiny, coated, carbonless or NCR papers; envelopes, including windowed, labeled and kraft; magazines, phone books, computer print out paper, glued pads and tablets, file folders, key punch cards, post-it notes, spiral notebooks and chipboard such as cereal boxes, cake boxes, shoe boxes, soap boxes and pop and beer pack containers. This term does not include hand towels or other paper products from restrooms or soiled napkins and paper plates, or carbon paper, cellophane or any waxed paper.

(j) *Multiple-family Dwelling*. A property containing 5 or more residential units, including those which are occupied seasonally.

(k) *Nonresidential Facilities and Properties*. Commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.

(l) *Other Resins or Multiple Resins*. Plastic resins labeled by the SPI code No. 7.

(m) *Person*. Any individual, corporation, partnership, association, local governmental unit, as defined in §66.0131(l) (a), Wis. Stats., State agency or authority or Federal Agency.

(n) *PETE*. Polyethylene terephthalate plastic containers marked by the SPI code No. 1.

(o) *Plastic Container*. An individual, separate, rigid plastic bottle, can, jar or carton, except for a blister pack, that is originally used to contain a product that is the subject of a retail sale.

(p) *Postconsumer Waste*. Solid waste other than solid waste generated in the production of goods, hazardous waste as defined in §144.61(5), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high volume industrial waste as defined in §144.44(7)(a)l., Wis. Stats.

(q) *PP*. Polypropylene plastic containers marked by the SPI code No. 5.

(r) *PS*. Polystyrene plastic containers marked by the SPI code No. 6.

(s) *PVC*. Polyvinyl chloride plastic containers marked by the SPI code No. 3.

(t) *Recyclable Materials*. Includes lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspapers; office paper; rigid plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS and mixed or other plastic resin types; steel containers; waste tires; and bi-metal containers.

(u) *Steel Container*. A container that is made of a tin coated metal or steel.

(v) *Solid Waste*. The meaning specified in §144.01(15), Wis. Stats.

(w) *Solid Waste Facility*. The meaning specified in §144.43(5), Wis. Stats.

(x) *Solid Waste Treatment*. Any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste. "Treatment" includes incineration.

(y) *Waste Tire*. A tire that is no longer suitable for its original purpose because of wear, damage or defect.

(z) *Yard Waste*. Leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than 6 inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

(7) SEPARATION OF RECYCLABLE MATERIALS. Occupants of single-family and 2 to 4 unit residences, multiple-family dwellings and nonresidential facilities and properties shall separate the following materials from postconsumer waste:

- (a) Lead acid batteries
- (b) Major appliances
- (c) Waste oil
- (d) Yard waste
- (e) Aluminum containers
- (f) Bi-metal containers
- (g) Corrugated paper or other container board
- (h) Foam polystyrene packaging
- (i) Glass containers
- (j) Mixed paper
- (k) Plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS and mixed or other plastic resin types
- (l) Steel containers
- (m) Waste tires

(8) SEPARATION REQUIREMENTS EXEMPTED. The separation requirements of sub. (7) above do not apply to the following:

(a) Occupants of single-family and 2 to 4 unit residences, multiple-family dwellings and nonresidential 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 sub. (7) above from solid waste in as pure a form as is technically feasible.

(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 sub. (7) above for which a variance or exemption has been granted by the Department of Natural Resources under §§159.07(7) (d) or 159.11(2m), Wis. Stats., or Wis. Adm. Code NR 544.14.

(9) CARE OF SEPARATED RECYCLABLE MATERIALS. To the greatest extent practicable, the recyclable materials separated in accordance with sub. (7) above 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.

(10) YARD WASTE AND LEAVES. Residents may deposit yard waste and leaves on the Village's compost pile on the sewer waste treatment property located off Mohawk Street.

(11) PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS. Except as otherwise directed by the Village Board, occupants of single-family and 2 to 4 unit residences shall do the following for the preparation and collection of the separated materials specified in sub. (7)(e) through (m) above:

(a) Aluminum containers may be placed loose in the approved recycling bin or placed in a brown paper bag in the bin.

(b) Bi-metal containers shall be rinsed and may be placed loose in the approved recycling bin.

(c) Corrugated cardboard shall be free of debris, flattened and bundled in bundles not more than 12 inches high and 24 inches wide and 36 inches long.

(d) Foam polystyrene packaging shall be free of debris, larger pieces broken down and placed in a plastic bag.

(e) Glass containers shall be washed and rinsed with caps and neck rings removed. Labels can remain on glass. Glass should not be broken. Glass shall be placed loose in the approved recycling bin.

(f) Mixed paper shall be bundled in bundles not more than 12 inches high or placed in a brown paper grocery bag. The bundles or bags shall then be placed in the approved recycling bin.

(g) Newspaper shall be bundled in bundles not more than 12 inches high or placed in a brown paper grocery bag. The bundles or bags shall then be placed in the approved recycling bin.

(h) Rigid plastic containers made from PETE, HDPE, PVC, LDPE, PP, PS and other resins or multiple resins shall be washed and rinsed with caps and neck rings removed. Labels can remain on plastic. If convenient, flatten bottles and other containers to save space. All plastic containers shall be placed loose in the approved recycling bin.

(i) Steel containers shall be rinsed, labels removed, both ends shall be cut out and cans shall be flattened. Cut out ends are recyclable. Tin cans with "molded or round bottoms" can be recycled without the "molded or round bottom" removed, provided the can has

been rinsed and labels have been removed. The cans shall be placed loose in the approved recycling bin.

(j) Waste tires shall be disposed of by the owner.

(12) **PLACEMENT OF BINS AND BUNDLES FOR COLLECTION.** The Village shall provide each residential unit with one or more 18 gallon recycling containers free of charge. The containers remains the property of the Village, but the user shall keep them clean and in a sanitary condition. The recyclables shall be prepared as provided above and the recycling bins and bundles placed as follows for collection:

(a) In areas where legally opened alleys exist, recycling collection shall be made from the alley with the recycling bins and bundles being placed at the alley for collection.

(b) In other areas, recycling bins and bundles shall be placed within 5 feet of the curb line for collection and, where there is no curb, the recycling bins and bundles shall be placed on the edge of the shoulder of the roadway. During the snow season, the recycling bins and bundles shall be kept shoveled out. It is the resident's responsibility to see that the recycling bins and bundles are placed out for collection by 7:00 A.M. on the designated collection day, but not more than a day in advance of collection. The empty recycling bins shall be removed from the curb line or edge of roadway within 24 hours after collection. Recyclable material shall be collected on the same day that garbage is collected, but only every other week.

(13) **RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF MULTIPLE-FAMILY DWELLINGS.** (a) Owners or designated agents of multiple-family dwellings shall do all of the following for recycling the materials specified in sub. (7)(e) through (m) above:

1. Provide adequate, separate containers for the recyclable materials.
2. Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
3. 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.
4. 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.

(b) The requirements specified in par. (a) above 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 sub. (7)(e) through (m) above from solid waste in as pure a form as is technically feasible.

(14) **RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF NON-RESIDENTIAL FACILITIES AND PROPERTIES.** (a) Owners or designated agents of nonresidential facilities and properties shall do all of the following for recycling the materials specified in sub. (7)(e) through (m) above:

1. Provide adequate separate containers for the recyclable materials.
2. Notify, in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.
3. 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.
4. 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.

(b) The requirements specified in par. (a) above do not apply to the owners or designated agents of nonresidential facilities and properties if the postconsumer waste generated within the facility or property is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in sub. (7)(e) through (m) above from solid waste in as pure a form as is technically feasible.

(15) PROHIBITIONS ON DISPOSAL OF RECYCLABLE MATERIALS. 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 sub. (7)(e) through (m) above which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

(16) ENFORCEMENT. (a) Any authorized officer, employe or representative of the Village and the contracted recycling and waste collection firm employes may inspect recyclable materials separated for recycling, postconsumer waste intended for disposal, collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and nonresidential facilities and properties, solid waste disposal facilities and solid waste treatment facilities, and any records relating to recycling activities for the purpose of and any records relating to recycling activities which shall be kept confidential when necessary to protect proprietary information ascertaining compliance with the provisions of this section. No person may refuse access to any authorized officer, employe or authorized representative of the Village and the contracted recycling and waste collection firm employes 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 a provision of this section may be issued a citation by law enforcement officers 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 section of this Code or law relating to the same or any other matter shall not preclude the issuance of a citation under this paragraph.

(c) Penalties for violating this section may be assessed consistent with §159.97, Wis. Stats., as follows:

1. Any person who violates sub. (14) above may be required to forfeit \$50 for a first violation, \$200 for a second violation and not more than \$2,000 for a third or subsequent violation.

2. Any person who violates a provision of this section, except sub. (14) above, may be required to forfeit not less than \$10 or more than \$1,000 for each violation.

(d) In addition to the other penalties provided in this subsection, in the event garbage or refuse is not in containers authorized in this section or if recyclables are mixed with garbage, such garbage or refuse will be tagged and not picked up. If the said garbage or refuse is not cleaned up by the following Thursday, it shall be picked up by the Village and the landowner billed for the cost; any such bill which is not paid to the Clerk-Treasurer in 30 days shall be placed on the tax roll as a special charge.

(17) SEVERABILITY. Should any portion of this section be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this section shall not be affected.

11.04 ILLEGAL DUMPING PROHIBITED. It shall be illegal for any person to dump, dispose, deposit, litter or store refuse in the Village outside of a container approved by the Village Board on either private or public lands.

11.05 SMOKING PROHIBITED ON CERTAIN PREMISES. (1) ADOPTION OF CLEAN INDOOR AIR ACT. Section 101.123, Wis. Stats., is hereby adopted by reference to define offenses against the health, welfare and peace of the Village.

(2) SMOKING PROHIBITED BY OWNER. No person shall smoke in any public or private premises designated in §101.123(2), Wis. Stats., except in areas designated by sign as smoking areas.

(a) Owners and lessees of property may permit smoking on their property in designated areas.

(b) The restrictions imposed by this subsection are in addition to the restrictions imposed by sub. (1) above and apply to unenclosed as well as enclosed areas.

(3) PENALTY. Any person who smokes, as that term is defined in §101.123, Wis. Stats., in violation of sub. (1) or (2) above, shall be subject to a penalty as provided in sec. 25.04 of this Code.

11.06 to 11.09 (Reserved)

11.10 PENALTY. Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in sec. 25.04 of this Code.