

Title 8 Health and Sanitation

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Chapter 1 Health and Sanitation

Section 8-1-1 Rules and Regulations

The Village Board, acting as Board of Health, may make reasonable and general rules for the enforcement of the provisions of this Chapter and for the prevention of the creation of health nuisances and the protection of the public health and welfare and may, where appropriate, require the issuance of licenses and permits. All such regulations shall have the same effect as ordinances, and any person violating any of such regulations and any lawful order of the Board shall be subject to the general penalty provided for in this Code.

Section 8-1-2 Health Nuisances; Abatement of

- a) **Defined.** A health nuisance is any source of filth or cause of sickness.
- b) **Duty to Abate.** The Village Board, acting as the Board of Health, shall abate health nuisances pursuant to Ch. 823, Wis. Stats., which is adopted by reference and made a part of this Section.

Section 8-1-3 Deposit of Deleterious Substances Prohibited

No person shall deposit or cause to be deposited in any public street or on any public ground or on any private property not his/her own any refuse, garbage, litter, waste material or liquid or any other objectionable material or liquid. When any such material is placed on the person's own private property, it shall be properly enclosed and covered so as to prevent the same from becoming a public nuisance.

Section 8-1-4 Destruction of Noxious Weeds

- a) The Village Clerk-Treasurer shall annually on or before May 15th publish as required by state law a notice that every person is required by law to destroy all noxious weeds on lands in the Village which he/she owns, occupies or controls. A joint notice with other towns or municipalities may be utilized.
- b) If the owner or occupant shall neglect to destroy any weeds as required by such notice, then the Weed Commissioner of the Village shall give five (5) days' written notice by mail to the owner or occupant of any lands upon which the weeds shall be growing to the effect that the said Weed Commissioner after the expiration of the five (5) day period will proceed to destroy or cause to be destroyed all such weeds growing upon said lands and that the cost thereof will be assessed as a tax upon the lands upon which such weeds are located under the provisions of Sec. 66.0407, Wis. Stats. In case the owner or occupant shall further neglect to comply within such five (5) day notice, then the Weed Commissioner shall destroy such weeds or cause them to be destroyed in the manner deemed to be the most economical method and the expense thereof, including the cost of billing and other necessary administrative expenses, shall be charged against such lots and be collected as a special tax thereon.
- c) As provided for in Sec. 66.0407, Wis. Stats., the Village shall require that all noxious weeds shall be destroyed prior to the time in which such plants would mature to the bloom or flower state. The growth of noxious weeds in excess of eight (8) inches in height from the ground surface shall be prohibited within the Village of Adell corporate limits. Noxious weeds shall include any weed, grass or similar plant growth which, if allowed to pollinate, would cause or produce hay fever in human beings or would cause a skin rash through contact with the skin. Noxious weeds, as defined in this Section and in Section 8-1-6, shall include but not be limited to the following:

Cirsium Arvense (Canada Thistle)
Ambrosia artemisiifolia (Common Ragweed)
Ambrosia trifida (Great Ragweed)
Euphorbia esula (Leafy Spurge)
Convolvulus arvensis (Creeping Jenny) (Field Bind Weed)

Tragopogon dubius (Goat's Beard)
Rhus radicans (Poison Ivy)
Cirsium vulgaries (Bull Thistle)
Pastinaca sativa (Wild Parsnip)
Arctium minus (Burdock)
Xanthium strumarium (Cocklebur)
Amaranthus retroflexus (Pigweed)
Chenopodium album (Common Lambsquarter)
Rumex Crispus (Curled Dock)
Cannabis sativa (Hemp)
Plantago lanceolata (English Plantain)

Noxious grasses, as defined in this Section and in Section 8-1-6, shall include but not be limited to the following:

Agrostia alba (Redtop)
Sorghum halepense (Johnson)
Setaria (Foxtail)

Noxious weeds are also the following plants and other rank growth:

Ragweed
Thistles
Smartweed
Dandelions (over 10 inches in height)

Section 8-1-5 Regulation of Natural Lawns

- a) **Natural Lawns Defined.** Natural lawn as used in this Section shall include common species of grass and wild flowers native to North America which are designed and purposely cultivated to exceed eight (8) inches in height from the ground. Specifically excluded in natural lawns are the noxious grasses and weeds identified in Section 8-1-4 of this Chapter. The growth of a natural lawn in excess of eight (8) inches in height from the ground surface shall be prohibited within the Village of Adell corporate limits unless a Natural Lawn Management Plan is approved and a permit is issued by the Village as set forth in this Section. Natural lawns shall not contain litter or debris and shall not harbor undesirable wildlife.
- b) **Natural Lawn Management Plan Defined.**
- 1) Natural Lawn Management Plan as used in this Section shall mean a written plan relating to the management and maintenance of a lawn which contains a legal description of lawn upon which the planted grass will exceed eight (8) inches in length, a statement of intent and purpose for the lawn, a detailed description of the vegetation types, plants and plant succession involved, and the specific management and maintenance techniques to be employed.
 - 2) Property owners who wish to plant and cultivate a natural lawn must submit their written plan and related information to the Village. "Property Owner" shall be defined to include the legal title holder and/or the beneficial owner of any such lot according to most current Village records. Natural Lawn Management Plans shall only indicate the planting and cultivating of natural lawns on property legally owned by the property owner. Applicants are strictly prohibited from developing a natural lawn

on any Village-owned property including street rights-of-way. This shall include at a minimum property located between the sidewalk and the street or a strip not less than ten (10) feet adjacent to the street where there is no sidewalk whether the area is under public or private ownership.

- 3) In addition, natural lawns shall not be permitted within ten (10) feet of the abutting property owner's property unless waived in writing by the abutting property owner on the side so affected. Such waiver is to be affixed to the Lawn Management Plan. Such waiver may be revoked, in writing, by the abutting property owner at a later time, a copy to be filed with the permittee and the Village Clerk-Treasurer.
- 4) Any subsequent property owner who abuts an approved natural lawn may revoke the waiver thereby requiring the owner of the natural lawn to remove the natural lawn that is located in the ten (10) foot section abutting the neighboring property owner. Such revocation shall be put in writing and presented to the Village Clerk-Treasurer by the subsequent abutting property owner. Upon receiving the written request to revoke the original waiver, the Village Board shall contact the owner of the approved natural lawn and direct the owner to remove the natural lawn located in the ten (10) foot section abutting the neighboring property owner. The Village Board shall revise the approved Natural Lawn Management Permit accordingly. The owner of the approved natural lawn shall be required to remove the ten (10) foot section abutting the neighboring property owner within twenty (20) days of receipt of the written notification from the Village provided the notification is received sometime between May 1 and November 1. Property owners who receive notification from the Village between November 1 and April 30 shall be required to remove the ten (10) foot section abutting the neighboring property owner no later than May 20 following receipt of the notification.

c) Application Process.

- 1) Property owners interested in applying for permission to establish a natural lawn shall file an application with the Village Clerk-Treasurer. The completed application shall include a Natural Lawn Management Plan. Upon submitting a completed application, a refundable filing fee as prescribed in Section 1-3-1 will be assessed by the Village. Upon receiving payment, copies of the completed application shall be mailed by the Village to each of the owners of record, as listed in the Office of the Village Assessor, who are owners of the property situated wholly or in part within three , hundred (300) feet of the boundaries of the properties for which the application is made. If within fifteen (15) calendar days of mailing the copies of the complete application to the neighboring property owners the Village receives written objections from fifty-one percent (51%) or more of the neighboring property owners, the Village Clerk-Treasurer shall deny the application. Neighboring property owners shall be defined as all those property owners who are located within three hundred (300) feet of the proposed natural lawn site.
- 2) If the property owner's application is in full compliance with the Natural Lawn Management Plan requirements and less than fifty-one percent (51%) of the neighboring property owners provide written objections, the Village Clerk-Treasurer shall issue permission to install a natural lawn. Such permit shall be valid for two (2) years. Permit renewals shall follow the procedures in this Section.

d) Application for Appeal. The property owner may appeal the Clerk-Treasurer's decision to deny the natural lawn permit request to the Village Board at an open meeting. All applications for appeal shall be submitted within fifteen (15) calendar days of the notice of denial of the Natural Lawn Management Plan. The decision rendered by the Village Board shall be final and binding.

e) Safety Precautions For Natural Grass Areas.

- 1) When, in the opinion of the Fire Chief of the Department serving the Village of Adell, the presence of a natural lawn may constitute a fire or safety hazard due to weather and/or other conditions, the Fire Chief may order the cutting of natural lawns to a safe condition. As a condition of receiving approval of the natural lawn permit, the property owner shall be required to cut the natural lawn within the three (3) days upon receiving written direction from the Fire Chief.
- 2) Natural lawns shall not be removed through the process of burning unless stated and approved as one of the management and maintenance techniques in the Lawn Management Plan, and

appropriate Village open burning permits have been obtained. The Fire Chief shall review all requests to burn natural lawns and shall determine if circumstances are correct and all applicable requirements have been fulfilled to insure public safety. Burning of natural lawns shall be strictly prohibited unless a written permit to burn is issued by the Fire Chief. The Fire Chief shall establish a written list of requirements for considering each request to burn natural lawns, thereby insuring the public safety. In addition, the property owner requesting permission to burn the natural lawn shall produce evidence of property damage and liability insurance identifying the Village as a party insured. A minimum amount of acceptable insurance shall be Three Hundred Thousand Dollars (\$300,000.00).

- f) **Revocation of an Approved Natural Lawn Management Plan Permit.** The Village President, upon the recommendation of the Weed Commissioner, shall have the authority to revoke an approved Natural Lawn Management Plan Permit if the owner fails to maintain the natural lawn or comply with the provisions set forth in this Section. Notice of intent to revoke an approved Natural Lawn Management Plan Permit shall be appealing to the Village Board. All applications for appeal shall be submitted within fifteen (15) calendar days of receipt of the written Notice of Intent to revoke the approved Natural Lawn Management Plan. Failure to file an application for appeal within the fifteen (15) calendar days shall result in the revoking of the Natural Lawn Management Plan Permit. All written applications for appeal filed within the fifteen (15) calendar day requirement shall be reviewed by the Village Board in an open meeting. The decision rendered by the Village Board shall be final and binding.
- g) **Public Nuisance Defined — Abatement After Notice.**
- 1) The growth of a natural lawn as defined in this Section shall be considered a public nuisance unless a Natural Lawn Management Plan has been filed and approved and a permit is issued by the Village as set forth in this Section. Violators shall be served with a notice of public nuisance by certified mail to the last-known mailing address of the property owner.
 - 2) If the person so served with a notice of public nuisance violation does not abate the nuisance within ten (10) days, the Enforcement Officer may proceed to abate such nuisance, keeping an account of the expense of the abatement, and such expense shall be charged to and paid by such property owner. Notice of the bill for abatement of the public nuisance shall be mailed to the owner of the premises and shall be payable within ten (10) calendar days from receipt thereof. Within sixty (60) days after such costs and expenses are incurred and remain unpaid, the Village Clerk-Treasurer shall enter those charges onto the tax roll as a special tax as provided by State statute.
 - 3) The failure of the Village Clerk-Treasurer to record such claim or to mail such notice or the failure of the owner to receive such notice shall not affect the right to place the Village expense on the tax rolls for unpaid bills for abating the public nuisance as provided for in this Section
- h) **Penalty.**
- 1) Any person, firm or corporation which does not abate the nuisance within the required time period or who otherwise violates the provisions of this Section shall be subject to the general penalty found in Section 1-1-6.
 - 2) In addition to any penalties herein provided, the Village may issue stop work orders upon owners of lots where work is unfinished under a previously issued building permit for any violation of this Section.

Section 8-1-6 Regulation of Length of Lawn and Grasses

- a) **Purpose.** This Section is adopted due to the unique nature of the problems associated with lawns, grasses and noxious weeds being allowed to grow to excessive length in the Village of Adell.
- b) **Public Nuisance Declared.** The Village Board finds that lawns, grasses and noxious weeds on non-agricultural lots or parcels of land, as classified under the Village Zoning Code, within the Village of Adell which exceed eight (8) inches in length adversely affect the public health and safety

of the public in that they tend to emit pollen and other discomfoting bits of plants, constitute a fire hazard and a safety hazard in that debris can be hidden in the grass, interferes with the public convenience and adversely affects property values of other land within the Village. For that reason, any non-agricultural lawn, grass or weed on a lot or other parcel of land which exceeds eight (8) inches in length is hereby declared to be a public nuisance, except for property located in a designated floodplain area, natural conservancy districts and/or wetland area or where the lawn, grass or weed is part of a natural lawn approved pursuant to Section 8-1-5 above.

- c) **Nuisances Prohibited.** No person, firm or corporation shall permit any public nuisance as defined in Subsection (b) above to remain on any premises owned or controlled by him/her within the Village.
- d) **Inspection.** The Weed Commissioner or his/her designee shall inspect or cause to be inspected all premises and places within the Village to determine whether any public nuisance as defined in Subsection (b) above exists.
- e) **Abatement of Nuisance.**
 - 1) If the Weed Commissioner shall determine with reasonable certainty that any public nuisance as defined in Subsection (b) above exists, the Weed Commissioner shall immediately cause written notice to be served that the Village proposes to have the lot grass or lawn cut so as to conform with this Section and Section 8-1-5.
 - 2) The notice shall be mailed or served on the owner of the lot or parcel of land or, if he/she is not known and there is a tenant occupying the property, then to the tenant.
- f) **Due Process Hearing.** If the owner believes that his/her grasses or weeds are not a nuisance, he/she may request a hearing before the Village Board. The request for said hearing must be made in writing to the Village Clerk-Treasurer's office within the five (5) days set forth in the Weed Commissioner's notice. Upon application for the hearing, the property owner must make a deposit as prescribed in Section 1-3-1. If a decision is rendered in the property owner's favor, the deposit will be returned to the property owner. If the property owner fails to appear for the hearing or if the decision is rendered against the property owner, the deposit shall be forfeited and applied to the cost of Village personnel abating the nuisance, if necessary. When a hearing is requested by the owner of the property, a hearing by the Village Board shall be held within seven (7) days from the date of the owner's request. The property in question will not be mowed by the Village until such time as the hearing is held by the Village Board. At the hearing, the owner may appear in person or by his/her attorney, may present witnesses in his/her own behalf and may cross-examine witnesses presented by the Village as well as subpoena witnesses for his/her own case. At the close of the hearing, the Village Board shall make its determination in writing specifying its findings, facts, and conclusions. If the Village Board determines that a public nuisance did exist, the Village Board shall order the Weed Commissioner to mow the property in question unless the property has been mowed by the owner within forty-eight (48) hours of the Village Board' decision. If the owner does not abate the nuisance within the described forty-eight (48) hours, the Weed Commissioner shall cause the same nuisance to be abated and cost in excess of the forfeited fee assessed accordingly.
- g) **Village's Option to Abate Nuisance.** In any case where the owner, occupant or person in charge of the property shall fail to cut his lawn, grass or weeds as set forth above, then, and in that event, the Village may elect to cut said lawn, grass or weeds as follows:
 - 1) The written notice required in Subsection (e) shall inform said person that in the event of his/her failure to abate the nuisance within the prescribed time, the Village shall abate the same and the cost thereof shall be assessed to the property owner as a special charge.
 - 2) The Village shall cut or cause to be cut all grass and weeds from the subject's property and shall charge the expenses of so doing at a rate as established by the Village Board, with a minimum charge of Seventy-Five Dollars (\$75.00). The charges shall be set forth in a statement to the Village Clerk-Treasurer who, in turn, shall mail the same to the owner, occupant or person in charge of the subject premises. If said statement is not paid in full within thirty (30) days thereafter, the Village Clerk-Treasurer shall enter the charges in the tax roll as a special tax

against said lot or parcel of land, and the same shall be collected in all respects like other taxes upon real estate, or as provided under Sec. 66.0627, Wis. Stats.

Section 8-1-7 Compulsory Connection to Village Sewer and Water System

- a) **When Required.** Whenever a sewer or watermain becomes available to any building used for human habitation, the owner of the property upon which the building is located shall connect the building to such main or mains in the manner prescribed by law.
- b) **Notice; Payment.**
 - 1) The owner of any parcel of land adjacent to a water or sewer main upon which there exists a need for water supply, or sewer service, whether now or in the future, and for whatsoever reason, or in a block through which such system is extended shall connect the available water or sewer main/system within one hundred eighty (180) days of notice in writing from the Village to so connect. Upon failure to do so, the Village may cause such connection to be made and billed to the property owner for such costs. Such costs may include, without limitation, the cost of disconnecting any private wells so as to provide for adequate cross-connection controls within the municipal water system. If such costs are not paid within thirty (30) days of billing to the property owner by the Village, such costs shall be assessed as a special tax lien against the property; however, that the owner may, within thirty (30) days after the completion of the work, file a written option with the Clerk-Treasurer stating that he/she cannot pay such amount in one (1) sum and ask that there be levied in not to exceed five (5) equal installments and that the amount shall be so collected with interest at the rate of twelve percent (12%) per annum from the completion of the work, the unpaid balance being a special tax lien, all pursuant to Sec. 144.06, Wis. Stats.
 - 2) In lieu of the above, the Village, at its sole option, may impose a penalty for the period that the violation continues, after ten (10) days written notice to any owner failing to make a connection to the municipal water or sewer system in an penalty amount to be as great as the current average residential user cost plus ten percent (10%) interest for administrative cost per month for each residential unit equivalent for the period in which the failure to connect continues, and upon failure to make such payment said charge shall be assessed as a special tax lien against the property, all pursuant to Sec. 144.06, Wis. Stats.
 - 3) This Section ordains that the failure to connect to the water or sewer system is contrary to the minimum health standards of said Village and fails to assure preservation of public health, comfort, and safety of said Village
- c) **Building Inspector May Cause Connection at Expense of Owner.** In the alternative to Subsection (b), the owner or his/her agent fails to comply with the notice of the Building Inspector within ten (10) days of service or mailing thereof, the Building Inspector may cause connection to be made and the expense thereof shall be assessed as a special charge against the property.
- d) **Privies, Cesspools, Etc., Prohibited After Connection With Sewer.** After connection of any building used for human habitation to a sewer main, no privy, cesspool or waterless toilet shall be used in connection with such human habitation.

Section 8-1-8 Unhealthy, Hazardous or Unsightly Materials on Public or Private Property

- a) **Inspections.**
 - 1) Whenever the Building Inspector, Fire Inspector or other authorized Village official shall, upon inspection of any premises within the Village of Adell find that there is deposited, placed, stored or remaining on said premises any garbage, junk, rubbish, rubble, trash, abandoned, construction materials, rotting yard and orchard waste, merchandise or parts, accumulation of grease or food wastes in a grease trap or other place or depository which presents a risk of

clogging or blocking a sewer system, or any other unhealthy, hazardous or unsightly materials or thing which create a fire or health hazard, or which is detrimental to the appearance, neatness and cleanliness of the immediate neighborhood or the Village of Adell in general, such official shall issue his/her written order to the owner and/or occupant of the premises to remove said garbage, junk, rubbish, rubble or trash, abandoned, outmoded, or non-salable merchandise or parts, construction materials, rotting yard and orchard waste, accumulation of grease or food wastes in a grease trap or other place or depository which presents a risk of clogging or blocking a sewer system, or other unhealthy, hazardous or unsightly materials or things.

- 2) Said written order shall provide that such removal shall be accomplished within ten (10) days after service of said order upon the owner or occupant of the premises involved. Such written order, in addition to specifying and describing the material or things to be removed, shall also set forth on the face thereof the provisions of Subsection (b).
- 3) Prosecution of violators under this Section shall not preclude other enforcement actions allowed by law, including other actions under this Code of Ordinances
- b) **Appeal.** Any person feeling himself/herself aggrieved by any order of a Village official under this Section may, within ten (10) days from the date of receipt of such order, appeal such order to the Village Board.
- c) **Exceptions.** Nothing contained in this Section shall be construed to prohibit the depositing of rubbish, rubble, junk, trash, abandoned, outmoded or non-salable merchandise or parts or unsightly materials or things which are:
 - 1) Lawfully sited pursuant to the Village Zoning Code and operated in a manner not constituting a nuisance; or
 - 2) Temporarily deposited due to an emergency; or
 - 3) Materials during construction; or
 - 4) Collected and piled for immediate pickup and disposal by the Village or by private means.
- d) **Nonconforming Uses.** It shall not be a defense to the provisions of this Section that the owner or occupant of the premises involved has a nonconforming use under the provisions of the Village Zoning Code, but the provisions of this Section shall be complied with notwithstanding that the owner or occupant of any given premises is using or occupying such premises under a valid nonconforming use.

Section 8-1-9 Rodent Control

- a) **Definitions.** The following definitions shall be applicable in this Section:
 - 1) **Owner or Manager.** Whenever any person or persons shall be in actual possession of or have charge, care or control of any property within the Village, as executor, administrator, trustee, guardian or agent, such person or persons shall be deemed and taken to be the owner or owners of such property within the true intent and meaning of this Section and shall be bound to comply with the provisions of this Section to the same extent as the owner, and notice to any such person of any order or decision of the Building Inspector or his/her designee shall be deemed and taken to be a good and sufficient notice, as if such person or persons were actually the owner or owners of such property, except that whenever an entire premises or building is occupied as a place of business, such as a store, factory, warehouse, rooming house, junk yard, lumber yard or any other business under a single management, the person, firm or corporation in charge of such business shall be considered the owner or manager.
 - 2) **A Rodent-Proof Container** shall be a container constructed of concrete or metal, or the container shall be lined with metal or other material that is impervious to rodents, and openings into the container such as doors shall be tight-fitting to prevent the entrance of rodents.
 - 3) **Rodent-Proofing** shall consist of closing openings in building foundations and openings under and around doors, windows, vents and other places which could provide means of entry for rodents, with concrete, sheet iron, hardware cloth or other types of rodent-proofing material approved by the Village.
 - 4) **Rodent Harborage.** Any place where rodents can live and nest without fear of frequent

molestation or disturbance.

- 5) **Hardware Cloth.** Wire screening of such thickness and spacing as to afford reasonable protection against the entrance of rodents
- b) **Elimination of Rodent Harborage.** Whenever accumulations of rubbish, boxes, lumber, scrap metal, car bodies or any other materials provide rodent harborage, the person, firm or corporation owning or in control of such materials shall cause the materials to be removed or the materials shall be stored so as to eliminate the rodent harborage. Lumber boxes and similar materials shall be neatly piled. These piles shall be raised at least a foot above the ground. When the owner of the materials cannot be found after a reasonable search, the owner or manager of the premises on which the materials are stored shall be responsible for disposal, or proper piling, of the materials.
- c) **Elimination of Rodent-Feeding Places.** No person, firm or corporation shall place, or allow accumulating, any materials that may serve as a food for rodents in a site accessible to rodents. Any waste material that may serve as food for rodents shall be stored in rodent-proof containers. Feed for birds shall be placed on raised platforms, or such feed shall be placed where it is not accessible to rodents.
- d) **Extermination.** Whenever rodent holes, burrows or other evidence of rodent infestation are found on any premises or in any building within the Village, it shall be the duty of the owner or manager of such property to exterminate the rodents or to cause the rodents to be exterminated. Within ten (10) days after extermination, the owner or manager shall cause all of the rodent holes or burrows in the ground to be filled with earth or other suitable material.
- e) **Rodent-Proofing.** It shall be the duty of the owner or manager of any building in the Village of Adell to make such building reasonably rodent-proof, to replace broken basement windows and, when necessary, to cover the basement window openings with hardware cloth or other suitable material for preventing rodents from entering the building through such window openings.

Section 8-1-10 Composting Regulations

- a) **Purpose and Intent.** The purpose of this Section is to promote the recycling of yard wastes and certain kitchen wastes through composting and to establish minimum standards for proper compost maintenance.
- b) **Definitions.** "Composting" shall mean the organic waste produced from the growing, trimming, and removal of grass, branches [not exceeding one (1) inch in diameter] bushes, shrubs, plants, leaves and garden debris. Kitchen waste shall be any uncooked plant matter not contaminated by or containing meat, fish and/or dairy products.
- c) **Maintenance.** All compost piles shall be maintained using approved composting procedures to comply with the following requirements:
 - 1) All compost piles shall be enclosed in a free standing compost bin. Each compost bin shall be no larger in volume than one hundred twenty-five (125) cubic feet, and shall be no taller than forty-two (42) inches.
 - 2) All compost bins shall be so maintained as to prevent the attraction or harborage of rodents and pests. The presence of rodents in or near a compost bin shall be cause for the Village to proceed under Section 8-1-9.
 - 3) All compost bins shall be so maintained as to prevent unpleasant odors.
 - 4) No compost bin shall be allowed to deteriorate to such condition as to be a blighting influence on the surrounding property or neighborhood or the Village in general.
 - 5) All compost bins shall be located not less than three (3) feet from a property line or principal building or dwelling and three (3) feet from any detached accessory building. A variance from these setback requirements may be applied for if the property owner(s) can show a hardship exists which prohibits compliance. In addition, any variance application must include a signed written approval of the variance request from the adjacent property owner(s). Variances can be granted by the Building Inspector on an annual basis upon the proper application being

submitted by the property owner(s). Screening and/or fencing of compost bins may be required as a condition of a variance being granted.

- 6) No compost bin shall be located in any yard except a rear yard, as defined in the Village Zoning Code. A compost bin may be located in a side yard as defined in the Village Zoning Code subject to the annual variance procedure contained in Subsections (c)(5)b and must be screened from view to the street.
 - 7) Those composting bins which existed prior to the adoption of this Section shall be given one (1) year to comply with the requirements set forth herein.
- d) **Ingredients.**
- 1) No compost bin shall contain any of the following:
 - a) Lake weeds;
 - b) Cooked food scraps of any kind or type;
 - c) Fish, meat or other animal products;
 - d) Manures;
 - e) Large items that will impede the composting process
 - 2) Permitted ingredients in a compost bin shall include the following:
 - a) Yard waste;
 - b) Coffee grounds and used tea leaves;
 - c) Uncooked plant matter not contaminated by or containing meat, fish, and/or dairy products;
 - d) Commercial compost additives
- e) **Owner Responsibility.** Every owner or operator shall be responsible for maintaining all property under his or her control in accordance with the requirements of this Section.
- f) **Municipal Exception.** Any municipal composting site maintained by the Village shall be exempt from the provisions of this Section.

Section 8-1-11 Discharge of Clear Waters

- a) **Discharge.** No person shall cause, allow or permit any roof drain, surface drain, subsoil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump pump or any other object or thing used for the purposes of collecting, conducting, transporting, diverting, draining or discharging clear water from any part of any private premises owned or occupied by said person to discharge into a sanitary sewer.
- b) **Nuisance.** The discharge into a sanitary sewer from any roof drain, surface drain, subsoil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump pump or any other object or thing used for the purposes of collecting, conducting, transporting, diverting, draining or discharging clear water from any part of any private premises is hereby declared to be a public nuisance and a hazard to the health, safety and well-being of the residents of the Village and to the protection of the property.
- c) **Groundwater.** Where deemed necessary by the Village Board, a homeowner shall have a sump pump installed for the purpose of discharging clear waters from foundation drains and ground infiltration and where the building is not serviced by a storm sewer shall either discharge into an underground conduit leading to a drainage ditch, gutter, dry well or shall discharge onto the ground surface in such other manner as will not constitute a nuisance as defined herein.
- d) **Storm Water.** All roof drains, surface drains, drains from any mechanical device, gutters, pipe, conduits or any other objects or things used for the purpose of collecting, conducting, transporting, diverting, draining or discharging storm waters shall be discharged either to a storm sewer, a dry well, an underground conduit leading to a drainage ditch or onto the ground surface in such other manner as will not constitute a nuisance as defined herein.
- e) **Storm Sewer Lateral.** Where municipal storm sewers are provided and it is deemed necessary by the property owner and/or the Village to discharge clear waters from a parcel of land, a storm sewer lateral shall be installed and connected to the storm sewer main at the expense of the owner.

f) **Conducting Tests.** If a designated Village agent suspects an illegal clear water discharge as defined by this Chapter or by any other applicable provision of the Wisconsin Administrative Code as it may, from time to time, be amended, he/she may, upon reasonable notice and at reasonable times, enter the private premises where such illegal clear water discharge is suspected and conduct appropriate tests to determine whether such suspected illegal clear water discharge actually exists. In addition, Village inspectors may inspect for illegal clear water discharges as a part of a routine inspection without cause.

g) ~~**Sump Pump Inspection upon Property Sale.** Upon the sale of a property, Village representatives may inspect the property to determine whether sump pumps are installed to discharge into the sanitary system, which is prohibited by this Section. If, upon inspection, it is deemed necessary that a sump pump is required under section 8-1-11(c), homeowner shall install a sump pump according the Village Code of Ordinances.~~ **Certification of Compliance with Clearwater Requirements**

1) No person shall sell, transfer or convey ownership of a building serviced by a sanitary sewer until such time as a certificate of compliance has been obtained from the Department of Public Works as provided in this section. Changing ownership or accepting change of ownership without such certificate of compliance shall constitute a violation of this code and shall be subject to the enforcement procedures and penalties set forth in subsection (9) of this section.

2) Upon request to the Department of Public Works, an inspection shall be conducted of the premises to ensure compliance with the provisions of Sections 8-1-11 (c) and (d) of the code relating to illegal storm and culvert water drain connections into the sanitary sewer system. Such inspection shall occur on or before the sale, transfer or conveyance of title of any such building.

3) A certificate of compliance shall be issued by the Department of Public Works if the building is found to be in compliance with the provisions of the code related to storm or clear water drain connections.

4) A notice of noncompliance shall be issued by the Department of Public Works to the owner of record of an building found not to be in compliance with the provisions of Sections 8-1-11 (c) and (d). The notice shall set forth the areas of noncompliance and shall order the owner to bring the building into compliance.

a) Orders applicable to buildings where a sump pump installation is illegal shall have a sixty (60) day compliance period.

b) Orders applicable to buildings where clear water is illegally entering the sanitary sewer system via an under-the basement floor connection shall have a one hundred twenty (120) day compliance period.

5) A new certificate of compliance and inspection is not required if the existing certificate is based on an inspection within the previous twelve (12) months, or an inspection and certificate confirms that the building storm or clearwater discharge properly and permanently to the municipal storm sewer system.

6) Any present or proposed owner of a building feeling aggrieved by the issuance of a notice of noncompliance may appeal to the Village Board by following the procedure outlined in Title 4 of the code.

7) A certificate of compliance indicates that so far as can be reasonably determined by visual inspection of the premises and review of village records, the premises meet the requirements of this section. Neither the village nor its inspectors assume any liability in the inspection or issuance of a certificate of compliance does not guarantee or warrant the condition of the premises inspected.

8) In order not to delay or prevent a pending sale of property affected by this section, a buyer or other transferee may file with the Department of Public Works evidence of a contract or accepted bid for work which, when completed, will bring he property into compliance with the provisions of Sections 8-1-11 (c) and (d) of the code within the time limits set forth in subsection (4) above, along with evidence that adequate funds have been escrowed to complete such

work, and a stipulation agreeing to bring the property into compliance with the provisions of Sections 8-1-11 (c) and (d) within the applicable time limits. Such evidence and stipulation may only be filed after the inspection provided for in subsection (2) of this section. Failure by the buyer or transferee to bring the property into compliance within the applicable compliance period shall constitute a violation of this code and shall be subject to the enforcement procedures and penalties set forth in Section 8-1-11 of the code.

9) Any violation of the provisions of this Ordinance shall subject the violator to a forfeiture of not less than \$200.00 nor more than \$750.00, ~~together with the costs of prosecution, and, in default of payment thereof, to imprisonment in the county jail until the forfeiture and costs are paid, but not to exceed 90 days.~~ Each day of the continuation of a violation or noncompliance shall constitute a separate offense.

10) Section ... shall apply to all real estate sales, transfers and conveyances occurring on or after June 11, 2014

Section 8-1-12 Disturbance of Refuse Containers

No person shall open or disturb any refuse bag or container in a manner that would cause or contribute to litter.

Section 8-1-13 Compliance Assurance Plan

Municipality Code: 59-101

#2006-09

VILLAGE OF ADELL

Compliance Assurance Plan

STATE OF WISCONSIN

Village of Adell

Sheboygan County

Purpose: This Compliance Assurance Plan will establish standard guidelines that will lead to compliance with the Village of Adell's Refuse and Recycling Ordinance 8-3-1.

The Village of Adell is responsible for enforcing the Village's Recycling Ordinance. Personnel shall follow the guidelines identified in this Compliance Assurance Plan in response to issues associated with recycling and solid waste. This plan is intended to meet the requirements of s. NR544.04 (9g), Wis. Admin. Code as well as the Village of Adell's Refuse and Recycling Ordinance 8-3-1.

Types of Compliance Issues - Residential Recycling Program

- Problem 1.
 - Trash found mixed with recyclables
 - Hauler leaves bag(s) with tag but picks up recyclables
 - Hauler notifies village clerk
 - Educational Materials are sent
 - Second offense – hauler leaves all material behind
 - If no compliance – citation is issued.
- Problem 2.
 - Recyclable Materials Found in Trash

- Hauler leaves bag(s) with tag
- Second offense – hauler tags and leaves all material behind
- Random inspections by Department of Public Works
- Hauler/Public Works employee notifies village clerk
- Letter is sent along with educational materials
- Onsite follow up by Department of Public Works
- If no compliance – citation is issued
- Problem 3.
 - Multi-Family Apartments or Business property found to have no recycling option in place
 - Letter sent to both property owner and tenant(s)
 - Education material also sent
 - Given two weeks to comply
 - Follow up inspection by Department of Public Works
 - If no compliance – citation issued to owner.
- Problem 4.
 - Hauler is mixing recyclables with trash
 - Village Clerk is notified – usually by angry resident
 - Inspection of collection methods and vehicle
 - Notify hauler – operations manager – immediately and follow up in writing
 - DNR notified
 - Follow-up: Unannounced inspections of route collections
 - If not complying after written notification – citation issued
- Problem 5.
 - Resident stockpiling tires, scrap metal, appliances, etc.
 - Village Building Inspector notified
 - Inspector sends Order to Correct the premises along with educational information from Village Clerk for proper disposal requirements
 - If no compliance – citation is issued and Village cleans up mess
 - Village assesses clean up charge to tax bill for that year
- Problem 6.
 - Illegal dumping of appliances, garbage, tires, etc.
 - Reported to Village Clerk – usually by citizens who were on the receiving end of the illegally dumped materials
 - Require resident to fill out form – stating not theirs and did not know where it came from
 - Contact proper collection hauler
 - If it is traceable – track and issue citation to dumper without notice
- Problem 7.
 - Multi-family Apartments and Business – not all required materials are being recycling.
 - Provide owner, tenants and operator educational materials.
 - Visit site to offer suggestions for improvements.
 - Second offense – verbal warning.
 - Third offense – Warning letter issued.
 - Fourth offense – Citation issued.

Adopted this 13th day of September, 2006.

BY: _____
 Andy Schmitt, President

ATTEST: _____
 Rhonda J. Klatt, Village Clerk/Treasurer

Chapter 2 **Pollution Abatement**

Section 8-2-1 Cleanup of Spilled or Accidentally Discharged Wastes

- a) **Cleanup Required.** All persons, firms, or corporations delivering, hauling, disposing, storing, discharging or otherwise handling potentially polluting substances, solid or liquid, such as, but not limited to, the following: fuel oil, gasoline, solvents, industrial liquids or fluids, milk, grease trap and septic tank wastes, sewage sludge, sanitary sewer wastes, storm sewer catch-basin wastes, oil or petroleum wastes, shall immediately clean up any such spilled material to prevent its becoming a hazard to health or safety or directly or indirectly causing pollution to the lakes and streams under the jurisdiction of the Village.
- b) **Notification.** Spills or accidental release of hazardous materials or pollutants at a site or of a quantity or nature that cannot adequately be cleaned up by the responsible party or parties shall be immediately reported to the Village Clerk-Treasurer so that assistance can be given by the proper agency.
- c) **Financial Liability.** The party or parties responsible for the release escape or discharge of wastes shall be held financially liable for the cost of any cleanup or attempted cleanup deemed necessary or desirable and undertaken by the Village, or its designated agent, in an effort to minimize the pollution effects of the discharged waste.

Section 8-2-2 Storage of Polluting Substances

It shall be unlawful for any person, firm or corporation to store any potentially polluting substances unless such substances are stored in such manner as to securely prevent them from escaping onto the ground surface and/or into any street, sewer, ditch or drainage way, lake or stream within the jurisdiction of the Village of Adell.

Chapter 3 Single Stream Recycling

Section 8-3-1 General Provisions

- a) **Title.** The title of this Chapter is the Single Stream Recycling Ordinance for the Village of Adell.
- b) **Purpose.** The purpose of this Chapter is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in Sec. 159.11, Wis. Stats., and Ch. NR544, Wis. Adm. Code.
- c) **Statutory Authority.** This Chapter is adopted as authorized under Sec. 159.09(3)(b), Wis.Stats.
- d) **Abrogation and Greater Restrictions.** It is not intended by this Chapter 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 Chapter imposes greater restrictions, the provisions of this Chapter shall apply.
- e) **Interpretation.** In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by Wisconsin Statutes. Where any terms or requirements of this Chapter may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this Chapter is required by Wisconsin Statutes, or by a standard in Ch. NR544, Wis. Adm. Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Ch. NR544 standards in effect on the date of the adoption of this Chapter, or in effect on the date of the most recent text amendment to this Chapter.
- f) **Applicability.** The requirements of this Chapter apply to all persons within the Village of Adell.
- g) **Administration.** The provisions of this Chapter shall be administered by the Village of Adell Village Board, and its designees.

Section 8-3-2 Definitions

- a) For the purpose of this Chapter:
 - 1) **Aluminum cans** shall include used beverage cans only.
 - 2) **Bi-metal container** means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.
 - 3) **Collector** means the contractor selected by the Village to collect solid waste.
 - 4) **Container board** means corrugated paperboard used in the manufacture of shipping containers and related products.
 - 5) **Container glass** shall include container glass only. "Glass" does not include ceramic cups, dishes, ovenware, plate glass, safety and window glass, heat resistant glass such as Pyrex, lead-based glass such as crystal, or TV tubes.
 - 6) **Corrugated cardboard** shall include corrugated cardboard only; it does not include waxed cardboard or chipboard such as cereal boxes, shoe boxes, and similar materials.
 - 7) **Foam polystyrene packaging** means packaging made primarily from foam polystyrene that satisfies one (1) of the following criteria:
 - a) Is designed for serving food or beverages.
 - b) Consists of loose particles intended to fill space and cushion the packaged article in a shipping container,
 - c) Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container
 - 8) **Garbage** means and includes all waste resulting from the use, preparation, cooking or consumption of food.
 - 9) **Hazardous waste** means any substance or combination of substances, including any waste of a solid, semisolid, or gaseous form, which may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or which may

pose a substantial present or potential hazard to human health or environment because of its quantity, concentration or physical, chemical or infectious characteristics. This term includes but is not limited to, substances which are toxic, corrosive, flammable, irritants, strong sensitizers or explosives as determined by the Village.

- 10) **HDPE** means high density polyethylene, labeled by the SPI Code #2.
- 11) **LDPE** means low density polyethylene, labeled by the SPI Code #4.
- 12) **Magazines** means magazines and other materials printed on similar paper.
- 13) **Major appliance** means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, oven, refrigerator or stove, residential and commercial furnaces, boilers, dehumidifiers and water heaters, and allowing the disposal of microwaves if the capacitor has been removed.
- 14) **Mixed papers** shall include all grades of papers, including: white, colored, ledger, shiny, coated, carbonless or NCR papers; envelopes, including windowed, labeled, and kraft; magazines, phone books, computer printout paper, glued pads and tablets, file folders, key punch cards, post-it notes, spiral notebooks, cereal boxes, shoe boxes, etc.; can include paper clips and staples; does not include hand towels or other paper products from restrooms, or soiled napkins and paper plates; also does not include carbon paper, cellophane, or any waxed paper.
- 15) **Multiple-family dwelling means** a property containing five (5) or more residential units, including those which are occupied seasonally.
- 16) **Newspapers** shall include newspapers and newspaper advertisements printed on newsprint, but do not include catalogues, magazines, cardboard, or other paper products.
- 17) **Non-recyclable material** means any material other than a recyclable material and includes garbage, rubbish and other solid waste, including but not limited to ashes, plastic material other than the type included within recyclable materials, ceramics, broken glass of all types, window glass, styrofoam, Pyrex, light bulbs, mirrors, china, waxed paper, waxed cardboard, furniture, carpeting, used clothing and other materials not defined as recyclable materials for purposes of this Chapter.
- 18) **Non-residential facilities and properties** means commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.
- 19) **Office paper** means high grade printing and writing papers from offices in non-residential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. This term does not include industrial process waste.
- 20) **Other resins or multiple resins** mean plastic resins labeled by the SPI Code #7.
- 21) **Person** includes any individual, corporation, partnership, association, local governmental unit, as defined in Sec. 66i0131 (l) (a), Wis. Stats., state agency or authority or federal agency.
- 22) **PETE** means polyethylene terephthalate, labeled by the SPI Code #1.
- 23) **Plastic bottles** shall include only plastic bottles clearly marked with the recycling emblem, encircling the #1 (PET or PETE) or the #2 (HDPE); does not include motor oil bottles, even if they are labeled #1 or #2.
- 24) **Post-consumer waste** means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in Sec. 144.61(5), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in Sec. 144.44(7)(a)l., Wis. Stats.
- 25) **PP** means polypropylene, labeled by the SPI Code #5.
- 26) **PS** means polystyrene, labeled by the SPI Code #6.
- 27) **PVC** means poly vinyl chloride, labeled by the SPI Code #3.
- 28) **Recyclable material** includes lead acid batteries, major appliances, waste oil, yard waste, aluminum containers, corrugated paper and other container board, glass containers, magazines, newspapers, office paper, rigid plastic containers including those of PETE and HOPE, steel containers, waste tires and bi-metal containers.
- 29) **Recyclable plastic** generally means high density polyethylene and polyethylene terephthalate

plastic containers and specifically means any plastic containers described as recyclable on the list maintained at the office of the Village Clerk-Treasurer, which list is incorporated herein by reference and is subject to revision and updating at any time.

- 30) **Solid waste** has the meaning specified in Sec. 144.01(15), Wis. Stats.
- 31) **Solid waste facility** has the meaning specified in Sec. 144.43(5), Wis. Stats.
- 32) **Solid waste treatment** means any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste. "Treatment" includes incineration.
- 33) **Tin cans** shall include tin coated metal cans, and steel containers.
- 34) **Waste tire** means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
- 35) **Yard waste** means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than six (6) inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

Section 8-3-3 Separation of Recyclable Materials

All recyclable material shall be separated from other garbage and refuse and be separated from non-recyclable material. Non-recyclables shall be placed for collection in a clear plastic bag. Recyclable plastic and glass shall be placed in the blue recycling container and may be co-mingled. All residents shall separate the following materials from post-consumer waste:

- a) **Glass.** Brown, green and clear glass accepted. Rinse clean, remove lids. Labels may stay on. No broken glass, light bulbs, Pyrex glass, or window glass.
- b) **Metal Containers.** Rinse clean, remove labels, and flatten if desired. All aluminum, steel and bi-metal containers accepted. Aerosol paint cans cannot be recycled.
- c) **Plastic.** Rinse clean, remove caps. Labels do not need to be removed. Flatten if desired.
- d) **Newspapers and Magazines.** Tie in twelve (12) inch bundles tied with cord (four-way cross) or put in grocery bag or box recycling bin. Do not let paper get wet.
- e) **Cardboard.** Flatten and bundle corrugated cardboard; remove tape and staples. Cut down in pieces no larger than four feet by four feet by eight inches (4' x 4' x 8"). No cardboard is allowed that has come into contact with food.
- f) **Magazines.** Catalogs and other "gloss paper" — tie in twelve (12) inch bundles with heavy cord or baler twine, four-way cross or boxed and tied.
- g) **Plastics.** All rigid plastic containers, including those made of PETE (#1), HDPE (#2), PVC (#3), LDPE (#4), PP (#5), PS (#6), and other resins or multiple resins (#7), must be separated, cleaned and placed in authorized garbage bags for collection.
- h) **Aluminum Cans.** Separate from other aluminum and rinse clean.
- i) **Hard Aluminum.** Clean and stack trays, pie plates, etc.
- j) **Feed Sacks (Lined) and All Other Non-Specified Paper and Burlap.** Each item should be separated and bundled.
- k) **Computer Paper and Office Paper.** Bundled in no more than twelve (12) inch thick bundles and separated from all other paper.
- l) **Yard Waste.** No person in the Village shall dispose of brush, tree branches or other wood materials with refuse. The Village maintains a disposal site for yard waste.
- m) **Mandatory Separation of Materials for Composting.** No person in the Village shall dispose of deciduous materials, such as grass clippings and leaves, with other refuse that may be lawfully deposited. Composted material shall be disposed of in such locations as established by the Village Board.
- n) **Lead Acid Batteries.** To be taken to a business that accepts such items.
- o) **Major Appliances.** Any residential or commercial air conditioner, furnace, boiler, dehumidifier, water heater, clothes dryer, clothes washer, dishwasher, freezer (door removed), microwave oven

(capacitor removed), oven, stove or refrigerator (door removed) may be collected by the refuse collector for a fee.

- p) **Waste Oil.** To be taken to a business that accepts such items.
- q) **Waste Tires.** Must be taken to a business that accepts used tires or will be picked up by the Village for a fee and taken to such a place.

Section 8-3-4 Separation Requirements Exempted

The separation requirements of Section 8-3-3 do not apply to the following:

- a) Occupants of single family and two (2) to four (4) unit residences, multiple-family dwellings and non-residential facilities and properties that send their post-consumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in Section 8-3-3 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 thirty percent (30%) of the heat input to the facility is derived from the solid waste burned as supplemental fuel.
- c) A recyclable material specified in Section 8-3-3 for which a variance has been granted by the Department of Natural Resources under Sec. 159.1 I(2m), Wis. Stats., or NR544.14, Wis. Adm. Code.

Section 8-3-5 Care of Separated Recyclable Materials

To the greatest extent practicable, the recyclable materials separated in accordance with Section 8-3-3 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.

Section 8-3-6 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 to recycle the materials specified in Section 8-3-3:
 - 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 reason 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 site, locations and hours of operation, and a contact person or company, including a name, address and telephone number
- b) The requirements specified in Subsection (a) do not apply to the owners or designate agents of multiple-family dwellings if the post-consumer waste generated within the dwelling is treated at a processing facility licensed by the Wisconsin Department of Natural Resources that recovers for recycling the materials specified in Section 8-3-3 from solid waste in as pure a form as is technically feasible.

Section 8-3-7 Responsibilities of Owners or Designated Agents of Non-Residential Facilities and Properties

- a) Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in Section 8-3-3:
 - 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 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 Subsection (a) do not apply to the owners or designate agents of non-residential facilities if the post-consumer waste generated within the facility or property is treated at a processing facility licensed by the Wisconsin Department of Natural Resources that recovers for recycling the materials specified in Section 8-3-3 from solid waste in as pure a form as is technically feasible.

Section 8-3-8 Prohibitions on Disposal of Recyclable Materials Separated for Recycling

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 Section 8-3-3 which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

Section 8-3-9 Enforcement

- a) For the purpose of ascertaining compliance with the provisions of this Chapter, any authorized officer, employee or representative of the Village of Adell may inspect recyclable materials separated for recycling, post-consumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and non-residential facilities and properties, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to any authorized officer, employee or authorized representative of the Village of Adell who requests access for purpose 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 Chapter may be issued a citation by a Village of Adell law enforcement officer or other authorized Village official. 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 ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this Subsection.
- c) Any person who violates this Chapter may be assessed a penalty per Section 1-1-6.

Chapter 4 Refuse Disposal and Collection

Section 8-4-1 Title; Collection Service; Recycling

- a) **Title.** This Chapter shall be known as the Solid Waste Management Ordinance of the Village of Adell, hereinafter referred to as this "Ordinance" or "Chapter".
- b) **Garbage and Refuse Collection Service.** All garbage and refuse collection service shall be provided by Village personnel or by Village-approved contractors.

Section 8-4-2 Purpose

It is hereby declared to be the purpose and intent of this Chapter to enhance and improve the environment and promote the health, safety and welfare of the Village by establishing minimum standards for the storage, collection, transport, processing, separation, recovery and disposal of solid waste.

Section 8-4-3 Definitions

The following definitions shall be applicable in this Chapter:

- a) **Agricultural Establishment.** An establishment engaged in the rearing and slaughtering of animals and the processing of animal products, or orchard and field crops.
- b) **Bulky Waste.** Items whose large size precludes or complicates their handling by normal collection, processing or disposal methods. Items shall be cut not to exceed four (4) feet in length and bundled not to exceed fifty (50) pounds per bundle.
- c) **Collection.** The act of removing solid waste from the storage area at the source of generation.
- d) **Curb.** The back edge or curb and gutter along a paved street or where one would be if the street was paved and had curb and gutter.
- e) **Demolition Wastes.** That portion of solid waste from the repair, remodeling construction or reconstruction of buildings, such as lumber, roofing and sheathing scraps, rubble, broken concrete, asphalt, plaster, conduit, pipe, wire, insulation, and other materials resulting from the demolition of buildings and improvements.
- f) **Disposal.** The orderly process of discarding useless or unwanted material.
- g) **DNR.** The Wisconsin Department of Natural Resources.
- h) **Dwelling Unit.** A place of habitation occupied by a normal single-family unit or a combination of persons who may be considered as equivalent to a single-family unit for the purposes of this Chapter.
- i) **Garbage.** Includes every refuse accumulation of animals, fruit or vegetable matter, liquid or otherwise, that attends to the preparation, use, cooking, dealing in , or storing of meat, fish, fowl, fruit or vegetables.
- j) **Glass,** Glass bottles, jars and containers and does not include window glass, drinking glasses, Pyrex, light bulbs or other non-container glass.
- k) **Good Faith.** Reasonable efforts to adhere to the policies, standards and rules of this mandatory source separation recycling program.
- l) **Hazardous Waste or Hazardous Substance.** Those wastes or substances defined as such in NR 181, Wis. Adm. Code (including all amendments provided thereto) as provided therein pursuant to Sec. 144.62, Wis. Stats., or other acts pursuant to Authority vested in the Wisconsin Department of Natural Resources to describe and list materials as such and also includes the meaning of "hazardous waste" or "hazardous substance" as described herein. Those solid wastes or substances found in household waste [notwithstanding the household waste exclusion provided in NR 181.12(4)(a), Wis. Adm. Code].
- m) **Household Sharp Medical Waste.** Any type of product capable of puncturing or lacerating the skin that is designed or used to treat, diagnose, or prevent a disease or medical condition, including, but

not limited to, scalpels and hypodermic needles.

- n) **Industrial Waste.** Means waste material, except garbage, rubbish, and refuse, directly or indirectly resulting from an industrial processing or manufacturing operation.
- o) **Lead-Acid Batteries.** Automotive and related batteries that are comprised of lead plates with an acid electrolyte, and does not include nickel-cadmium batteries, dry cell (flashlight) batteries or batteries used in calculators, watches, hearing aids or similar devices.
- p) **Major Appliances.** A residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, stove, water heater or any other item commonly referred to as a white good.
- q) **Metal Cans.** Tin coated steel cans, bi-metal cans, and aluminum cans used for food and other non-hazardous materials, but excluding aerosol cans and cans that held paint, paint-related products, pesticides or other toxic or hazardous substances.
- r) **Multi-Family Dwelling.** A residential building intended to be the residence of four (4) or more independent family units.
- s) **Newsprint.** That portion of newspapers (newspapers and advertising circulars normally accompanying newspapers) or periodicals and advertising circulars printed on newsprint which remain in substantially original condition at the time of disposal such that the material is suitable for commercial-grade recycling. "Newsprint" does not include the paper commonly used in the production of magazines, books, and other physical media for written material or paper which is not suitable for recycling purposes, or is in a state which makes separation unreasonable or unduly expensive, or reasons which include, but are not limited to, the following:
 - 1) The paper has been put to another use, such as wrappings, for other wastes, and is thus rendered unfit for commercial recycling;
 - 2) The paper is no longer flat and folded to the approximate dimensions of its original condition;
 - 3) The paper is mixed in with commercial or municipal litter or refuse as a result of the failure of citizen or business invitees to separate newspapers from other discarded materials outdoors or in publicly accessible areas of buildings;
 - 4) The paper has been damaged or altered by any other means so as to make recycling impossible or unduly difficult.
- t) **Non-recyclable Material.** All items of waste not recyclable except hazardous waste or hazardous substances.
- u) **Non-Residential Solid Waste.** Solid waste from agricultural, commercial, industrial, or institutional activities, or a building or group of buildings consisting of four (4) or more dwelling units.
- v) **Other Paper.** All paper excluding newsprint materials or materials specifically excepted in the definition of "newsprint" and "corrugated cardboard," but shall include grades of fiber materials with available markets for recycling.
- w) **Oversize and Bulky Waste.** Large items such as furniture, mattresses, carpeting, construction or demolition materials of substantial dimensions, brush and other large items whose proportions are not easily reduced.
- x) **Person.** Any individual, corporation, organization, association, local governmental unit, as defined in Sec. 66.0131, Wis. Stats., state agency or authority or federal agency.
- y) **Plastic Container.** A blow-molded plastic bottle made of high density polyethylene (HDPE) or a plastic bottle or jar made of polyethylene terephthalate (PET), but does not include HDPE containers that are not blow molded, including but not limited to, containers for yogurt, cottage cheese, butter, margarine, ice cream and similar products.
- z) **Preparation Standards.** Criteria provided establishing acceptable good faith limits for introduction of materials into the source separation recycling program involving either transport to a material recycling center or temporary storage of such materials.
- aa) **Private Collection Services.** Collection services provided by a person licensed to do same by the DNR.
- bb) **Recyclable Waste.** Waste material that can be remanufactured into usable products and shall

include by way of enumeration, but not by way of limitation, glass, plastics, newspaper, cardboard, metals (aluminum, steel, tin, brass, etc.).

- cc) **Refuse.** Includes all waste material, except garbage, rubbish, and industrial waste, and eliminates refuse that is not longer picked up such as: grass, leaves, sticks, tree branches and logs, stumps, stones, cement, boards, furniture or household appliances, garden debris.
- dd) **Residential Solid Waste.** All solid waste that normally originates in a residential environment from residential dwelling units.
- ee) **Residential Unit.** A single family home, duplex, townhouse, condominium or a building with three (3) or less dwelling units.
- ff) **Rubbish.** Includes combustible and noncombustible waste material except garbage, refuse and industrial waste, that is incidental to the operation of a building and shall include by way of enumeration, but not by way of limitation, rags, sweepings and recyclables banned from the landfill.
- gg) **Scavenging.** The uncontrolled and unauthorized removal of materials at any point in solid waste management.
- hh) **Sharps Container.** A container specifically manufactured for the disposal of sharp medical waste.
- ii) **Solid Waste.** Garbage, refuse and all other discarded or salvageable solid materials, including solid waste materials, resulting from industrial, commercial and agricultural operations, and from community activities, but does not include solids or dissolved material in waste water effluents or other common water pollutants.
- jj) **Solid Waste Storage.** Safe, environmentally sound short-term containment of materials and for recyclables shall involve preserving materials in a condition meeting preparation standards.
- kk) **Tires.** For collection purposes shall mean rubber tires, from automobiles and light trucks, and other tires whose size is less than 1100 x 24.5, which are removed from rims.
- ll) **Used Oil.** Any contaminated petroleum-derived or synthetic oil concluding, but not limited to, the following: engine and other mechanical lubricants; hydraulic and transmission fluid; metal-working fluid; and insulating fluid or coolant.
- mm) **Yard Waste.** Leaves, grass clippings, yard and garden debris, including clean woody vegetative material no greater than six (6) inches in diameter and holiday trees, but does not include tree stumps, extensive root systems or shrubs with intact root balls.

Section 8-4-4 Refuse Storage Areas

Storage areas shall be kept in a nuisance- and odor-free condition. Litter shall not be allowed to accumulate. Collection crews will not be responsible for cleaning up loose material from any containers which have been ruptured or broken due to wet conditions, animals, vandalism or other causes. The occupant and/or owner shall be responsible for cleaning up this litter. Violations will result in the occupant and/or owner being notified to clean up his/her area with continued violations resulting in the owner being prosecuted under the provision of this and other Village ordinances.

Section 8-4-5 Approved Waste and Refuse Containers

- a) **General Container Standards.** Suitable containers, of a type approved by the Village, shall be provided by the property owner or tenant in which to store all solid wastes. Containers, in order to be approved, shall provide for efficient, safe and sanitary handling of solid waste. They shall be maintained in a nuisance- and odor-free condition and shall be sufficient to prevent the scattering of contents by weather conditions or animals.
- b) **Approved Containers.** All containers must be in good condition and be covered. All containers must not be over thirty-two (32) gallon capacity of thirty (30) inches high or fifty (50) pounds in weight. Metal, paper and plastic containers will not be picked up without handles or with covers permanently attached. No grocery paper bags will be picked up which are being used as a container. Metal garbage cans shall be of sufficient thickness to resist denting during normal handling by collection crews. Only clear plastic garbage bags shall be acceptable. They shall be

capable of being handled by collection crews during hot and cold weather without damage during normal handling. Plastic bags shall be of sufficient strength to allow lifting and loading of contents without tearing.

- c) **Outdoor Storage of waste not in containers.** Out door storage of waste not in containers is prohibited in the Village with the exception of Section 8-4-9(b)(1)(2).
- d) **Ashes.** Cold, completely extinguished ashes may be left for collection in containers.
- e) **Illegal Containers.** Illegal containers are: metal barrels and drums, wooden or cardboard barrels, wheelbarrows and other such containers not approved by this Chapter. These containers will not be emptied regardless of contents or weight.

Section 8-4-6 Non-Disposable Materials

- a) It shall be unlawful for any person to place for regular collection any of the following wastes:
 - 1) Hazardous waste;
 - 2) Toxic waste;
 - 3) Chemicals;
 - 4) Explosives or ammunition;
 - 5) Drain or waste oil or flammable liquids.
 - 6) Large quantities of paint;
 - 7) Dead animals;
 - 8) Trees or stumps;
 - 9) Gravel or concrete;
 - 10) Construction debris;
 - 11) Animal or human waste;
 - 12) White goods (unless as a special haul item);
 - 13) Hot ashes (ashes that are fully extinguished and dry may be left for collection in noncombustible containers);
 - 14) Tires and batteries
- b) The aforementioned materials shall be disposed of in the manner prescribed by federal or state laws, or as provided for herein.
- c) Materials that the Village collector will dispose of for a separate fee may be disposed of by special arrangement between the waste generator and said Village collector.

Section 8-4-7 Hospital/Medical Wastes

- a) **Household Sharp Medical Waste Disposal.**
 - 1) Household sharp medical waste shall not be deposited in any other place or manner in the Village of Adell than as hereinafter provided.
 - 2) Acceptable means of disposing of household sharp medical waste include:
 - a) Disposal in an approved medical waste box, such as a Sharps container; or
 - b) Disposal in a heavy plastic container, such as a laundry soap bottle, providing that the lid is permanently affixed thereto using tape or another means, and the container is marked "Medical Waste: Do Not Open."
- b) **Hospital and/or Medical Waste.** Except as otherwise specifically provided in this Chapter, the provisions set forth in NR 526, Wis. Adm. Code, describing and defining regulations with respect to hospital and/or medical waste are hereby adopted and made a part of this Chapter as if fully set forth herein.

Section 8-4-8 Building Waste

All demolition waste resulting from remodeling, construction, or removal of a building, roadway, or sidewalk shall be disposed of by the owner, builder, or contractor. Building materials of any kind will not be disposed of by the Village or its collection service.

Section 8-4-9 Collection of Refuse

a) Placement for Collection.

- 1) Residential solid waste shall be accessible to collection crews. Residential solid waste in approved containers shall be placed immediately behind the curb of the public street for collection or containers shall be placed immediately adjacent to the alley if premises abut on an alley. Bulky wastes from residential units shall likewise be placed in neat, orderly fashion behind the curb. During winter months, solid waste shall not be placed on top of the snow bank, nor shall it be placed in the roadway. The owner shall either shovel out an area behind the curb in which to place his wastes or he shall place it in his driveway. Collection crews will not collect residential solid waste unless it is placed at the curb of a public street. Residential units shall bring their solid waste to the terrace adjacent to the street curb for collection. Should collection crews be unable to discharge contents of garbage cans into collection vehicles using normal handling procedures, the cans, including contents, will be left at curb side. The owner shall make provisions to assure that the solid waste therein can be collected on the next collection day. Collection crews will not empty garbage cans by means other than dumping.
- 2) No garbage containers or other containers' for refuse other than those of the Village shall be placed, kept, stored or located within the right-of-way of a street or alley; provided, however, that the Village Board may authorize the location of such containers within the public right-of-way at specified places and times when such location is necessary for the expeditious collection and disposition of refuse.
- 3) Placement means one stop for each residential unit.

b) Restriction on Time of Placement.

- 1) All receptacles and containers for refuse and rubbish and all bundles of rubbish shall be placed in collection locations as designated in Subsection (a) above only after 5:00 p.m. of the evening prior to the regular collection time the following day.
- 2) All receptacles, bags and containers for refuse and garbage disposal shall be removed from the curbside collection point within twenty-four (24) hours after the regular collection time.
- 3) Village employees or employees of licensed collectors will not enter any structures to remove garbage or refuse, except by written agreement with the property owner.
- 4) If a holiday falls during the work week, collection will be the day following the regularly scheduled collection day.
- 5) Special collections may be made if ordered by the Building Inspector or Village Board and will be billed to the owner.

- c) **Collection Schedule.** Municipal refuse collection services shall be on a scheduled basis as established by the Village Board. Only those items approved by this Chapter shall be left for collection at curbside.

Section 8-4-10 Refuse from Outside the Village

It shall be unlawful to bring refuse from outside the Village of Adell limits into the Village limits for disposal unless specifically authorized by written agreement with the Village.

Section 8-4-11 Anti-Scavenging Provisions

- a) Persons shall not pilfer recyclables or disturb recyclables once those materials are placed for collection unless good faith applies. Only persons authorized by the Village or the generator of waste shall collect or handle recyclable materials once those materials have been placed appropriately for collection. Any and each collection by unauthorized persons in violation of this provision shall constitute a separate and distinct offense punishable as provided hereinafter. Nothing herein shall be construed to allow for scavenging, removal, transportation, or resorting of refuse which has been placed for disposal under this Chapter. Any such scavenging or separation of refuse that has been placed for disposal by the producer of said refuse shall be deemed a violation of this

Chapter.

- b) This Chapter shall not prohibit the actual producers of recyclable materials or the owners of residential units or nonresidential units upon which recyclable materials have been accumulated from personally collecting, conveying, and disposing of recyclable materials, provided such producers or owners do not violate the intent of this Chapter.

Section 8-4-12 Garbage Accumulation; When a Nuisance

The accumulation or deposit of garbage, trash, or putrescible animal or vegetable matter in or upon any lot or land or any public or private place within the Village which causes the air or environment to become noxious or offensive or to be in such a condition as to promote the breeding of flies, mosquitoes, or other insects, or to provide a habitat or breeding place for rodents or animals, or which otherwise becomes injurious to the public health, is prohibited and declared to constitute a nuisance. Refuse areas shall be kept in a nuisance-and odor-free condition. Refuse shall not be allowed to accumulate. Violation will result in the occupant and/or owner being notified to clean up his area, with continued violations resulting in the owner being prosecuted under provisions of this and other Village ordinances.

Section 8-4-13 Improper Placement

- a) **Prohibition.** No persons shall deposit, throw, or place any garbage, offal, dead animals, combustible refuse or other deleterious matters in any park, lane, alley, street, public grounds, or public place within the Village, nor place any garbage, offal, dead animals or other refuse matter upon any private property not owned by such person without such person's consent. If not deemed uncollectible, these materials may be placed for collection on the owner's property if the same is enclosed in proper vessels or containers which shall be watertight and kept so with tightly fitting covers.
- b) **Private Dumps.** It shall be unlawful for any person to use or operate a dump.

Section 8-4-14 Interference with Authorized Collector

No person other than an authorized collector shall collect or interfere with any waste after it has been put into a garbage receptacle and deposited in the proper place for the collector, nor shall any unauthorized person molest, hinder, delay or in any manner interfere with any authorized garbage collector in the discharge of his duties.

Section 8-4-15 Condominiums

Each condominium association in the Village shall be responsible for establishing compliance with this Chapter by the owner of each condominium unit, and shall submit its plan for compliance to the Village for approval and shall submit for approval of the Village any changes in such plan. Such plan may provide for the purposes of this Chapter. Each condominium unit shall be treated the same as a single residential dwelling or the entire condominium shall be treated for such purposes as a multi-family dwelling. In approving such a plan, the Village shall consider which plan under the circumstances would better promote the purpose of this Chapter.

Section 8-4-16 Agricultural Operations

Nothing in this Chapter is intended to apply to the disposal of or the accumulation of agricultural or farm wastes, products or feed accumulated upon property used in the ordinary course of farming.

Section 8-4-17 Federal and State Regulations

It is expected that from time to time federal and state statutes and regulations will require that items other than the items which have been deemed to be recyclable herein shall be recycled. In such event, this Chapter shall be deemed to include and shall require such other items to be recyclable hereunder.

Section 8-4-18 Violations; Penalties

- a) **Penalties.** Any person who shall violate any of the provisions of this Chapter shall be subject to a penalty which shall be as follows:
- 1) **First Offense.** Any person found in violation of any provision of this Section as a first offender shall receive a warning notice requiring compliance and may be subject to having refuse in violation of the provisions herein not collected.
 - 2) **Second and Subsequent Offenses.** Any person found guilty of violating any part of this Chapter who has previously been notified of being in violation or has been convicted of violating the same Chapter within one (1) year shall, upon conviction thereof, be subject to a forfeiture as provided in Section 1-1-6
- b) **Each Day a Separate Offense.** Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Chapter shall preclude the Village from maintaining any appropriate action to prevent or remove a violation of any provision of this Chapter.

Section 8-4-19 Improper Transportation

It shall be unlawful to transport any solid waste in any vehicle which permits the contents to blow, sift, leak or fall there from. If the spillage does occur, the collection crew shall immediately return spilled materials to the collection vehicle and shall properly clean, or have cleaned, the area. All vehicles used for the collection and transportation of solid waste shall be durable, easily cleanable and leak proof, if necessary, considering the type of waste and its moisture content. Collection vehicles shall be cleaned frequently to prevent nuisances and insect breeding and shall be maintained in good repair.