

TITLE 8

Health and Sanitation

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CHAPTER 1

Health and Sanitation

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SEC. 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.

SEC. 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 shall abate health nuisances pursuant to Sec. 254.59, Wis. Stats., which is adopted by reference and made a part of this Section

State Law Reference: Sec. 254.59, Wis. Stats.

SEC. 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 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. Materials may not be brought in from outside the corporate Village limits.

SEC. 8-1-4 DESTRUCTION OF NOXIOUS WEEDS.

- (a) 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 of the Wisconsin Statutes. 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.
- (b) As provided for in Sec. 66.0407(3), 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 corporate limits. Noxious weeds shall include any weed, grass or similar plant growth which, if allowed to pollinate, would cause or produce hayfever 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)
Poa pratensis (Kentucky Blue)
Sorghum halepense (Johnson)
Setaria (Foxtail)

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

Ragweed
Thistles
Smartweed
Dandelions (over 8 inches in height)
Milkweed (over 8 inches in height)

State Law Reference: Sec. 66.0407, Wis. Stats.

SEC. 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 round surface shall be prohibited within the Village 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 twelve (12) inches in length, a statement of intent and purpose for the lawn, a detailed description of the vegetational 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 on the form provided by 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. 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.

- (1) 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 obtain and complete an application form available from the Village Clerk-Treasurer. The completed application shall include a Natural Lawn Management Plan. Upon submitting a completed application, a filing fee which shall be determined from time to time by the Village Board and adopted as part of the rate schedule kept by the Village Clerk, will be assessed. 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 immediately 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.
- (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 Howards Grove, 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) day upon receiving written direction from the Fire Chief.

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. 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 appealable to the Village Board. All applications or 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 revocation of the Natural Lawn Management Plan Permit. All written applications for appeal filed within the fifteen (15) calendar day requirement shall be reviewed 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.

SEC. 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 Howards Grove.
- (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 Howards Grove which exceed twelve (12) inches in length adversely affect the public health and safety of the public in that they tend to emit pollen and other discomforting 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 twelve (12) inches in length within ten (10) feet of any property line or road right-of-way is hereby declared to be a public nuisance, except for property located in a designated floodplain area and/or wetland area, or in property zoned agricultural. 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 within the Village.
- (d) **Inspection.** The Weed Commissioner or his 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, he 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 served at least five (5) days prior to the date of the hearing and shall be mailed or served on the owner of the lot or parcel of land or, if he is not known and there is a tenant occupying the property, then to the tenant, of the time and place at which the hearing will be held.
- (f) **Due Process Hearing.** If the owner believes that his grasses or weeds are not a nuisance, he 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. When a hearing is requested by the owner of the property, a hearing by the Village Board shall be held within thirty (30) days from the date of the owners request. The property in question will not be mowed by the Village until such time as the hearing is held by the Board. At the hearing, the owner may appear in person or by his attorney, may present witnesses in his own behalf and may cross-examine witnesses presented by the Village as well as subpoena witnesses for his 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 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's decision. If the owner does not abate the nuisance within the described 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 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 resolution by the Village Board. 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, Wisconsin Statutes.

SEC. 8-1-7 COMPULSORY CONNECTION TO VILLAGE SEWER SYSTEM.

- (a) Whenever public sewer service has become available to any building used for human habitation or human occupancy, the Village Board shall notify in writing the owner, agent or occupant thereof to connect such facilities thereto. If such persons to whom the notice has been given shall fail to comply for more than ten (10) days after notice, the Village Board shall cause the necessary connections to be made and the expenses thereof to be assessed as a special tax against the property pursuant to Section 281.45 of the Wisconsin Statutes.
- (b) The Village Board may extend the time for connection hereunder or may grant other temporary relief where strict enforcement would work an unnecessary hardship without corresponding public or private benefit.
- (c) This Section is enacted pursuant to Section 281.45 of the Wisconsin Statutes.

SEC. 8-1-8 REGULATION OF SMOKING.

- (a) **State Statute Adopted.** The provisions of Chapter 101.123, Wis. Stats., relating to the Regulation of Smoking and Clean Indoor Air, except provisions therein relating to penalties to be imposed, are hereby adopted by reference and made a part of this Section as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this Section. Any future amendment, revisions or modifications of the statutes incorporated herein are intended to be made a part of this Section.

(b) **Smoking Prohibited Within or Upon All Buildings and Equipment Owned, Leased or Rented by the Village.** In recognition of a need to protect the health and comfort of the public and Village employees from the detrimental effects of smoking, pursuant to the authority granted to the Village by Sec. 101.123(2)(c), Wis. Stats., smoking as defined by Sec. 101.123(1)(h), Wis. Stats., is hereby prohibited by any person within or upon all buildings and enclosed equipment owned, leased or rented by the Village of Howards Grove except in designated areas. This section does not apply to the Memorial & Riverside Park shelter buildings.

CHAPTER 2

Pollution Abatement

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

8-2-2 Storage of Polluting Substances

SEC. 8-2-1 CLEANUP OF SPILLED OR ACCIDENTALLY DISCHARGED WASTES.

- (a) **Cleanup Required.** All persons, firm's, 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 pollutional effects of the discharged waste.

SEC. 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 drainageway, lake or stream within the jurisdiction of the Village of Howards Grove.

CHAPTER 3

Mandatory Recycling and Solid Waste Separation

- 8-3-1 Mandatory Recycling
- 8-3-2 Definitions
- 8-3-3 Separation of Recyclable Materials
- 8-3-4 Separation Requirements Exempted
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- 8-3-6 Management of Lead Acid Batteries, Major Appliances, Waste Oil and Yard Waste
- 8-3-7 Preparation and Collection of Recyclable Materials
- 8-3-8 Responsibilities of Owners or Designated Agents of Residential Rental Units of Single Family and Two to Four Units
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- 8-3-11 Prohibitions on Disposal of Recyclable Materials Separated for Recycling
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- 8-3-13 Collection of Waste or Non-Recyclable Materials
- 8-3-14 Prohibited Activities and Non-Collectable Materials
- 8-3-15 Enforcement and Penalties

SEC. 8-3-1 MANDATORY RECYCLING.

The owners or occupants of each residence, residential unit, place of business, industry or commerce or other place providing goods or services of any type within the Village of Howards Grove shall cooperate in the recycling of materials being discarded by performing the acts set forth in this Chapter.

SEC. 8-3-2 DEFINITIONS.

1. "Bi-Metal container" means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.
2. "Container board" means corrugated paperboard used in the manufacturing of shipping containers and related products.
3. "Foam polystyrene packaging" means packaging made primarily from foam polystyrene that satisfies one of the following criteria;
 - (a) is designated 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.
4. "HDPE" means high density polyethylene, labeled by the SPI code #2

5. "LDPE" means low density polyethylene, labeled by the SPI code #4
6. "Magazines" means magazines and other materials printed on similar paper.
7. "Major appliances" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, stove, residential or commercial furnace, boiler, dehumidifier or water heater.
8. "Multiple-family dwelling" means a property containing 5 or more residential units, including those which are occupied seasonally.
9. "Newspaper" means a newspaper and other materials printed on newsprint.
10. "Non-residential facilities and properties" means commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.
11. "Office paper" means high grade printing and writing papers from offices in nonresidential 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.
12. "Other resins or multiple resins" means plastic resins labeled by the SPI code #7.
13. "Person" includes any individual, corporation, partnership, association, local governmental unit, as defined in s. 66.0131(1)(A), Wis. Stats., state agency or authority or federal agency.
14. "PETE" means polyethylene terephthalate, labeled by the SPI code #1.
15. "Plastic container" means 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.
16. "Postconsumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in s. 291.01(7), Wis. Stats, waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in s. 289.01(17)., Wis. Stats.
17. "PP" means polypropylene, labeled by the SPI code #5.
18. "PS" means polystyrene, labeled by the SPI code #6.
19. "PVC" means polyvinyl chloride, labeled by the SPI code #3.
20. "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; newspaper; office paper; rigid plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS and other resins or multiple resins; steel containers; waste tires; and bi-metal containers.

21. "Solid waste" has the meaning specified in s. 289.01(33), Wis. Stats.
22. "Solid waste facility" has the meaning specified in s. 289.01(35), Wis. Stats.
23. "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.
24. "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
25. "Yard waste" means 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.

SEC. 8-3-3 SEPARATION OF RECYCLABLE MATERIALS. Occupants of single family and two to four unit residences, multi-family dwellings and non-residential facilities, places of business, industry or commerce, farms, and government facilities shall separate the following materials from postconsumer waste:

- (1) Lead acid batteries
- (2) Major appliances
- (3) Waste oil
- (4) Yard waste
- (5) Aluminum containers
- (6) Bi-metal containers
- (7) Corrugated paper or other container board
- (8) Foam polystyrene packaging
- (9) Glass containers
- (10) Magazines
- (11) Newspaper
- (12) Office paper
- (13) Rigid plastic containers made of PETE (#1), HDPE (#2), PVC (#3), LDPE (#4), PP (#5), PS (#6), and other resins or multiple resins (#7).
- (14) Steel containers
- (15) Waste tires

SEC. 8-3-4 SEPARATION REQUIREMENTS EXEMPTED. The separation requirements of sec. 8-3-3 do not apply to the following:

- (1) Occupants of single family and two to four unit residences, multiple-family dwellings and non-residential 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 sec. 8-3-3 from solid waste in as pure a form as is technically feasible.
- (2) 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.

(3) A recyclable material specified in sec. 8-3-3(5) through (15) for which a variance has been granted by the Department of Natural Resources under s. 287.11 (2m), Wis. Stats., or s. NR 544.14, Wis. Administrative Code.

SEC. 8-3-5 CARE OF SEPARATED RECYCLABLE MATERIALS. To the greatest extent practicable, the recyclable materials separated in accordance with sec. 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.

SEC. 8-3-6 MANAGEMENT OF LEAD ACID BATTERIES, MAJOR APPLIANCES, WASTE OIL AND YARD WASTE. Occupants of single family and two to four unit residences, multiple-family dwellings and non-residential facilities and properties shall manage lead acid batteries, major appliances, waste oil, waste tires and yard waste as follows:

- (1) Lead acid batteries shall be separated and placed upon the curb on the day designated for collection or disposed of at any retail sales establishment engaged in the business of selling batteries to consumers (disposal fee may apply).
- (2) Major appliances shall be separated and placed upon the curb on the day designated for collection. Residents will be charged a pick-up fee for disposal of appliances containing freon and should contact the designated hauler for pickup.
- (3) Waste oil shall be placed in gallon milk jugs and disposed of at a proper facility for recycling.
- (4) Yard waste shall be separated and disposed of at designated hauler's yard waste recycling bin free of charge or may be properly composted on the residents property.

SEC. 8-3-7 PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS.

Except as otherwise directed by the Village Board or its representatives, occupants of single family and two to four unit residences shall do the following for the preparation and collection of the separated materials specified in sec. 8-3-3(5) through (15):

- (1) Aluminum containers shall be separated and rinsed free of product residue, deposited in the approved recycling bag and placed upon the curb on the day designated for collection. Examples include TV dinner trays, foil wrap, pot pie pans, aluminum cans and siding.
- (2) Bi-metal containers shall be separated and rinsed free of product residue) deposited in the approved recycling bag and placed upon the curb on the day designated for collection.
- (3) Corrugated paper or other container board shall be flattened and tied in bundles, deposited in the approved recycling bag and placed upon the curb on the day designated for collection.
- (4) Foam polystyrene packaging shall be boxed or bagged, deposited in the approved recycling bag and placed upon the curb on the day designated for collection.

(5) Clear and colored glass shall be separated and rinsed free of product residue and remove and discard the cover, lid or cap, deposit glass in the approved recycling bag and place upon the curb on the day designated for collection. Acceptable examples of containers include catsup, barbecue sauce, salad dressing, pickle, jam, jelly, beer, liquor and wine bottles. Non-acceptable materials include plate glass, ceramics, clay items, light bulbs and broken glass.

(6) Magazines and other material printed on similar paper shall be separated and bundled or placed in a brown paper bag, and placed upon the curb on the day designated for collection.

(7) Newspaper and other materials printed on newsprint or contained in newspapers as inserts, shall be separated and bundled or placed in a brown paper bag, and placed upon the curb on the day designated for collection.

(8) Office paper shall be separated and bundled or placed in a brown paper bag, and placed upon the curb on the day designated for collection. Recycling of office paper is mandatory only for non-residential facilities and properties.

(9) Rigid plastic containers shall be rinsed free of product residue, caps removed and discarded, deposited in the approved recycling bag and placed upon the curb on the day designated for collection and includes the following:

- (a) Plastic containers made of PETE, labeled with SPI code #1
- (b) Plastic containers made of HDPE, labeled with SPI code #2
- (c) Plastic containers made of PVC, labeled with SPI code #3
- (d) Plastic containers made of LDPE, labeled with SPI code #4
- (e) Plastic containers made of PP, labeled with SPI code #5
- (f) Plastic containers made of PS, labeled with SPI code #6
- (g) Plastic containers made of other resins or multiple resins, labeled with SPI code #7

(10) Steel containers shall be separated and rinsed free of product residue, deposited in the approved recycling bag and placed upon the curb on the day designated for collection.

(11) Waste tires shall be separated and arrangements made with the designated hauler for the disposal at property owners expense.

(12) The Village of Howards Grove reserves the right to change any of the methods of preparing and collecting the materials in this section and shall provide a written notice to its residents of such changes.

SEC. 8-3-8 RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF RESIDENTIAL RENTAL UNITS OF SINGLE FAMILY AND TWO TO FOUR UNITS

(1) Owners or designated agents of residential rental units of single family and two to four units shall do all of the following to recycle the materials specified in sec. 8-3-3(5) through (15):

- (a) Provide adequate, separate containers for the recyclable materials.

(b) Give written notice to all tenants, users and occupants at the time of renting or leasing and at least semi-annually thereafter, about the established recycling program. Such notice may be incorporated into a written lease, or may be given by separate written notice, with acknowledgment by the tenant as to date of receipt thereof, which acknowledgment shall be maintained on file by the unit owner during the duration of such leased occupancy.

(c) Notify tenants, users and occupants of reasons to reduce or recycle, which materials are collected, how to prepare recyclable materials in order to meet the processing requirements, collection methods and a contact person, including name, address and phone number.

SEC. 8-3-9 RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF MULTIPLE-FAMILY DWELLINGS.

(1) Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in sec. 8-3-3(5) through (15):

(a) Provide adequate, separate containers for the recyclable materials.

(b) Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program. Such notice may be incorporated into a written lease, or may be given by separate written notice, with acknowledgment by the tenant as to date of receipt thereof, which acknowledgment shall be maintained on file by the unit owner during the duration of such leased occupancy.

(c) Provide for the collection of the materials separated from the solid waste by the tenants and placement curbside on the designated pick-up day.

(d) 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, and a contact person or company, including a name, address and telephone number.

(2) The requirements specified in (1) do not apply to the owners or designated agents of non-residential 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 sec. 8-3-3(5) through (15) from solid waste in as pure a form as is technically feasible.

SEC. 8-3-10 RESPONSIBILITY OF OWNERS OR DESIGNATED AGENTS OF NON-RESIDENTIAL FACILITIES AND PROPERTIES.

(1) Owners or designated agents of non-residential facilities and properties shall do all of the following for recycling the materials specified in sec. 8-3-3(5) through (15):

(a) A person owning or occupying a new building or a building that is remodeled or expanded by 50% or more in floor area, shall provide a designated area for separation, temporary storage and collection of solid waste and recyclables either within or adjacent to the building.

- (b) Provide adequate, separate containers for the recyclable materials.
- (c) Notify tenants, users, and occupants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
- (d) Provide for the collection of materials separated from solid waste by the tenants and delivery of the materials to a recycling facility.
- (e) 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.

(2) The requirements specified in (1) do not apply to the owners or designated agents of non-residential facilities and properties if the post consumer 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 sec. 8-3-3(5) through (15) from solid waste in as pure a form as is technically feasible.

SEC. 8-3-11 PROHIBITIONS ON DISPOSAL OF RECYCLABLE MATERIALS SEPARATED FOR RECYCLING. No person or hauler may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in sec. 8-3-3(5) through (15) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

(2) No person or corporation shall engage in the business of hauling recyclables within the Village of Howards Grove limits without being licensed by the Department of Natural Resources under section NR 502.06, Wis. Administrative Code.

(3) Haulers who collect solid waste or recyclables in the Village of Howards Grove for storage, treatment, processing, marketing, or disposal shall obtain and maintain all necessary municipal and state permits, licenses, and approvals prior to collecting any materials in the Village.

(4) Recycling haulers and processors operating in the Village of Howards Grove are required to maintain records and report in writing to the Village Clerk on or by December 31st each year. Reports shall include: the amount of solid waste and recyclables collected and transported from the Village; the amount of solid waste and recyclables processed and or marketed by item type from the village; and the final disposal location of solid waste and recyclable material. Failure to report shall be cause for the municipality to revoke any license or sever any contract with the hauler/processor.

(5) Any hauling contractor operating in the Village of Howards Grove shall not transport for processing any recyclables to a processing facility unless that facility has been approved by the Village and by January 1, 1995, the facility has self-certified with the Department of Natural Resources under section NR 544.16, Wis. Administrative Code.

SEC. 8-3-12 OWNERSHIP OF RECYCLABLE MATERIALS. Recyclable materials, upon placement at the curb or collection site, shall become the property of the designated hauler. It shall be unlawful for any person, firm, or corporation to remove, carry away, or disturb recyclable materials from the collection locations by anyone other than the Village's designated recycling contractor. It shall be a violation of this Chapter for any person unauthorized by the Village to collect or pick up or cause to be collected or picked up any recyclable materials that are placed for disposal by the Village or by an authorized private entity. Any and each such unauthorized collection or scavenging of recyclable materials in violation hereof shall constitute a separate and distinct offense punishable as provided herein.

(1) Alteration of recyclable materials. It shall be unlawful to intentionally alter recyclable materials so as to render them as non-recyclable material.

SEC. 8-3-13 COLLECTION OF WASTE OR NON-RECYCLABLE MATERIALS. All other materials are hereby designated as non-recyclable and shall be disposed of as follows:

(1) Residential Waste Collection

(a) All waste shall be drained of water, securely wrapped, and placed in clear plastic bags of not more than thirty-three (33) gallons in size and of a weight that can be handled by one man. Such bags shall be of sufficient strength so as to be water and rodent proof, and so as to prevent spillage, odor or disturbance of contents by animals. Any bag that shall be punctured, torn, leaking, damaged, or without proper fastener shall be deemed inadequate and not in compliance with this section.

(2) Commercial And Industrial Waste Collection.

(a) All containers used for commercial collection shall have a capacity of not more than thirty-three (33) gallons or shall be mechanically emptied dumpsters, or other approved containers. All prohibited and recyclable materials shall be excluded from commercial waste.

(b) Any commercial waste generator who shall generate greater than two (2) cubic yards of waste in any week, on the average, shall be considered as an industrial waste generator and shall dispose of such wastes as provided in Section 8-3-12 (c).

(c) Industrial waste shall not be collected or disposed of by the collector at the expense of the Village. Suitable periodic collection of not less frequently than monthly shall be provided by and at the cost of each industrial waste generator. All industrial wastes generated in the Village shall be subject to the provisions of Section 8-3-1.

(d) Each commercial and industrial waste generator shall comply with Wisconsin Statutes 289.53 3(c) and Wisconsin Administrative Code Chapter NR 544.

(1) The owner or designated agent of a commercial or industrial waste generator shall give written notice to all users and occupants, and to all lessees at the time of renting or leasing, and semi-annually thereafter, that such mandatory recycling compliance is required, and shall provide suitable facilities, including separate containers for the

separation of recyclable materials and collection by a waste hauler for disposal. Such notice may be incorporated into a written lease, or may be given by separate written notice, with acknowledgment by the user, occupant, or tenant as to date of receipt thereof, which acknowledgment shall be maintained on file by the unit owner during the duration of such lease.

- (2) The owner or designated agent of a commercial or industrial waste generator shall notify users, occupants and tenants of reasons to reduce or recycle solid waste, which materials are collected, how to prepare recyclable materials in order to meet the processing requirements, collection methods and a contact person, including name, address and phone number.

(3) Placement For Collection. All waste shall be accessible to collection crews. Waste in approved containers shall be placed immediately behind the curb of the public street for collection not sooner than 6:00 p.m. the day before designated pickup. Bags and/or containers not picked up by private hauler must be removed from curbside by 6:45 a. m. the day following designated pickup. During winter months, waste shall not be placed on top of snow banks, nor in the roadway. The owner shall either shovel out an area behind the curb in which to place wastes to be collected or shall place such wastes in his/her driveway.

(4) Special Collections. Any residential or commercial waste generator who shall generate in excess of two (2) cubic yards of rubbish in a week and who does not fall within the definition of an industrial waste generator as defined herein, shall request special collection of such waste from the collector and shall make payment to such collector as a condition of the removal and disposal of such wastes.

(5) Refusal of Service. The collector may refuse to furnish collection service to any person not complying with the provisions of this Chapter and any rules and regulations established by the Village Board for the collection of waste and the separation of recyclable materials and the use of approved containers.

SEC. 8-3-14 PROHIBITED ACTIVITIES AND NON-COLLECTABLE MATERIALS.

(1) Undrained food wastes. It shall be unlawful to place any garbage or other food wastes in a container for collection unless it is first drained.

(2) Improper placement. It shall be unlawful to place or allow to be placed, any solid waste upon the roads) streets, or public or private property within the Village contrary to the provisions of this chapter.

(3) Compliance with chapter. It shall be unlawful to store, collect, transport, transfer, recover, incinerate or dispose of any solid waste within the boundaries of the Village contrary to the provisions of this chapter.

(4) Interference with authorized collector. No person other than an authorized collector or Village Official shall collect or interfere with any garbage after it shall have 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 an authorized garbage or solid waste collector in the discharge of his duties.

- (5) Scavenging. It shall be unlawful for any person to scavenge any solid waste placed for collection.
- (6) Private dumps. It shall be unlawful for any person to use or operate a dump.
- (7) Burning of waste. It shall be unlawful for any person to burn solid waste in any manner, except as may be provided elsewhere in this code of ordinances.
- (8) Prohibited non-collectible materials. It shall be unlawful for any person to place for collection any of the following wastes:
- (a) Hazardous wastes
 - (b) Toxic wastes
 - (c) Chemicals
 - (d) Explosives or ammunition
 - (e) Flammable liquids
 - (f) Inoperable vehicles
 - (g) Rocks or concrete
 - (h) Asbestos products or wastes
 - (i) Solvents, thinners or lead-based paints
 - (j) Gasoline or fuel oil tanks or cans
 - (k) Vehicle tires
 - (l) Building or demolition wastes
 - (m) Human wastes
 - (n) Pathogenic or infectious hospital wastes
 - (o) Yard wastes (grass clippings, leaves, brush and garden waste)
(Holiday decorations such as Christmas wreaths, garlands and floral
Arrangements may be placed with refuse.)
 - (p) Construction Debris. Includes, but is not limited to, shingles, siding, concrete, and wood cutoffs, stone, rubber, earth, sod, tree stumps or trunks.
- (9) It shall be unlawful to bring recycling materials or wastes into the Village from outside the corporate limits of the Village of Howards Grove.

SEC. 8-3-15 ENFORCEMENT.

- (1) The Village of Howards Grove reserves the right to designate additional solid waste materials as recyclable or currently collected materials as no longer recyclable in accordance with state law and to either add or delete them from any collection services provided by the Village or its contractors. The Village shall provide written notice to its service recipients of this declaration.
- (2) For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the Village of Howards Grove may inspect recyclable materials separated for recycling, postconsumer 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 Howards

Grove who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.

(3) Any person who violates a provision of this ordinance may be issued a citation by the Village official designated 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 ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this paragraph.

(4) Penalties for violating this ordinance may be assessed a fee, as determined from time to time by the Village Board and adopted as part of the fee/rate schedule kept by the Village Clerk.