

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 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 or Marathon County Board of Health shall abate health nuisances pursuant to Sec. 146.14, Wis. Stats., which is adopted by reference and made a part of this Section.

State Law Reference: Sec. 146.14, Wis. Stats.

SEC. 8-1-3 KEEPING OF LIVESTOCK.

- (a) **Sanitary Requirements.** All structures, pens, buildings, stables, coops or yards wherein animals or fowl are kept shall be maintained in a clean and sanitary condition, free of rodents, vermin and objectionable odors, and shall only be kept in properly zoned areas.
- (b) **Animals Excluded From Food Handling Establishments.** No person shall take or permit to remain any dog, cat or other live animal on or upon any premises where food is sold, offered for sale or processed for consumption by the general public.

SEC. 8-1-4 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.

SEC. 8-1-5 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 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. 66.96 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.
- (c) As provided for in Sec. 66.96(2), 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 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 8-1-7, 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 vulgare (Bull Thistle)
Pastinaca sativa (Wild Parsnip)
Arctium minus (Burdock)
Xanthium strumarium (Cocklebur)
Amaranthus retroflexus (Pigweed)
Chenopodium album (Common Lambs quarter)
Rumex Crispus (Curled Dock)
Cannabis sativa (Hemp)
Plantago lanceolata (English Plantain)

Noxious grasses, as defined in this Section and in Section 8-1-7, shall include but not be limited to the following:

Agrostia alba (Redtop)
Dactylis glomerata (Orchard)
Phleum pratensis (Timothy)
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. 66.96, Wis. Stats.

SEC. 8-1-6 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 8-1-5 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 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 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.
 - (3) 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 Administrator 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 Administrator. The completed application shall include a Natural Lawn Management Plan. Upon submitting a completed application a Twenty-five Dollar (\$25.00) non-refundable filing fee 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 Administrator 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 Administrator shall issue permission to install a natural lawn.
- (d) **Application For Appeal.** The property owner may appeal the Village Administrator'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, 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. 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 appeal able 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 Administrator shall enter those charges onto the tax roll as a special tax as provided by State statute.
- (3) The failure of the Village Administrator 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. 8-1-7 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 Edgar.
- (b) **Public Nuisance Declared.** The Village Board finds that lawns, grasses and noxious weeds on lots or parcels of land 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 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 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 and/or wetland area or where the lawn, grass or weed is part of a natural lawn approved pursuant to Section 8-1-6 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 Administrator's office within the five (5) days set forth in the Weed

Commissioner's notice. Upon application for the hearing, the property owner must deposit a \$25.00 bond. If a decision is rendered in the property owner's favor, the \$25.00 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 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 Administrator 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 Administrator 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. 66.615(3)(f), Wisconsin Statutes.

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) **Purpose.** The purpose of this Section is:

- (1) To insure safe and effective hazardous materials and hazardous waste management; and
- (2) To establish a program of regulation over the storage, transportation, treatment and disposal of hazardous materials and waste in the Village.

(b) **Findings.** The Village finds that:

- (1) Increasing production and consumption rates, continuing technological development and energy requirements have led to the generation and use of greater quantities of hazardous materials and associated hazardous waste;
- (2) The problems of disposing of hazardous waste are increasing as a result of air and water pollution controls and a shortage of available landfill sites;
- (3) While it is technologically and financially feasible for hazardous waste generators to dispose of their waste in a manner which has a less adverse impact on the environment than current practices, such knowledge is not being utilized to the extent possible;
- (4) Even though the Village is not heavily industrialized, there is significant daily hazardous waste disposal problems; and
- (5) The public health and safety and the environment are threatened where hazardous materials and wastes are not managed in an environmentally sound manner.

(c) **Definitions.**

- (1) **Disposal.** The discharge, deposit, injection, dumping, spilling, or placing of any hazardous material or waste into or on any land or water so that this hazardous waste or any constituent thereof may enter the environment, be emitted into the air or discharged into any waters, including groundwater.
- (2) **Hazardous Material.** Any element, compound or combination thereof which is flammable, corrosive, etc., and which, because of handling, storage, processing or packaging, may have detrimental effects on operating and emergency personnel, the public, equipment and/or the environment.
- (3) **Hazardous Waste.** Any waste or combination of wastes of a liquid, gaseous or semi-solid form which, because of its quantities, concentration or physical, chemical or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of, or otherwise managed. Such wastes include, but are not limited to, those which are toxic, carcinogenic, flammable, irritants, strong sensitizers or which generate pressure through decomposition, heat or other means, as well as containers and receptacles previously used in the transportation, storage, use or application of substances described as hazardous waste.
- (4) **Fire Chief.** The Fire Chief of the Village of Edgar or his designated officer.
- (5) **Generation.** The act or process of producing hazardous waste.
- (6) **Person.** Any individual, partnership, corporation (including a government corporation), trust, association, joint stock company, organization, commission, the Village or federal government or other entity.
- (7) **Storage.** Containment in such manner as not to constitute disposal.

- (8) Transport. The movement from the point of production, generation or use to any intermediate site and finally to the point of ultimate storage or disposal.
- (9) Treatment. Any method, technique or process, including neutralization, designed to change the physical, chemical or biological character or composition of hazardous waste so as to neutralize or render it non- hazardous, safer for transport, amenable for recovery or storage, or reduced in volume.
- (10) Treatment Facility. A location for treatment, including an incinerator or a facility where generation has occurred.
- (d) **Prohibited Discharge**. No person shall discharge or cause to be discharged, leak, leach or spill upon any public street, alley or public property, or onto the ground, surface waters, subsurface waters, aquifers or on any private property, except those areas specifically licensed for waste disposal or landfill activities within the Village as defined by Subsection (c)(2).
- (e) **Containment, Cleanup and Restoration**. Any person in violation of this Section must, upon direction of the Fire Chief, begin immediate actions to contain, clean up and remove to an approved repository the offending material(s) and restore the site to its original condition. Should any person fail to engage or complete the requirements of this Section, the Fire Chief may order the required actions to be taken by public or private resources, with all costs incurred by the Village to be reimbursed by the person violating this Section.
- (f) **Access**. Access to any site, public or private, where a prohibited discharge is indicated or suspected shall be provided to the Fire Chief for purposes of evaluating the threat to the public and monitor containment, clean up and restoration.
- (g) **Public Protection**. Should any prohibited discharge occur that reasonably causes a threat to the life, safety or health of the public, the senior fire officer on the scene may order an evacuation of the area or take other appropriate protective steps for a period of time as deemed necessary for the safety of the public.
- (h) **Enforcement**. The Fire Chief shall have authority to issue Citations or complaints under this Section.
- (i) **Civil Liability**. Any person, firm or corporation in violation of this Section shall be liable to the Village for any expenses incurred by the Village or loss or damage sustained by the Village by reason of such violation and to any individual whose person or property was damaged by such violation.

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 drainage way, lake or stream within the jurisdiction of the Village of Edgar.

CHAPTER 3

Refuse Disposal and Collection

8-3-1	Title
8-3-2	Declaration of Policy
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8-3-4	Refuse Storage Areas
8-3-5	Approved Waste and Refuse Containers
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8-3-8	Garbage Accumulation; When a Nuisance
8-3-9	Refuse From Outside the Municipality
8-3-10	Mandatory Recycling

SEC. 8-3-1 TITLE.

This Chapter shall be known as the Solid Waste Management Ordinance of the Village of Edgar, hereinafter referred to as this "Ordinance" or "Chapter."

SEC. 8-3-2 DECLARATION OF POLICY. (Rev. 10-04)

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 *and the creation and imposition of fees for such service to one and two family dwelling units. Multiple family dwelling units (four (4) or more family) and commercial and industrial enterprises and public (eg., schools and churches) will contract for private pickup of refuse and recycling. Mixed use (commercial/residential) (commercial facility with a single family dwelling unit) will be considered a commercial service and will contract for collection service privately. Each mobile home in a mobile home park shall be considered a single family dwelling unit. The determination of the type of service (residential, commercial, industrial or public) will be based upon the classification set forth within the structure of the utility billing service for a given address within the Village of Edgar. Fees for service to one, two or three family dwelling units will be \$5.00 per month per dwelling unit and will be billed on the water and sewer utility bill on a quarterly basis.*

SEC. 8-3-3 DEFINITIONS.

For the purpose of this Chapter, the following words and phrases shall have the meanings given herein unless different meanings are clearly indicated by the context.

- (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.
- (c) **Commercial Unit** -- Commercial units shall be all property other than residential units and shall include boarding houses, motels and resorts.
- (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 wastes consisting of wastes from the repair, remodeling or reconstruction of buildings, such as lumber, roofing and sheathing scraps, rubble, broken concrete, asphalt and plaster, conduit, pipe, wire, insulation and any 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) **Dump** -- A land site where solid waste is disposed of in a manner that does not protect the environment.
- (i) **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 .
- (j) **Garbage** -- Includes every refuse accumulation of animals, fruit or vegetable matter, liquid or otherwise, that attends the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit or vegetables originally used for food-stuffs.
- (k) **Hazardous Waste** -- Those wastes such as toxic, radioactive or pathogenic substances which require special handling to avoid illness or injury to persons or damage to property and the environment.
- (l) **Industrial Waste** -- Waste material, except garbage, rubbish and refuse, directly or indirectly resulting from an industrial processing or manufacturing operation.
- (m) **Litter** -- Solid waste scattered about in a careless manner, usually rubbish.
- (n) **Non-Residential Solid Waste** -- Solid waste from agricultural, commercial, industrial or institutional activities or a building or group of buildings consisting of three (3) or more dwelling units.
- (o) **Person** -- Individuals, firms, corporations and associations, and includes the plural as well as the singular.
- (p) **Private Collection Services** -- Collection services provided by a person licensed to do same by the DNR.
- (q) **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, newspapers, cardboard, metals (aluminum, steel, tin, brass, etc.).
- (r) **Refuse** -- Includes all waste material, including garbage, rubbish and industrial waste and shall, by way of enumeration but not by way of limitation, include grass, leaves, sticks, tree branches and logs, stumps, stone, cement, boards, furniture or household appliances, garden debris.
- (s) **Residential Solid Waste** -- All solid waste that normally originates in a residential environment from residential dwelling units.
- (t) **Residential Unit** -- Residential unit shall mean an individual household capable of independent habitation by a family unit. A single family dwelling shall be considered to be one (1) residential unit; multi-family dwelling shall be considered to be multiple residential units, the number of residential units to equal the number of family units to be housed therein. Residential units shall not include boarding houses, motels or resorts.
- (u) **Rubbish** -- Includes combustible and noncombustible waste material, except rocks, concrete, bricks and similar solid materials, plaster or dirt, that is incidental to the operation of a building and shall include, by way of enumeration but not by way of limitation, tin cans, bottles, rags, paper, cardboard, sweepings.
- (v) **Scavenging** -- The uncontrolled removal of materials at any point in solid waste management.
- (w) **Solid Waste** -- Garbage, rubbish and other useless, unwanted or discarded material from agricultural, residential, commercial, industrial or institutional activities. Solid waste does not include solid or dissolved material in domestic sewage.
- (x) **Storage** --The interim containment of solid waste in an approved manner after generation and prior to collection and ultimate disposal.
- (y) **Storage Areas** -- Areas where persons place containers during non-collection days as well as areas where containers are set out on collection day.

SEC. 8-3-4 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 materials from any containers which have become ruptured or broken due to wet conditions, animals, vandalism or other cause. The occupant and/or owner shall be responsible for cleaning up this litter. Litter not collected shall not be

allowed to accumulate. Violation will result in the occupant and/or owner being notified to clean up his area with continued violation resulting in the owner being prosecuted under the provisions of this and other Village Ordinances.

SEC. 8-3-5 APPROVED WASTE AND REFUSE CONTAINERS. (Rev. 10-04)

- (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 waste except for bulky or certain yard wastes as provided for herein. Containers, in order to be approved, shall provide for efficient, safe and sanitary handling of solid wastes. 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 garbage created, accumulated or produced shall be deposited in containers of a type approved by the Village Board. *Containers leased from the collection contractor are approved.* Each container for a residential unit shall be equipped with suitable handles and tight-fitting covers, shall be *so designed to shed water to prevent contents of the container from becoming saturated, shall be so designed to be inaccessible to animals* and shall have the capacity of not less than five (5) gallons and not more than thirty (30) gallons. All garbage containers shall be kept in a neat, clean and sanitary condition at all times. All garbage containers for residential units shall be of metal, durable plastic or other suitable, moisture-resistant materials, including heavy-duty refuse disposal plastic bags and shall not exceed thirty (30) gallon capacity. Other containers for multi-family residential units (such as dumpsters) may be used with the approval of the Village Administrator. Containers including contents shall not exceed in weight that which one (1) person can safely lift (fifty [50] pounds). Metal garbage cans shall be of sufficient thickness to resist denting during normal handling by collection crews. Plastic garbage bags must be closed with a tie and shall consist of plastic material not damaged by freezing and not susceptible to melting. They shall be capable of being handled during hot and cold weather without damage during normal handling by collection crews. Plastic bags shall be of sufficient strength to allow lifting and loading of contents without tearing. Garbage and rubbish may be combined in the same container except that open containers shall not contain garbage or material that may blow about.
- (c) **Householder to Provide Containers.** It shall be the duty of every occupant, tenant or proprietor of any residential unit to provide, and at all times keep in a suitable place readily accessible to the garbage collector, garbage containers capable of holding all garbage which would ordinarily accumulate on such premises between the times of successive collections. The owner of any multiple dwelling shall furnish or require the tenant thereof to furnish proper garbage containers. Garbage containers located at multiple dwellings shall be marked so as to indicate the residential unit to which they belong.
- (d) **Sawdust; Ashes.** Sawdust and cold, completely extinguished ashes may be left for collection in disposable containers. *ie., plastic garbage bag*
- (e) **Illegal Containers.** Containers not approved consist of metal, pasteboard or plastic barrels and drums *in excess of 30 gallon capacity*, 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.

SEC. 8-3-6 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. Yard and 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 handing 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.

(b) **Restriction on Time of Placement.**

- (1) Receptacles and containers for refuse, recyclables and rubbish shall be placed in collection locations as designated in Subsection (a) above prior to 6:00 a.m. of the scheduled collection day, but not more than eighteen (18) hours prior to such time.
- (2) All receptacles, bags and containers for refuse, recyclables and garbage disposal shall be removed from the curbside collection point within twelve (12) 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 the scheduled collection day falls on a holiday, collection times will be determined by the collector.
- (5) Special collections will be made only if ordered by the Village Administrator, Building Inspector or Village Board and will be billed to the owner.

SEC. 8-3-7 PROHIBITED ACTIVITIES AND NON-COLLECTABLE MATERIALS.

- (a) **Dead Animals.** It shall be unlawful to place any dead animal, or parts thereof, in a container for collection provided, however, this Section shall not apply to animal parts from food preparation for human consumption.
- (b) **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 and wrapped-
- (c) **Ashes.** It shall be unlawful to place hot ashes for collection. See Section 8-3-5(c).
- (d) **Improper Placement.** It shall be unlawful to place, or allow to be placed, any solid waste upon the roads, streets, public or private property within the Village contrary to the provisions of this Chapter.
- (e) **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.
- (f) **Improper Transportation.** It shall be unlawful to transport any solid waste in any vehicle which permits the contents to blow, sift, leak or fall therefrom. If 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.
- (g) **Interference With Authorized Collector.** No person other than an authorized collector shall collect or interfere with any garbage after it *has* been put into a garbage receptacle and deposited in the proper place for the collector, nor shall any authorized person molest, hinder, delay or in any manner interfere with an authorized garbage collector in the discharge of his duties.
- (h) **Scavenging.** It shall be unlawful for any person to scavenge any solid waste, recyclables or refuse placed for collection on the terrace without the permission of the owner.

- (i) **Private Dumps.** It shall be unlawful for any person to use or operate a dump.
- (j) **Burning of Waste.** It shall be unlawful for any person to burn solid waste in any manner, except as provided elsewhere in this Code of Ordinances.
- (k) **Non-Collectible Materials.** It shall be unlawful for any person to place for collection any of the following wastes:
 - (1) Hazardous waste;
 - (2) Toxic waste;
 - (3) Chemicals;
 - (4) Explosives or ammunition;
 - (5) Large quantities of paint.
- (l) **Animal or Human Wastes.** It shall be unlawful for any person to place animal wastes and/or human wastes for collection. These wastes should be disposed of in the sanitary sewer system.
- (m) **Hospital Wastes.** It shall be unlawful for any person to place for collection any pathogenic hospital wastes. Such items as needles and syringes may be disposed of as long as they are contained to eliminate injury to collection crews.
- (n) **Building Waste.** All 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 collected. Building and construction waste shall not be burned at the construction site or elsewhere within the Village, unless permitted by the Village Fire Chief.

SEC. 8-3-8 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 other animals, or which otherwise becomes injurious to the public health is prohibited and declared to constitute a nuisance.

SEC. 8-3-9 REFUSE FROM OUTSIDE THE MUNICIPALITY.

It is unlawful for any person, firm or corporation to place, deposit or cause to be deposited, for collection, any waste or refuse not generated within the corporate limits of the Village of Edgar.

SEC. 8-3-10 MANDATORY RECYCLING. (Rev. 10-04)

- (a) **Separation of Recyclable Materials Required.** It shall be mandatory for all persons to separate the recyclable materials designated below from waste collected by The Village or from waste collected by private collectors which will be deposited in a Marathon County landfill.
 - (1) *Cardboard: Corrugated Cardboard only. Must be bundled no larger than 3 ft. x 3 ft. 6 inches. No food contaminated boxes. (Pizza boxes, etc)*
 - (2) *Magazines: Bundle and place at curbside for collection.*
 - (3) *Scrap Paper, Junk Mail: Can be bundled or placed in clear plastic bags. Brown grocery-type bags can be used, if protected from weather. Also includes notebooks (spiral must be removed) No fast food containers, candy or gum wrappers or shiny wrapping paper.*
 - (4) *Newspapers. Tie into bundles.*
 - (5) *Cans: Rinse clean, flatten if possible. Paint cans must be empty, clean and dry. Separate aluminum from tin. Place paint cans with tin cans. Cans can be put at curbside in clear plastic bags.*
 - (6) *Glass Bottles and Jars: Clean, remove caps, rings, and lids. Sort by color: clear, brown, green. No blue, white, or frosted glass. No glass which is not in bottle/jar form. Put glass at curbside in recycling container.*
 - (7) *Plastics # 1 and # 2: Soda bottles, juices, salad dressing, detergents, shampoo, peanut butter. No oil bottles (cooking or motor oil) Flatten bottles, if possible. Put in recycling bin. Milk jugs can be tied together by handles and placed at curbside.*

- (8) *Oil Filter: Residential only! Poke a hole in the top and bottom and drain for a minimum of 48 hours.*
 - (9) *Lead Acid Batteries: Batteries used in cars or trucks, not flashlight type. Place at curbside near recycling bin.*
 - (10) *Waste Motor Oil. Will be picked up in oil containers from one to five gallon, non-breakable, tightly-capped containers clearly marked.*
- (b) **Applicability.** This Section shall apply to all residential and nonresidential solid waste and shall include all residential, commercial, agricultural, industrial, and institutional activities and buildings.
- (c) **Collection of Recyclable Materials.** Recyclable materials shall be set out for collection or recycled as follows:
- (1) One and two and three-family residential units shall *place recyclables at the curb in containers that are suitable for plastic, glassware or aluminum. ie., Clear plastic bags. Newspapers and mixed paper may be bundled and placed just behind the curb for collection. Milk jugs may be tied together by the handles with string or twine.*
 - (2) All multi-family (*four or more family*), commercial, *mixed use*, agricultural, industrial, mobile home courts, and institutional units shall provide containers and make arrangements for curbside pickup as approved by the Village Administrator and the Village's waste collection contractor. Each building or court owner shall be responsible for informing the home or building residents of the recycling requirements, and the residents shall be responsible for complying with such requirements.
 - (3) Recyclable materials shall be placed in approved containers at the curb, alley, or roadside and the containers removed from the same according to Sec. 8-3-6(b) of this Chapter.
 - (4) Recyclables that will be picked up at the curbside according to a regular schedule established by the Village Board are: *cardboard, magazines, scrap paper – junk mail, newsprint, cans, glass bottles, aluminum cans, batteries, and waste oil.*
 - (5) Recyclables that will be picked up at the curbside according to a limited schedule are: appliances, tires, yard waste and brush-
- (d) **Enforcement and Penalty.**
- (1) The Village and its authorized collectors of solid waste, refuse, and recyclables may refuse to collect the same if it is not placed for collection in compliance with this Section.
 - (2) Any person who shall violate the provisions of this Section shall be subject to a forfeiture of Twenty-five Dollars (\$25.00) for the first offense and One Hundred Dollars (\$100.00) for the second and subsequent offenses within two (2) years.
 - (3) The penalties provided herein shall not be construed as prohibiting other methods of enforcing this Section by the Village in accordance with the ordinances of the Village and the laws of the State of Wisconsin.