

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 Common Council, acting as a committee of the whole 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 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 City 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 City 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 City 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.

(c) As provided for in Sec. 66.0407, Wis. Stats., the City 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 City 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 8-1-7, 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 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 8-1-7, 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 10 inches in height)
Milkweed (over 10 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 City's corporate limits unless a Natural Lawn Management Plan is approved and a permit is issued by the City 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 City.

"Property Owner" shall be defined to include the legal title holder and/or the beneficial owner of any such lot according to most current City 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 City-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 City Clerk-Treasurer by the subsequent abutting property owner.

Upon receiving the written request to revoke the original waiver, the Common Council 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 Common Council 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 City provided the notification is received sometime between May 1 and November 1. Property owners who receive notification from the City 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 City Clerk-Treasurer. 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 City. Upon receiving payment, copies of the completed application shall be mailed by the City to each of the owners of record, as listed in the Office of the City 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 applications to the neighboring property owners, the City receives written objections from fifty-one percent (51%) or more of the neighboring property owners, the City 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 City Clerk-Treasurer shall refer the application to the Board of Public Works for its review. The Board of Public Works shall approve or disapprove the plan and the plan shall be sent to the Common Council for its approval or disapproval. Any Natural Lawn Management Plan which is approved shall be valid for three (3) years.

(d) **Application For Appeal.** The property owner may appeal the Common Council's decision to deny the natural lawn permit request to the Board of Appeals. 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 Board of Appeals 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 City 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 Mayor, 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 Common Council. 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 Common Council in an open meeting. The decision rendered by the Common Council 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 City 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 City Clerk-Treasurer shall enter those charges onto the tax roll as a special tax as provided by State Statute.
- (3) The failure of the City 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 City 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 1-1-7.
- (2) In addition to any penalties herein provided, the City 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 City of Green Lake.
- (b) **Public Nuisance Declared.** The Common Council finds that lawns, grasses and noxious weeds on lots or parcels of land which exceed twelve (12) inches in length or unkempt brush on occupied parcels adversely affect the public health and safety of the public in that they tend to emit pollen and other discomfoting bits of plants, constitute a fire hazard and a safety hazard in that debris can be hidden in the grass, interferes with the public convenience and adversely affects property value of other land within the City. For that reason, any lawn, grass or weed on a lot or other parcel of land which exceeds twelve (12) inches in length or unkempt brush on occupied parcels are hereby declared to be a public nuisance, except for property located in a designated flood-plain area and/or wetland area, where the lawn, grass or weed is part of a natural lawn approved pursuant to Section 8-1-6 above or where the property is zoned residential.
- (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 City.
- (d) **Inspection.** The Weed Commissioner or his designee shall inspect or cause to be inspected all premises and places within the City 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 City 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 Common Council. The request for said hearing must be made in writing to the City Clerk-Treasurer's Office within the five (5) days set forth in the Weed Commissioner's notice. Upon application for the hearing, the property owner must 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 City personnel abating the nuisance, if necessary. When a hearing is requested by the owner of the property, a hearing by the Common Council 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 City until such time as the hearing is held by the Council. 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 City as well as subpoena witnesses for his own case. At the close of the hearing, the Common Council shall make its determination in writing specifying its findings, facts, and conclusions. If the Common Council determines that a public nuisance did exist, the Council 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 Common Council's decision. If the owner does not abate the nuisance within the described forty-eight (48) hours, the Weed Commissioner shall cause the same nuisance to be abated and cost in excess of the forfeited fee assessed accordingly.

- (g) **City'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 City 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 City shall abate the same and the cost thereof shall be assessed to the property owner as a special charge.
 - (2) The City 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 Common Council. The charges shall be set forth in a statement to the City 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 City Clerk-Treasurer shall enter the charges on 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.

SEC. 8-1-8 COMPULSORY CONNECTION TO SEWER AND WATER.

- (a) **When Required.** Whenever a sewer or water main becomes available to any building used for human habitation, the Building Inspector shall notify the owner or his agent in writing in the manner prescribed by the Wisconsin Statutes or by registered mail addressed to the last-known address of the owner or his agent.
- (b) **Contents of Notice.** The notice required by this Section shall direct the owner or his agent to connect the building to such main or mains in the manner prescribed by the Building Inspector and to install such facilities and fixtures as may be reasonably necessary to permit passage of sewage incidental to such human habitation into the sewage system and to furnish an adequate supply of pure water for drinking and to prevent creation of a health nuisance.
- (c) **Building Inspector May Cause Connection at Expense of Owner.** If the owner or his agent fails to comply with the notice of the Building Inspector within thirty (30) days of service or mailing thereof, the Building Inspector may cause connection to be made and the expense thereof shall be assessed as a special tax against the property.
- (d) **Installment Option.** The owner or his agent may, within thirty (30) days after completion of the work, file a written option with the City Clerk-Treasurer stating that he cannot pay the cost of connection in one (1) sum and electing that such sum be levied in equal annual installments, not to exceed ten (10) with interest to accrue at the bank rate available to the City, plus an additional one percent (1%) per annum for administration.
- (e) **Privies, Cesspools, Etc., Prohibited After Connection With Sewer.** After connection of any building used for human habitation to a sewer main, no privy, cesspool, or waterless toilet shall be used in connection with such human habitation.

SEC. 8-1-9 DRAINING SURFACE WATER INTO SANITARY SEWER PROHIBITED.

No person shall connect or permit to be connected directly or indirectly the downspout of any buildings or cistern overflow with any sanitary sewer or in any manner cause or permit rain or surface water to drain into any sanitary sewer designated to carry sanitary sewage only. No foundation or footing drains shall be connected to the sanitary sewer system.

SEC. 8-1-10 GRADE "A" MILK REQUIRED.

No person shall sell, offer, or expose for sale any milk or milk product other than Grade "A" milk and milk products as those terms are defined in Wis. Adm. Code, Ch. AG 80 issued by the State Department of Agriculture and State Board of Health, which are

hereby incorporated in this Section by reference as if fully set forth herein.

SEC. 8-1-11 SALE OF UNWHOLESOME OR TAINTED FOOD PROHIBITED.

No person shall sell, offer for sale or hold for sale any meat, fish, fruits, vegetables or other articles of food or drink which are not fresh or properly preserved, sound, wholesome, and safe for human consumption, or the flesh of any animal which died by disease. The Health Officer is hereby authorized and directed to seize and destroy any articles of food or drink which are offered or held for sale to the public which have become tainted, decayed, spoiled, or otherwise unwholesome or unfit for human consumption.

SEC. 8-1-12 RESTAURANT REGULATIONS.

- (a) **Definition.** The term "restaurant" as used in this Section shall mean any place, kitchen, or conveyance where meals or lunches are prepared for sale, sold, or served to transients or the general public.

- (b) **General Sanitation.** All restaurant premises shall be kept clean and free of litter or rubbish. All garbage and rubbish shall be kept in suitable, airtight containers so as not to become a nuisance and shall be disposed of daily in a sanitary manner. No living or sleeping room urinal, water closet, ash pit, or coal bin shall connect directly with any room used for preparation, storing, or serving food. Between May 1 and October 1, all doors, windows, and apertures shall be effectively screened and doors shall be self-closing to prevent the entrance of flies. All equipment shall be kept clean and free from dust, dirt, insects, and other contaminating material.

- (c) **Cleanliness and Health of Employees.**
 - (1) Clothing and Conduct. All restaurant employees or workers shall wear clean clothing, hair nets or caps and shall keep their hands clean at all times while engaged in handling food, drink, utensils or equipment. Employees or workers shall not expectorate or use tobacco in any form in any area in which food is prepared.
 - (2) Disease. No person infected with any disease in a communicable form or who is a carrier of any contagious disease shall work in any restaurant and no restaurant owner or operator shall employ any such person to work in any restaurant.
 - (3) Duty of Health Officer. If the Health Officer shall suspect that an employee or worker in any restaurant is afflicted with any disease in communicable form, he shall notify such employee to cease working in any restaurant in the City until he shall present a certified statement of a reputable physician or other

satisfactory evidence that he is free from communicable disease.

- (d) **Water Supply and Plumbing.** In every restaurant adequate safe water under pressure shall be convenient and available in any room where food is prepared or utensils washed. Private water supplies shall be directed by the Health Officer. Plumbing shall be so designed, installed and maintained to prevent contamination of the water supply, food, drink, or equipment.
- (e) **Cleansing of Utensils and Equipment.** In order to insure proper cleansing and disinfecting of glasses, cups, dishes, and other eating utensils in restaurants, they shall be thoroughly washed and sanitized after each use by one of the methods described in Sections H 96.31 and H 96.32 of the Wisconsin Administrative Code, which are incorporated in this Section by reference as if fully set forth herein. Glasses or utensils may be chilled in cold running water or dry cold chests but shall not be chilled in a stationary container of cold or ice water.
- (f) **Responsibility for Compliance.** It shall be the duty of the restaurant owner or operator to comply with the provisions of this Section. Restaurant employees and workers shall also be personally responsible for compliance with Subsection (c) of this Section.

SEC. 8-1-13 GROCERY STORE AND MEAT MARKET SANITATION.

No person shall operate a grocery store or meat market within the City of Green Lake in an unsanitary, filthy, or unclean manner so as to endanger the health of patrons or other persons. In all grocery stores and meat markets, refrigerators or refrigerator counters shall be kept in a sanitary condition and shall maintain a temperature of forty (40) degrees Fahrenheit or below. Spoiled or unwholesome food shall be removed from the refrigerator immediately upon detection. The walls and ceilings of the store and stockrooms shall be kept clean and painted. Basements shall be clean and orderly and all refuse or garbage kept inside the premises must be placed in metal containers properly covered and disinfected when necessary. Meat grinders, hooks, and all other utensils must be cleaned at the end of each work day. All unwrapped bakery or confectionery products shall be handled in such a manner that they do not come in direct contact with the hands of the individual selling them. The operator of the store or market shall be responsible for compliance with this Section.

Pollution Abatement

- 8-2-1 Cleanup of Spilled or Accidentally Discharged Wastes
- 8-2-2 Storage of Polluting Substances
- 8-2-3 Prohibited Discharges

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

- (a) **Cleanup Required.** All persons, firms, or corporations delivering, hauling, disposing, storing, discharging or otherwise handling potentially polluting substances, solid or liquid, such as, but not limited to the following: fuel oil, gasoline, solvents, industrial liquids or fluids, milk, grease trap and septic tank wastes, sewage sludge, sanitary sewer wastes, storm sewer catch-basin wastes, oil or petroleum wastes, shall immediately clean up any such spilled material to prevent its becoming a hazard to health or safety or directly or indirectly causing pollution to the lakes and streams under the jurisdiction of the City of Green Lake.
- (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 City 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 City, or its designated agent, in an effort to minimize the pollution 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 City of Green Lake.

SEC. 8-2-3 PROHIBITED DISCHARGES.

- (a) **Prohibited Discharges.** No person, firm, or corporation shall discharge or cause to be discharged, leaked, leached, or spilled upon any public or private street, alley, public or private property, or unto the ground, surface waters, subsurface waters, or aquifers, or within the City, except those areas specifically licensed for waste disposal or landfill activities and to receive such materials, any explosive, flammable, or combustible solid, liquid, or gas, any radioactive material at or above Nuclear Regulatory Restriction levels, etiologic agents, or any solid, liquid, or gas creating a hazard, potential hazard, or public nuisance or any solid, liquid or gas having a deleterious effect on the environment.
- (b) **Containment, Cleanup, and Restoration.** Any person, firm, or corporation in violation of the above Section shall, upon direction of any Emergency Government officer, begin immediate actions to contain, cleanup, and remove to an approved repository the offending material(s) and restore the site to its original condition, with the offending person, firm, or corporation being responsible for all expenses incurred. Should any person, firm, or corporation fail to engage the necessary men and equipment to comply or to complete the requirements of this Section, the Office of Emergency Government may order the required actions to be taken by public or private resources and allow the recovery of any and all costs incurred by the City of Green Lake as action imposed by Subsection (c).
- (c) **Emergency Services Response.** (Includes, but is not limited to: fire service, emergency medical service, law enforcement.) A person, firm, or corporation who possesses or controls a hazardous substance which is discharged or who causes the discharge of a hazardous substance shall be responsible for reimbursement to the responding agencies for actual and necessary expenses incurred in carrying out their duties under this ordinance. Actual and necessary expenses may include but not be limited to: replacement of equipment damaged by the hazardous material, cleaning, decontamination and maintenance of the equipment specific to the incident, costs incurred in the procurement and use of specialized equipment specific to the incident, specific laboratory expenses incurred in the recognition and identification of hazardous substances in the evaluation of response, decontamination, clean up and medical surveillance, and incurred costs in future medical surveillance of response personnel as required by the responding agencies medical advisor.
- (d) **Site Access.** Access to any site, public or private, where a prohibited discharge is indicated or suspected will be provided to Emergency Government officers and staff and to City police and fire department personnel for the purpose of evaluating the threat to the public and monitoring containment, cleanup, and restoration activities.

- (e) **Public Protection.** Should any prohibited discharge occur that threatens the life, safety, or health of the public at, near, or around the site of a prohibited discharge, and that the situation is so critical that immediate steps must be taken to protect life and limb, the Coordinator of Emergency Government, his assistant, or the senior City police or fire official on the scene of the emergency may order a evacuation of the area or take other appropriate steps for a period of time until the City Affairs Committee can take appropriate action.
- (f) **Enforcement.** The Coordinator of Emergency Government and his deputies, as well as the City police officers, shall have authority to issue citations or complaints under this Section.
- (g) **Civil Liability.** Any person, firm, or corporation in violation of this Section shall be liable to the City of Green Lake for any expenses incurred by the City or loss or damage sustained by the City by reason of such violations.

CHAPTER 3

Refuse Disposal and Collection

8-3-1	Title
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SEC. 8-3-1 TITLE.

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

SEC. 8-3-2 DECLARATION OF POLICY.

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 City by establishing minimum standards for the storage, collection, transport, processing, separation, recovery and disposal of solid waste.

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 foodstuffs.
- (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 four (4) 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, metal (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 City Ordinances.

SEC. 8-3-5 APPROVED WASTE AND REFUSE CONTAINERS.

- (a) **General Container Standards.** Suitable containers of a type approved by the private refuse collector serving the City 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 Common Council. Each container for a residential unit shall be equipped with suitable handles and tight fitting covers, shall be watertight 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 covered dumpsters) may be used with the express approval of the collection company serving the City. 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.

- (c) **Householder to Provide Containers.** It shall be the duty of every occupant, tenant and 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) **Ashes.** Cold, completely extinguished ashes may be left for collection in cardboard containers.
- (e) **Illegal Containers.** Containers not approved consist of metal barrels and drums, wooden, plastic, or cardboard industrial 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. Collection by packer truck is limited to rubbish, and garbage. Residential solid waste in approved containers shall be placed immediately behind the curb of the public street for collection. 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 public right-of-way for collection. Should collection crews be unable to discharge contents of garbage cans into collection vehicles using normal handling procedures, the cans, 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 City shall be placed, kept, stored or located within the right-of-way of a street or alley; provided, however, that the Common Council 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.** All receptacles and containers for refuse and rubbish and all bundles of rubbish shall be placed in collection locations as designated in Subsection (a) above only after 6:00 p.m. on the evenings prior to the regular collection time the following day. All solid waste to be collected shall be placed at curb locations, or other areas adjacent to the street or roadway, by 7:00 a.m. on the collection day. All receptacles, bags, and containers for refuse and garbage disposal shall be removed from the curbside collection point within twenty-four (24) hours after the regular collection time. Collection workers will not enter any structures to remove garbage or refuse, except by written agreement with the property owner. Collections of refuse shall be made on a day set by motion of the Common Council between the hours of 4:00 a.m. and 9:30 p.m. Whenever normal collection day falls on a legal holiday, the alternate date shall be published in the preceding issue of the Green Lake Reporter.
 - (c) **Commercial/Industrial Waste.** Collection of commercial, business or industrial waste shall be charged at the rate to be set by and payable to the contractor/collector directly, except that any commercial or business waste shall be subject to the Refuse Charge as provided in (d) below if the garbage, solid waste or refuse generated by any business or commercial establishment does not exceed five (5) bags of fifty (50) pounds per bag or item per week.
 - (d) **Refuse Charge.** Each residential unit in the City shall be argued a refuse collection fee in the amount of Seven and 75/100 Dollars (\$7.75) per month, quarterly basis and shall be payable within twenty (20) days of issuance. Said garbage collection fee shall commence when the water meter is installed for said premises. Charges not paid within

twenty (20) days from the date of issuance shall be subject to interest at the rate of twelve (12%) per annum until paid. Residential unit shall also include garbage, solid waste or refuse generated by any business or commercial establishment which does not exceed five (5) bags of fifty (50) pounds per bag or item per week.

SEC. 8-3-7 PROHIBITED ACTIVITIES AND NON-COLLECTIBLE 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 City 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 City 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 leakproof, 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 shall have 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 placed for collection.
- (i) **Private Dumps.** It shall be unlawful for any person to use or operate a dump.
- (j) **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) Drain or waste oil or flammable liquids;
 - (6) Large quantities of paint;
 - (7) Inoperable vehicles;
 - (8) Rocks or concrete.

- (k) **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 plastic bags or in the sanitary sewer system.
- (l) **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.
- (m) **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.
- (n) **Yard Waste.** In no event shall there be deposited for normal garbage and refuse collection brush, grass clippings, or leaves. Refuse of this nature will be picked up by the City crew as a separate collection and after public notice of the time of collection.
- (o) **Additional Regulations.** Refuse collection shall be further regulated by rules promulgated by the contractor and approved by the Common Council from time to time and notification thereof given to householders in the next successive water and sewer utility billing.

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 City 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 City of Green Lake. It is unlawful for non-city residents to dispose of garbage, brush, debris and yard waste in the city limits or at the City Compost Site located at 570 Lake Steel Drive. It is also unlawful for a resident or non-resident to dispose of electric waste, hazardous waste, tires, recyclable waste, and demolition waste at the Compost Site.

For the purpose of this section, electronic waste includes, but is not limited to, televisions, computers, computer monitors, keyboards, computer speakers, audio speakers, radios, audio/video players, appliances, microwaves, electronic instruments, light bulbs and batteries.

SEC. 8-3-10 REGULATING RECYCLING.

The purpose of this section is to promote recycling, composting and resource recovery through the administration of an effective recycling program, as provided in Sec. 159.11 Wis. Stats., and Chapter NR 544, Wis. Administrative Code. This section is adopted and authorized under Sec. 159.09(3)(b), Wis. Stats.

- (A) **Abrogation and Greater Restrictions.** It is not intended by this ordinance to repeal, abrogate, annul, impair or interfere with any existing rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, whenever this ordinance imposes greater restrictions, the provisions of this ordinance shall apply.

- (B) **Interpretation.** In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any term or requirements of this ordinance may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this ordinance is required by Wisconsin Statutes, or by a standard in Chapter NR 544, Wis. Administrative Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and Chapter NR 544 standards in effect on the date of the adoption of this ordinance, or in effect on the date of the most recent text amendment to this ordinance.
- (C) **Severability.** Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.
- (D) **Applicability.** The requirements of this section apply to all persons in within the City of Green Lake.
- (E) **Administration.** The provisions of this ordinance shall be administered by the Director of Public Works.
- (F) **Effective Date.** The provisions of this section shall take effect on January 1, 1995.
- (G) **Definitions.** For the purposes of this section:
- (1) **Bi-metal container.** means a container for carbonated or malt beverages that is made of primarily of a combination of steel and aluminum.
 - (2) **Container board.** means corrugated paper board used in the manufacture of shipping containers and related products.
 - (3) **Foam polystyrene packaging.** means packaging made primarily from the foam polystyrene that satisfies one of the following criteria:
 - a. Is designed for serving food or beverages.
 - b. Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.
 - c. Consists of rigid materials shaped to hold or 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 material printed on similar paper.
 - (7) **Major Appliances.** means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, or stove.
 - (8) **Multiple Family Dwellings.** means a property containing

five (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 non-residential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. This term does not include industrial process waste.

(12) **Other resins or multiple resins.** means plastic resins labeled by the SPI code #7.

(13) **Person.** includes any individual, corporation, partnership, association, local government unit, as defined in Sec. 66.299(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 or carton, except a blister pack, that is originally used to contain a product that is the subject of a retail sale.

(16) **Post consumer waste.** means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in Sec. 144.61(5), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high volume industrial waste and defined in Sec. 144.44(7)(a)1., 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.** include lead acid batteries; major appliances waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspapers; office paper; rigid plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS and other resins or multiple resins; steel containers, waste tires; and bi-metal containers.

(21) **Solid waste.** has the meaning specified in Sec. 144.01(15), Wis. Stats.

(22) **Solid waste facility.** has the meaning specified in Sec. 144.43(5), 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 six inches (6") in diameter.

This term does not include stumps, roots or shrubs with intact root balls.

(H) **Separation of Recyclable Materials.** Occupants of single family and two (2) to four (4) unit residences, multi-family dwellings and non-residential facilities and properties shall separate the following materials post consumer waste.

- (1) Lead acid batteries
- (2) Major Appliances - residential and commercial furniture, boilers, dehumidifiers, and water heaters.
- (3) Waste oil
- (4) Yard Waste
- (5) Aluminum containers
- (6) Bi-metal containers
- (7) Corrugated paper and other container board
- (8) Foam polystyrene packaging
- (9) Glass Containers
- (10) Magazines
- (11) Newspapers
- (12) Office paper
- (13) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS and other resin or multiple resins
- (14) Steel containers
- (15) Waste tires

(I) **Separation Requirements.** The separation requirements of Section h do not apply to the following:

(1) Occupants of multi-family dwellings and non-residential facilities and properties that send their post consumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in Section h from the solid waste in as pure forms technically feasible.

(2) A recyclable material specified in Section h five (5) through fifteen (15) for which a variance has been granted by the Department of Natural Resources under Sec. 159.11(2m), Wis. Stats., or Sec. NR 544.14, Wisconsin Administrative Code.

(J) **Care of Separated Recyclable Materials.** To the greatest extreme practicable, the recyclable materials separated in accordance with Section h 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, and agricultural chemical

containers. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions.

- (K) **Management of Lead Acids Batteries, Major Appliances, Waste Oil, and Yard Wastes.** Occupants of single family and two (2) to four (4) unit residences, multi-family dwellings and non residential facilities and properties shall manage lead batteries, major appliances, and waste oil as follows:

- (1) The Public Works Director will maintain a list of sites where these materials may be disposed of at the expense of the person wishing to dispose of the items.
- (2) Yard waste may be recycled or composted on the property or placed at the curb for pick up on dates and times announced by the Director of Public Works.

- (L) **Preparation and Collection of Recyclable Materials.** Except as otherwise directed by the Director of Public Works, occupants of single family and three (3) to four (4) unit residences shall place all items specified in Section H five (5) through fifteen (15) in a recycling bin provided by the City. Each residence has been provided a bin. A charge of six dollars (\$6.00) will be made to replace a bin. Replacement bins are available by contacting the Department of Public Works.

Any business located in the City of Green Lake may also obtain a recycling bin which is provided to any residence and this section shall apply to any Green Lake business if and only if one recycling bin would meet the needs of the business for recycling purposes.

A recycling service fee of \$1.80 per month, or the charge as increased or decreased in the future, the business would be responsible for and would pay per month. Further, if a bin is needed to be replaced, the business shall pay for the cost of said bin.

- (M) **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 Section h five (5) through fifteen (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.
- c. Provide for the collection of the materials separated from the solid waste by the tenants and the delivery of the material to a recycling facility.
- d. Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or

sites, locations and hours of operation and a contact person or company, including name, address, and telephone number.

(2) The requirements specified in one (1) do not apply to the owners or designated agents of multiple-family dwellings if the post-consumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in Section H five (5) and fifteen (15) from solid waste in as pure a form as is technically feasible.

(N) **Responsibilities of Owners or Designated Agents of Nonresidential Facilities and Properties.**

(1) Unless Section 8-3-10(L) applies, owners or designated agents of non-residential facilities and properties shall do all the following to recycle the materials specified in Section H five (5) through fifteen (15):

- a. Provide adequate, separate containers for the recyclable materials.
- b. Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.
- c. Provide for the collection of the materials separated from the solid waste by the users, tenants and occupants and the delivery of the material to a recycling facility.
- 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 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 one (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 Section H five (5) through fifteen (15) from the solid waste in as pure a form as is technically feasible.

O. **Prohibition on Disposal of Recyclable Materials Separated for Recycling.** No person may dispose of in a solid waste facility or burn in a solid waste treatment facility any of the materials specified in Section H five (5) through fifteen (15) which have been separated for recycling, except for waste tires may be burned with energy recovery in a solid waste treatment facility.

P. **Enforcement.**

(1) For the purpose of ascertaining compliance with the provisions of this ordinance, and authorized officer,

employee or representative of the City of Green Lake may inspect recyclable materials separated for recycling, post-consumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas for 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 City of Green Lake who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.

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

(3) Penalties for violating this ordinance may be assessed as follows:

- a. Any person who violates Section O may be required to forfeit fifty dollars (\$50.00) for a first violation, two hundred dollars (\$200.00) for a second violation and not more than two thousand dollars (\$2,000.00) for a third or subsequent violation.
- b. Any person who violates a provision of this ordinance, except Section O, may be required to forfeit not less than ten dollars (\$10.00) nor more than one thousand dollars (\$1,000.00) for each violation.

