

# **TITLE 8**

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## **Health and Sanitation**

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# Chapter 1

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## Health and Sanitation

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#### Sec. 8-1-1 Rules and Regulations.

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

#### Sec. 8-1-2 Health Nuisances; Abatement of.

- (a) **Defined.** A health nuisance is any source of filth or cause of sickness.
- (b) **Duty of Abate.** The Village board or authorized committee thereof 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 15<sup>th</sup> 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 Commission 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 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)

*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 type, 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 Clerk-Treasurer by the subsequent abutting property owner. Upon receiving the written request to revoke the original waiver, the Village Board shall contact the owner of the approved natural lawn and direct the owner to remove the natural lawn located in the ten (10) foot section abutting the neighboring property owner. The Village Board shall revise the approved Natural Lawn Management Permit accordingly. The owner of the approved natural lawn shall be required to remove the ten (10) foot section abutting the neighboring property owner within twenty (20) days of receipt of the written notification from the Village provided the notification is received sometime between May 1 and November 1. Property owners who receive notification from the Village between November 1 and April 30 shall be required to remove the ten (10) foot section abutting the neighboring property owner no later than May 20 following receipt of the notification.

(c) **Application Process.**

- (1) Property owners interested in applying for permission to establish a natural lawn shall annually obtain and complete an application form available from the Village Clerk-Treasurer. The completed application shall include a Natural Lawn Management Plan. Upon submitting a completed application, a 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 Clerk-Treasurer shall immediately deny the application. Neighboring property owners shall be defined as all those property owners who are located within three hundred (300) feet of the proposed natural lawn site.

- (2) If the property owner's application is in full compliance with the Natural Lawn Management Plan requirements and less than fifty-one percent (51%) of the neighboring property owners provide written objections, the Village Board may issue a two (2) year permit to install a natural lawn.
- (d) **Application for Appeal.** The property owner may appeal the Clerk-Treasurer's decision to deny the natural lawn permit request to the Village Board at an open meeting. All applications for appeal shall be submitted within fifteen (15) calendar days of the notice of denial of the Natural Lawn Management Plan. The decision rendered by the Village Board shall be final and binding.
- (e) **Safety Precautions for Natural Grass Areas.**
- (1) When, in the opinion of the Fire Chief, 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 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 the Section. Notice of intent to revoke an approved Natural lawn Management Plan Permit shall be appealable to the Village Board. All applications for appeal shall be submitted within fifteen (15) calendar days of receipt of the written Notice of Intent to revoke the approved Natural lawn Management Plan. Failure to file an application for appeal within the fifteen (15) calendar days shall result in the revoking of the Natural Lawn Management Plan Permit. All written applications for appeal filed within the fifteen (15) calendar day requirement shall be reviewed by the Village Board in an open meeting. The decision rendered by the Village Board shall be final and binding.
- (g) **Public Nuisance Defined – Abatement After Notice.**
- (1) The growth of a natural lawn as defined in this Section shall be considered a public nuisance unless a Natural Lawn Management Plan has been filed

and approved and a permit is issued by the Village as set forth in this Section. Violators shall be served with a notice of public nuisance by certified mail to the last-known mailing address of the property owner.

- (2) If the person so served with a notice of public nuisance violation does not abate the nuisance within ten (10) days, the Enforcement Officer may proceed to abate such nuisance, keeping an account of the expense of the abatement, and such expense shall be charged to and paid by such property owner. Notice of the bill for abatement of the public nuisance shall be mailed to the owner of the premises and shall be payable within ten (10) calendar days from receipt thereof. Within sixty (60) days after such costs and expenses are incurred and remain unpaid, the Village Clerk-Treasurer shall enter those charges onto the tax roll as a special tax as provided by State Statute.
- (3) The failure of the Village Clerk-Treasurer to record such claim or to mail such notice or the failure of the owner to receive such notice shall not affect the right to place the Village expense on the tax rolls for unpaid bills for abating the public nuisance as provided for in this Section.

**(h) Penalty.**

- (1) Any person, firm or corporation which does not abate the nuisance within the required time period or who otherwise violates the provisions of this Section shall be subject to the general penalty found in Section 1-1-6.
- (2) In addition to any penalties herein provided, the Village may issue stop work orders upon owners of lots where work is unfinished under a previously issued building permit for any violation of this Section.

## **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 Fredonia.
- (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 Commission 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 or land or, if he is not known and there is a tenant occupying the property, then to the tenant, of the time and place at which the hearing will be held.
- (f) **Due Process Hearing.** If the owner believes that his grasses or weeds are not a nuisance, he may request a hearing before the Village Board. The request for said hearing must be made in writing to the Village Clerk-Treasurer's office within the five (5) days set forth in the Weed Commissioner's notice. 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 to the property owner.



Such fee shall be Sixty Dollars (\$60.00) per hour, with a minimum rate of one (1) hour charged for each project. The charges shall be set forth in a statement to the Village Clerk-Treasurer who, in turn, shall mail the same to the owner, occupant or person in charge of the subject premises. If said statement is not paid in full within thirty (30) days thereafter, the Village Clerk-Treasurer shall enter the charges in the tax roll as a special tax against said lot or parcel of land, and the same shall be collected in all respects like other taxes upon real estate, or as provided under Sec. 66-615(3)(f) Wisconsin Statutes.

### **Sec. 8-1-8 Sump Pump Discharge Regulated.**

- (a) **Findings.** The Village Board finds that uncontrolled discharge from sump pumps – including frozen runoff onto public sidewalks and streets and excess runoff from one lot onto another – poses a threat to the public health and safety. The problem is not uniform throughout the Village, as it varies with the topography of the area and on the soil contents.
- (b) **Discharge into Storm Sewer Required.** Where a connection order is used in accordance with this Section, a sump pump shall be connected so as to discharge into a storm sewer. The expense incurred to connect to the storm sewer is the responsibility of the property owner.
- (c) **Where System Not Available.** Where no storm sewer system is available or is not adequate to receive the anticipated flow, between the dates of November 1 and April 1 of the following year, the sump pump discharge shall drain on the premises, not onto the roadway or curbing.
- (d) **Issuance of Connection Order.** The Director of Public works shall issue a written order that a property drain its sump pump discharge into a storm sewer if a storm sewer is adjacent to the lot and if, after investigation, he finds that:
  - (1) Discharge from the property's sump pump drains onto the sidewalk or into the street area adjoining the residence; or
  - (2) Discharge from the property's sump pump drains onto a neighboring property so as to create pooling of water or ice.
- (e) **Inspection.** All connections to the storm sewer must be inspected by the Director of Public Works.
- (f) **Service; Effective Date.** A connection order may be served, in the manner provided by statute for service of a summons, upon either the owner of the property or its occupant. The order shall provide that, unless an appeal from the order is timely filed, connection to the storm sewer shall be made within forty-five (45) days after its issuance. Upon issuing such an order, the Director shall promptly file a copy thereof with the Village Clerk-Treasurer.

(g) **Appeal of Order.** Within thirty (30) days after issuance and filing of a determination of public necessity, the owner or occupant may file with the Village Clerk-Treasurer a petition to the Village Board for *de novo* review of the order. The matter shall be set for a public hearing before the Village Board, and the Clerk-Treasurer shall give notice of the time and place thereof to the petitioner. No person shall be in violation of this Section for failure to comply with a connection order so long as an appeal to the Village Board is pending. The petitioner and the Director of the Department of Public Works may appear and be heard at the review hearing. At the conclusion of the hearing, the Board shall:

- (1) Ratify the order;
- (2) Revoke the order; or
- (3) Modify the order in a manner consistent with the circumstances of the case and the public health and safety.

## **Sec. 8-1-9 Regulation of Smoking**

(a) **Smoking Prohibited in Public Places.** The provisions of Chapter 101.123 of the Wisconsin Statutes, as amended from time to time, relating to the prohibitions of smoking in various enclosed places are hereby adopted and made part of this Code by reference. Smoking in any public place shall be unlawful, including, but not limited to the following:

- 1) Day care centers.
- 2) Education facilities.
- 3) Inpatient health care facilities (includes county homes, nursing homes, hospices, veterans' homes, assisted living facilities, and treatment facilities).
- 4) Correctional facilities.
- 5) Restaurants.
- 6) Taverns.
- 7) Private clubs (a facility used by an organization that limits the membership and is organized for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose).
- 8) Retail establishments.
- 9) Common areas of multiple unit residential properties and Community Based Residential Facilities (CBRF).
- 10) Lodging establishments (a bed and breakfast, hotel, or tourist rooming house).
- 11) All enclosed places, other than those listed above, that are places of employment or public places.
- 12) Government buildings.

(b) **Definitions.**

- 1) **“Enclosed Place” and “Substantial Wall”.** An enclosed place is a structure or area that has a roof and more than two substantial walls. A substantial wall is a wall with no opening or with an opening that either does not allow air in from the outside or that is less than 25% of the wall's surface area.
- 2) **“Public Place”.** A public place is an enclosed place that is open to the public,

regardless of whether a fee is charged or a place to which the public has lawful access or may be invited.

- 3) **“Place of Employment”**. A place of employment is any enclosed place that employees normally frequent during the course of employment, such as an office, a work area, an elevator, an employee lounge, a restroom, a conference room, a meeting room, a classroom, a hallway, a stairway, a lobby, a common area, a vehicle, or an employee cafeteria.

(c) **Designation of Outdoor Area for Smoking.** The person in charge of any restaurant, tavern, private club, or retail establishment subject to this Code and the smoking restrictions in Wisconsin Statutes 101.123 may designate an outside area that is a reasonable distance from any entrance to the restaurant, tavern, private club or retail establishment where customers, employees or persons associated with the restaurant, tavern, private club or retail establishment may smoke. Smoking needs to be a reasonable distance from smoke-free places and entrances.

(d) **Outdoor Smoking.** Outdoor smoking is prohibited in the following places, regardless of whether it meets the definition of an enclosed space:

- 1) Sports arenas (any stadium, pavilion, gymnasium, skating rink, or other building where spectator sporting events are held).
- 2) Bus shelters.
- 3) Public conveyances.

(e) **Smoking on Outside Property Under the Village’s Jurisdiction.** Smoking on outside property under the Village’s jurisdiction is prohibited in the following areas:

- 1) Park shelters, athletic fields, bleachers and dugouts, restrooms, and playground and swing set areas.

(f) **Smoking Outside School Areas.** Smoking is prohibited at outside areas at schools consistent with School Board policy.

(g) **Enforcement**

- 1) Persons in charge of places where smoking is prohibited must enforce the prohibitions by taking steps to ensure compliance, such as not providing ashtrays and matches; posting “no smoking” signs; asking a person to stop smoking; asking a person who is smoking to leave; refusing to serve the person if the place is a restaurant, tavern, or private club; and notifying law enforcement if the person does not leave after being requested to do so.
- 2) The Fredonia Village Marshal Department has the power and duty to enforce the smoking ban.

(h) **Penalty.** Penalties for violation of this section shall be in accordance with Wisconsin Statutes 101.123. Statutory court costs and assessments shall be added to all forfeitures for such violations.

State Law Reference: Sec. 101.123, Wisconsin Statutes

## Chapter 2

### Pollution Abatement

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

**8-2-2** Storage of Polluting Substances

#### **Sec. 8-2-1 Cleanup of Spilled or Accidentally Discharged Wastes.**

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

#### **Sec. 8-2-2 Storage of Polluting Substances.**

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

## Chapter 3

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### Solid Waste Management

- 8-3-1 Title
- 8-3-2 Declaration of Policy
- 8-3-3 Definitions
- 8-3-4 Refuse Storage Areas
- 8-3-5 Approved Waste and Refuse Containers
- 8-3-6 Collection of Refuse
- 8-3-7 Prohibited Activities and Non-Collectible Materials
- 8-3-8 Garbage Accumulation; When a Nuisance
- 8-3-9 Refuse from Outside the Municipality
- 8-3-10 Improper Use of Trash Receptacles
- 8-3-11 Mandatory Recycling of Certain Material

#### Sec. 8-3-1 Title.

This Chapter shall be known as the Solid Waste Management Ordinance of the Village of Fredonia, 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 Village by establishing minimum standards for the storage, collection, transport, processing, separation, recovery and disposal of solid waste.

#### Sec. 8-3-3 Definitions.

- (a) 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.
  - (1) **Agricultural Establishment.** An establishment engaged in the rearing and slaughtering of animals and the processing of animal products or orchard and field crops.
  - (2) **Brush.** logs, branches, trunks, stumps of removed or partially removed trees, hedge, or bushes.
  - (3) **Bulk Waste.** Solid waste material that does not fit into the collection container that is legally able to be disposed at a landfill.
  - (4) **Commercial Unit.** Commercial units shall be all property other than residential units and shall include businesses, stores, schools, churches, clubs, lodges, apartments, multiple-family complexes of four or more units including condominium complexes, boarding homes, motels and resorts.

- (5) **Commercial Waste** - solid waste material resulting from the operation of commercial units including garbage, rubbish, and other solid materials incidental thereto.
- (6) **Condominium Complex** - Any residential type structure having more than three families in separate living units and receiving a separate tax bill.
- (7) **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.
- (8) **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.
- (9) **Disposal.** The orderly process of discarding useless or unwanted material.
- (10) **DNR.** The Wisconsin Department of Natural Resources.
- (11) **Domestic Waste** - solid waste material resulting from the usual and customary routine of residential housekeeping and includes garbage and rubbish.
- (12) **Dump.** A land site where solid waste is disposed of in a manner that does not protect the environment.
- (13) **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.
- (14) **Garbage.** Includes refuse accumulation of animals, fruit or vegetable matter, liquid or otherwise, that results from the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit, or vegetables originally used for foodstuffs.
- (15) **Garden Waste** - shall include all annual, perennial and weed plant material contained within a vegetable or flower garden.
- (16) **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.
- (17) **Industrial Waste.** Waste material, except garbage, rubbish and refuse, directly or indirectly resulting from an industrial processing or manufacturing operation.
- (18) **Litter.** Solid waste scattered about in a careless manner, usually rubbish.
- (19) **Major Appliance.** A residential or commercial air conditioner, boilers, clothes dryer, clothes washer, dehumidifier, dishwasher, freezer, furnace, microwave oven (from which the capacitor has been removed), oven, refrigerator, stove, or water heater.
- (20) **Multi-family Residence.** Any residential type structure and condominium complexes having more than three families in separate living units.

- (21) **Newsprint.** Common and inexpensive machine finished paper made chiefly from wood pulp and used for newspapers and paper material from mailings and gray board.
- (22) **Non-Residential Property.** Any property not defined as residential housing.
- (23) **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.
- (24) **Office Paper.** 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.
- (25) **Person.** Individuals, firms, corporations and associations, and includes the plural as well as the singular.
- (26) **Private Collection Services.** Collection services provided by a person licensed to do same by the DNR.
- (27) **Recyclables.** All materials subject to recycling under Wis. Stats. ch. 287 including newsprint, boxes, cartons, office paper, glass, aluminum, tin, and plastic (grades 1 to 7).
- (28) **Recycling.** The act of removing recyclable items from the general waste stream, prohibiting its entrance into a landfill.
- (29) **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.
- (30) **Residential Housing.** Single-family dwellings, duplexes, and three family dwellings. It does not include condominium complexes with more than three units.
- (31) **Residential Solid Waste.** All solid waste that normally originates in a residential environment from residential dwelling units.
- (32) **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 equal the number of family units to be housed therein. Residential units shall not include boarding houses, motels or resorts.
- (33) **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 can, bottles, rags, paper, cardboard, sweepings.
- (34) **Scavenging.** The uncontrolled removal of materials at any point in solid waste management.
- (35) **Single/two/three-family Residence.** Any structure wherein one to three families reside in separate living units.

- (36) **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, toxic wastes, hazardous materials, hazardous wastes or hazardous substances (as further defined under state and federal law), construction or demolition waste, yard waste, and rubble.
- (37) **Storage.** The interim containment of solid waste in an approved manner after generation and prior to collection and ultimate disposal.
- (38) **Storage Areas.** Areas where persons place containers during non-collection days as well as areas where container are set out on collection day.
- (39) **Waste Tire.** A tire that is no longer suitable for its original purpose because of wear, damage or defect.
- (40) **White Goods/Major Appliances.** Includes refrigerators, dishwashers, air conditioners, ranges/stoves, washing machines, dryers, water softeners, trash compactors, dehumidifiers, water heaters, microwave ovens, and ovens.
- (41) **Yard Waste** - Waste limited to what is grown and/or produced on a residential property. Including, but not limited to: branches, leaves, logs, stumps, weeds, mulch, thatch, and brush.

#### **Sec. 8-3-4 Refuse Storage Areas.**

Storage area 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.**

- (a) **General Container Standards.** Suitable containers of a type approved by the Village shall be used to store all solid waste. 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 have a lid or cover that can close sufficiently to prevent the scattering of contents by weather conditions or animals.
- (b) **Approved Containers.** All solid waste created, accumulated or produced shall be deposited in containers of a type approved by the Village Board. Containers shall be kept in a neat, clean and sanitary condition at all times. Other containers for multi-family residential units (such as dumpsters) may be used with the express approval of the Village Board. Containers for residential solid waste



including contents shall not exceed 250 pounds in weight. Garbage and rubbish may be combined in the same container.

- (c) **Responsibility to Provide Containers.** The Village will provide the initial container(s) for a residential unit. One container will be suitable for solid waste the other container will be suitable for recyclables. The owner of the residential unit shall be responsible for replacement of the container(s) for damage caused by misuse. The owner of any non-residential property shall furnish or require the tenant thereof to furnish proper containers.
- (d) **Illegal Containers.** Containers not approved consisting of metal, pasteboard or plastic barrels and drums, wooden or cardboard barrels, wheelbarrows and other such containers not approved by this Chapter 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. The occupants of the residential unit shall place residential solid waste in approved containers immediately behind the curb of the public street for collection. 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(s) shall either shovel out an area behind the curb in which to place their wastes or shall place it in their driveway. Solid waste or other items not completely placed within a container will not be collected. Should collection crews be unable to discharge contents into collection vehicles using normal handling procedures, the refuse 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 and be removed from the curb until the next collection day. Collection crews will not empty garbage cans by means other than dumping.
- (2) No containers 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 and Placement.**

- (1) Receptacles and containers for refuse and rubbish shall be placed in collection locations as designated in Subsection (a) above prior to 7:00 a.m. of the scheduled collection day, but not more than twenty-four (24) hours prior to such time.
- (2) All receptacles and containers for refuse and solid waste disposal shall be removed from the curbside collection point within twenty-four (24) hours after the regular collection time.

- (3) Village employees or employees of licensed collectors will not enter any structures to remove garbage or refuse, except by written agreement with the property owner.
- (4) If the scheduled collection day falls on or after a holiday, collection will be on the day after the regularly scheduled collection day. (i.e. If a holiday falls on a Monday, Tuesday, Wednesday, or Thursday, pick-up will be on Friday.)

### **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 ashes for collections.
- (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 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 has been put into a garbage receptacle and deposited in the proper place for the collector, nor shall any 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 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) Drain or waste oil or flammable liquids;
- (6) Large quantities of paint;
- (7) Tires.
- (8) Any item on the State of Wisconsin list of banned items for landfill disposal.
- (l) **Hospital Wastes.** It shall be unlawful for any person to place for collection any pathogenic hospital wastes.
- (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. Building materials of any kind will not be collected. Building materials shall not be burned at the construction site.

### **Sec. 8-3-8 Garbage Accumulation; When a Nuisance.**

The accumulation or deposit of solid waste, 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 Fredonia.

### **Sec. 8-3-10 Improper Use of Trash Receptacles.**

No person shall place in or on any garbage can, dumpster or other trash receptacle not belonging to or assigned by the owner of such receptacle to such person any garbage, refuse or trash without the permission of the owner or designated assignee of such receptacle.

### **Sec. 8-3-11 Mandatory Recycling of Certain Materials.**

- (a) **Mandatory Recycling.** The owners or occupants of each residence, residential unit, place of business, or commerce shall cooperate in the recycling of recyclable material by performing the acts set forth in this Section.
- (b) **Recycling Requirements.** All recyclable materials shall be separated from garbage
- (c) **Yard Waste.** Yard waste shall be disposed of at the Village collection site for yard waste. Bags shall be emptied and removed from the site. The Village recommends that grass clippings remain on the lawn for use as fertilizer.

- (d) **Collection of Recyclable Materials.** All recyclable material shall be placed curbside for pickup on every other Thursday. The village will annually issue a collection schedule for recyclables.
- (e) **Recyclable Material Property of Village.** All recyclable material deposited curbside as provided herein shall be the property of the Village or of its designee.
- (f) **Collector or Refuse Pick Up of Nonconforming Solid Waste.** The village or its contractor shall refuse to pick up any solid waste containing recyclable material.
- (g) **Notification of Tenants.**
  - (1) Owners or designated agents of multi-family dwellings shall notify tenants in writing at the time of renting or leasing the dwelling, and at least semi-annually thereafter, about the recycling program.
  - (2) Owners or designated agents of businesses and other non-residential facilities shall notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the recycling program.