CHAPTER 11

HEALTH AND SANITATION

11.01 Regulation of Nuisance-Type Businesses
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11.01 REGULATION OF NUISANCE-TYPE BUSINESSES. (1) PERMIT. REQUIRED. No person shall conduct within the Town any business which has a tendency to create a public nuisance, except upon a permit issued by the Town Board and subject to such conditions as the Board may impose.

(2) DEFINITION. A business which has a tendency to create a public nuisance is one which, unless properly regulated, may create conditions creating a public nuisance, as defined in sec. 10.02 of this Code.

(3) This section is enacted pursuant to §66.0415, Wis. Stats.

11.02 GARBAGE AND REFUSE DISPOSAL REGULATED. It shall be unlawful for any person to accumulate, dump, transfer or deposit garbage or rubbish or other refuse of any kind in the Town. All garbage and refuse shall be deposited in receptacles at curbside at times and days designated by the Town Board.

11.03 CURBSIDE COLLECTION. Residents shall deposit recyclables in receptacles at curbside at time and days designated by the Town Board.

11.04 RECYCLING. (1) PURPOSE. The purpose of this section is to promote recycling, composting and resource recovery through the administration of an effective recycling program, as provided in §287.09(3)(b), Wis. Stats., and Wis. Adm. Code NR 544.

(2) ABROGATION AND GREATER RESTRICTIONS. It is not intended by this section 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 section imposes greater restrictions, the provisions of this section shall apply.

(3) INTERPRETATION. In the interpretation and application, the provisions of this section 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 terms or requirements of this section may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where provision of this section is required by Wisconsin Statutes or by a standard in Wis. Adm. Code NR 544, and where a provision of this section is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Wis. Adm. Code NR 544 standards in effect on the date of the adoption of this section or in effect on the date of the most recent text amendment to this section.

(4) APPLICABILITY. The requirements of this section apply to all persons within the Town.

(5) ADMINISTRATION. The provisions of this section shall be administered by the Town Board.

(6) DEFINITIONS. The terms used herein shall be defined as follows:

(a) *Bi-metal Container.* A container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.

(b) *Container Board.* Corrugated paperboard used in the manufacture of shipping containers and related products.

(c) *Foam Polystyrene Packaging.* Packaging made primarily from foam poly- styrene that satisfies one of the following criteria:

1. Is designed for serving food or beverages.

2. Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.

3. Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.

(d) *HDPE.* High density polyethylene plastic containers marked by the SPI code No. 2.

(e) *LDPE.* Low density polyethylene plastic containers marked by the SPI code No.4.

(f) *Magazines.* Magazines and other materials printed on similar paper.

(g) M*ajor Appliance.* A residential or commercial air conditioner clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, furnace, boiler, dehumidifier, water heater or stove. See sec. 11.04(10) below regarding management of freon appliances.

(h) *Mixed or Other Plastic Resin Types.* Plastic containers marked by the SPI code No. 7.

(i) *Multiple-family Dwelling.* A property containing 5 or more residential units, including those which are occupied seasonally.

(j) *Newspaper.* A newspaper and other materials printed on news print.

(k) *Nonresidential Facilities and Properties.* Commercial, retail, industrial, institutional and governmental facilities and properties. It includes any location at which goods or services are provided or manufactured, including locations under construction, demolition or remodeling, or used for special event such as, but not limited to, fairs, festivals, sport venues, conferences and exhibits.

(l) *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.

(m) *Person.* Any individual, corporation, partnership, association, local governmental unit, as defined in §66.0131(1)(a), Wis. Stats., State agency or authority or Federal Agency.

(n) *PETE.* Polyethylene terephthalate plastic containers marked by the SPI code No. 1.

(o) *Postconsumer Waste.* Solid waste other than solid waste generated in the production of goods, hazardous waste as defined in §291.07(7), Wis. Stats., waste from con- struction and demolition of structures, scrap automobiles, or high volume industrial waste as defined in §289.01(17), Wis. Stats.

(p) *PP.* Polypropylene plastic containers marked by the SPI code No. 5.

(q) *PS.* Polystyrene plastic containers marked by the SPI code No. 6.

(r) *PVC.* Polyvinyl chloride plastic containers marked by the SPI code No. 3.

(s) *Recyclable Materials.* Includes lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspapers; office paper; rigid plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS and mixed or other plastic resin types; steel containers; waste tires; and bi-metal containers.

(t) *Solid Waste.* The meaning specified in §289.01(33), Wis. Stats.

(u) *Solid Waste Facility.* The meaning specified in §289.01(35), Wis. Stats.

(v) *Solid Waste Treatment.* Any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste. "Treatment" includes incineration.

(w) *Waste Tire.* A tire that is no longer suitable for its original purpose because of wear, damage or defect.

(x) *Yard Waste.* Leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than 6 inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

(7) SEPARATION OF RECYCLABLE MATERIALS. Occupants of single-family and 2 to 4 unit residences, multiple-family dwellings and nonresidential facilities and properties shall separate the following materials from postconsumer waste:

(a) All batteries
(b) Major appliances
(c) Waste oil
(d) Yard waste
(e) Aluminum containers
(f) Bi-metal containers
(g) Corrugated paper or other container board
(h) Foam polystyrene packaging
(i) Glass containers
(k) Newspapers or other materials printed on news print
(l) Office paper
(m) Plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS and mixed or other plastic resin types
(n) Steel containers
(o) Waste tires

(8) SEPARATION REQUIREMENTS EXEMPTED. The separation requirements of sub. (7) above do not apply to the following:

(a) Occupants of single-family and 2 to 4 unit residences, multiple-family dwellings and nonresidential facilities and properties that send their postconsumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in sub. (7) above from solid waste in as pure a form as is technically feasible.

(b) Solid waste which is burned as a supplemental fuel at a facility if less than 30% of the heat input to the facility is derived from the solid waste burned as supplemental fuel at that facility in accordance with §287.07(7)(bg), Wis. Stats.

(c) A recyclable material specified in sub. (7) above for which a variance or exemption has been granted by the Department of Natural Resources under 287.07(7)(h).

(9) CARE OF SEPARATED RECYCLABLE MATERIALS. To the greatest extent practicable, the recyclable materials separated in accordance with sub. (7) above shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other nonrecy- clable materials, including, but not limited to, household hazardous waste, medical waste and agricultural chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain and other inclement weather conditions.

(10) MANAGEMENT OF LEAD ACID BATTERIES, MAJOR APPLIANCES, WASTE OIL AND YARD WASTE. Occupants of single-family and 2 to 4 unit residences, multiple-family dwellings and nonresidential facilities and properties shall manage lead acid batteries, tires, major appliances and yard waste as follows:

(a) Lead acid batteries may be brought to Roadside Repair in Pembine

(b) Tires may be brought to Roadside Repair in Pembine to be disposed of for a fee.

(c) Major appliances without freon may be brought to the spring and fall clean- up days at the Town Hall.

(d) Yard waste shall be composted in the resident's yard.

(11) PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS. Except as otherwise directed by the Town Board, occupants of single-family and 2 to 4 unit residences shall do the following for the preparation and collection of the separated materials speci- fied in sub. (7)(e) through (o) above:

(a) Aluminum, bi-metal, glass and steel containers shall be rinsed free of prod- uct residue and placed in a receptacle designated by the Town Board.

(b) Corrugated paper or other container board shall be free of debris, flattened, stacked and tied.

(c) Foam polystyrene packaging shall be rinsed free of product residue and caps shall be removed and discarded.

(d) Magazines or other materials printed on similar paper shall be placed in a paper bag.

(e) Newspapers or other materials printed on news print shall be placed in a paper bag.

(f) Office paper shall be placed in a paper bag.

(g) Plastic containers shall be prepared and collected as follows:

1. Plastic containers made of PETE, including milk jugs and detergent bottles, shall be rinsed free of product residue and caps shall be removed and discarded.

2. Plastic containers made of HDPE, including milk jugs and detergent bottles, shall be rinsed free of product residue and caps shall be removed and discarded.

(h) Plastic containers made of PVC, LDPE, PP, PS and mixed or other plastic resin types shall be rinsed free of product residue and caps shall be removed and discarded.

(12) RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF MUL- TIPLE-FAMILY DWELLINGS. (a) Owners or designated agents of multiple-family dwellings shall do all of the following for recycling the materials specified in sub. (7)(e) through (o) above:

1.Provide adequate, separate containers for the recyclable materials.

2. Notify, in writing, at least semi-annually, all tenants and occupants annually thereafter about the established recycling program.

3. Provide for the collection of the materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.

4. Notify tenants of 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 a name, address and telephone number.

(b) The requirements specified in par. (a) above do not apply to the owners or designated agents of multiple-family dwellings if the postconsumer 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 sub. (7)(e) through (o) above from solid waste in as pure a form as is technically feasible.

(c) Less than 30% of the heat input to a facility is derived from the solid waste which is burned as a supplemental fuel at that facility in accordance with §287.07(7)(bg), Wis. Stats.

(d) Items have been granted a separation variance by the Department of Natural Resources under 287.07(7)(h), Wis. Stats. Currently the items which need not be separated from solid waste are foam polystyrene packaging and rigid plastic containers made of PVC (#3), LDPE (#4), PP (#5), PS (#6) and other resins or multiple resins (#7).

(13) RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF NON- RESIDENTIAL FACILITIES AND PROPERTIES. (a) Owners or designated agents of nonresidential facilities and properties shall do all of the following for recycling the materials specified in sub. (7)(e) through (o) above:

1. Provide adequate separate containers for the recyclable materials.

2. Notify, in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.

3. Provide for the collection of the materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility.

4. Notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.

(b) The requirements specified in par. (a) above do not apply to the owners or designated agents of nonresidential facilities and properties if the postconsumer waste generated within the facility or property is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in sub. (7)(e) through (o) above from solid waste in as pure a form as is technically feasible.

(c) Less than 30% of the heat input to a facility is derived from the solid waste which is burned as a supplemental fuel at that facility in accordance with §287.07(7)(bg), Wis. Stats.

(d) Items have been granted a separation variance by the Department of Natural Resources under 287.07(7)(h), Wis. Stats. Currently the items which need not be sepa- rated from solid waste are foam polystyrene packaging and rigid plastic containers made of PVC (#3), LDPE (#4), PP (#5), PS (#6) and other resins or multiple resins (#7).

(14) PROHIBITIONS ON DISPOSAL OF RECYCLABLE MATERIALS. No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in sub. (7)(e) through (o) above which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

(15) ENFORCEMENT. (a) Any authorized officer, employe or representative of the Town may inspect recyclable materials separated for recycling, postconsumer waste intended for disposal, collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and nonresidential facilities and properties, solid waste disposal facilities and solid waste treatment facilities, and any records relating to recycling activities for the purpose of and any records relating to recycling activities which shall be kept confidential when necessary to protect proprietary information ascertaining compliance with the provisions of this section. No person may refuse access to any authorized officer, employe or authorized representative of the Town who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper or interfere with such an inspection.

(b) Any person who violates a provision of this section may be issued a cita- tion by the a law enforcement officer to collect forfeitures. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other section of this Code or law relating to the same or any other matter shall not preclude the issuance of a citation under this paragraph.

(c) Penalties for violating this section may be assessed consistent with §289.97, Wis. Stats., as follows:

1. Any person who violates sub. (14) above may be required to forfeit $50 for a first violation, $200 for a second violation and not more than $2,000 for a third or sub- sequent violation.

2. Any person who violates a provision of this section, except sub. (14) above, may be required to forfeit not less than $10 nor more than $1,000 for each violation.

11.10 PENALTY. Any person who shall be found guilty of violation of any of the pro- visions of this chapter shall be required to pay a forfeiture of not less than $25 nor more than $200 together with the costs of prosecution and, in default of the payment of such forfeiture, shall be imprisoned in the County Jail until such forfeiture and all costs, including subsequent costs, have been paid, but not for a period exceeding 30 days.