

TOWN OF COOPERSTOWN
MANITOWOC COUNTY, WISCONSIN

ORDINANCE NO. 2022-2

AN ORDINANCE TO AMEND THE GENERAL CODE OF ORDINANCES OF THE
TOWN OF COOPERSTOWN, MANITOWOC COUNTY, WI

The Town Board of the Town of Cooperstown, Manitowoc County, Wisconsin, pursuant to Secs. 60.22, 60.33 (1 l), and its village powers pursuant to Sec. 60.10, Wis. Stats., hereby amends the General Code of Ordinances of the Town of Cooperstown, and do ordain as follows:

6.13 HIGHWAY ENTRANCES & REQUIREMENT. PRIVATE ACCESS.

A. Culvert Requirement.

No person shall locate, establish, construct, or substantially reconstruct any driveway or private road in a public right-of-way of the Town of Cooperstown without installing a culvert in full compliance with this Section unless an exemption from the requirement for a driveway culvert is approved, in writing, by the Town Chairman, Road Supervisor or its representative. Included within the scope of this requirement are commercial driveways.

B. Permit Required; Application; Fee.

(1) Permit Requirement. No person shall locate, establish, construct, replace a culvert, modify a culvert, install a culvert, or substantially reconstruct a private driveway, road, or other access from a private property line to the traveled portion of any public Town road without first filing an application and obtaining a driveway or culvert permit from the Town of Cooperstown.

(2) Application. Application for such permit may be made to the Town Chairman or town road supervisor. The request for such permit shall be in writing signed by the owner of the real estate affected or his agent and shall include design specifications and a drawing depicting the location and orientation of the proposed driveway and driveway culvert in relationship to the real estate involved and the adjacent road, street, or highway.

(3) Review. The Town or its representative shall review all applications using this ordinance and the data and findings from the Driveway Inspection Report as shown in Section 2 in issuing driveway and culvert permits.

(4) Fee. The applicant shall pay a non-refundable fee of fifty (\$50.00) at the time of making application for the driveway permit, there shall be no fee for any replacement and/or modification of any culvert.

C. Application Provisions. All driveway permit applications shall contain the applicant's statement that:

1. The applicant represents that such proposed driveway is for the bona fide purpose of securing direct ingress and egress to the property and not for any other purpose. Parking when servicing vehicles, advertising, storage, or merchandising of goods within the dedicated portion of the Town road or street, is prohibited.
2. The Town, notwithstanding the construction of such driveway, reserves the right to make any changes, additions, repairs or relocations within the dedicated portion of the Town road or street at any time, including relocation, reconstruction, widening and maintaining the street without compensating the owner of such private driveway for the damage or destruction of such private roadway.
3. The permitted, his successors or assignor, agrees to indemnify and hold harmless the Town of Cooperstown, its officials, officers, agents, engineers, or employees, against any claim or any cause of action for personal injury or property damage sustained by reason of the exercise of such permit.
4. The Town does not assume any responsibility for the removal or clearance of snow, ice, or sleet or the opening of any windrows of such material upon any portion of such driveway within the dedicated portion of the Town road or street.

D. General Requirements. The location, design, and construction of driveways shall be in accordance with the following:

1. General Design. Private driveways shall be of such width and so located that all of such driveways and their appurtenances are within the limits of the frontage abutting the street of the property served. Driveways shall not provide direct ingress or egress to or from any street intersection area and shall not encroach upon or occupy areas of the street right-of-way required for effective traffic control or for street signs or signals. A driveway shall be so located and constructed that, vehicles approaching or using it shall have a 300 ft or greater sight distance along the street "unless an exemption is granted by the town board". Driveway approaches shall be at least seventy-five (75) feet apart between two adjacent parcels and there shall be at least ten (10) feet from the edge of the driveway to the property line except by special permission from the Town Board, and driveways shall in all cases be placed wherever possible as not to interfere with utilities in place.
2. Driveway Surface. All driveways shall have a hard all-weather surface with a minimum of six (6) inches of crushed aggregate. If required by the Town or its representative, the driveway surface shall prevent tracking of mud and sediment onto public roads. The Town may impose special tracking pad requirements for agricultural access, in the event that the applicant fails to timely remove any mud and/or sediment on the road
3. Number.

a. The number of driveways allowed to serve an individual residential or commercial property fronting on a street shall be a maximum of two (2), subject to paragraph b below, provided that when two (2) driveways are utilized, there is also at least one-hundred eighty (180) feet of total street frontage on the street from which the driveways serve the parcel.

b. There shall be allowed one (1) driveway for the first acre of the served parcel, and one (1) additional driveway for all acres or parts thereof, up to a maximum of two (2). For residential street corner parcels, or parcels abutting more than one street, driveways and/or street access shall be allowed from only one of the streets abutting the parcel, except for agriculture lands.

c. Where two (2) driveways serve a parcel, such driveways shall be located no closer than seventy-five (75) feet from centerline to centerline, and at least ten (10) feet from the edge of the driveway to the property line.

d. The Town Board may grant exceptions to the provisions of this subsection, where deemed necessary and feasible for reasonable and adequate service to the property, considering the safety, convenience and utility of the street,

e. For agricultural driveways the minimum spacing of agricultural driveways shall be three hundred (300) feet.

4. Drainage. The surface of the driveway connecting with street cross sections shall slope downward and away from the highway shoulder a sufficient distance to preclude ordinary surface water drainage flowing onto the street roadbed. All driveways shall be graded in such way that no storm water reaches the roadway.
5. Relocation of Utilities. Any costs of relocating utilities shall be the responsibility of the property owner with the written approval of the Town Board necessary before any utility may be relocated and the driveway installed.
6. Variances. Any of the above requirements may be varied by the Town Board in such instances where the peculiar nature of the property or the design of the street may make the rigid adherence to the above requirements impossible or impractical.

E. Special Requirements for Commercial and Industrial Driveways. The following regulations are applicable to driveways serving commercial or industrial establishments.

1. Width of Drive. No part of a private driveway located within the dedicated area of a public street shall, except as hereinafter provided, have a width not less than thirty-two (32) feet measured at right angles to the center line of said driveway.
2. Angular Placement. The angle between the center line of the driveway and the curb line or road edge shall not be less than 70°.
3. Design Information. The Town may require that additional design information, including design by a professional engineer, be submitted with the application.

4. Agricultural Driveway. In interpreting this ordinance, existing agricultural driveways as of the effective date of this ordinance shall remain as agricultural driveways in their present location and condition provided that such driveways are not hazardous, unsafe, or causing a water flow problem.

F. Special Requirements for Residential Driveways. The following regulations are applicable to driveways serving residential property.

1. Width of a residential single-type driveway shall be no greater than twenty-six (26) feet wide at the curb line or pavement edge and eighteen (18) feet wide at the outer or street edge of the sidewalk; residential double-type driveways shall be no greater than twenty-six (26) feet wide at the curb line and twenty-four (24) feet wide at the outer or street edge of the sidewalk.
2. Angular Placement. The angle between the center line of the driveway and the curb line or road edge shall not be less than 70°.
3. Design Information. The Town may require that additional design information, including design by a professional engineer, be submitted with the application.

G. Appeal from Permit Refusal. Any person feeling himself aggrieved by the refusal of the Town to issue a permit for a private driveway may appeal such refusal to the Town Board within thirty (30) days after such refusal to issue such permit is made.

H. Culvert Construction Standards.

1. Size: Culverts shall be installed prior to construction work being commenced on the property served. The size of all required culverts shall be determined by Town Board. No pipe smaller than eighteen (18) inches in diameter (or equivalent elliptical or arch pipe) will be allowed. All culverts shall be constructed of galvanized steel, dual wall plastic or concrete and shall be of new manufacture, unless specifically excepted by the Town, due to soil composition or depth.
2. Gauge: The minimum wall thickness for the galvanized steel culverts shall be in accordance with the following: Pipe Diameter Gauge for 15-to-24-inch, 16 gauge; 30-to-36-inch, 14 gauge; 42-to-54-inch, 12 gauge; 60-to-72-inch, 10 gauge; 78-to-84-inch, 8 gauge. The class of reinforced concrete pipe shall be in accordance with the following: Height of Cover (in feet) Class of Pipe (in numbers); 0-2 feet, class IV; 2-3 feet, class III; 3-6 feet, class II. Dual wall plastic shall be in accordance with ASTM F2306, AASHTO M294.
3. Drainage: The culverts shall be placed in the ditch line at elevations that will assure proper drainage.
4. End Walls: Unless specifically exempted in writing, all culverts shall be provided with metal apron end walls as directed by the Town.

5. Backfill Material. Material used for backfill shall be of a quality acceptable to the Town or its representative and shall be free from frozen lumps, wood, or other extraneous or perishable materials. The minimum cover, measured from the top of the pipe to the top of the subgrade, shall be six (6) inches.
6. Erosion Control: Erosion control measures shall be implemented to control erosion or as directed by the Town Board.
7. Construction: The Town of Cooperstown will review and send estimate for the installation of a culvert to owner before installation. The town will install the culvert and bill the property owner for the installation. On a new or reconstructed road, the town will be responsible for cost of culvert and installation.
8. Appeal: Any person whose request has been denied may request a variance from the culvert requirements of this Section by filing a written appeals request within thirty (30) days of such denial with the Town Clerk who shall place the matter as an agenda item for the Town Board's next meeting. The Town may require additional information, including design by a professional engineer.

AND

9.13 RECYCLING. The Town of Cooperstown has implemented Mandatory Recycling in order to meet the requirements set forth in 1989 Wisconsin Act 335.

A. 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 s. 287.11, WI Stats., and Chapter NR 544, WI Administrative Code.

B. Statutory Authority. This section is adopted as authorized under s. 287.09 (3) (b), WI Stats.

C. Abrogation and Great Restrictions. It is not intended by 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 section shall apply.

D. Interpretation. In their 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 a provision of this section is required by Wisconsin Statutes, or by a standard in Chapter NR 544, WI Administration Code, and where the section 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 adoption of the ordinance, or in effect on the date of the most recent text amendment of this chapter.

E. Severability. Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this section shall not be affected.

F. Applicability. The requirements of this section apply to all persons and organizations within the Town of Cooperstown town limits.

G. Administration. The provisions of this section shall be administered by the Town of Cooperstown town board.

H. Definitions.

1. "Bi-metal container" means a container for carbonated or malt beverages that are made primarily of steel and aluminum.
2. "Container board" means corrugated paper board used in the manufacture of shipping containers and related products.
3. "HDPE" means high density polyethylene plastic containers marked by the SPI code No. 2.
4. "LDPE" means low density polyethylene plastic containers marked by the SPI code No. 4.
5. "Magazines" means magazines and other materials printed on similar paper.
6. "Major appliances" means a residential or commercial air conditioner, clothes dryer, dishwasher, freezer, microwave oven, oven, refrigerator, furnace, boiler, dehumidifier, water heater or stove.
7. "Mixed or other plastic resin types" means plastic containers marked by the SPI code No. 7.
8. "Multiple family dwelling" means a property containing five or more residential units, including those which are occupied seasonally.
9. "Newspaper" means a newspaper and other materials printed on newspaper.
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, staple free, 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. "PETE" means polyethylene terephthalate plastic containers marked by the SPI code No. 1.

13. "Post-consumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in s. 291.01 (7), WI Stats., waste for construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in s. 291.01 (7) (a) 1., WI Stats.

14. "PP" means polypropylene plastic containers marked by SPI code No. 5.

15. "PS" means polystyrene plastic containers marked by SPI code No. 6.

16. "PVC" means polyvinyl chloride plastic containers marked by the SPI code No. 3.

17. "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; 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.

18. "Solid waste" has the meaning specified in s. 289.0133 WI Stats.

19. "Solid waste facility" has the meaning specified in s. 289.0135 WI Stats.

20. "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.

21. "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.

22. "Yard waste" means leaves, grass clippings, and yard and garden debris.

23. "Brush and branches" means clean woody vegetative material no greater than six inches in diameter. This term does not include stumps, roots, or shrubs with intact root balls.

24. "Foam polyester packaging" means packaging made primary from polystyrene that satisfies one of the following criteria:

1. is designed for food or beverages
2. Consists of loose particles intended to hold and cushion the package article a shipping container.
3. Consists of rigid material shaped to hold and cushion in a shipping container.

25. "Glass container" means a glass bottle, jar or other packaging container used to contain a product that is the subject of a retail sale and does not include ceramic cups, dishes, oven ware, plate glass, salty and window glass, heat resistant glass such as Pyrex, lead based glass such as crystal, or TV tubes.

I. Separation of Recyclable materials. Occupants of single family and two-to-four-unit residences, multiple family dwelling, non-residential facilities, places of business, industry or commerce, farms, and governmental facilities shall separate the following materials from post-consumer waste.

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

J. Separation Requirements Exempted. The separation requirements of s. 9 do not apply to the following:

1. Occupants of single family and two-to-four-unit residential multiple family dwelling 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 s.9 from solid waste in as pure a form as technically possible.

2. Solid waste which is burned as a supplemental fuel at a facility if less than 30% of the heat input to the facility is derived from the solid waste burned as supplemental fuel.

3. A recyclable material specified in s. 9 for which a variance or exemption has been granted by the Department of Natural Resources under ss. 287.07(3) or (4), WI Stats., or s. NR 544.14, WI Administrative Code.

K. Care of Separated Recyclable Materials. To the greatest extent practicable, the recyclable materials separated in accordance with s. 9 shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other non-recyclable materials, including but not limited to household hazardous waste, medical waste, and agricultural chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions.

L. Care of Lead Acid Batteries, Major Appliances, Waste Oil, Waste Tires and Yard Waste. Occupants of single and two-to-four-unit residences, multiple family dwellings, and non-residential facilities and properties shall manage lead acid batteries, major appliances, waste oil, waste tires and yard waste as follows:

1. Lead acid batteries, major appliances, waste tires, and waste oil shall be disposed of by the owner of the item at the Town of Cooperstown transfer site or by contacting an accepting vendor and then delivering the item as directed.
2. Yard waste shall be disposed of by composting of the material on the site at which it is produced or at an acceptable vendor and then delivering the item as directed.

M. Preparation and Collection of Recyclable Materials. Except as otherwise directed by the town board or its representatives, occupants of single family and two-to-four-unit residences shall do the following for the preparation and collection of separated materials specified in s. 9 (e)-(n):

1. Steel/Tin Cans: Rinse out can, remove both ends and flatten.
2. Aluminum: Rinse out thoroughly, examples included TV dinner trays, foil wrap, pot pie pans, aluminum cans, and siding.
3. Clear and colored glass: Rinse the jar or bottle thoroughly and remove and discard the cover. Acceptable examples include catsup, barbeque sauce, salad dressing, pickle, jam, jelly, peanut butter, beer, liquor and wine bottles. Not acceptable materials include plate glass, ceramics, clay items, light bulbs, and broken glass.

4. Plastic Containers: Rinsed out thoroughly and remove caps and rings, examples are milk jugs, liquid detergent bottles, all plastics identified as number 1 thru 7 shall be recycled except as defined in section 19.
5. Magazines or other materials printed on similar paper shall be bundled separately.
6. Newspaper or other materials printed on newsprint shall be bundled separately.
7. Office paper shall be bundled separately.
8. Cardboard and other corrugated paper flattened and bundled.
9. These items (a)-(h) are to be delivered separated and placed in the appropriate containers for curbside pickup in the Town of Cooperstown.
10. The Town of Cooperstown reserves the right to change the method preparing and collecting the materials in this section and shall provide a written notice to its residents, business and organizations of such changes.

N. Responsibility of Owners or Designated Agents of Multiple-Family Dwellings.

1. Owners or designated agents of multiple-family dwellings shall do the following for recycling the materials as specified in s. 9 (e)-(n):

- 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 established recycling program.
- c. Provide for the collection of materials separated from the solid waste by the tenants and the delivery of the materials 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 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 (a) 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 the recycling of the materials as specified in s. 9 (e) through (n) from solid waste in as pure a form as technically feasible.

O. Responsibility of Owners or Designated Agents of Non-Residential Facilities and Properties.

1. Owners or designated agents of non-residential facilities and properties shall do all of the following for recycling the materials specified in s. 9 (e) through (n):

- a. Provide adequate, separate containers for the separated 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 collections of materials separated from the solid waste by the tenants and the delivery of the materials 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 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 (a) do not apply to the owners or designated agents of non-residential facilities and properties 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 of the materials specified in s. 9 (e) through (n) from solid waste in as pure a form as is feasible.

P. Prohibitions on Disposal of Recyclable Materials, Hauler Licensing, Restrictions, and Processing Facilities.

1. No person or corporation shall engage in the business of hauling recyclables within the Town of Cooperstown limits without being licensed by the Department of Natural Resources under section NR 502.06, WI Administrative Code.

2. Haulers who collect solid waste or recyclables in the Town of Cooperstown for storage, treatment, processing, marketing, or disposal shall obtain and maintain all necessary municipal and state permits, licenses, and approvals prior to collecting any materials in the Town of Cooperstown.

3. No person or hauler may dispose in a landfill or burn in a solid waste facility any recyclable materials as specified in s. 9 (e) through (n), generated in the Town of Cooperstown that have been separated for recycling.

4. Any hauling contractor operating in the Town of Cooperstown shall not transport for processing any recyclables to a processing facility unless that facility has been approved by the Town of Cooperstown, or unless the contractor notifies the Town of Cooperstown which facility has self-certified with the Department of Natural Resources under section NR 544.16 WI Administrative Code.

Q. Ownership of Recyclable Materials. Recyclable materials, upon placement at the curb or collection site, shall become the property of the hauler. Recyclable materials, upon collection by any permitted collector, shall become the property of the contractor.

R. Exemptions, Variances, and Temporary Suspensions.

1. The Town of Cooperstown reserves the right to designate additional solid waste materials as recyclable or currently collected materials as no longer recyclable in accordance with state law and to either add or delete them from any collection services provided by the Town of Cooperstown or its contractors. The Town of Cooperstown shall provide written notice to its service recipients of this declaration.

2. A variance has been granted to the responsible unit of the Town of Cooperstown under Section 159.11 (2m) (d), Stats., and NR 544.14(3)(b), from the requirements in Section 159.11 (2) (b), Stats., NR 544.04(3) , NR 544.05(1), and NR 544.06(2) (a), WI Adm. Code, that effective recycling programs require the separation and collection of the following materials during the period from January 1, 1995 through December 31, 1995:

Polyvinyl chloride (PVC) (#3) containers
Low density polyethylene (LDPE) (#4) containers
Polypropylene (PP) (#5) containers
Polystyrene (PS) (#6) containers
Other/multi-layer (#7) containers
Polystyrene (PS) foam packaging

3. An exemption has been granted to the responsible unit of the Town of Cooperstown under Section 159.07(7) (d), Stats., from the prohibition in Section 159.07 (3) and (4), Stats., of the disposal in a solid waste disposal facility of the following materials during the period from January 1, 1995 through December 31, 1995:

Polyvinyl chloride (PVC) (#3) containers
Low density polyethylene (LDPE) (#4) containers
Polypropylene (PP) (#5) containers
Polystyrene (PS) (#6) containers

Other/multi-layer (#7) containers
Polystyrene (PS) foam packaging

S. Enforcement.

1. Any town board member or representative of the town board of the Town of Cooperstown may inspect recyclable materials separated for recycling, postconsumer waste intended for disposal, collection sites and facilities, collection areas of multiple family dwellings and non-residential facilities and properties, solid waste disposal facilities and solid waste treatment facilities, and any records relating to recycling or solid waste disposal activities, for the purpose of ascertaining compliance with the provisions of this ordinance. No person may refuse access to any town board member or its representative of the Town of Cooperstown who requests access for the 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 section may be issued a citation by the Town of Cooperstown, town board member, or by their representative 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 law or ordinance relating to the same or any other matter shall not preclude the issuance of a citation under this paragraph

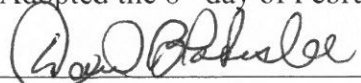
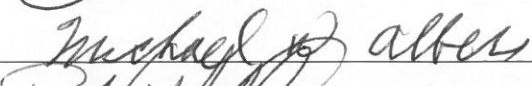



3. Penalties for violating this ordinance may be assessed as follows:

a. Any person who violates s. 17 may be required to forfeit \$50.00 for a first violation, \$200 for a second and not more than \$500 for a third or subsequent violation.

b. Any person who violates a provision of this section, except s. 17 may be required to forfeit not less than \$25.00 nor more than \$100.00 for each violation.

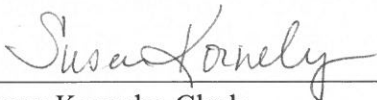
EFFECTIVE DATE. This Ordinance shall be effective upon adoption by the Town Board and posting according to law.

Adopted the 8th day of February, 2022.

<u></u>	Town Chairman
<u></u>	Town Supervisor
<u></u>	Town Supervisor
<u></u>	Town Supervisor
<u></u>	Town Supervisor

I hereby certify that the forgoing ordinance is a true and correct copy of an ordinance duly enacted by the Board of the Town of Cooperstown, Manitowoc County, Wisconsin at a regular meeting held on the 8th day of February, 2022 and in testimony whereof, I have set my hand on the 8th day of February, 2022.

Dated February 8, 2022

Attested 
Susan Kornely, Clerk