

Village of Sister Bay Code of Ordinances

Chapter 50

Health and Sanitation

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Sec. 50.00 Littering Prohibited.

*Sec. 50.20 Cleanup of Spilled or Accidentally
Discharged Wastes.*

LITTERING

Sec. 50.00 Littering Prohibited.

- (a) Littering Prohibited. No person shall cause to be deposited any glass, refuse or waste, filth or other litter upon the streets, alleys, highways, public parks or other property of the Village of Sister Bay or any private property, or upon the surface of any body of water within the Village.
- (b) Litter from Conduct of Commercial Enterprise.
- (1) Scope. The provisions of this Subsection shall apply to all sales, promotions and other commercial ventures that result in litter being deposited on any street, alley or other public way.
- (2) Litter to be cleaned up. Any person, firm, corporation or association carrying on an enterprise that results in litter being deposited on any street, alley or other public way shall clean up the same within twelve (12) hours of the time the same is deposited. If any such litter is subject to being blown about, it shall be picked up immediately. If any such litter is likely to attract animals or vermin, such litter shall be picked up immediately.
- (3) Cost of litter cleanup. If any person, firm, corporation or association fails to pick up any litter as required by Subsection (b)(1) within the time specified, the Village shall arrange to have the same picked up by Village crews or by private enterprise. The entire expense of picking up such litter, together with an additional charge of twenty percent (20%) or fifty (\$50.00 dollars) whichever is greater, for administrative expenses, shall be charged to the person, firm, corporation or association that did the littering. If such sum is not promptly paid, steps shall be taken, with the advice of the Village Attorney, to collect the same. This charge shall be in addition to any forfeiture or other penalty for violation of this Section.
- (c) Depositing of Materials Prohibited. It shall be unlawful for any person to deposit, cause or permit to be deposited, placed or parked any vegetation, grass, leaves, foliage, earth, sand, gravel, water, snow, ice, debris, yard waste, refuse, garbage, waste material, foreign substance, construction materials, equipment or object upon any street, sidewalk or public property without authorization of the Board of Trustees or Village Administrator pursuant to the provisions of this Code of Ordinances, or upon any private property without the consent of the owner or lessee of the property. Any person after receiving approval, who deposits, causes or permits to be deposited, placed or parked any such materials, equipment or objects upon any street, sidewalk or property shall be responsible to properly mark or barricade the area so as to prevent a safety hazard.
- (d) Handbills.
- (1) Scattering Prohibited. It shall be unlawful to deliver any handbills or advertising material to any premises in the Village except by being handed to the recipient, placed on the porch, stoop or entrance way of the building or firmly affixed to a building so as to prevent any such articles from being blown about, becoming scattered or in any way causing litter.
- (2) Papers in Public Places Prohibited. It shall be unlawful to leave any unapproved handbills, advertising material or newspapers unattended in any street, alley, public building or other public place, provided that this shall not prohibit the sale of newspapers in vending machines.

POLLUTION ABATEMENT

Sec. 50.20 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, soaps, industrial liquids or fluids, milk, grease trap

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Sec. 50.21 Storage of Polluting Substances.

Sec. 50.22 Hazardous Material Incident Response Reimbursement.

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 beaches, marinas, lakes, drainageways, wetlands and streams under the jurisdiction of the Village.

- (b) Notification. Spills or accidental release of hazardous materials or pollutants at a site or of a quantity or nature that cannot be adequately cleaned up by the responsible party or parties shall be immediately reported to the Village so that assistance can be given by the proper agency.

Sec. 50.21 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, wetland or stream within the jurisdiction of the Village of Sister Bay.

Sec. 50.22 Hazardous Material Incident Response Reimbursement.

- (a) Prohibited Discharges. No person, firm or corporation shall discharge or cause to be discharged, leaked, or spilled upon any public or private street, alley, public or private property, or unto the ground, surface waters, subsurface waters, or aquifers', or within the Village, except those areas specifically licensed for waste disposal or landfill activities and to receive such materials, any explosive, flammable or combustible solid, liquid or gas, any radioactive material at or above Nuclear Regulatory Restriction levels, etiologic agents, or any solid, liquid or gas creating a hazard, potential hazard, or public nuisance or any solid, liquid or gas having a deleterious effect on the environment.
- (b) Containment, Cleanup and Restoration. Any person, firm or corporation in violation of the above Subsection shall, upon direction of any appropriate Village official, begin immediate actions to contain, clean up and remove to an approved repository the offending material(s) and restore the site to its original condition, with the offending person, firm or corporation being responsible for all expenses incurred. Should any person, firm or corporation fail to engage the necessary people and equipment to comply or to complete the requirements of this Section, appropriate Village officials may order the required actions to be taken by public or private resources and allow the recovery of any and all costs incurred by the Village of Sister Bay as action imposed by Subsection (c).
- (c) Emergency Services Response. An "emergency services response" includes, but is not limited to, fire service, emergency medical service, and law enforcement service. A person, firm, or corporation who possesses or controls a hazardous substance which is discharged or who causes the discharge of a hazardous substance shall be responsible for reimbursement to the responding agencies for actual and necessary expenses incurred in carrying out their duties under this Section. Actual and necessary expenses may include but not be limited to: replacement of equipment damaged by the hazardous material, cleaning, decontamination and maintenance of the equipment specific to the incident, costs incurred in procurement and use of specialized equipment specific to the incident, specific laboratory expenses incurred in the recognition and identification of hazardous substances in the evaluation of response, decontamination, cleanup and medical surveillance, and incurred costs in future medical surveillance of response personnel as required by the responding agencies' medical advisor(s).
- (d) Site Access. Access to any site, public or private, where a prohibited discharge is indicated or suspected will be provided to appropriate Village officials and to the Sister Bay Liberty Grove Fire Department personnel for the purpose of evaluating the threat to the public and monitoring containment, cleanup and restoration activities.
- (e) Public Protection. Should any prohibited discharge occur that threatens the life, safety or health of the public at, near, or around the site of a prohibited discharge, and the situation is so critical that immediate steps must be taken to protect life and public safety, the police, fire or emergency government official on the scene of the emergency may order an evacuation of the area or take other appropriate steps for a period of time until the Village President can take appropriate action.

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Sec. 50.23 Illicit Discharges And Connections.

Sec. 50.23 Illicit Discharges And Connections.

- (f) Civil Liability. Any person, firm or corporation in violation of this Section shall be liable to the Village of Sister Bay for any expenses incurred by the Village or loss or damage sustained by the Village by reason of such violation.

Sec. 50.23 Illicit Discharges And Connections.

- (a) Definitions: The following definitions shall be applicable in this Section.

Illicit Connection. Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been allowed, permitted, or approved by a government agency, prior to the adoption of this ordinance.

Person. Means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

Storm Drainage System. Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

- (b) Discharges Prohibited. No person shall discharge, spill or dump substances or materials which are not entirely composed of storm water into receiving bodies of water, beaches, marinas or onto driveways, sidewalks, parking lots or other areas that drain into the storm drainage system.

- (c) Connections Prohibited. The construction, use, maintenance or continued existence of illicit connections to the storm drainage system is prohibited. This prohibition expressly includes, without limitation, illicit connections made prior to the adoption of this ordinance, regardless of whether the connection was permissible under law or practice applicable or prevailing at the time of connection.

- (d) Exemptions. The following activities are exempt from the provisions of this section unless found to have an adverse impact on the storm water.

- (1) Discharges authorized by a permit issued by the Wisconsin Department of Natural Resources.
- (2) Discharges resulting from fire fighting activities.
- (3) Discharges from uncontaminated ground water, potable water source, roof drains, foundation drain and sump pump, air conditioning condensation, springs, lawn watering, individual residential car washing, water main and hydrant flushing and swimming pools if the water has been de-chlorinated.

- (e) Enforcement. Whenever the Village finds a person has violated a prohibition or failed to meet a requirement of this Section, the Village may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- (1) The elimination of illicit connections or discharges;
- (2) That violating discharges, practices, or operations shall cease and desist;
- (3) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property.
- (4) In the event the person fails to eliminate the illicit connections or discharge, fails to cease and desist in discharges, practices or operations in violation of this Section or fails to abate or remediate the storm water pollution or contamination hazards, that person may be subject to the penalties of Section 50.67.

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Sec. 50.30 Reserved.

Sec. 50.32 Regulation of Length of Lawns and
Grasses.

GRASS CUTTING

Sec. 50.30 Reserved.

Sec. 50.31 Nature Centers/Wildlife Preserves.

Natural Lawns Defined. Natural lawn as used in this Section shall include common species of grass and wildflowers native to North America which are designed and purposely cultivated to exceed twelve (12) inches in height from the ground. Except as allowed elsewhere in this Chapter, the growth of a natural lawn on the terrace area in excess of twelve (12) inches in height from the ground surface shall be prohibited within the Village of Sister Bay unless the Board of Trustees designates a property by resolution as a nature center or wildlife preserve incorporating a natural lawn.

Sec. 50.32 Regulation of Length of Lawns 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 Sister Bay.
- (b) Public Nuisance Declared. The Board of Trustees finds that lawns, grasses and noxious weeds on non-agricultural lots or parcels of land, as classified under the Zoning Code, within the Village in violation of Section 50.31 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 non-agricultural lawn, grass or weed on a lot or other parcel of land which is in violation of Section 50.31 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, nature center or wildlife preserve designated by the Board of Trustees. The land surrounding the buildings and structures shall be kept free of hazards and clear of debris including, but not limited to, brush, weeds, broken glass, stumps, roots, obnoxious growths, filth, garbage, trash, refuse, old tires, and junk. The sole exception is where debris has been properly placed for pickup by the Village's waste disposal contractor, or other permitted outdoor storage pursuant to Chapter 66 of the Municipal Code.
- (c) Exceptions. Except with prior application to and approval of a natural lawn plan from the Board of Trustees and in additions to acceptable lawn and ground cover, landscaping, plantings and other acceptable decorative treatments common in the Sister Bay area shall be installed in the yard and shall be maintained in accordance with generally accepted landscaping practices in the Sister Bay area and common to the area. Hedges, bushes and plantings shall be kept trimmed and shall not be allowed to become overgrown and unsightly or allowed to obstruct pedestrians' or vehicles' view.
- (d) Mowing Standards.
 - (1) Terrace Area Mowing. For purposes of this Section, the "Terrace Area" shall be as defined as that area between the curb and the sidewalk or bikeway, and where no sidewalk or bikeway exists, that area between the street pavement and the right-of-way/property line.
 - (2) Residential Lots. For all residentially zoned lots all parts of the terrace area not covered by allowable paving shall be maintained as a lawn. The terrace area shall be kept free of all noxious weeds.
 - (3) B-1 Lots. For all B-1 zoned lots all parts of the terrace area not covered by allowable paving shall be maintained as a lawn. The terrace area shall be kept free of all noxious weeds.
 - (4) B-2 and B-3 Lots. All weeds and grass on lots in the B-2 and B-3 business zoning districts shall be cut to a height not to exceed six (6) inches.
 - (5) The Village Administrator or their designee may cause all weeds, grass, and brush to be cut and removed, in accordance with this Subsection, and the cost thereof shall be charged to the property.

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Sec. 50.33–39 Reserved

Sec. 50.40 Definitions.

- (e) Responsibility to Maintain. Every owner of land in the Village whose land abuts a terrace area is required to maintain or have maintained by his tenant or contractor the terrace directly abutting such land as provided in this Section or in other ordinances and regulations.
- (f) 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.
- (g) Inspection. The Village Administrator or their 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.
- (h) Abatement of Nuisance.
- (1) If the Village Administrator or their designee determines with reasonable certainty that any public nuisance as defined in Subsection (b) above exists, they shall immediately cause written notice to be served that the violation shall be abated within twenty-four (24) hours of receipt of the notification, and if the violation is not resolved, the Village proposes to have the lot grass or lawn cut so as to conform to Section 50.32, and the property owner shall be sent an invoice for the Village's service.
- (2) The notice shall be mailed or served on the owner of the lot or parcel of land or, if they are not known and there is a tenant occupying the property, then to the tenant.
- (i) Due Process Hearing. If the owner believes that their grasses or weeds are not a nuisance, they may request a dispute resolution before the Board of Trustees.

Sec. 50.33–39 Reserved

GARBAGE AND REFUSE COLLECTION

Sec. 50.40 Definitions.

The following definitions shall be applicable in this Chapter:

Combined Refuse. Refuse or animal or vegetable substances which have been used or intended as food for man or animal including, but not limited to, paper, cardboard, plastics, shoes and clothing, glass jars, crockery and tin containers, accumulated in the customary use of dwelling.

Commercial Establishment. Businesses, hotels, motels and condominium hotels (a property where more than 25% of the units are available for rent for more than 30 days a year or on a commercial transient basis) shall be considered a commercial establishment.

Commercial Waste. Solid waste, garbage, combustible and incombustible waste and combined refuse generated by commercial establishments and/or activities associated therewith.

Construction Waste. Waste resulting from building construction, alteration, repair or demolition and includes earth and concrete when these materials are associated with contract and construction work.

Container (cart). A container is approximately a 35-, 65-, or 95-gallon capacity plastic container owned and distributed by the Village's contractor.

Contractor. A firm selected by the Village of Sister Bay to provide rubbish and recycling collection services within the Village for residential and commercial waste.

Curbside. The area within three (3) feet of the edge of the traveled portion of any public street or alley affording reasonable access to waste collection crews from the street, but only such portion thereof that is on the roadway side of any drainage ditch not including snowbanks.

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Sec. 50.41 Preparation, Storage and Placement of
Solid Waste.

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Solid Waste.

Demolition Debris. Waste resulting from the demolition of complete buildings, such as houses, garages, barns and sheds. Demolition debris includes the earth and concrete associated with the building demolition.

Dumpster. A metal or plastic container at least one cubic yard in size designed to accept solid waste or recyclables.

Garbage. Waste, animal, fish, fowl, fruit or vegetable matter incident to and resulting from the use, preparation and storage of food for human consumption, including spoiled food, but exclusive of such items when enclosed in containers of a noncombustible nature.

Infectious Wastes. As defined in Sec. 287.07(7)(c)1.c., Wisconsin Statutes, means solid waste that contains pathogens with sufficient virulence and in sufficient quantity that exposure of a susceptible human or animal to the solid waste could cause the human or animal to contract an infectious disease. For purposes of this Chapter only, *Infectious Wastes* shall also include Medical Waste, as defined in Sec. 287.07(7)(c)1.cg., Wisconsin Statutes, which shall mean containers, packages and materials that contain infectious waste or that are from a treatment area and are mixed with infectious waste.

Manufacturing Waste. Waste or refuse generated in the manufacturing process and/or activities associated therewith.

Recyclable Materials. Recyclable materials shall have the meaning as set forth in Section 50.60 of this Code of Ordinances.

Refuse. As defined in Sec. 289.01(28), Wisconsin Statutes, all matters produced from industrial or community life, subject to decomposition, not defined as sewage.

Residence. A building containing not more than three (3) living units per building located on a public or private street. Multi-family dwelling units (apartments) and residential condominiums (a property where more than 75% of the units are owner occupied and the casual non-commercial use does not exceed 30 days per year per unit) shall also be defined as residences.

Sharps. Medical or laboratory articles that are potentially infectious and that may cause punctures or cuts including hypodermic needles, syringes, Pasteur pipettes and scalpel blades.

Solid Waste. Useless, unused, unwanted or discarded material resulting from housekeeping activities. Solid waste includes, but is not limited to, garbage, refuse and ashes, furniture and household goods, except appliances and non-putrescible products incidental to the above functions.

Vehicular Salvage. Material which originates from vehicles including, but not limited to, snowmobiles, motorcycles, trailers, trucks, automobiles, buses, farm machinery and garden tractors.

Yard Waste. Tree branches, shrub clippings, fruit trees, yard trees, grass clippings, leaves, sod and other waste collected from the yard of the dwelling.

Sec. 50.41 Preparation, Storage and Placement of Solid Waste.

- (a) Garbage shall be drained of all free liquid and shall be packaged in a container. Improperly prepared and stored garbage of a liquid or semi-liquid nature will not be collected.
- (b) Combined refuse shall be placed in a container provided by the Contractor or approved by the Contractor or it will not be collected. Combined refuse shall not include yard waste or recyclables. The Contractor shall be responsible for the repair or replacement of containers. The Contractor shall not be responsible for closing container lids after collection.

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Sec. 50.42 General Requirements Covering Collection and Disposal.

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- (c) Cold ashes, sawdust and sweepings must be placed in plastic garbage bags or sealed in a disposable container and placed in a container.
- (d) Pet manure from any animal classified as a household pet must be placed in a plastic garbage bag and tied securely and placed in a container. Any other animal or fowl manure or noxious waste will not be picked up.
- (e) Furniture, metal, appliances, televisions, rugs, swimming pools, mattresses, earth, gravel, stone, concrete and other construction debris will not be picked up by the Contractor, and shall not be stored outside on private property awaiting disposal; said discarded materials shall be disposed of at the Contractor's official refuse drop-off site at owner's expense.
- (f) All garbage, food waste and refuse shall be placed only in such covered container so that weather elements will not result in refuse being scattered about the premises so as to constitute a health hazard or nuisance. All containers shall be stored upon private property and neatly stored adjacent to the primary structure or detached garage on the property.
- (g) Solid waste, garbage and combined refuse, except as provided in Subsection (e) above, Section 50.42(c), and Chapter 18 of the Municipal Code, that is collected by the Contractor shall be placed on the same side of the street as the dwelling or commercial establishment generating the waste. The container shall be placed on flat ground, not further than three (3) feet from the edge of the pavement and five (5) feet from any vertical obstruction including a power pole, mailbox, other garbage containers, recycling carts, and light poles, etc. with the designated side facing the street. No parking shall be permitted within fifteen (15) feet of a garbage receptacle. Solid waste, garbage and combined refuse collected by Contractor shall not be placed in ditches or on snow banks. The container shall be placed in a location where the Contractor shall have clear and direct access for the collection vehicles.
- (h) Recyclable materials shall be stored and placed in accordance with Sections 50.60 through 50.64.
- (i) No person shall dispose of infectious wastes or sharps for pickup by the Contractor. Infectious waste must be disposed of according to the regulations established by the State of Wisconsin and the Door County Public Health Department.
- (j) No person or business shall place more solid waste or recyclables in any container or dumpster beyond its rated lifting or carrying capacity. No person or business shall place solid waste or recyclable in a container that keep the container or dumpster lid from properly closing.

Sec. 50.42 General Requirements Covering Collection and Disposal.

- (a) Solid Waste Collection. Solid waste, garbage and combined refuse, except as provided in Section 50.41(e) and Subsection (c) below, shall be collected and disposed of on a weekly basis by the Contractor, provided that it is prepared and stored in the manner prescribed in this Chapter. Yard waste will be collected and disposed of in accordance with Section 50.45. The schedule for all solid waste collection shall be determined by the Contractor. Garbage shall be placed for collection no later than 6:00 a.m. the day of collection. No item intended for collection during the regular garbage pickup shall be placed for collection at the curb any earlier than 4:00 p.m. on the day prior to the scheduled collection day. The householder or occupant shall return the containers to their original storage location after collection on the same day as collection. The owners or occupants of such residence shall be responsible for paying the additional service fee for collecting the garbage from a non-standard location. No solid waste shall be collected unless it is placed inside a container provided by the Contractor or approved by the Contractor.
- (b) Commercial or Manufacturing Waste. Commercial waste or manufacturing waste shall be collected by the Contractor subject to the provisions of Section 50.43.
- (c) Construction Waste. Construction waste resulting from the activities of a contractor or other non-occupant of the premises, and demolition debris will not be collected by the Contractor.
- (d) Combined Use Buildings. Where buildings are used for both business and residential purposes, the Contractor shall collect residentially generated solid waste, garbage, recyclables and combined re-

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Sec. 50.43 Solid Waste Collection and Disposal Services.

Sec. 50.43 Solid Waste Collection and Disposal Services.

- 1 fuse, in accordance with the terms of this Chapter, if the solid waste, garbage, recyclables and com-
2 bined refuse is placed and contained as described under Sections 50.40 and 50.41(f).
- 3 (e) Dumpsters. Dumpsters will not be serviced in residential collection.
- 4 (f) Vehicular Salvage; Batteries; Oil. Batteries and oils are considered hazardous substances and will not
5 be collected. Batteries and oils may be deposited at the Contractor's drop-off site by the owner for
6 proper disposal at the owner's expense. Vehicular salvage components that have a hazardous charac-
7 teristic will not be collected by the Contractor. Other components such as exhaust systems, tune-up
8 parts, shock absorbers and lights will be collected by the Contractor subject to the weight and other
9 restrictions of Section 50.41(j).
- 10 (g) Tires. Tires generated from vehicles shall not be collected by the Contractor and may be deposited at
11 the Contractor's drop-off site by the owner for proper disposal at the owner's expense.
- 12 (h) Deleterious Substances.
- 13 (1) Any deleterious substance, the collection, destruction or disposal of which would be harmful
14 or dangerous to the environment, personnel or equipment, shall not be included with refuse for
15 collection. The term "deleterious substances" includes, but is not limited to: hazardous sub-
16 stances, infectious wastes; acids; blasting materials; fireworks; ammunition; paints; lacquers
17 and varnishes; combustible alloys or chemicals and/or any radioactive materials; explosive
18 materials or other flammable materials.
- 19 (2) Paint, lacquer and varnish cans may be disposed of if the contents thereof are in non-liquid
20 form and if the lids are removed.
- 21 (3) An owner and/or occupant wishing to dispose of any explosive or flammable material shall
22 request the Door County Sheriff's Department to effect such disposal. If such materials are
23 found, the Contractor will refer the matter to the Sheriff's Department or Fire Department as
24 warranted.
- 25 (i) Special Collection Services Billing. The cost of any special collection service rendered to any house-
26 holder or occupant of any building necessitated because of a violation of any part of this Chapter
27 shall be paid by the party or parties receiving such special service. If charges for special service col-
28 lections are not paid within the collection period established by the Contractor the Contract may in
29 addition to their collection procedures stop the Village provided collection service.
- 30 (j) Collection of Recyclable Materials. Recyclable materials shall be collected and disposed of in accord
31 with Section 50.60, provided that recyclable materials shall be placed a minimum of five (5) feet
32 from the solid waste, garbage or combined refuse that is not recyclable.
- 33 (k) Additional Garbage Containers. The Contractor shall supply one garbage container per living unit re-
34 ceiving Village garbage pick up. Additional containers can be obtained from the Contractor at a cost
35 to be determined by the Contractor based on the price that the Contractor must pay. The owner of the
36 dwelling unit with additional garbage containers shall pay all costs beyond the basic service paid for
37 by the Village.
- 38 (l) Other Collection Services. Residential and commercial establishments may be allowed to have spe-
39 cial pickups or extra pickups at a fee established by the Contractor not utilizing the Contractor's con-
40 tainers as long as the solid waste or recyclables are contained in bags, boxes or other containers and
41 do not create a nuisance. The placement of solid waste or recyclables for this type of collection ser-
42 vice shall not occur more than 72 hours prior to the scheduled collection.
- 43 (m) Payment for Additional Services Provided by the Contractor. If a residence or commercial account
44 requests and receives additional services beyond the minimums provided for by the Village and fails
45 to pay for such service, the Contractor may elect to stop servicing the account with the Village pro-
46 vided services until such time as the account is current.

Sec. 50.43 Solid Waste Collection and Disposal Services.

- 48 (a) Single Family, Duplex and Three-plex Dwellings. The Village through its Contractor is providing a
49 weekly garbage collection service utilizing one sixty (60) gallon roll out container. Any additional
50 containers or capacity shall be paid for by the occupant. For those dwellings licensed as a short-term

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Sec. 50.44 Holidays and Severe Weather.

Sec. 50.46 Freon Appliances

rental, they shall subscribe for door-to-door service, whether occupied as a rental on a daily basis or not.

- (b) Multifamily Dwelling Units and Residential Condominiums. Multi-family dwelling units (apartments) and residential condominiums (a property where more than 75% of the units are owner occupied and the casual non-commercial use does not exceed thirty (30) days per year per unit) shall be provided the same volume of garbage collected for residential customers. Residential condominiums shall through their association certify in writing that the property or complex in its entirety complies with the 75% standard above on an annual basis in order to qualify for the residential level of service.
- (c) Commercial establishments, Hotels, Motels and Condominium Hotels. The Village through its Contractor is providing a weekly garbage collection service utilizing one yard of capacity in either a dumpster or pair of ninety (90) gallon containers. The commercial establishment or condominium hotel may elect to have bi-weekly collection provided by the Village instead of weekly collection. Any additional containers or capacity shall be paid for by the occupant. Hotels, motels and condominium hotels (a property where more than 25% of the units are available for rent for more than thirty (30) days a year or on a commercial transient basis) shall be considered a commercial establishment.
- (d) Other Haulers. Single family, duplex and three-plex dwellings shall use the Village Contractor for all solid waste disposal services. Commercial establishments, hotels, motels and condominium hotels may elect to use another waste hauler besides the Contractor. If another waste hauler is selected the Village will not provide or pay for any portion of the cost.
- (e) Facilities Exempt from Village Provided Service. Tax exempt entities, non-profit businesses that do not pay any property taxes and government facilities shall properly dispose of all solid waste materials and not receive solid waste collection services paid for by the Village through its Contractor.
- (f) Provision of Weekly Service. The Village through its contractor is providing weekly garbage collection services. The number of collections or volume shall not be aggregated and used at a later date. The only exception to this provision is the allowance for the one yard of service provided to commercial establishments may be collected on a bi-weekly basis.
- (g) Voluntary Volume Reduction. Multi-family dwelling units, residential condominiums and commercial establishments may elect in writing to receive a lower volume of garbage collection service on a weekly basis. The forgone volume cannot be aggregated and collected at a later date.

Sec. 50.44 Holidays and Severe Weather.

- (a) When a scheduled collection day falls on a designated holiday by the Contractor, the collection will be made the next business day as determined by the Contractor.
- (b) In case of a snow emergency, as determined by the Village, collection shall be made the next business day as determined by the Contractor.

Sec. 50.45 Yard Waste Collection.

The Village does not provide a yard waste, brush, tree trimmings or leaf collection service. The Contractor may accept those wastes at their drop-off site for a fee. The Contractor will not pick up brush, tree trimmings, and/or stumps as a result of a private contractor performing work on the property. The Contractor will not pick up brush, tree trimmings, and/or stumps as a result of lot clearing.

Sec. 50.46 Freon Appliances

Freon appliances including refrigerators, freezers, air conditioners and dehumidifiers, may be collected as a special pick up provided that the owner prepays the fees as established by the Contractor, that the doors are removed from refrigerators and freezers. Freon appliances may be delivered to the drop-off site provided that the fee as established by the Contractor is paid at the time of drop off.

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Sec. 50.47 Rates, Fees And Charges.

Sec. 50.60 Definitions.

Sec. 50.47 Rates, Fees And Charges.

- (a) Annual Rates. The Village Board shall annually approve the rates for solid waste and recycling collection services. The rates may be established by an agreement or a contract with the Contractor.
- (b) Contractor Rates. The Contractor shall not charge any other fees, placement fees or charges for services other than the Village approved annual rates. This shall not prohibit the contractor from establishing fees or additional charges for accounts in arrears.
- (c) Special Services. The Contractor shall annually establish fees and charges for special services including disposal at the drop-off site.
- (d) Green Bag Services. The Contractor shall establish a service at a rate approved by the Village for residents who are unable to utilize the normal container service. This service shall require the residents to deposit the materials at the Contractor's drop-off site.

Sec. 50.59 Prohibited Conduct.

- (a) The placement of any waste material upon Village property other than a pre-determined location shall be considered a public nuisance and is prohibited.
- (b) No person shall place, or permit another to place, any refuse in any refuse container located on property owned by the Village unless the refuse is from the premises on which the refuse container is located.
- (c) No person shall place, or permit another to place, any refuse in any refuse container located in the Village on property not owned by the Village unless the refuse is from the premises on which the refuse container is located, or unless prior consent has been obtained from the owner of the property.
- (d) No person shall place, or permit another to place, any prohibited refuse in any refuse container located in the Village whether or not from the premises on which the refuse container is located.

RECYCLING

Sec. 50.60 Definitions.

The following definitions shall be applicable in this Chapter:

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

Container Board. Corrugated paperboard used in the manufacture of shipping containers and related products.

Foam Polystyrene Packaging. Packaging made primarily from foam polystyrene 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.

HDPE. High density polyethylene, labeled by the Society of Plastics Industry (SPI) Code #2.

LDPE. Low density polyethylene, labeled by the SPI Code #4.

Magazines. Magazines and other materials printed on similar paper.

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Sec. 50.60 Definitions.

Sec. 50.60 Definitions.

Major Appliance. A residential air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator or stove.

Multiple-Family Dwelling. A property containing four (4) or more residential units, including those which are occupied seasonally.

Newspaper. A newspaper and other materials printed on newsprint.

Non-Residential Facilities and Properties. Commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.

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.

Other Resins or Multiple Resins. Plastic resins labeled by the SPI Code #7.

Person. Any individual; corporation; partnership; association; local governmental unit, as defined in Sec. 66.299(1)(a), Wisconsin Statutes; state agency or authority or federal agency.

PETE. Polyethylene terephthalate, labeled by the SPI Code #1.

Plastic Container. An individual, separate, rigid plastic bottle, can, jar or carton, except for a blister pack, that is originally used to contain a product that is the subject of a retail sale.

Post Consumer Waste. Solid waste other than solid waste generated in the production of goods; hazardous waste, as defined in Sec. 292.01, Wisconsin Statutes; waste from construction and demolition of structures; scrap automobiles; or high-volume industrial waste, as defined in Sec. 289.01(17), Wisconsin Statutes.

PP. Polypropylene, labeled by the SPI Code #5.

PS. Polystyrene, labeled by the SPI Code #6.

PVC. Polyvinyl chloride, labeled by the SPI Code #3.

Recyclable Materials. Lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass container; magazines; newspaper; office paper; rigid plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins; steel containers; waste tires; and bi-metal containers.

Restroom Waste. Paper generated from bathrooms or restrooms shall not be considered recyclable and shall be considered solid waste.

Solid Waste. Has the meaning specified in Sec. 289.01(33), Wisconsin Statutes.

Solid Waste Facility. Has the meaning specified in Sec. 292.01, Wisconsin Statutes.

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.

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

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Sec. 50.61 Separation of Recyclable Materials.

Sec. 50.64 Recycling Collection and Disposal Services.

Yard Waste. Leaves, grass clippings, yard and garden debris and brush. This term does not include stumps, roots or shrubs with intact root balls.

Sec. 50.61 Separation of Recyclable Materials.

(a) Separation of Recyclable Materials. Occupants of residences and commercial establishments shall separate the following recyclable 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) Glass containers
- (9) Magazines
- (10) Newspaper
- (11) Office paper
- (12) Rigid plastic containers made of PETE, HDPE, and other resins or multiple resins
- (13) Steel containers
- (14) Waste tires

(b) Care of Separated Recyclable Materials. To the greatest extent practicable, the recyclable materials separated in accordance with Subsection (a) above 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.

Sec. 50.62 Management of Lead Acid Batteries, Major Appliances and Waste Oil.

The disposal of lead acid batteries, major appliances and waste oil shall be the responsibility of the generator and shall be disposed of at the generator's cost.

Sec. 50.63 Preparation and Collection of Recyclable Materials.

Except as otherwise directed by the Village Administrator, or their designee, occupants of residences and commercial establishments shall do the following for the preparation and collection of the separated materials specified in Section 50.61(a)(5) through (14):

- (a) Aluminum, bi-metal, glass and steel containers shall be rinsed and the lids shall be removed.
- (b) Magazines, newspaper, office paper corrugated paper or other container board shall be loose.
- (c) Rigid plastic containers shall be prepared and collected as follows:
 - (1) Plastic containers made of PETE, including soda bottles, shall be rinsed and the lids shall be removed.
 - (2) Plastic containers made of HDPE, including milk, water and detergent containers shall be rinsed and the lids shall be removed.

Sec. 50.64 Recycling Collection and Disposal Services.

- (a) Single Family, Duplex and Three-plex Dwellings. The Village through its Contractor is providing a weekly recyclable collection service utilizing two thirty (30) gallon roll out containers. One of the two recyclable containers shall be collected every week. The Contractor shall provide a system to collect paper products one week and commingled plastic, glass and cans the following week.
- (b) Multi-family Dwelling Units and Residential Condominiums. Multi-family dwelling units (apartments) and residential condominiums (a property where more than 75% of the units are owner occupied and the casual non-commercial use does not exceed 30 days per year per unit) shall be provided

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the same volume of recyclables collected for single family residential customers collected on alternate weeks. Residential condominiums shall through their association certify in writing that the property or complex in its entirety complies with the 75% standard above on an annual basis in order to qualify for the residential level of service. If a multi-family dwelling or residential condominium fails to properly separate the recyclables after two written notices to the owner or association the Contractor shall no longer pickup recyclables at Village expense. In those cases the multi-family dwelling building owner or residential condominium association shall pay for the disposal of recyclables at their expense.

(c) Commercial establishments, Hotels, Motels and Condominium Hotels. Owners or designated agents of commercial establishments, hotels, motels or condominium hotels shall do all of the following to recycle the materials specified in Section 50.61(a)(5) through (14). None of the cost for recycling services is provided or paid for by the Village.

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

(2) Notify tenants in writing at the time of renting or leasing about the requirements of this Section.

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

(d) Other Haulers. Single family, duplex and three-plex dwellings shall use the Village Contractor for all recycling disposal services. Commercial establishments, hotels, motels and condominium hotels may elect to use any waste hauler.

(e) Facilities Exempt from Village Provided Service. Tax exempt entities, non-profit businesses that do not pay any property taxes and government facilities shall perform the same recycling activities as required in Subsection (c) above and shall not receive recycling services paid for by the Village through its Contractor.

(f) Provision of Weekly Service. The Village through its Contractor is providing weekly recycling collection services for residences, apartments and residential condominiums. The number of collections or volume shall not be aggregated and used at a later date.

(g) Voluntary Volume Reduction. Multi-family dwelling units and residential condominiums may elect in writing to receive a lower volume of recycling service on a weekly basis. The forgone volume cannot be aggregated and collected at a later date.

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Sec. 50.69 Enforcement.

(a) Enforcement. It shall be the duty of the Village Administrator, or their designee, to enforce the provisions of this Chapter. No action shall be taken under this section to abate a public nuisance unless the officer has inspected or caused to be inspected the premises where the nuisance is alleged to exist and has satisfied themselves that a nuisance does, in fact, exist.

(b) Penalty. Any person, association, business or corporation that fails to comply with the provisions of this Chapter shall, upon conviction or admission, pay a forfeiture established annually by resolution of the Board of Trustees, plus applicable surcharges, assessments, and costs of prosecution for each violation. Every day of violation shall constitute a separate offense. Penalties set forth herein shall be in addition to all other remedies of injunction, abatement of costs whether existing under this Chapter or otherwise.

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COAL TAR SEALANTS

Section 50.71 Regulation of the Application and Sale of Coal Tar or Other High PAH Sealant Products.

COAL TAR SEALANTS

Sec. 50.70 Definitions.

The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Coal tar. A byproduct of the process used to refine coal. Coal tar contains high levels of polycyclic aromatic hydrocarbons (PAHS).

Coal tar sealant product. A pavement sealant product that contains coal tar, coal tar pitch, coal tar pitch volatile, RT-12, Refined Tar or any variation assigned the Chemical Abstracts Service (CAS) numbers 65996-92-1, 65996-93-2, 65996-89-6, or 8007-45-2 or related substances.

High PAH sealant product. Any pavement sealant product that contains greater than 0.1 percent polycyclic aromatic hydrocarbons (PAHS) by weight, including, but not limited to, coal tar sealant products and sealant products containing steam-cracked petroleum residues, steam-cracked asphalt, pyrolysis fuel oil, heavy fuel oil, ethylene tar, or any variation of those substances assigned the chemical abstracts service number 64742-90-1, 69013-21-4 or related substances.

Pavement sealant product, or sealcoat. Any substance that is typically applied on paved surfaces to protect the surfaces. This may include, but is not limited to, sealant products that are coal tar or asphalt based.

Polycyclic aromatic hydrocarbons (PAHS). A group of organic chemicals that are formed during the incomplete combustion of coal, oil, gas or other organic substances, are present at high levels in coal tar, and are known to be harmful to humans, fish, and other aquatic life.

Enforcement. Violations of this section will be enforced by the Village of Sister Bay.

Section 50.71 Regulation of the Application and Sale of Coal Tar or Other High PAH Sealant Products.

Except as provided in subsection (d) below, no person shall apply any coal tar sealant product or high PAH sealant product within the Village of Sister Bay.

- (a) No person shall sell, offer to sell, or display for sale any coal tar sealant product or high PAH sealant product within the Village of Sister Bay.
- (b) Any person who sells pavement sealant products shall prominently display, in the area where such pavement sealant products are sold, a notice that contains the following language: "The application of coal tar sealant products or other high PAH sealant products on driveways, parking lots and all other paved surfaces in the Village of Sister Bay is prohibited. Polycyclic aromatic hydrocarbons (PAHs), are a group of organic chemicals that are known to cause cancer and are toxic to aquatic life. Coal tar and other high-PAH sealant products are a major source of PAHs that can travel into homes, buildings, and soils, or be carried by stormwater and other run off into the water resources of the Village of Sister Bay."
- (c) No person shall allow a coal tar sealant product or other high-PAH sealant product to be applied upon property that is under that person's ownership or control.
- (d) No person shall contract with any commercial applicator, residential or commercial developer, or any other person for the application of any coal tar sealant product or high PAH sealant product to any driveway, parking lot, or other surface within the Village of Sister Bay.
- (e) No commercial applicator, residential or commercial developer, or other similar individual or organization shall direct any employee, independent contractor, volunteer, or other person to apply

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any coal tar sealant product or high PAH sealant product to any driveway, parking lot, or other surface within the Village of Sister Bay.

- (f) Examples of prohibited coal tar sealant products and high PAH sealant products include but are not limited to NEYRA Tarconite Coal Tar Pavement Sealer; Asphalt Seal Coating Direct-5 Gallon J-16 Asphalt Coal Tar Sealer Bulk Pallet (professional grade); Seal Master Coal Tar Pavement Sealer; FED SPEC/FED SPEC HS - a colloid milled, concentrated refined tar emulsion sealer designed for commercial applications of asphalt seal coating; and, Poly-Tar, an exceptionally high performing polymer modified coal tar pavement sealer.

50.72 Exemptions.

The Village Administrator or their designee may exempt a person from a requirement of section 50.71 if the Administrator or their designee determines that:

- (a) The person is conducting bona fide research concerning the effects of a coal tar sealant product or high PAH sealant product on the environment; the use of the coal tar product or high PAH sealant product is required for said research; and the Administrator or their designee determines that said research will not cause significant contamination of the surrounding environment, including soils and aquatic ecosystems, and will not unduly endanger human health; or
- (b) If the person does not intend to apply the sealant within municipal boundaries.

50.73 Penalty.

Any person who violates section 50.71 by applying a coal tar sealant product or high PAH sealant product at his or her residence or place of business shall be subjected to a fine not to exceed \$500.00 or as established in the Adopted Fee Schedule by Resolution of the Board of the Village of Sister Bay.

Each day that a violation occurs or continues is a separate offense and subject to an additional fine.

Any commercial sealant product applicator, residential or commercial developer, industrial or commercial owner, or any other person, who violates section 50.71, shall be subject to a fine of not less than \$1,000.00 nor more than \$10,000.00, plus court costs. Each incidence of a violation shall constitute a separate offense. Upon default of payment, the violator shall be subject to imprisonment for not more than 100 days.

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