

## **CHAPTER 11**

### **HEALTH AND SANITATION**

- 11.01 Sewer and Water Connections Required
- 11.02 Regulation of Nuisance-Type Businesses
- 11.03 Recycling Regulations
- 11.04 Garbage and Rubbish Collection
- 11.05 (Reserved)
- 11.06 No Smoking All-Abilities Park
- 11.07 (Reserved)
- 11.08 (Reserved)
- 11.09 (Reserved)
- 11.10 Penalty

## **HEALTH AND SANITATION 11.01**

**11.01 SEWER AND WATER CONNECTIONS REQUIRED.** Whenever City sewer or water mains are made available to any building used for human habitation within the City, the owner of such building shall connect all building sewer and water facilities to the City sewer or water mains as required by law.

**11.02 REGULATION OF NUISANCE-TYPE BUSINESSES. (1) PERMIT REQUIRED.** No person shall conduct within the City any business which has a tendency to create a public nuisance, except upon permit issued by the Council and subject to such conditions as it 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) **AUTHORITY.** This section is enacted pursuant to §66.0415, Wis. Stats.

**11.03 RECYCLING REGULATIONS. (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 §159.11, Wis. Stats., and Wis. Adm. Code NR 544.

(2) **STATUTORY AUTHORITY.** This section is adopted as authorized under §159.09(3)(b), Wis. Stats.

(3) **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.

(4) **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 the 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 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.

(5) **SEVERABILITY.** Should any portion of this section be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this section shall not be affected.

(6) **APPLICABILITY.** The requirements of this section apply to all persons within the City.

(7) **ADMINISTRATION.** The provisions of this section shall be administered by the Council.

## HEALTH AND SANITATION 11.03 (8)

(8) DEFINITIONS. For the purpose of this section, the terms used are 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 polystyrene that satisfies one of the following criteria:

1. Is designed for serving food or beverages; or
2. Consists of loose particles intended to fill space and cushion the packaged article in a shipping container; or
3. Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.

(d) HOPE. High density polyethylene, labeled by the SPI code #2.

(e) LDPE. Low density polyethylene, labeled by the SPI code #4.

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

(g) Major Appliance. A residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, furnace, boiler, dehumidifier, water heater or stove.

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

(i) Newspaper. A newspaper and other materials printed on newsprint.

(j) Nonresidential Facilities and Properties. Commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple-family dwellings.

(k) Office Paper. High grade printing and writing papers from offices in nonresidential 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.

(l) Other Resins or Multiple Resins. Plastic resins labeled by the SPI code #7.

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

## HEALTH AND SANITATION 11.03(8)

- (n) PETE. Polyethylene terephthalate, labeled by the SPI code #1.
- (o) 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.
- (p) Postconsumer Waste. Solid waste other than solid waste generated in the production of goods, hazardous waste as defined in §144.61(5), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in §144.44(7)(a)1., Wis. Stats.
- (q) PP. Polypropylene, labeled by the SPI code #5. (r) PS. Polystyrene, labeled by the SPI code #6.
- (s) PVC. Polyvinyl chloride, labeled by the SPI code # 3.
- (t) Recyclable Materials. Includes lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; corrugated paper or other container board; glass containers; magazines; newspaper; office paper; rigid plastic containers, including those made of PETE, HOPE, PVC, LDPE, PP, PS and other resins or multiple resins; steel containers; waste tires; and bi-metal containers.
- (u) Solid Waste. The meaning specified in §144.01(15), Wis. Stats.
- (v) Solid Waste Facility. The meaning specified in §144.43(5), Wis. Stats.
- (w) 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.
- (x) Waste Tire. A tire that is no longer suitable for its original purpose because of wear, damage or defect.
- (y) Yard waste. Leaves, grass clippings, yard and garden debris, and brush, brush being defined as clean woody vegetative material or tree limbs no greater than 6 inches in diameter and no greater than 6 feet in length. Yard Waste does not include stumps, roots, or shrubs with intact root balls, nor does it include brush greater than 6 inches in diameter and/or greater than 6 feet in length.
- (9) 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) Major appliances
- (b) Waste oil
- (c) Yard waste
- (d) Aluminum containers
- (e) Bi-metal containers

## HEALTH AND SANITATION 11.03(9)

- (f) Corrugated paper or other container board
- (g) Glass containers
- (h) Magazines
- (i) Newspaper
- (j) Office paper
- (k) Rigid plastic containers made of PETE and HDPE
- (l) Steel containers

(10) SEPARATION REQUIREMENTS EXEMPTED. The separation requirements of sub. (9) 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. (9) 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 of less than 30% of the heat input to the facility is derived from the solid waste burned as a supplemental fuel.

(c) A recyclable material specified in sub. (9) (d) through (l) above for which a variance has been granted by the Department of Natural Resources under §159.11(2m), Wis. Stats., or Wis. Adm. Code NR 544.

(11) CARE OF SEPARATED RECYCLABLE MATERIALS. To the greatest extent practicable, the recyclable materials separated in accordance with sub. (9) 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.

(12) MANAGEMENT OF LEAD ACID BATTERIES, MAJOR APPLIANCES, WASTE OIL AND YARD WASTE. See sub. (14) below.

(13) PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS. Except as otherwise directed by the Council, occupants of single-family and 2- to 4-unit residences shall do the following for the preparation and collection of the separated materials specified in sub. (9)(d) through (l) above:

(a) Glass. Bottles and jars shall be separated by color (clear and brown, and green and blue together) and placed in separate containers. No other glass is recyclable.

(b) Plastic. All #1 and #2 containers shall be cleaned and caps removed and placed in a separate container. Milk jugs shall be flattened.

(c) Cardboard. Only flattened corrugated cardboard shall be collected.

## HEALTH AND SANITATION 11.03 (13)

(d) Tin Cans. Tin cans shall be rinsed, labels removed and flattened and placed in a separate container with can ends.

(e) Newspapers. Newspapers shall be tied in bundles with string or twine or placed in a paper bag.

(f) Magazines. Magazines shall be tied in bundles with string or twine or placed in paper bags.

(g) Aluminum. Aluminum cans, pie tins, foil, etc., shall be cleaned and placed in a paper bag.

### (14) WASTE DISPOSAL.

(a) Waste Oil may be disposed of at no cost in the designated area at the City Shop.

(b) Leaves shall be placed for collection behind the curb during fall leaf collection only.

(c) Yard waste and grass clippings may be disposed of in the designated area at the City Shop after removal from plastic bags.

(d) Brush no larger than 6 inches in diameter and no greater than 6 feet in length may be placed behind the curb in a manner to facilitate chipping on days designated by the Street Superintendent. Said brush must be placed parallel to the edge of the street with butt ends all facing the same direction for easy access for picking up.

(e) The following items will not be accepted and disposal shall be the responsibility of the owner: Batteries, wood, metal, building materials, furniture, and appliances including but not limited to refrigerators, freezers, air conditioners, and dehumidifiers.

(15) RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF MULTIPLE-FAMILY DWELLINGS. (a) Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in sub. (9) (d) through (1) above.

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

2. Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-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

## HEALTH AND SANITATION 11.03 (15)

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. (9)(d) through (!) above from solid waste in as pure a form as is technically feasible.

(16) 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 to recycle the materials specified in sub. (9)(d) through (1) 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 post consumer waste generated within the facility or property is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in sub. (9)(e) through (n) above from solid waste in as pure *a* form as is technically feasible.

(17) PROHIBITIONS ON DISPOSAL OF RECYCLABLE MATERIALS SEPARATED FOR RECYCLING. No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the material specified in sub. (9)(e) through (n) above which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

(18) RECYCLABLE MATERIALS CITY PROPERTY. All recyclable materials placed at the curb for collection by the City or its agent shall become the property of the City or its agent. No person, organization or firm may collect such items from the curb.

(19) ENFORCEMENT. (a) For the purpose of ascertaining compliance with the provisions of this

## HEALTH AND SANITATION 11.03(19)

section, any authorized officer, employee or representative of the City may inspect recyclable materials separated for recycling, postconsumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and non-residential facilities and properties, and any records relating to recycling activities which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to any authorized officer, employee or authorized representative of the City who requests access for the 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 citation by a City police 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 ordinance 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 as follows:

1. Any person who violates sub. (16) above may be subject to a forfeiture of \$50 for a first violation, \$200 for a second violation and not more than \$2,000 for a third or subsequent violation.

2. Any person who violates a provision of this section, except sub. (16) above, may be subject to a forfeiture of not less than \$10 nor more than \$1,000 for each violation.

(d) Each incident of violation shall be a separate offense and each day or part thereof during which a violation occurs shall be deemed a separate offense.

**11.04 GARBAGE AND RUBBISH COLLECTION.** (1) ADMINISTRATION. The Street Superintendent shall oversee the collection, removal and disposal of garbage, rubbish, and recyclable material in the City.

(2) COLLECTION AND DISPOSAL. Garbage or rubbish of any nature, not prepared or placed in compliance with the following regulations, shall not be collected:

(a) Receptacles. Any resident having garbage to dispose of shall prepare the same for collection by draining, wrapping and placing it in a suitable receptacle. Receptacles shall be standard type garbage containers, shall be made of metal or plastic, shall be watertight, shall have a tight fitting cover, shall be equipped with handles, and shall have a capacity of not more than 32 gallons and weigh no more than 50 pounds when full. Receptacles shall be kept clean and in a sanitary condition at all times. Heavy duty plastic bags securely tied and designed for garbage use may be used in lieu of the standard metal and plastic garbage receptacles. Paper bags, 5 gallon pails or 55 gallon steel or cardboard barrels or drums are not allowed for garbage containers.

(b) Collection. 1. Placement of Receptacles. In areas where legally opened alleys exist, garbage collection shall be made from the alley with the garbage receptacles being placed at the alley line for collection. In other areas, garbage receptacles shall be placed within 5 feet of the curb line for collection and, where there is no curb, the receptacles shall be placed within 5 feet of the edge of the shoulder of the roadway. During the snow season, the receptacles shall be kept shoveled out. Receptacles shall be removed from the curb line or edge of the roadway within 24 hours after collection.

## HEALTH AND SANITATION 11.04(2)

2. Time and Frequency. The City Street Department shall provide for the collection of solid waste from residential units once each week and the collection of recyclable materials from residential units once every two weeks. Collection shall be curb side and shall take place between the hours of 7:00 A.M. and 3:30 P.M. All recyclables and solid waste are to be set within 5 feet of the edge of the street by 7:00 A.M. on the day of collection to assure pickup.

(3) PROHIBITED MATERIALS. Ammunition shall not be placed with garbage or rubbish for collection, but shall be brought to the Police Department.

(4) PROHIBITED ACTS. (a) Improper Placement of Recyclables, Garbage and Rubbish. It shall be unlawful for any person to deposit, throw or place any recyclable, garbage or rubbish of any kind on or within any public street, alley, park, sidewalk, gutter or other public place or on or within any private property or premises, whether owned, kept or controlled by such person or not, unless such garbage or rubbish is placed and left for collection or removal as provided herein. However, composting, following recognized standards, shall be permitted.

(b) Improper Placement of Recyclables, Garbage and Rubbish in Dumpsters. It shall be unlawful for any person to deposit, throw or place any garbage or rubbish of any kind on or within any dumpster or other container belonging to others which is located on public or private property or premises within the City unless the owner of the dumpster or other container or the Street Superintendent, as appropriate, gives written approval to deposit, throw or place any garbage or rubbish on or within such dumpsters or other containers on or within said property or premises. This written approval may be withdrawn upon 10 days' written notice.

(c) Placement of Recyclables, Garbage or Rubbish by Nonresidents Prohibited. It shall be unlawful for any nonresident of the City to deposit, throw or place any garbage or rubbish of any kind on or within any public street, alley, park, sidewalk, gutter or other public place or on or within any private property or premises.

(d) Scavenging. It shall be unlawful for any person to disturb, remove or carry away rubbish, refuse, garbage or recyclable material that has been placed for collection unless written approval has been received from the Street Superintendent or the resident.

(e) Notwithstanding anything found herein to the contrary, it shall not be unlawful for any person(s) to place garbage, refuse of any kind, and/or empty recyclables into appropriately marked receptacles which are specifically provided by the City in public parks and places for public use, if said materials are generated by the person(s) while at said public park or place. This exclusion does not allow for persons to bring said materials from their home, business, or other places to put in said receptacles.

(5) REJECTION OF RECYCLABLES, GARBAGE AND RUBBISH. Any recyclables, garbage or rubbish not placed in accordance with the provisions of this section may be rejected, in which case a violation tag shall be filled out and left with the householder indicating the reason for such rejection. Garbage and rubbish so tagged shall be removed from where it is placed within 24 hours of the time said garbage or rubbish was scheduled for pickup.

(6) REFUSE SOURCE SEPARATION. To assist in the recycling of recyclable refuse and to prolong the useful life of the landfill, and to reduce the social and financial costs of disposing of refuse, each residence shall be required to separate all recyclable refuse generated.

## HEALTH AND SANITATION 11.04(7)

(7) SEPARATION REQUIRED. If the separation requirements of this section are not met by residential users, the property owners shall be responsible for disposing of materials not picked up by the City or its agent at their own expense. The disposal of said materials shall be deposited in an approved landfill site within 7 days of notice or be subject to ch. 10 of this Code. Commercial and industrial users shall be required to adopt and implement reasonable methods of recycling and shall, within one year from the date hereof, have on file with the office of the City Clerk either a written plan for recycling or shall file a copy of a contract with a private contractor which includes recycling reasonably appropriate to test or industry involved. Failure to comply with the recycling provisions of this section may subject property owners to penalties which shall be set forth in a separate ordinance to be enacted in the future.

### 11.06 SMOKING, VAPING, AND TOBACCO PRODUCTS PROHIBITED.

- (1) Smoking, the use of electronic vaping devices, and the use of tobacco products, is/are prohibited from occurring within the fenced in area surrounding an area commonly referred to as the “All-Abilities Park” located at 1400 Tyler Street in the City of Black River Falls, Wisconsin, or within twenty feet of the outside of said boundary fence.
- (2) Smoking, the use of electronic vaping devices, and the use of tobacco products, is/are prohibited from occurring within the area commonly referred to as “Marks Fields” located at 650 North Tenth Street in the City of Black River Falls, Wisconsin, which is specifically defined and delineated as Tax Parcels 206-2370.0005, 206-2337.0010, 206-2341.0000, 206-0332.0005, and 206-2339.0005, EXCEPT for any part of that section of the paved area of the multi-use Foundation Trail that traverses these parcels.
- (3) The following definitions control this Section:
  - a) “*Smoking*” means burning or holding, or inhaling or exhaling smoke from, any of the following items containing tobacco:
    - i. A lighted cigar.
    - ii. A lighted cigarette.
    - iii. A lighted pipe.
    - iv. Any other lighted smoking equipment.
  - b) “*Electronic vaping device*” means a device that may be used to deliver any aerosolized or vaporized liquid or other substance for inhalation, regardless of whether the liquid or other substance contains nicotine, including an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah. “Electronic vaping device” includes a component, part, or accessory of the device, and includes a liquid or other substance that may be aerosolized or vaporized by such device, regardless of whether the liquid or other substance contains nicotine. “Electronic vaping device” does not include a battery or battery charger when sold separately. “Electronic vaping device” does not include drugs, devices, or combination products authorized for sale by the U.S. food and drug administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.

## HEALTH AND SANITATION 11.06(3)

c) “*Tobacco products*” means cigars; pipe tobacco; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready-rubbed and other smoking tobacco; snuff, including moist snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco and other kinds and forms of tobacco prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking.

(4) PENALTY. Any person violating the provisions of Section 11.06 shall be subject to a penalty as provided in Section 25.04 of the Code of Ordinances for the City of Black River Falls, Wisconsin.

**11.10 PENALTY.** Any person who shall violate any provision of secs. 11.03 and 11.04 of this chapter shall be subject to the penalties set forth in sec. 11.03(19) of this chapter and any person who shall violate any other provisions of this chapter shall be subject to a penalty as provided in sec. 25.04 of this Code.