CHAPTER 11

HEALTH AND SANITATION

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11.05 SEWER AND WATER CONNECTIONS. (1) 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 and water mains within a reasonable time.

(2) BUILDING INSPECTOR CONNECTION ORDERS. If a building owner does not make sewer or water connections as provided in sub. (1) above, the Building Inspector shall serve the owner with a written order to make such connections within 10 days.

(3) CONNECTION BY CITY. In the event a building owner does not comply with the order set forth in sub. (2) above, the City shall make such connection as provided in §281.45, Wis. Stats., and the cost thereof shall be assessed against the property as a special tax.

11.06 (Rep. Ord. #2671 – 4/5/2010

11.07 HEATING REQUIREMENTS FOR RESIDENTIAL RENTAL PROPERTY. Any person who rents residential property and who, by an expressed or implied agreement, agrees to furnish heat to the tenants and occupants of such rental property is required to maintain a minimum temperature therein as provided in Wis. Adm. Code. ch. Comm 64, which chapter is hereby adopted by reference. It shall be the duty of the Building Inspector to investigate alleged violations of this section and, if necessary, he shall order the person violating this section to comply with the provisions hereof. The provisions of this section shall not apply to violations due to failure of heating apparatus beyond the control of the property owner, provided that necessary repairs are made within a reasonable time.

11.08 NOXIOUS WEEDS. (Rep. & Recr. Ord. #2248 – 3/25/96).
(1) DEFINITIONS. (a) The term noxious weeds includes Canada thistle, leafy spurge, field bindweed (creeping Jenny) and purple loosestrife. The term noxious weeds also includes any uncontrolled rank growth exceeding 12 inches in height except in areas designated in sub. (5).

(b) Destroy as to rank growth means cutting or mowing. Destroy as to all other noxious weeds means the complete killing of weeds or killing of weed plants above the surface of the ground by the use of chemicals, cutting, tillage, cropping system, pasturing livestock, or any or all of these in effective combination, at such time and in such manner as will effectually prevent such plants from maturing to the bloom or flower stage.

(2) NOTIFICATION (Rep. & Recr. Ord. #1799; Am. Ord. #2444 – 8/5/02). The Mayor may annually, on or before May 15, publish a Class 2 notice, under Ch. 985, Wis. Stats., that every person is required by law to destroy all noxious weeds and other rank growth of vegetation, as defined in sec. (1) above, on lands in the City which he owns, occupies or controls, including lands in the street right of way between the property line and the road pavement.

(3) ABATEMENT. (Rep. & Recr. Ord. #2248 – 3/25/96). Noxious weeds, as defined in sub. (1), constitute a nuisance and are prohibited. The Weed Commissioner shall take action to abate the nuisance. The owner of the property on which noxious weeds are found shall be charged the full cost of abatement. The charges for abatement shall be determined from time to time by the Common Council. Any unpaid charges shall be extended on the next succeeding tax roll and collected in accordance with sec. 66.0517 and 66.0627, Wis. Stats.

(4) PENALTY. (Rep. & Recr. Ord. #2248 – 3/25/96). The owner of any property on which noxious weeds are found shall be subject to penalties as provided for violations of this chapter in addition to the abatement and the charges therefor.

(5) NATURAL AREA MANAGEMENT PLAN. The Director of Parks, Recreation and Forestry is authorized to approve a Natural Area Vegetation Management Plan upon written application of any person desiring to maintain a natural landscape on his property. The plan submitted must comply with the management requirements established by the Director. Decisions of the Director may be appealed, pursuant to the provisions of ch. 6 of this Code. Upon the establishment of such a Management Plan, the property owner or occupant shall continue to destroy all noxious weeds as defined in sub. (1) above, except for "rank growth".

11.09 GARBAGE AND REFUSE COLLECTION. (Rep. & Rec. Ord. #2278 - 3/17/97). (1) SERVICES PROVIDED. Garbage and refuse collection service shall be under rules and schedules determined by the Director of Public Works.

(2) USERS SERVED. (Cr. Ord. #2090 – 12/21/92; Am. Ord. #2184 – 12/5/94; Am. Ord. #2231 – 12/18/95; Rep. & Rec. Ord. #2278 - 3/17/97). The City shall provide garbage and refuse collection services within the City only to single-family and two-family dwellings and to multi-family dwellings containing four or fewer dwelling units. The definitions in chapter 17 shall apply to this subsection except that any dwelling unit for which a separate real estate property tax bill is issued by the City Treasurer shall be considered a single-family dwelling for purposes of this subsection.

(3) COLLECTION REQUIREMENTS. (a) Generally. Garbage and refuse shall be placed in approved containers or bundles and placed at the curb, alley or roadside by 7:00 A.M. on the scheduled collection day, but no earlier than 12 hours before collection. After collection, containers shall be removed from the curb or roadside within 12 hours. No pickup shall be made on legal holidays, but shall be made the following work day, unless otherwise announced.

(4) CONTAINER AND BUNDLE REGULATIONS. (Rep. & Rec. Ord. #2089 – 12/21/92). All garbage and refuse to be collected under this chapter shall be securely wrapped, bundled or enclosed in containers according to regulations issued by the Director of Public Works.

(5) RECYCLABLE MATERIALS REQUIRING SEPARATION. (Rep. & Recr. Ord. #2151 – 3/28/94). Separation of Recyclable Materials. All recyclable materials shall be separated as required by section 11.14.

(6) ITEMS NOT TO BE PICKED UP (Am. Ord. #2151 – 3/28/94). The following items shall not be picked up: (a) Earth, sod, stumps, lawn clippings, or other yard waste except that fallen leaves and brush may be collected in accordance with regulations issued by the Director of Public Works.

(b) Containers over 32 gallons or over 50 pounds.

(c) Large auto parts, e.g. engine blocks, heads, fenders.

(d) Garbage or refuse strewn by animals or vandals prior to collection.

(e) Household appliances.

(f) Tires

(g) (Cr. Ord. #2151 – 3/28/94). Refuse resulting from or related to demolition or construction, including but not limited to brush and construction material.

(7) COLLECTION OF BULKY REFUSE (Am. Ord. #1881 – 4/4/88). Heavy or bulky items such as furniture may be collected, but only upon special arrangements with the Director of Public Works upon payment of a collection charge (see sub. (8) below).

(8) COLLECTION CHARGES (Am. Ord. #1781 – 9/16/85). Construction waste and other items and materials excluded from free City collection, as provided in this section, may be collected at a charge established by the Board of Public Works. Any person desiring collection as provided herein shall make special arrangements with the Director of Public Works.

11.10 <u>ILLEGAL DUMPING PROHIBITED</u>. (Am. Ord. #2151 – 3/28/94; Am. Ord. #2665 – 12/21/09). Except as otherwise provided in this chapter, it shall be illegal for any person to dump, dispose, deposit, litter or store refuse in the City outside of a licensed solid waste disposal facility on either private or public lands. Any materials deposited at a licensed solid waste disposal facility, including the organic materials drop off facility operated by the City, shall be in accordance with the facility's posted regulations.

11.11 (Cr. Ord. #2628 – 6/16/08). <u>SCAVENGING OF GARBAGE OR RECYCLABLES PROHIBITED</u>. It shall be unlawful for any person other than authorized

City employees or persons having written authorization from the Director of Public Works to go through, sort or take anything from any garbage, refuse or recyclable materials that have been set out in bags or other approved containers for the purpose of being picked up by City collection personnel or contractors.

11.13 (Cr. Ord. #2151 – 3/28/94). DEFINITIONS. As used in this chapter: (1) "Bi-metal container" means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.

(2) "Container board" means corrugated paperboard used in the manufacture of shipping containers and related products.

(3) "Foam polystyrene packaging" means packaging made primarily from foam polystyrene that satisfies one of the following criteria: (a) Is designated for serving food or beverages.

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

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

(4) "HDPE" means high density polyethylene, labeled by the SPI code #2.

(5) "LDPE" means low density polyethylene, labeled by the SPI code #4.

(6) "Magazines" means magazines and other materials printed on similar paper.

(7) (Am. Ord. #2168 – 7/25/94). "Major appliance" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, furnace, boiler, dehumidifier, water heater or stove.

(8) "Multiple-family dwelling" means a property containing 5 or more residential units, including those which are occupied seasonally.

(9) "Newspaper" means a newspaper and other materials printed on newsprint.

(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 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) "Other resins or multiple resins" means plastic resins, labeled by the SPI code #7.

(13) "Person" includes any individual, corporation, partnership, association, local governmental unit, as defined in sec. 66.0131 (1) (a), Wis. Stats., state agency or authority or federal agency.

(14) "PETE" means polyethylene terephthalate, labeled by the SPI code #1.

(15) "Plastic container" means an individual, 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.

(16) "Post consumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in sec. 291.01 (7), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in sec. 289.01 (17), Wis. Stats.

(17) "PP" means polypropylene, labeled by the SPI code #5.

(18) "PS" means polystyrene, labeled by the SPI code #6.

(19) "PVC" means polyvinyl chloride, labeled by the SPI code #3.

(20) "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; 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.

(21) "Solid waste" has the meaning specified in sec. 289.01 (33), Wis. Stats.

(22) "Solid waste facility" has the meaning specified in sec. 289.01 (35), Wis. Stats.

(23) "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.

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

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

11.14 RECYCLING. (Cr. Ord. #2151 – 3/28/94). (1) INTERPRETATION. The purpose of this section is to promote recycling, composting and resource recovery through the administration of an effective recycling program as provided in sec. 287.11, Stats., and ch. NR 544, Wis. Administrative Code. This section does not repeal, abrogate, annul, impair or interfere with any existing rules, regulations, ordinances or permits previously adopted or issued pursuant to law, but whenever this section imposes greater restrictions, the provisions of this section shall apply. In their interpretation and application, the provisions of this section shall be held to be minimum requirements and shall not be deemed a limitation or repeal of any other 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 ch. NR 544, Wis. Administrative Code, and where the provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Ch. NR 544 standards in effect on the date of the most recent text amendment of this section.

(2) ADMINISTRATION. The provisions of this section shall be administered by the Director of Public Works.

(3) SEPARATION OF RECYCLABLE MATERIALS. Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties shall separate the following materials from post consumer waste: (a) Lead acid batteries

(b) Major appliances

(c) Waste oil

(d) Yard waste

(e) Aluminum containers

(f) Bi-metal containers

(g) Corrugated paper or other container board

(h) Foam polystyrene packaging

(i) Glass containers

(j) Magazines

(k) Newspaper

(l) Office paper

(m) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins

(n) Steel containers

(o) Waste tires

(4) SEPARATION REQUIREMENTS EXEMPTED. The separation requirements of (3) do not apply to the following: (a) Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties which send their post consumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources which recovers the materials specified in sec. 11.14 (1) from solid waste in as pure a form as is technically feasible.

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

(c) A recyclable material specified in secs. 11.14 (3) (e) through (o) above for which a variance has been granted by the Department of Natural Resources under sec. 287.11 (2m), Stats., or sec. NR 544.14, Wis. Administrative Code.

(5) CARE OF SEPARATED RECYCLABLE MATERIALS. To the greatest extent practicable, the recyclable materials separated in accordance with sub. (3) 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.

(6) MANAGEMENT OF LEAD ACID BATTERIES, MAJOR APPLIANCES, WASTE OIL, WASTE TIRES AND YARD WASTE. Occupants of single family and 2 to 4 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: (a) Lead acid batteries shall be taken to a retail business which sells vehicle batteries or to a business which recycles such batteries. In the case of single-family and 2 to 4 unit residences, lead acid batteries may be left at the curb for collection with the other recyclable materials listed in sub. (7), in accordance with rules established by the Director of Public Works.

(b) Major appliances shall be delivered to businesses who recycle major appliances. The Director of Public Works shall maintain a list of such businesses which shall be available to the public.

(c) Waste oil shall be delivered to retailers of such oil or to any other business which recycles or reuses such oil. In the case of single-family and 2-4 unit

residences, waste oil may be placed at the curb for collection with other recyclable materials in accordance with rules established by the Director of Public Works.

(d) Waste tires shall be delivered to a business which recycles tires. The Director of Public Works shall maintain a list of such businesses which shall be available to the public.

(e) Yard waste which is not composted or otherwise reused or recycled may be taken to the organic material drop-off center established by the Department of Public Works.

(7) PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS. Except as otherwise directed by the Director of Public Works, 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 sec. 11.14 (3) (e) through (n): (a) Aluminum containers, bi-metal containers, corrugated paper and other container board, glass containers, magazines, newspapers, office papers, rigid plastic containers, and steel containers shall be placed at the curb for collection in accordance with rules established by the Director of Public Works.

(b) Foam polystyrene packaging is subject to a variance on the effective date of this section which exempts it from the separation and recycling. Upon the expiration of the variance and any extensions, renewals or subsequent variances, foam polystyrene packaging shall be placed at the curb for collection in accordance with rules established by the Director of Public Works.

(8) RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF MULTIPLE-FAMILY DWELLINGS. (a) Owners or designated agents of multiple-family dwellings shall do all the following to recycle the materials specified in secs. 11.14 (3) (e) through (o);

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 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 (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 recycling the materials specified in secs. 11.14 (3) (e) through (o) from solid waste in as pure a form as is technically feasible.

(9) RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF NON-RESIDENTIAL FACILITIES AND PROPERTIES. (a) Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in secs. 11.14 (3) (e) through (o):

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 (a) do not apply to the owners or designated agents of non-residential 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 sec. 11.14 (3) (e) through (o) from solid waste in as pure a form as is technically feasible.

(10) 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 materials specified in sec. 11.14(3)(e) through (o) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

(11) ENFORCEMENT. (a) For the purpose of ascertaining compliance with the provisions of this section, any authorized officer, employee or representative of the City of West Bend may inspect recyclable materials separated for recycling, post consumer 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 purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such inspection.

(b) Any person who violates a provision of this section may be issued a citation. The issuance of a citation shall not preclude proceeding under any other section or law relating to the same or any other matter. Proceeding under any other section 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 sec. 11.14(8) may be required to forfeit $50 for a first violation, $200 for a second violation, and not more than $2000 for a third or subsequent violation.

2. Any person who violates a provision of this section, except sub. (8), may be required to forfeit not less than $10 nor more than $1000 for each violation.

11.15 TATTOOING AND BODY PIERCING. (Cr. Ord. #2116 – 6/14/93; Renum. Ord. #2151 – 3/28/94; Rep. & Recr. Ord. #2633 – 8/4/08). (1) STATUTES AND REGULATIONS ADOPTED BY REFERENCE. The following statutes and regulations are adopted by reference in their entirety. (a) Chapter DHS 173 of the Wisconsin Administrative Code, as updated and revised from time to time.

(b) Sections 252.23 through 252.25 of the Wisconsin Statutes, as updated and revised from time to time.

(2) VIOLATIONS OF ADOPTED STATUTES AND REGULATIONS. Any violation of the statutes or regulations adopted herein by reference constitutes a violation of this Code.

(3) CONFLICT OF LAWS. If the provisions of the statutes and regulations adopted herein conflict with the regulations set forth in sec. 12.085 or chapter 17 of this Code, the provisions of this Code shall govern.

11.16 PENALTY. (Renum. Ord. #2151 – 3/28/94). Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in sec. 25.04 of this Code.