

## TITLE 8

### HEALTH AND SANITATION

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#### CHAPTER 1

##### Health and Sanitation

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##### **SEC. 8-1-1 RULES AND REGULATIONS**

The Town Board may make reasonable and general rules for the enforcement of the provisions of this Chapter and for the prevention of health nuisances and the protection of the public health and welfare and may, where appropriate, require the issuance of licenses and permits. All such regulations shall have the same effect as ordinances, and any person violating any such regulations or any lawful order of the Board shall be subject to the general penalty provided for in this Code.

##### **SEC. 8-1-2 ABATEMENT OF HEALTH NUISANCES**

- a) **Defined.** A health nuisance is any source of filth or cause of sickness.
- b) **Duty to Abate.** The Town Board shall abate health nuisances pursuant to Sections 146.16 and 146.17, Wis. Stats., which are adopted by reference and made a part of this Section.

##### **SEC. 8-1-3 DEPOSIT OF DELETERIOUS SUBSTANCES PROHIBITED.**

No person shall deposit or cause to be deposited in any public street, on any public ground or on any private property other than his own, any refuse, garbage, litter, waste material or liquid or any other objectionable material or liquid. When any such material is placed on the person's own private property, it shall be properly enclosed and covered so as to prevent the same from becoming a public nuisance.

#### **SEC. 8-1-4 DESTRUCTION OF NOXIOUS WEEDS.**

- a) Unless delegated to the county, the Town Chairperson shall publish annually on or before May 15th a notice that every person is required by law to destroy all noxious weeds on lands which he owns, occupies or controls in the Town. A joint notice with other towns or municipalities may be utilized.
- b) If the owner or occupant neglects to destroy any weeds as required by such notice, the Town Weed Commissioner, or the Town Board's designee, shall give five (5) days' written notice by mail to the owner or occupant of the lands upon which the weeds are growing stating that after the five (5) day period the Town will proceed to destroy or cause the destruction of all such weeds growing upon said lands and that the cost thereof will be assessed as a special charge upon the lands upon which the weeds are located under the provisions of Sec. 66.0407, Wis. Stats. If the owner or occupant neglects to comply within such five (5) day notice, then the Weed Commissioner, or the Board's designee, shall destroy the weeds or cause them to be destroyed in the manner deemed to be the most economical method and the expense thereof, including the cost of billing and other necessary administrative expenses, shall be charged against such lands and be collected as a special charge thereon.

#### **SEC. 8-1-5 REGULATION OF LENGTH OF LAWN 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 Town.
- b) **Public Nuisance Declared.** The Town Board finds that lawns, grasses and noxious weeds on nonagricultural parcels of land in the Town, as classified under the Zoning Code, which exceed twelve (12) inches in length adversely affect the public health and safety in that they tend to emit pollen and other discomfoting bits of plants, constitute a fire hazard and a safety hazard in that debris can be hidden in the grass, interfere with the public convenience and adversely affect property values of other land within the Town. For that reason, any non-agricultural lawn, grass or weed on a parcel of land which exceeds twelve (12) inches in length is hereby declared to be a public nuisance, except for property located in a designated floodplain area and/or wetland area, or in a water detention area or established drainage ways.
- c) **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 Town.
- d) **Inspection.** The Weed Commissioner or the Town Board's designee shall inspect or cause to be inspected all premises and places within the Town to determine whether any public nuisance as defined in Subsection (b) above exists.
- e) **Abatement of Nuisance.** If the Weed Commissioner or the Town Board determines that any public nuisance as defined in Subsection (b) above exists, he/it shall immediately cause written notice to be served that the Town proposes to have the lot grass or lawn cut so as to conform with this Section.
- f) **Due Process Hearing.** If the owner believes that his grasses or weeds are not a nuisance, he/she may request a hearing before the Town Board. The request for said hearing must be made in writing to the Town Clerk's office within five (5) days as set forth in the notice. Upon application for the hearing, the property owner must deposit a \$25.00 bond. If a

decision is rendered in the property owner's favor, the \$25.00 will be returned to the property owner. If the property owner fails to appear for the hearing or if the decision is rendered against the property owner, the deposit shall be forfeited and applied to the cost of Town personnel abating the nuisance, if necessary. When a hearing is requested by the owner of the property, a hearing by the Town Board shall be held within seven (7) days from the date of the owner's request. The property in question will not be mowed by the Town until such time as the hearing is held by the Town Board. At the hearing, the owner may appear in person or by his/her attorney, may present witnesses in his own behalf and may cross-examine witnesses presented by the Town as well as subpoena witnesses for his/her own case. At the close of the hearing, the Town Board shall make its determination in writing specifying its findings, facts, and conclusions. If the Town Board determines that a public nuisance did exist, the Town Board shall order the Weed Commissioner or the Board's designee to mow the property in question unless the property has been mowed by the owner within forty-eight (48) hours of the Town Board's decision. If the owner does not abate the nuisance within the described forty-eight (48) hours, the Town shall cause the nuisance to be abated and cost in excess of the forfeited fee assessed accordingly.

- g) **Option To Abate Nuisance.** In any case where the owner, occupant or person in charge of the property shall fail to cut his/her lawn, grass or weeds as set forth above, then, and in that event, the Town may elect to cut said lawn, grass or weeds as follows:
- 1) The written notice required in Subsection (e) shall inform said person that in the event of his/her failure to abate the nuisance within the prescribed time, the Town shall abate the same and the cost thereof shall be assessed to the property owner as a special charge.
  - 2) The Town shall cut or cause to be cut all grass and weeds from the subject's property and shall charge the expenses of so doing at a rate as established by resolution by the Town Board. The charges shall be set forth in a statement to the Town Clerk who, in turn, shall mail the same to the owner, occupant or person in charge of the subject premises. If said statement is not paid in full within thirty (30) days thereafter, the Town Clerk shall enter the charges in the tax roll as a special charge against said parcel of land, and the same shall be collected as provided under Sec. 66.0627, Wis. Stats.

## **SEC. 8-1-6 RODENT CONTROL**

- a) **Definitions.** The following definitions shall be applicable in this Section:
- 1) Owner or Manager means any person or persons who is in actual possession or have control of any property within the Town, including executors, administrators, trustees, guardians or agents who shall be deemed to be the owner or owners of such property within the meaning of this Section and shall be bound to comply with the provisions of this Section to the same extent as the owner. Notice to any such person of any order or decision of the Building Inspector or his/her designee shall be deemed to be sufficient notice as if such person or persons were actually the owner or owners of such property, except that whenever an entire premises or building is occupied as a place of business, such as a store, factory, warehouse, rooming house, junk yard, lumber yard or any other business under a single management, the person, firm or corporation in charge of such business shall be considered the owner or manager.
  - 2) A Rodent-Proof Container means a container constructed of concrete or metal, or the container shall be lined with metal or other material that is impervious to rodents, and

openings into the container such as doors shall be tight-fitting to prevent the entrance of rodents.

- 3) Rodent-Proofing means closing openings in building foundations and openings under and around doors, windows, vents and other places which could provide means of entry for rodents, with concrete, sheet iron, hardware cloth or other types of rodent-proofing material approved by the Town.
  - 4) Rodent Harborage means any place where rodents can live and nest without fear of frequent molestation or disturbance.
  - 5) Hardware Cloth means wire screening of such thickness and spacing as to afford reasonable protection against the entrance of rodents.
  - 6) Rodent means all nuisance animals.
- b) **Elimination of Rodent Harborages.** Whenever accumulations of rubbish, boxes, lumber, scrap metal, car bodies or any other materials provide rodent harborage, the person owning or in control of such materials shall cause the materials to be removed or to be stored so as to eliminate the rodent harborage. Lumber boxes and similar materials shall be neatly piled. These piles shall be raised at least a foot above the ground.
  - c) **Elimination of Rodent Feeding Places.** No person shall place, or allow to accumulate, any materials that may serve as food for rodents in a site accessible to rodents. Any waste material that may serve as food for rodents shall be stored in rodent-proof containers.
  - d) **Extermination.** Whenever rodent holes, burrows or other evidence of rodent infestation are found on any premises or in any building within the Town, it shall be the duty of the owner or manager of such property to exterminate the rodents or to cause the rodents to be exterminated. Within ten (10) days after extermination, the owner or manager shall cause all of the rodent holes or burrows in the ground to be filled with earth or other suitable material.
  - e) **Rodent-Proofing.** It shall be the duty of the owner or manager of any building in the Town to make the building reasonably rodent-proof, to replace broken basement windows and, when necessary, to cover the basement window openings with hardware cloth or other suitable material to prevent rodents from entering the building through such window openings.

#### **SEC. 8-1-7 COMPOSTING.**

- a) **Purpose and Intent.** The purpose of this Section is to promote the recycling of yard wastes and certain kitchen wastes through composting and to establish minimum standards for proper compost maintenance.
- b) **Definitions.** “Composting” means the controlled biological reduction of organic waste to humus. “Yard waste” means the organic waste produced from the growing, trimming, and removal of grass, branches (not exceeding 1” in diameter), bushes, shrubs, plants, leaves and garden debris. “Kitchen waste” means uncooked plant matter not contaminated by or containing meat, fish and/or dairy products.
- c) **Maintenance.** All compost piles shall be maintained using approved composting procedures to comply with the following requirements:

- 1) All compost piles shall be enclosed in a free-standing compost bin. Each compost bin shall be no larger in volume than one hundred twenty-five (125) cubic feet, and shall be no taller than forty-two (42) inches.
- 2) All compost bins shall be so maintained as to prevent the attraction or harborage of rodents and pests. The presence of rodents in or near a compost bin shall be cause for the Town to proceed under Section 8-1-6.
- 3) All compost bins shall be maintained so as to prevent unpleasant odors.
- 4) No compost bin shall be allowed to deteriorate to such condition as to be a blighting influence on the surrounding property or neighborhood or Town in general.
- 5)
  - a. All compost bins shall be located not less than five (5) feet from a property line or principal building or dwelling and three (3) feet from any detached accessory building.
  - b. A variance from these setback requirements may be requested if the property owner(s) can show a hardship exists which prohibits compliance. In addition, any variance application must include a signed written approval of the variance request from the adjacent property owner(s). Variances can be granted by the Board of Appeals on an annual basis upon the proper application being submitted by the property owner(s). Screening and/or fencing of compost bins may be required as a condition of a variance being granted.
- 6) No compost bin shall be located in any yard except a rear yard, as defined in the Town's Zoning Code, unless a variance is granted by the Board of Appeals.
- 7) Those composting bins which existed prior to the adoption of this Section shall be given one (1) year to comply with the requirements set forth herein.

d) **Ingredients.**

- 1) No compost bin shall contain any of the following:
    - a. Lakeweeds;
    - b. Cooked food scraps of any kind or type;
    - c. Fish, meat or other animal products;
    - d. Manures;
    - e. Large items that will impede the composting process.
  - 2) Permitted ingredients in a compost bin shall include the following:
    - a. Yard waste;
    - b. Coffee grounds and used tea leaves;
    - c. Uncooked plant matter not contaminated by or containing meat, fish, and/or dairy products;
    - d. Commercial compost additives.
- e) **Owner Responsibility.** Every owner or operator shall be responsible for maintaining all property under his or her control in accordance with the requirements of this Section.

## CHAPTER 2

### Pollution Abatement

8-2-1 Cleanup of Spilled or Accidentally Discharged Wastes

8-2-2 Storage of Polluting Substances

#### **SEC. 8-2-1 CLEANUP OF SPILLED OR ACCIDENTALLY DISCHARGED WASTES.**

- a) **Cleanup Required.** All persons delivering, hauling, disposing, storing, discharging or otherwise handling solid or liquid potentially polluting substances such as, but not limited to, the following: fuel oil, gasoline, solvents, industrial liquids or fluids, milk, grease trap 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 it becoming a hazard to health or safety or directly or indirectly causing pollution to the lakes and streams under the jurisdiction of the Town.
- b) **Notification.** Spills or accidental release of hazardous materials or pollutants at a site or of a quantity or nature that cannot adequately be cleaned up by the responsible party or parties shall be immediately reported to the Fire Department so that assistance can be given by the proper agency.
- c) **Financial Liability.** The party or parties responsible for the release, escape or discharge of wastes shall be held financially liable for the cost of any cleanup or attempted cleanup deemed necessary or desirable and undertaken by the Town or its designated agent in an effort to minimize the pollutorial effects of the discharged waste.
- d) **Reimbursement for Hazardous Material Emergency Action.**
  - 1) Any person who possessed or controlled a hazardous substance that was discharged or who caused the discharge of a hazardous substance shall reimburse the Town of Fond du Lac for actual, reasonable and necessary expenses incurred by the Town of Fond du Lac for any emergency action taken under, and consistent with, Sec. 166.22(3), Wis. Stats., whether such action be taken by the Town of Fond du Lac or another entity on its behalf or direction.
  - 2) Reimbursement as provided under Subsection (d)(1), above, will be accomplished as provided by Sec. 166.22(5), Wis. Stats., by the Fond du Lac County Board of Supervisors, or by local emergency government officials.
  - 3) Terms not defined above shall have the meaning referred to in Sec. 166.22(1), Wis. Stats.

#### **SEC. 8-2-2 STORAGE OF POLLUTING SUBSTANCES.**

It shall be unlawful for any person to store any potentially polluting substances unless such substances are stored in a manner so as to securely prevent them from escaping onto the ground surface and/or into any street, sewer, ditch or drainage way, lake or stream within the jurisdiction of the Town of Fond du Lac.

## CHAPTER 3

### Recycling

8-3-1	Title and Purpose
8-3-2	Authority
8-3-3	Rules of Construction
8-3-4	Severability
8-3-5	Applicability
8-3-6	Administration
8-3-7	Effective Date
8-3-8	Service Contracts
8-3-9	Charges for Collection and Removal Services
8-3-10	General Requirements
8-3-11	Definitions
8-3-12	Separation of Recyclable Materials
8-3-13	Care of Separated Recyclable Materials
8-3-14	Management of Lead Acid Batteries, Major Appliances, Waste Oil and Yard Waste
8-3-15	Preparation and Collection of Recyclable Materials
8-3-16	Responsibilities of Owners or Designated Agents of Multiple-Family Dwellings
8-3-17	Responsibilities of Owners or Designated Agents of NonResidential Facilities and Properties
8-3-18	Enforcement

#### **SEC. 8-3-1 TITLE AND PURPOSE.**

This Chapter is entitled the “Town of Fond du Lac Recycling Ordinance.” The purpose of this Chapter is to establish and implement a recycling ordinance pursuant to Sec. 159.11, Wis. Stats., and Ch. NR 544, Wis. Adm. Code.

#### **SEC. 8-3-2 AUTHORITY.**

The Town Board of the Town of Fond du Lac is a “responsible unit” as defined by Sec. 287.01(9), Wis. Stats. As such, the Town has the authority under Chapter 287 as well as pursuant to its Village powers under Sec. 60.10, Wis. Stats., to plan, develop, implement and operate an effective recycling program within the Town.

#### **SEC. 8-3-3 RULES OF CONSTRUCTION.**

In the construction of this Chapter, the following rules shall be observed unless such construction would be inconsistent with the manifest intent of the Chapter:

- a) References to the male gender include the female and references to the single include the plural. References to “person” extend to natural persons, firms, corporations, partnerships or other entities;
- b) It is not intended by this Chapter to repeal, abrogate, annul, impair or interfere with any existing rules, regulations or ordinances or permits previously adopted or issued pursuant to law. However, whenever this Chapter imposes greater restrictions, the provisions of this Chapter shall apply; and

- c) Where a provision of this Chapter is required by Wisconsin Statutes, or by a standard in Ch. NR 544, Wis. Adm. Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and Chapter NR 544 standards in effect on the date of the adoption of this Chapter, or in effect on the date of the most recent amendment to this Chapter.

**SEC. 8-3-4 SEVERABILITY.**

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

**SEC. 8-3-5 APPLICABILITY.**

The requirements of this Chapter apply to all persons residing or doing business within the Town of Fond du Lac.

**SEC. 8-3-6 ADMINISTRATION.**

The provisions of this Chapter shall be administered by the Town Board or its designee.

**SEC. 8-3-7 EFFECTIVE DATE.**

The provisions of this Chapter shall take effect on January 1, 1995.

**SEC. 8-3-8 SERVICE CONTRACTS.**

The Town shall negotiate and attempt to enter into an annual or multi-year contract with a licensed waste hauler for the purpose of providing the collection and removal of recyclable material from residential establishments on a weekly basis in the Town. The final negotiated contract with the licensed waste hauler shall be drafted and approved by the Town Board to require that collection and removal of recyclable materials shall commence no later than January 1, 1995. The collection and removal services to be provided shall be placed for bid by the Town Board, and the Town Board shall, for purposes of this contract, comply with the public bidding requirement.

**SEC. 8-3-9 CHARGES FOR COLLECTION AND REMOVAL SERVICES.**

The Town Board may establish service charges to cover the cost of collection and removal services in the Town for recyclable material. Recycling charges may be included on tax bills as special charges. The Town may require that all occupied residential establishments be charged by for collection and removal services regardless of whether the establishment uses the collection and removal services provided for or arranged for the Town.

### **SEC. 8-3-10 GENERAL REQUIREMENTS.**

- a) The Town requires that recyclable material properly prepared and separated shall be collected and removed from all residential establishments in the Town by this Town or by a person permitted or contracted to collect and remove waste by the Town. A residential establishment shall include mobile homes, apartments with up to four (4) dwellings per apartment building and an agricultural establishment for purposes of collection and removal of residential recyclable material. Each residence will be furnished with its own recycling containers or receptacles by the Town's contractor. The Town, as the responsible unit under Sec. 287.01(9), Wis. Stats., reserves the right to refuse to collect and remove any waste from any person in the Town for recycling purposes if the waste is not properly separated, is contaminated or is otherwise in a condition that makes recycling inappropriate.
- b) Pursuant to Sec. 287.11, Wis. Stats., the Town shall develop an effective recycling program for determination by the Wisconsin Department of Natural Resources. In addition, the Town and/or its contractor intends to develop and implement an educational program to inform residents of the reasons to recycle, local opportunities to recycle and the prohibitions if recycling does not occur.
- c) The Town requires, unless specifically exempted by this Chapter or by order of the Town Board, that any receptacles used for recyclable material collection and removal be placed near or at the curbside, street, alley, highway or roadway at locations authorized by the Town. The time for recyclable material placement shall be no earlier than 6:00 p.m. on the day preceding collection and removal. The recycling receptacle shall be removed from placement no later than 8:00 p.m. on the day of collection and removal. The actual days for collection and removal shall be determined by the Town Board or its contractor.
- d) The Town prohibits any person to place or permit any other person to place any recyclable material in containers or receptacles at any location within the Town unless the recyclable material was from the premises in the Town serviced by the recycling container or receptacle.

### **SEC. 8-3-11 DEFINITIONS.**

- a) The following definitions shall be applicable in this Chapter:
  - 1) Bi-Metal Container. A container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.
  - 2) Container Board. Corrugated paperboard used in the manufacture of shipping containers and related projects.
  - 3) HDPE. High density polyethylene plastic containers marked by the SPI Code No. 2.
  - 4) LDPE. Low density polyethylene plastic containers marked by the SPI Code No.4.
  - 5) Magazines. Magazines and other materials printed on similar paper.
  - 6) Major Appliance. A residential or commercial air condition, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator or stove.
  - 7) Mixed or Other Plastic Resin Types. Plastic containers marked by the SPI Code No. 7.

- 8) Multiple-Family Dwelling. A property containing five (5) or more residential units, including those which are occupied seasonally.
- 9) Newspaper. A newspaper and other materials printed on newsprint.
- 10) Non-Residential Facilities and Properties. Commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.
- 11) 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.
- 12) 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.
- 13) PETE. Polyethylene terephthalate plastic containers marked by the SPI Code No. 1.
- 14) Postconsumer Waste. Solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in Sec. 289.01(33), 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.
- 15) PP. Polypropylene plastic containers marked by the SPI Code No. 5.
- 16) PS. Polystyrene plastic containers marked by the SPI Code No. 6.
- 17) PVC. Polyvinyl chloride plastic containers marked by the SPI Code No. 3.
- 18) Recyclable Materials. Lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspapers; office paper; plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS, and mixed or other plastic resin types; steel containers; waste tires; and bi-metal containers.
- 19) Solid Waste has the meaning specified in Sec. 289.01(33), Wis. Stats.
- 20) Solid Waste Facility has the meaning specified in Sec. 289.01(35), Wis. Stats.
- 21) 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" included incineration.
- 22) Waste Tire. A tire that is no longer suitable for its original purpose because of wear, damage, or defect.
- 23) Yard Waste. Leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than six (6) inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

### **SEC. 8-3-12 SEPARATION OF RECYCLABLE MATERIALS.**

Occupants of single family and two (2) to four (4) unit residences, multiple-family dwellings and nonresidential 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 or other materials printed on similar paper.
- k) Newspapers or other materials printed on newsprint.
- l) Office paper.
- m) Plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and mixed or other plastic resin types.
- n) Steel containers.
- o) Waste tires.

### **SEC. 8-3-13 CARE OF SEPARATED RECYCLABLE MATERIALS.**

To the greatest extent practicable, the recyclable materials separated in accordance with Section 8-3-12 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. 8-3-14 MANAGEMENT OF LEAD ACID BATTERIES, MAJOR APPLIANCES, WASTE OIL AND YARD WASTE.**

Occupants of single family and two (2) to four (4) unit residences, multiple-family dwellings and non-residential facilities and properties shall manage lead acid batteries, major appliances, waste oil and yard waste as follows:

- a) Lead acid batteries shall be delivered to designated drop off stations.
- b) Major appliances shall be delivered to or picked up by licensed salvagers.
- c) Waste oil shall be delivered to designated drop off stations.
- d) Yard waste shall be delivered to designated sites as specified by the Town Board or its contractor.

**SEC. 8-3-15 PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS.**

Except as otherwise directed by the Town Board or its contractor, occupants of single family and two (2) to four (4) unit residences shall do the following for the preparation and collection of the separated materials specified in Section 8-3-12(a) through (o):

- a) Aluminum containers, bi-metal containers, glass containers, plastic containers made of PETE (No. 1) and HDPE (No. 2) shall be cleaned and rinsed and placed in the approved recycling receptacle for pickup.
- b) Newspapers or other materials printed on similar paper and corrugated paper or other container board shall be bundled and placed in the approved recycling receptacle for pickup.
- c) Foam polystyrene packaging shall be collected when a market is available to our contractor.
- d) Office paper shall be collected when market is available to our contractor.
- e) Plastic containers made of PVC (No. 3), LDPE (No. 4), PP (No. 5), PS (No. 6), and mixed or other plastic resin types (No. 7) shall be cleaned and rinsed and placed in the approved recycling receptacle for pickup when markets are made available to our contractor.

**SEC. 8-3-16 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 for recycling the materials specified in Section 8-3-12 (a) 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 Subsection (a) do not apply to the owners of 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 Section 8-3-12(a) through (o) from solid waste in as pure a form as is technically feasible.

**SEC. 8-3-17 RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF NON-RESIDENTIAL FACILITIES AND PROPERTIES.**

Owners or designated agents of non-residential facilities and properties shall do all of the following for recycling the materials specified in Section 8-3-12(a) through (o):

- a) Provide adequate, separate containers for the recyclable materials.
- b) Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.
- c) 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.
- d) 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.

**SEC. 8-3-18 ENFORCEMENT.**

- a) Any authorized officer, employee or representative of the Town Board or its contractors may inspect recyclable materials separated for recycling, post-consumer waste intended for disposal, collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and non-residential facilities and properties, solid waste disposal facilities and solid waste treatment facilities, and any records relating to recycling activities, for the purpose of ascertaining compliance with the provisions of this Chapter. No person may refuse access to any authorized officer, employee or authorized representative of the Town Board or its contractor who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.
- b) Any person who violates a provision of this Chapter may be issued a citation by the Town Board or its designee 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 shall not preclude the issuance of a citation under this Subsection.
- c) Penalties for violating this Chapter may be assessed as follows:
  - 1) Any person who violates any provision of this Chapter shall be required to forfeit Fifty Dollars (\$50.00) for a first violation, Two Hundred Dollars (\$200.00) for a second violation, and not more than Two Thousand Dollars (\$2,000.00) for a third or subsequent violation, including reasonable attorney's fees and costs of prosecution.

## CHAPTER 4

### Tank Inspections and Removals

8-4-1	Purpose and Authority
8-4-2	Service Contracts
8-4-3	Fees for Contract Services

#### SEC. 8-4-1 PURPOSE AND AUTHORITY.

- a) **Purpose.** This Chapter is adopted for the purpose of promoting the health and safety of Town residents, preservation of Town property and property values, and to implement and comply with applicable State and Federal statutes, codes and regulations related to fire prevention, inspections, and the regulation of underground and aboveground petroleum product storage tanks and facilities.
- b) **Authority.** This Chapter is enacted pursuant to the Town's police powers and pursuant to authority granted under Sec. 60.555, Wis. Stats., and under Chapter COMM 10, Wis. Adm. Code.

#### SEC. 8-4-2 SERVICE CONTRACTS.

- a) **Contracts Authorized.** The Town Board may enter into contracts with qualified third parties for the provision of fire prevention and inspection services, inspections and reviews required under Chapter COMM 10, Wis. Adm. Code, and any other such related services as the Town may be authorized or required to perform pursuant to applicable State and Federal statutes, codes and regulations.
- b) **Certification Requirements.** All contracts entered into or approved by the Town must be with persons who are certified, with regard to the services to be performed by such person, by the Wisconsin Department of Commerce (COMM) to the extent that COMM has a certification program applicable to the service being performed. Contracts may be awarded to business entities (as opposed to an individual), if the Town is satisfied that all persons who will perform services under the contract meet the certification requirements of this Chapter. Any contract entered into hereunder may be revoked by the Town if the person or entity that is a party to the contract loses the certification required under this Chapter.
- c) **Other Contract Terms.** The Town Board may enter into contracts with the persons or entities, for such periods, and at such cost, as the Town Board, in its sole discretion, deems appropriate and beneficial to the Town. Except as otherwise required by law, the Town will not be required to solicit bids for the contracts regulated by this Chapter. If COMM, or another applicable State or Federal agency, has identified a person or entity with which the Town is required to contract for any or all of the services regulated by this Chapter, the Town will enter into a contract for such service(s) with that person or entity.

#### SEC. 8-4-3 FEES FOR CONTRACT SERVICES.

- a) **Fees Regulated by State.** Where the State, under Chapter COMM 10 or COMM 2, Wis. Adm. Code, has set a fee for services regulated under this Chapter, the State fee will be

charged, collected and administered by the party with whom the Town has contracted for such service.

- b) **Fees for Tank Removal Inspections.** Until such time as the State or other applicable regulatory agency establishes a different, mandatory fee schedule, the Town Board will establish a fee schedule for inspection of the closure of non-federally regulated petroleum storage tank systems, where applicable State or Federal statutes, codes or regulations require inspection of the closure. The fee schedule will be set by separate resolution of the Town Board and may provide for splitting the inspection fee between the Town and the inspector in such manner as the Town Board deems appropriate. Where the Town has entered into a separate contract or agreement for such inspection services, the inspector will be responsible for collection and remittance of the inspection fee in accordance with this Chapter and the fee schedule then in effect.